



**Land 800 metres South of Park House Farm, Meriden Road,
Fillongley, North Warwickshire**

**Sam Oxley CMLI on behalf of North
Warwickshire Borough Council**
**Landscape and Visual Effects, and
Consideration of Green Belt**

Final report

APP/R3705/W/24/3349391 (PAP/2023/0071)

November 2024



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Meriden Road, Fillongley, North Warwickshire**

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Borough Council**

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Chapter 1

Introduction

Witness qualifications and experience

- 1.1 My name is Sam Oxley. I am a landscape architect and have been a Chartered Member of the Landscape Institute since 1999.
- 1.2 I hold a Post Graduate MSc in Landscape Design from Sheffield University (1995), and a BSc in Geography from Durham University (1992).
- 1.3 I am a Director of LUC and have been employed as a landscape planner and landscape architect by LUC since 2008.
- 1.4 I am responsible for leading landscape/townscape and visual impact assessment and appraisal (LVIA/LVA) for LUC.
- 1.5 My work includes undertaking of reviews, assessments and giving of expert evidence for renewable energy and grid connection projects, transport infrastructure, as well as masterplans and a variety of different types of buildings, both residential and commercial, within both rural and urban contexts.
- 1.6 I have carried out a very large number of landscape and visual assessments both for Environmental Impact Assessments (EIA) when it is required and as stand-alone appraisals when it is not.
- 1.7 I am experienced in using the assessment process in an iterative way to help feed into the design process and to mitigate potential impacts. I am experienced in working and liaising with a wider team of experts including engineers and architects, to influence project design to minimise environmental impacts, whilst helping to develop practical and workable solutions.
- 1.8 I provide landscape advice to developers, planning authorities and have also given training and support on various landscape and visual issues for statutory consultees including Natural England.

- 1.9 I regularly act as landscape expert witness in planning appeals and examinations. I have provided landscape and seascape advice both to developers and to Natural England for high-risk case work in relation to NSIP Projects.
- 1.10 The evidence which I provide for this Hearing is true and has been prepared and is given in accordance with the guidance of my professional institution, the Landscape Institute, and I confirm that the opinions expressed are my true and professional opinions.

Documents

- 1.11 In this evidence, I make reference to various documents which were submitted to this appeal, identified on the North Warwickshire (NW) Document list below:

Table 1.1 Document List

Ref no	Links	Document Name
NW-01	General layout	General Layout – P.NailcoteFarm-01-GenerallayoutRevF
LVA and Green Belt assessment		
NW-02	FPCR LVA	<p>FPCR Environmental and Design Ltd. Landscape and visual appraisal April 2024 Rev E</p> <ul style="list-style-type: none"> • Appendix A Landscape and Visual Appraisal – Methodology and Assessment Criteria • Appendix B Landscape effects table • Appendix C Visual effects table • Figure 1 Site location • Figure 2 Aerial photograph • Figure 3 Landscape character • Figure 4 Designations • Figure 5 Topography plan

Ref no	Links	Document Name
		<ul style="list-style-type: none"> Figure 6 Visual appraisal (displays the visual envelope, visual receptors and viewpoint locations) <p>Figures 7-16 Photo viewpoint 1 – viewpoint 13</p>
NW-03	Pegasus LVA	<p>Enviromena Statement of Case</p> <p>Appendix 6 Pegasus Landscape Statement of Case October 2024:</p> <ul style="list-style-type: none"> Summary Landscape Statement of Case (page 146 of part 2) Landscape Statement of Case (page 155 of part 2) Appendix 2: Environmental designations plan (page 217 of part 2) Appendix 3 Landscape character area plan (page 219 of part 2) Appendix 5: Green belt plan (page 223 of part 2) Appendix 6: Tranquillity plan (page 225 of part 2) Appendix 7: Historic map (1887) (page 227 of part 2) Appendix 8 Landscape strategy (page 229 of part 2) Appendix 9 Bare earth zone of theoretical visibility (page 231 of part 2) Appendix 10 Viewpoint Location Plan (page 233 of part 2) Appendix 11 Viewpoints (spanning part 2 – part 4) Appendix 12 Pegasus LVA Methodology (page 11 of part 4)
NW-04	Visualisations	<p>Enviromena Technical visualisations – N1329-one-zz-xx-rp-l-0001_P03</p> <p>Dated 14 December 2023</p> <ul style="list-style-type: none"> Methodology Photomontage 01 (viewpoint 4) baseline/ year 0/ year 15

Ref no	Links	Document Name
		<ul style="list-style-type: none"> • Photomontage 02 (viewpoint 7) • Photomontage 03 (viewpoint 9) • Photomontage 04 (viewpoint 13)
Other application documents		
NW-05	Other Reports Template	34573.A5.AH.lw.Filongley.DAS.231113 Design and Access Statement (November 2023) by Enviromena
NW-06	Click here	P007039-11-DNOSubSections-RevA - Revised DNO Substation section views (02/02/2024)
NW-07	Click here	App 4b - NFW-BWB-ZZ-XX-DR-CD-0002-3D Basins and Sections_S2-P01 3D basins and sections
NW-08	Click here	Iaian Tavendale F.Arbor.A (2022) Arboricultural Impact Assessment
NW-09	Appellant SoC App5 11370 Landscape Note	FPCR 2nd August 2024 LANDSCAPE NOTE: Landscape & Visual Harm
Policy and guidance		
NW-10	Click here	North Warwickshire Local Plan 2021
NW-11	Click here	Filongley Neighbourhood Plan 2018-2034 (Adopted 2019)
NW-12	Policy map Map key	Local Plan Policies Map

Ref no	Links	Document Name
NW-13	Not used	Not used
NW-14	Click here	Assessment of the Value of the Meaningful Gap and Potential Green Belt Alterations (2018)
NW-15	Click here	Coventry & Warwickshire Joint Green Belt Study (Stage 1 published 2015, Part 2 published 2016)
NW-16	GLVIA 3 And LI TGN-2024-01-GLVIA3-NC Aug-2024	Guidelines for Landscape and Visual Impact Assessment 3 rd Edition (GLVIA3) And Landscape Institute Technical Guidance Note 01/24 Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA3)
NW-17	Click here	Landscape Institute Technical Guidance Note 06/19 Visual Representation of Development Proposals
NW-18	Click here	Landscape Institute Technical Guidance Note 02/21 Assessing landscape value outside national designations
NW-19	Council of European Landscape Convention	European Landscape Convention
Landscape character assessments		
NW-20	National Character Area (NCA) 97	National Character Area 97: Arden

Ref no	Links	Document Name
NW-21	Click here	Warwickshire Landscape Guidelines: Arden
NW-22	Click here	North Warwickshire Landscape Character Assessment

Background and Scope

- 1.12 LUC was commissioned by North Warwickshire Borough Council (NWBC) on 22nd August 2024 to act as landscape and visual expert witness on behalf of NWBC for the proposed development of 'Land 800 metres South of Park House Farm, Meriden Road, Fillongley, North Warwickshire', (appeal reference: APP/R3705/W/24/3349391; planning application ref. PAP/2023/0071). The appellant's LVA [NW-02, latest revision E dated April 2024, prepared by FPCR] is relevant to this appeal. A separate package of Technical Visualisations was submitted by Enviromena [NW-04], they are dated 14th June 2023, with a more recent set dated 14th December 2023 also being available. In addition, the appellant provided a Landscape Statement of Case (SoC) prepared by Pegasus on 14th October 2024, which included a second LVA, prepared by Pegasus [NW-03].
- 1.13 I reviewed the adequacy of the submitted LVAs, including consideration of the scope, methodology, baseline assessment and mitigation. In addition, I provided a professional opinion on the robustness of the judgements made in the LVAs based on my experience as a Chartered Landscape Architect (CMLI) at LUC and guidance within the GLVIA3 [NW-16], to help inform the Case Officer.
- 1.14 This included raising queries regarding the extent and nature of effects, the study area, how mitigation will be secured, and on the supporting graphics and visualisations, including the Approximate Visual Envelope, Figure 6 [NW-02].
- 1.15 The case officer reviewed the comments and requested clarification from the appellant, mainly through the process of agreeing a Statement of Common Ground (SoCG) with them.
- 1.16 The appellant submitted additional information in October 2024 [NW-03], as part of their SoC. LUC reviewed this and provided further points to the Council. This included confirming that an adequate Zone of Theoretical Visibility plan had now been provided as drawing P24-1827_EN_09 [Appendix 9, NW-03].

- 1.17 Initially, the review of the LVA and other information that had been submitted was based on desk study. However, I then undertook a detailed field visit to the site and study area in October 2024.
- 1.18 Following this field work, I provided further notes to the Council, arising from that work.
- 1.19 My team at LUC (but not me) has previously been engaged for NWBC in undertaking the Assessment of the Value of the Meaningful Gap and Potential Green Belt Alterations, Final Report, January 2018 [NW-14], as well as the Coventry & Warwickshire Joint Green Belt Study (Stage 1 published 2015, Part 2 published 2016) [NW-15]. From reading LUC's work about the area as well as from my own site visits for this and other projects, I have an understanding of the wider landscape character and context of the area for the purpose of providing advice to this Hearing. There is no conflict of interest in relation to this or other work I am involved with.

Scope of Statement

- 1.20 My statement addresses the potential effects of the proposed development on landscape character and visual amenity. The scope of this report is to provide the Hearing with a proportionate and technically sound understanding of the potential landscape and visual effects of the proposal, and explain where there are differences in my judgement to that of the appellant.
- 1.21 I have considered the appellant's LVA [NW-02]. In my opinion the assessment understates the landscape and visual effects of the proposed development. This includes the effects on the local landscape, its character and appearance, and visual effects on road users, residential and recreational receptors around the site.
- 1.22 The appraisal does not fully recognise the geographical extent of landscape and visual effects, particularly during and just after construction when any proposed mitigation planting has not matured and will offer limited filtering and screening.
- 1.23 The proposed development comprises an area of 61 hectares – ha. It is located in the Green Belt, and comprises mainly arable farmland separated by hedgerows, ditches or fences into ten fields, with some mature hedgerow trees and small areas of woodland. The majority of the arable area would be used for 2.3m high solar panels, accessed via a track from the south west, off Meriden Road. In addition, the proposed development would include access routes between the arrays of panels, 13no 2.6m high transformer stations, a 3m high customer substation, a 3m high DNO substation, earthworks to create flat development platforms for the above and for parking, and

drainage, perimeter fencing and pole-mounted CCTV, and planting to provide screening along boundaries.

- 1.24** The proposed development would present a very evident change to the character of the landscape and will reduce the extent of the undeveloped arable area north of the M6, between the villages of Fillongley and Corely Moor. This area is rural, albeit it influenced by traffic noise on the M6 where it is close to this road. Whilst this motorway, other roads and the built edge of Fillongley are clearly urban influences, the qualities and features associated with the undeveloped rural farmland landscape remain. The proposed development would reduce the sense of the area north of the M6 being undeveloped, open and rural, existing as an extensive area of undeveloped farmland between the urban areas of Birmingham to the west, Coventry to the south east and Nuneaton to the north east.
- 1.25** The appellant considers that the site is enclosed but appears to fail to appreciate that it extends across a hill top location, rising in a gentle south south west to north north east orientated ridge of higher ground, up to 145m AOD, which forms a domed horizon in views from the north east, east, south east, south west, west and north west. The domed ridge is bound by the two river valleys that form the approximate boundaries of the site – both tributaries of the River Bourne, flowing north east and north respectively. As such the land within the site faces outwards to the east, outwards to the north east and outwards to the north west, dropping as it does down to these stream valleys. To the west the site rises a little to the west of the stream, up to Meriden Road, which forms the westerly boundary. There is no local containment of the site land by landform, although hedgerows and trees do filter some views when in leaf in summer.
- 1.26** There are residential properties along the B4098, some of whose backs face out, looking across pasture, down to the stream valley and then up to the ridge that forms the site, notably recent properties in Far Parks.
- 1.27** Recreational users of the fields that rise beyond the stream valley to the east of the site will have clear views of the proposed development. Users of Coventry Way and other Public Rights of Way (PRoW) to the south east, east and north east of the site have panoramic views of the ridge of higher land that comprises the site. It is an attractive view across a rural landscape, with the motorway being well screened by mature vegetation along it.

- 1.28 From the west and north west, users of Meriden and Green End Roads, PRowWs, residents at Park House farm, Home Farm, Fillongley Mount, Manor House Farm, White House Farm, and the associated paths and road network to the west and north west have elevated views looking south east and east across the site to the horizon formed by its domed ridgeline. At present this is evident as a large scale field/fields which have been freshly ploughed. It is again an attractive view across a rural landscape, the motorway not being a dominant feature given the tree belts along it.
- 1.29 The introduction of a new horizon across the fields, formed by arrays of solar panels, will be uncharacteristic of the landscape of the site, and will detract from the existing character of rolling farmland and hedgerows. It will have unnatural angles, colours and textures, across a large area, which are uncharacteristic and do not blend well with the rural landscape.
- 1.30 I am commissioned by the Council to provide impartial, expert evidence, based on my own professional judgement. My evidence is limited to the landscape and visual effects of the proposal, but, as part of this, considers how the proposal will affect the Green Belt, in so far as relevant to landscape and visual issues.
- 1.31 My approach to the landscape and visual impact appraisal within this statement is guided by GLVIA3 [NW-16]. I have followed the principles of GLVIA3 in considering sensitivity (susceptibility and value) and magnitude of change (size/scale, geographical extent, duration and reversibility) to make a judgement on the level of importance of effects on landscape and visual receptors. I include LUC's standard LVA methodology at **Appendix A**, which provides a guide as to the terms and criteria I use. I use the term importance rather than significance as this is not a proposed development that required EIA, for which the term significance is reserved.
- 1.32 I broadly agree with the approach set out in the appellant's LVA, although I do not always agree with its application and findings. The categories and criteria set out in their LVA are generally fair but I use those set out in LUC's standard methodology to articulate my position.
- 1.33 In my evidence I show areas where I disagree with the appellant's judgements and their application of the methodology and set out my reasons why.
- 1.34 In this statement of evidence, I shall:
- a. describe the landscape and visual context of the site (Chapter 2);

- b.** assess the landscape and visual effects of the proposal (Chapter 3);
- c.** provide consideration of the Green Belt (Chapter 4);
- d.** conclude on the overall landscape and visual effects of the proposal (Chapter 5).

Chapter 2

The site and landscape and visual context

- 2.1 It is understood that planning permission is being sought for a large (61ha across ten fields) solar farm development at Land 800 metres South of Park House Farm, Meriden Road, Fillongley, North Warwickshire.

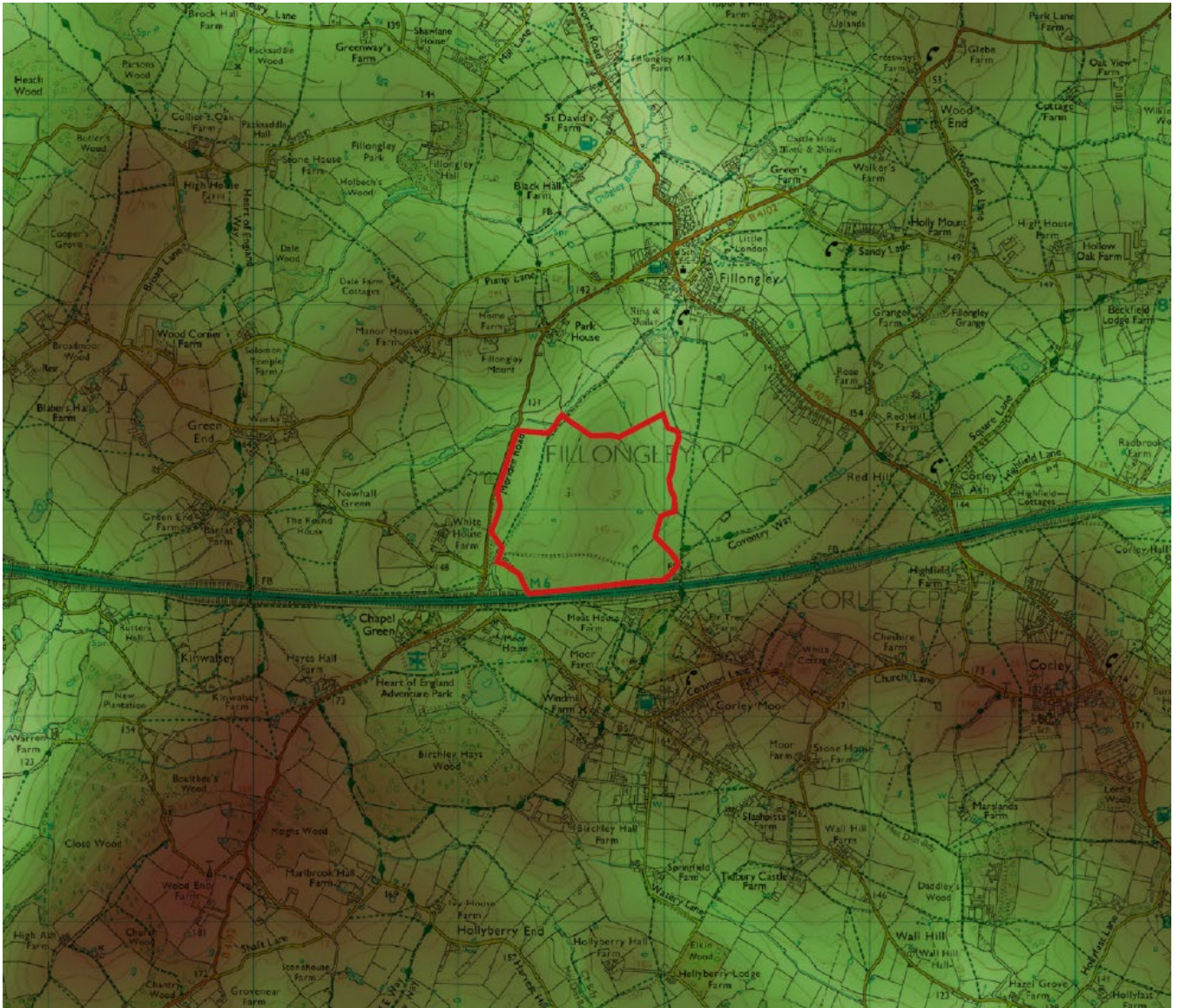
The site and context

Location

- 2.2 The site comprises a total area of 61ha of arable fields of varying scale, located in a rural landscape to the north of the M6, south west of the village of Fillongley, North Warwickshire. The site is illustrated on the General Layout – P.NailcoteFarm-01-GenerallayoutRevF [NW-01]. The site is approximately 1km by 1km in size, broadly square in shape and drapes across a south to north north east orientated ridge of higher land, rising to 145m AOD. It rises from a low point in the north east corner (around 125m AOD) up to the south, forming a ridge of higher land, rising as it extends south towards the M6, and then dropping again to around 140m AOD at the motorway, 130m to the east and 130m to the west. The site is essentially a dome of higher land bound by two stream valleys, one to the east and one to the west (the Bourne Brook). The higher land along the ridge line forms the skyline in local views, with trees above. In terms of vegetation, there are small deciduous copses of trees, and hedgerows with mature hedgerow trees (typically oaks which are characteristic of this rural landscape, some being in poor condition).
- 2.3 The south of the site is bound by a mature woodland belt which runs along the M6 embankments, which rise above the southern edge of the site.
- 2.4 There is an area of hardstanding at the south west corner, east of Meriden Road, used by the farmer to store silage bales. The track here provides access to the site, running to the west of the Bourne Brook. This is the area where access, drainage, and substations are proposed.
- 2.5 The arboricultural impact assessment [NW-08] indicates no trees will be removed directly or indirectly due to the development proposals. The report states there would be neutral / negligible impacts to retained trees by the proximity of the structures or services.

- 2.6 The village of Fillongley lies to the north/north east of the site, beyond a Scheduled Monument (Ring and Bailey) where there are distinctive mounds, ditches, walls, a network of publicly accessible paths, and deciduous woodland and scrub. This Ring and Bailey sits at around 115m-120m AOD at the confluence of the two streams, the westernmost being the Bourne Brook.
- 2.7 The eastern boundary of the site comprises an unnamed stream valley. A PRoW (appears to be well used by walkers, as noted during field work) runs to the east of the stream, running south from Fillongley. This would remain intact as it is outside the development area.
- 2.8 A PRoW, running east to north east south-east, branches off the path, running up to the B4098. This is the Coventry Way, a 40 mile (64km) circular long-distance trail. It is also well used as are the fields around it, where wider public access appears to be allowed. There were several people walking dogs here at the time of the site visit. The Coventry Way crosses the M6 on a foot bridge at the south east corner of the site. It then heads south west up to Common Lane and Corely Moor.
- 2.9 Running east north east, the Coventry Way rises up to Red Hill and the B4098 where some of the houses along this road have views looking west and south west towards the site (notably residential properties at Far Parks).
- 2.10 Further open agricultural land, as well as PRoWs are present to the west of the site, where land rises to a higher point of 160m south of Manor House farm, beyond Meriden Road which forms the western boundary. This higher land affords panoramic views to the east, towards the high land of the site, which forms a horizon topped with trees, although hedgerows block or filter these where they are present. A gateway to the west of Fillongley Mount and Home Farm provides a good view of the site from the lane (Green End Road). Similar views are available from White House Farm, and Park House on Meriden Road.
- 2.11 The appellant has provided a topographical plan which assists in understanding the landform of the site and surrounding landscape [Figure 5 in NW-02]. The darker brown areas indicate the higher land around the wider landscape of the site, which will provide a limit to the zone of theoretical visibility (ZTV).

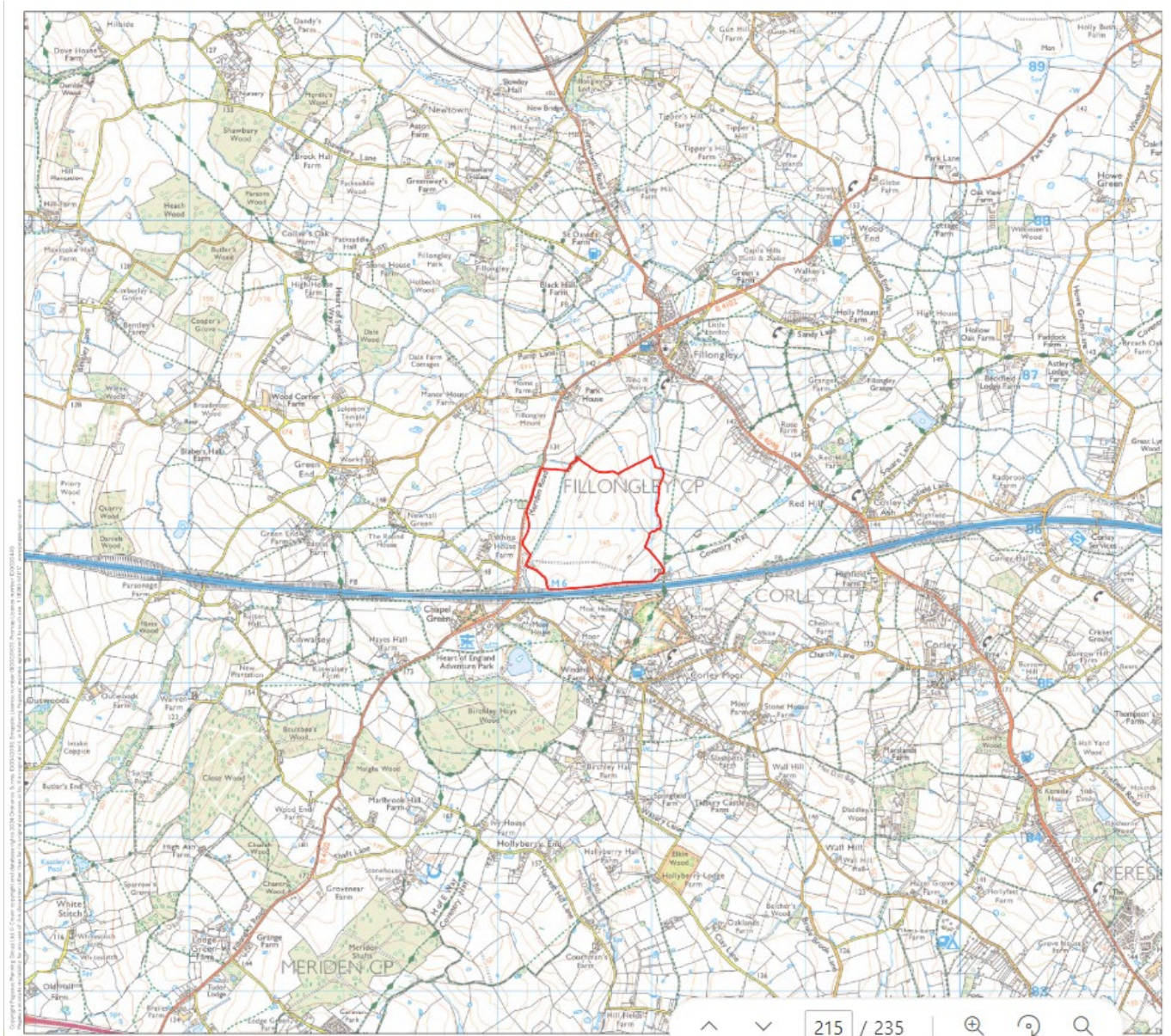
Figure 2.1 Topography Plan [FPCR Figure 5]



- 2.12 The open area of largely agricultural land which includes the site and the area to the east and west of the site, forms a largely intact farmland landscape which possesses strong rural qualities, with fields edged by native hedgerows, with mature trees, small woodland copses, ponds, and the actively farmed Park House farm, sitting in the open landscape to the east of Meriden Road, with a panoramic view out across the site.
- 2.13 The village of Fillongley retains a rural character being surrounded on all sides by farmland, and with houses having an open aspect where they look out across this, or inward looking within the

village centre. Although the area is influenced by small settlements, roads and the M6 which is heard rather than clearly seen to the south, the landscape of the site and neighbouring agricultural land is characterised by rural countryside and should be protected.

Figure 2.2 Site [SLR DRAWING P24-1827-EN-01]



Green Belt

- 2.14 The open area of largely agricultural fields comprising the site and its surroundings, together with Park House farm is rural, undeveloped bar the road network, farms and residential properties, and comprises scenic countryside, crossed by well used PRowWs.
- 2.15 This land is part of the Green Belt, and is protected by Policy LP3 of the North Warwickshire Local Plan 2021 [NW-10], and illustrated on Figure 2.3. The purpose of the Green Belt is set out below:

Box 1: The purposes of Green Belt

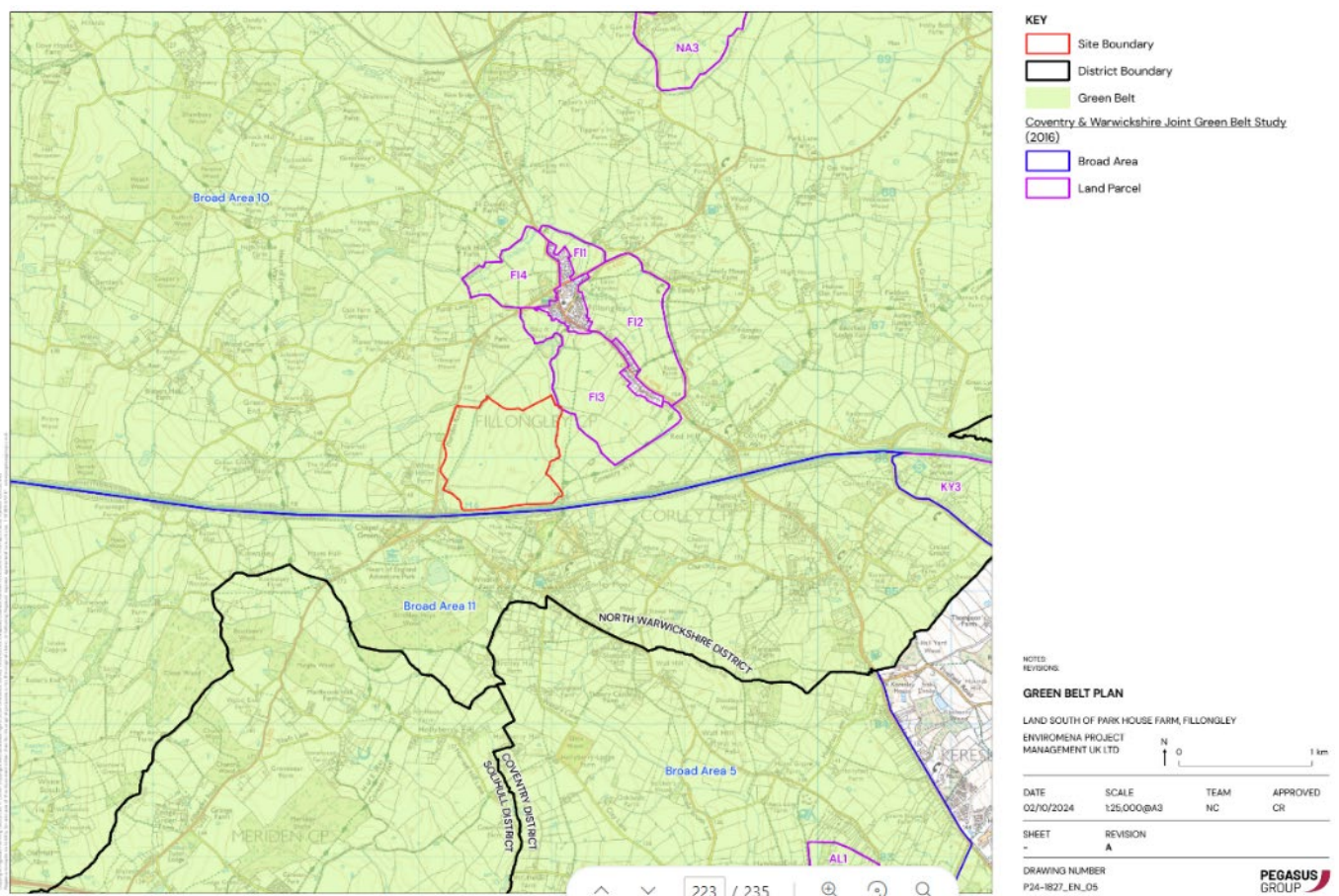
- To check the unrestricted sprawl of large built-up areas.
- To prevent neighbouring towns merging into one another.
- To assist in safeguarding the countryside from encroachment.
- To preserve the setting and special character of historic towns.
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 2.16 The extent of the Green Belt is illustrated on the Local Plan Policies Map [NW-12]. The Green Belt extends across the whole of the site and beyond it for over c.3km in all directions [See Pegasus Green Belt Plan Figure P24-1827-EN-05, NW-03]. The Green Belt does not include the settlement of Fillongley.
- 2.17 LUC's Coventry & Warwickshire Joint Green Belt Study [NW-15] previously undertook an independent assessment of the five purposes of Green Belts as set out in the NPPF. The site is located within Broad Area 10.
- 2.18 The study found that Broad Area 10 makes a considerable contribution because it:
- a. checks the sprawl of Fillongley;
 - b. prevents the merging of Coventry, Coleshill, Fillongley, Old Arley, New Arley, Hurley and Shustoke;
 - c. safeguards the countryside which contains several ancient woodlands, SSSIs, historic villages and scheduled monuments (noting here, that none within the site itself); and

- d. assists urban regeneration by encouraging the recycling of derelict and other urban land across the West Midlands.

2.19 The site is adjacent to FI3 (shown on Figure 2.3, which in the 2016 study is listed as “at risk from ribbon development and few significant boundaries and urbanising influences. Without the Green Belt designation, the land within these parcels would therefore be vulnerable to encroachment/ sprawl”.

Figure 2.3 Green Belt [SLR DRAWING P24-1827-EN-05]



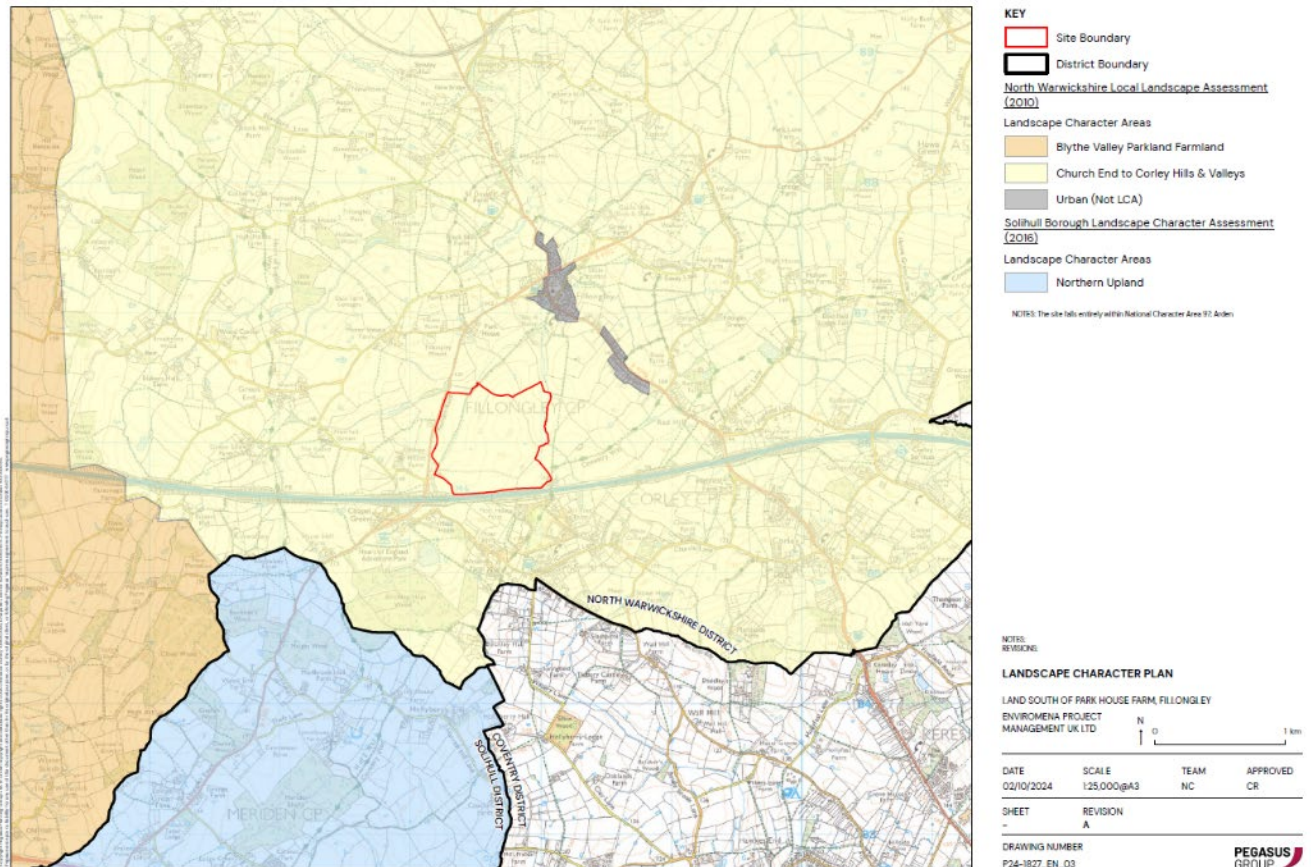
Landscape character context

2.20 At a national level, the site itself is located within *Arden National Character Area (NCA) 97* [NW-20]. The site and study area are mostly representative of this NCA, sharing some of the key characteristics relating to land use and human influences. The ‘well-wooded farmland landscape

with rolling landform is a key characteristic of the NCA, and is representative of the nature of the site and surrounding area.

- 2.21 At a county level, the site is located within the Arden Regional Landscape Area, and the Ancient Arden Character Type (LCT) as defined in the Warwickshire Landscape Guidelines [NW-21, 1993]. This area is described as a *'small scale farmed landscape with a varied, undulating topography, characterised by an irregular pattern of fields and narrow, winding lanes'*.
- 2.22 At a more local level, the site is located within the Church End to Corely Hills and Valleys Landscape Character Area (LCA) as defined in the North Warwickshire Landscape Character Assessment [NW-22, 2010]. All the key characteristics of this LCA are relevant to the site and its surroundings, although neither the M6 nor the pylons are particularly visible in this locale. For reference, these are set out below:
- a. *"A broad elevated basin with numerous rolling hills and valleys;*
 - b. *Mixed agricultural landscape with an ancient pattern of small fields, winding lanes and dispersed, isolated hamlets and farmsteads, particularly notable to the west of Fillongley Hall;*
 - c. *Heavily wooded character due to presence of large woodland blocks on hilltops and associated with these numerous areas of former wood pasture with large, old oak trees and field ponds, often associated with heathland remnants;*
 - d. *In places a more open network of large arable fields;*
 - e. *The M6 motorway rows of pylons cut through the south and are highly visible; locally from elevated slopes".*

Figure 2.4 Landscape Character Plan [SLR DRAWING P24-182m highEN-03. NW-03 Appendix 3]



2.23 Landscape receptors include:

- a. Mixed, native boundary hedgerows (with trees), lining tracks, and woodland copses within and around the site;
- b. Ten large and small-scale, irregular shaped, arable fields, with further fields beyond the site to the west, north and east (including Park House farm);
- c. A domed landform forming a ridge of higher land, running from south south west to north north east;
- d. Influence of roads and the M6, farms, some with large barns and a clear settlement edge at Fillongley, as well as more distant electricity transmission lines on pylons, to the north and south east, well beyond the site;

- e. Large and smaller scale fields, some with some enclosure provided by hedgerows and copses of woodland, a clear, elevated settlement edge to the east;
- f. Generally simple forms and colours with diversity and complexity provided by farm buildings, scattered properties and the edge of Fillongley village, and the settlement edge; and
- g. Largely still, but influenced by peripheral road noise and movement (including on the M6 located on a wooded embankment, with trees, to the south).

2.24 It is noted that the area is characterised by rural farmland, extending across hills between stream valleys. Constructing an industrial scale solar farm across the dome of farmland that forms the site will change this open rural farmland character, and associated scenic views. Therefore, physical effects on the open, gently rolling farmland landscape would arise, whereas the current effects are largely perceptual, i.e. seen and experienced from the area, not physically extending across it. The open gently rolling arable landscape with hedgerows and trees would be replaced by a large solar farm, representing an important change to its existing character.

Visual context

- 2.25** The proposed development site forms part of a wider area of gently rolling agricultural fields which extend between Birmingham to the west, Nuneaton and Coventry to the east, broken by rural village and road infrastructure. The wider landscape is crossed by some overhead transmission lines to the north and south east.
- 2.26** This area of rolling, rural agricultural land differs dramatically in character and appearance from the built up areas lie beyond it. Views across the area are predominantly rural, and scenic, although influenced by scattered development, including settlements and residential properties, and the M6 to the south.
- 2.27** There are a range of visual receptors found within the area who are likely to be affected by views of the proposed development. This includes residential receptors located on the edge of Fillongley, along the B4098 to the east of the site (notably Far Parks), in Corely Moor to the south, along Meriden Road (Park House farm) and Green End Road (Home Farm, Fillongley Mount, Manor House Farm) to the west and around White House Farm to the south west.
- 2.28** A PRow (Coventry Way) (which appeared to be well used when seen on site) runs past the south eastern corner of the site the north east up to the B4098. It enables very clear views of the site

which occupies most of the view looking westwards, experienced as walkers drop westwards into the valley, over a distance of around 1km.

- 2.29** Other PRowS run along or close to the eastern and western boundaries of the site, along the stream valleys, and around the Ring and Bailey to the north.
- 2.30** These PRow are evidently very well used by the local community as are the edges of the fields to the east, as was noted on site through the presence of people and evident wear on the ground.
- 2.31** Road users in the area are primarily concentrated along the B4098 to the east of the site from where ground level views would be curtailed by properties and rising ground, and Meriden Road to the north-west, where open views across the site are available, partly screened by hedges or banks in places, but open near Park House farm, where there is a parkland railing forming the boundary, and open views. Green End Road is also well used and allows open views across the site from gateways and gaps in hedgerows.
- 2.32** Although the M6 runs along the southern boundary of the site, due to the wooded embankments and mature vegetation there is limited visibility beyond the motorway corridor (potential for views when vegetation is not in leaf).
- 2.33** A selection of views to the site are illustrated below, taken during my site visit in October 2024:

Figure 2.5 View looking north west across site from Coventry Way PRoW – near VP6, on the SE edge of the site



Figure 2.6 View looking west across to site from Coventry Way PRoW – between VPs 6 and 13



Figure 2.7 View looking west across to site from Coventry Way PRoW – between VPs 6 and 13



Figure 2.8 View looking south west to site from PRoW near VP5



Figure 2.9 View from Meriden Road near Park House farm, looking south across site (near VP9)



Figure 2.10 View from Meriden Road near Park House farm, looking south across site (near VP9)



Figure 2.11 View of site from Green End Road between Manor House Farm and Fillongley Mount, looking SSE (near VP10)



- 2.34** Views to the site from the north (the core of Fillongley village) are largely screened due to the presence of intervening mature vegetation, including that around the Scheduled Monument (Ring and Bailey), albeit more open or filtered rather than screened in winter months.
- 2.35** From further to the north (>2km distance), more distant elevated views south across the landscape, including the site, are seen from the higher land around Tipper's Hill, as indicated on the ZTV [Appendix 9, NW-03].
- 2.36** Due to roadside vegetation along the M6 views to the site from the motorway are largely partially filtered. Some more open views are available in glimpses when travelling along the road.
- 2.37** Views from the south of the M6 are mainly quite filtered, although properties on higher ground above Corely Moor are seen from the site, so the site would be seen from these (around Kinwalsey, Hayes Hall Farm, Windmill Farm).

Figure 2.12 View from south west corner of site near VP1



Figure 2.13 View from south west corner of site near VP8



2.38 The Figure below illustrates that the upper floors of properties at Far Parks on the B4089 experience open views looking south west across to the site, although from some properties in this area these views will be filtered by vegetation. This vegetation and the slightly rising land to the west of the B4098 to the south of the village limit views from the lower levels of properties and their gardens, albeit that there will be some gaps.

Figure 2.14 Rear view of Far Parks on the B4098 from Coventry Way, showing their open aspect looking SW towards the site



Chapter 3

Landscape and visual effects of the proposed development

Overview and key issues

- 3.1 This section of my statement provides observations on the materials provided by the appellant and my own appraisal of the landscape and visual effects of the proposed development and provides a comparison to the judgements in the appellant's LVA.
- 3.2 I understand that the appellant has since prepared further information on landscape and visual effects as part of their SoC [NW-03], with this new work being undertaken by SLR. As such they have updated some of their judgements of effects for certain viewpoints. It is unclear why the appellant has prepared a new LVA and changed their judgements, given the proposal itself is not changed, and if they now seek to distance themselves from their original LVA, consider that work flawed, or are seeking to build upon it
- 3.3 My site visit confirmed that the site extends over an elevated hill and ridgeline, which drops to river/stream valleys on either side. It drops to both the east and west. As such the proposed development will form the horizon in the landscape, running along the crest of the hill, making it widely visible particularly from the east and west.
- 3.4 The LVA suggests the site is enclosed but I did not find this. Green End Road - Meriden Road, the B4098 and the M6 - Common Lane provide wider horizons in the further distance, but within this broad triangle the land is often open, with the site forming the horizon.
- 3.5 The photomontage visualisations that are provided include a wide angle of view (c.80 degrees) shown on a small page. It is good practice to show c.53.5 degree single frames but these are not provided. Used on their own they can be misleading as to the effects. This is because their wide angle of view and small size makes the landscape seem flat, and the site seem distant. They also often only show an eclipsed view, when in practice a wider field of view across the site is available. As such they are only helpful when used on site as a visual aid as to where the proposed development will be, when the full extent of the change can be appreciated at landscape scale. This will be apparent on the site visit.

- 3.6 Visibility is particularly widespread and is an important consideration in the appeal decision from the area of Coventry Way from VP7 up to Red Hill (beyond VP13). This area of fields appears to be very well walked by local people. There were a number of people walking dogs, the paths are well worn, and there are several well used informal paths as well as the PRow – e.g. a worn connection from VP15 to VP5. From all of this area to the east of the site, the site is very apparent, close by, will occupy a wide angle of view extending up to the hill top that forms the site, and effects on recreational users will be an important consideration. The character of the local landscape would be changed as experienced from here.
- 3.7 Houses on the B4098, particularly the new houses at Far Parks (a gated housing estate) will have views – those from Far Parks will be an important consideration especially from upper levels. Others will have more filtered views, but as several houses along this road can be seen from the site, it is evident that the houses will have views of the site that are not available from the public road.
- 3.8 Views from Fillongley village itself and the Ring and Bailey (Scheduled Monument) will mainly be filtered or screened by vegetation or other buildings. There will be filtered views from the paths around the Ring and Bailey, appearing as the trees start to lose leaves.
- 3.9 Views from Park House farm and the area of VP9 to the north west of the site will be open and, as they are elevated, the proposals will result in a change which should be an important consideration in the appeal decision, with the proposed development seen extending across the top of the ridge within the centre of the site. There is a gateway and a park railing here that enables open views. The view from the area of the park railings is less obscured than the location of VP9. The character of the local landscape would be notably changed as experienced from here.
- 3.10 There are open views from the lane heading west from Park House farm past Fillongley Mount to Manor House Farm (VP10). There is a gateway before the road junction, beyond Fillongley Mount which enables open views across the elevated hill of the site to the south east. The site is very visible and occupies a wide angle of view. The character of the local landscape would be changed as experienced from here.
- 3.11 The photomontage from VP11 on the PRow by Meriden Road is somewhat misleading in showing an eclipsed view (as is also the case elsewhere) given the proposed development will be

seen from the roadside here at close range, directly to the east of the viewer. The visual effect will be an important consideration in the appeal decision, and the character of the local landscape would be changed as experienced from here.

- 3.12 VP7 is on Coventry Way over the M6. The photomontage is somewhat misleading here as it shows an eclipsed view. In practice, the site and south eastern part of the proposed development will be seen from the bridge here at close range, extending up to the skyline.
- 3.13 Dropping down to VP6 on the Coventry Way on the south eastern edge of the site, there will be an important visual effect for consideration in the appeal decision resulting from available views at close range from this recreational route, and the character of the local landscape would be changed as experienced from here.
- 3.14 Some of the properties to the south of the M6 can be seen from the site, so there will be some views from this area, along the road up to Corely Moor, opening up more in winter. Views from this direction are however generally more filtered by vegetation.
- 3.15 Elevated and long distance views are likely from the area to the north of the site (Tippers Hill). These are not likely to be a concern at this distance.
- 3.16 As an overview, the areas of most important effects for consideration in the appeal decision will be:
- a. The Coventry Way east of the site. This is an attractive well used landscape to the east of the site which includes properties such as Far Parks to the west of the B4098 road. The change will have a characterising effect from here, locally altering the character of the landscape, and there will be important effects on visual amenity.
 - b. The northern end of Meriden Road and Green End Road including areas around Park House farm, Home Farm, Fillongley Mount, Manor House Farm, White House Farm where again the change will have a characterising effect, locally altering the character of the landscape, and resulting in important effects on visual amenity. The widespread views over attractive rural countryside, looking south east and east, will be significantly altered through the very visible presence of a large scale hill top solar farm.
- 3.17 The appellant uses the following categories of effect: Major, Moderate, Minor, Negligible. Significance is not identified, as this is not a proposed development which required EIA. Para

2.23 of the LVA provides some information as to how levels should be judged, and is appropriate. I use the term 'importance' rather than 'significance', given this is not development that qualifies for EIA, and also use the terms Major, Moderate, Minor/Negligible.

Landscape proposals

- 3.18** A Landscape Strategy Plan is provided which indicates areas of proposed planting and indicative species mixes. This includes proposed:
- a.** Meadow grassland mix between the solar panels within the fields;
 - b.** Shade/ semi-shade tolerant grassland mix;
 - c.** Wet-tolerant grassland mix to attenuation basins/ swales;
 - d.** Native trees planting;
 - e.** Native hedgerow planting to field boundaries and along the public right of way;
 - f.** Native screening shrub mix down the eastern edge of the site;
 - g.** Community garden area including seating, information boards and additional planting;
 - h.** Hard surfacing around the DNO substation and customer substation.
- 3.19** The proposed development includes landscape proposals which would provide some mitigation and visual screening, or filtering of views in winter. Landscape mitigation measures on site include the provision of a community garden area and mixed native trees/ shrubs to filter views, and the planting of hedgerows with mixed, native trees to help screen and filter views of the proposed development from the landscape and visual receptors. Structure planting is proposed along the western and southern boundaries. Hedgerows are proposed either side of the existing PRow that runs through the site.
- 3.20** It is proposed that hedgerows will be maintained at 2.5m high, which is above the height of the proposed panels.
- 3.21** Onsite proposals also include the provision for three attenuation basins.
- 3.22** Overall, the proposed hedgerows, and wider landscaping that is proposed would be beneficial to enhancing the rural character of the landscape, however the important effects of the proposed

development cannot be offset by these enhancements. This planting would not screen views of the proposed development, but over time would help to better integrate it into the landscape.

Figure 3.1 Landscape Strategy Plan (Pegasus Plan dated 11/10/2024)



Landscape

Table 3.1 Summary of Judgements of Landscape Effects

LCA/ Landscape feature	Original LVA Judgement (Rev E Apr 2024)	Updated LVA Judgement (October 2024)	LUC Judgement (October 2024)
Site and context	<p>Medium susceptibility and medium value. Sensitivity is medium.</p> <p>Magnitude is high/medium during construction, medium during completion and medium/low during year 15.</p> <p>Effect is moderate adverse during construction and completion and moderate/minor adverse during year 15.</p>	<p>Medium susceptibility and medium value. Medium sensitivity.</p> <p>Magnitude is medium during construction and completion.</p> <p>Effect is moderate during construction and completion. Long-term beneficial effects following decommissioning.</p>	<p>Medium to high susceptibility and medium value.</p> <p>Sensitivity is medium to high across the higher parts of the site, given it comprises a ridgeline that forms a horizon and a visible landscape feature in this area.</p> <p>Magnitude is high/medium during construction, and at completion and medium during year 15.</p> <p>Effect is major/moderate adverse during construction and completion and moderate adverse during year 15. This will extend across an area of some 5-6 square km, including</p>

LCA/ Landscape feature	Original LVA Judgement (Rev E Apr 2024)	Updated LVA Judgement (October 2024)	LUC Judgement (October 2024)
			the site and surrounding landscape.
National Character Area 97 Arden	<p>Medium susceptibility and medium value. Sensitivity is medium.</p> <p>Magnitude is negligible for construction, completion and year 15.</p> <p>Effect is negligible for construction, completion and year 15.</p>	<p>Negligible beyond the site.</p> <p><i>“All of these key characteristics identified above would remain and prevail beyond the Appeal Site itself with the Proposed Development in place. Any landscape effects would be negligible beyond the environs of the Appeal Site.”</i></p>	<p>Medium susceptibility and medium value. Sensitivity is medium.</p> <p>Magnitude is negligible for construction, completion and year 15, given the scale at which this is being considered (NCA level).</p>
<p>Arden Regional Character Area and Ancient Arden Landscape Type.</p> <p>Warwickshire Landscape Guidelines (1993)</p>	<p>Medium susceptibility and medium value. Sensitivity is medium.</p> <p>Magnitude is low for construction, completion and year 15.</p> <p>Effect is minor adverse for construction, completion and year 15.</p>	<p><i>“All of these key characteristics associated with the landscape beyond the site would remain and prevail with the proposed solar farm in place. Landscape effects would be negligible beyond the environs of the site.”</i></p>	<p>Medium susceptibility and medium value. Sensitivity is medium.</p> <p>Magnitude is medium for construction, completion and year 15.</p> <p>Effect is moderate adverse for construction, completion and year 15, across an area of 5-6 square km of this area (the site and the main areas within the ZTV).</p>

LCA/ Landscape feature	Original LVA Judgement (Rev E Apr 2024)	Updated LVA Judgement (October 2024)	LUC Judgement (October 2024)
			Beyond this affected area it will be negligible.
LCA 7 Church End to Corley Hills & Valleys North Warwickshire Landscape Character Assessment (2010)	<p>Medium susceptibility and medium value. Sensitivity is medium.</p> <p>Magnitude is low for construction, completion and year 15.</p> <p>Effect is minor adverse for construction, completion and year 15.</p>	<p><i>“All of the key characteristics associated with the landscape beyond the Appeal Site would remain and prevail... There would be a negligible effect on the LCA 7 Church End to Corley Hills & Valleys beyond the Appeal Site itself.”</i></p>	<p>Medium susceptibility and medium value. Sensitivity is medium.</p> <p>Magnitude is medium for construction, completion and year 15.</p> <p>Effect is moderate adverse for construction, completion and year 15, across an area of 5-6 square km of this area (the site and the main areas within the ZTV). Beyond this affected area it will be negligible.</p>
Land Cover/ Landuse	[blank]	<p>Medium value and low susceptibility. Sensitivity is medium.</p> <p>Magnitude is medium.</p> <p>Effect is moderate adverse.</p>	<p>Medium value and medium-high susceptibility. Sensitivity is medium-high.</p> <p>Magnitude is medium-high.</p> <p>Effect is major/moderate adverse across the site.</p>

LCA/ Landscape feature	Original LVA Judgement (Rev E Apr 2024)	Updated LVA Judgement (October 2024)	LUC Judgement (October 2024)
Topography/ landform	<p>Medium susceptibility and medium value. Sensitivity is medium.</p> <p>Magnitude is n/a.</p> <p>Effect is none.</p>	<p>Medium susceptibility and medium value. Medium sensitivity.</p> <p>Magnitude is negligible.</p> <p>Effect is negligible.</p>	<p>Medium value and medium-high susceptibility. Sensitivity is medium-high.</p> <p>Magnitude is low.</p> <p>Effect is minor adverse across the site.</p>
Hedgerows and shrubs within the site	<p>Medium susceptibility and medium value. Sensitivity is medium.</p> <p>Magnitude is low/negligible during construction and negligible for completion, and low for year 15.</p> <p>Effect is negligible for construction and completion and minor beneficial for year 15.</p>	<p>Medium susceptibility and medium value. Medium sensitivity.</p> <p>Magnitude is medium.</p> <p>Effect is moderate beneficial.</p>	<p>Medium value and medium-high susceptibility. Sensitivity is medium-high.</p> <p>Magnitude is medium.</p> <p>Effect is minor in the short term (Year 1) and minor-moderate beneficial across the site in the longer term at Year 15 when hedgerows will be semi-mature.</p>
Tree resource	<p>Medium susceptibility and medium value. Sensitivity is medium.</p> <p>Magnitude is low/negligible during construction and</p>	<p>High susceptibility and medium value. Sensitivity is high.</p> <p>Magnitude is medium.</p> <p>Effect is major beneficial.</p>	<p>High value and high susceptibility. Sensitivity is high.</p> <p>Magnitude is low.</p>

LCA/ Landscape feature	Original LVA Judgement (Rev E Apr 2024)	Updated LVA Judgement (October 2024)	LUC Judgement (October 2024)
	negligible for completion, and low for year 15. Effect is negligible for construction and completion and minor beneficial for year 15.		Effect is minor beneficial across the site in the short term (Year 1), and moderate in the longer term (Year 15) when sapling trees will be around 7.5-8m high.
Water features	Medium/low susceptibility and medium value. Medium/low sensitivity. Magnitude is none. Effect is none.	High susceptibility and high value. Sensitivity is high. Magnitude is low. Effect is moderate beneficial.	Permanent water features are not proposed, but three 'attenuation basins' form part of the proposal, which would contain runoff during rainfall.
Field pattern	[blank]	<i>"With the exception of some small areas of development such as inverts which would require the temporary loss of agricultural land, all of the landscape elements would be retained... The hedgerows would be reinforced with further hedgerow planting..."</i>	As above, new hedgerows would provide some benefits.

LCA/ Landscape feature	Original LVA Judgement (Rev E Apr 2024)	Updated LVA Judgement (October 2024)	LUC Judgement (October 2024)
		<i>The appeal site would also be reinforced with additional tree planting”</i>	

Landscape value

- 3.23 This site is not designated for its landscape quality / value. However, as recognised by the European Landscape Convention (ELC) [NW-19] all landscapes have value. The ELC acknowledges that the landscape is an important part of the quality of life for people everywhere: both in urban areas and in the countryside, in degraded areas and in areas of high quality, in areas recognised as being of outstanding beauty and in everyday areas. This is emphasised in GLVIA3 [NW-16] (para 5.26) in considering landscape value which states *“The European Landscape Convention promotes the need to take account of all landscapes, with less emphasis on the special and more recognition that ordinary landscapes also have their value, supported by the landscape character approach.”*
- 3.24 The landscape value of the site and surrounding landscape is described as Medium by the appellant, which is interpreted as *“Landscape receptors of medium importance based upon factors of natural and cultural heritage, condition, distinctiveness, recreational value, perceptual qualities and quality, rarity, representativeness, conservation interest, recreational value, perceptual qualities, associations and functional aspects.”* as set out in Para 1.5 of the LVA. These factors align with the factors set out in Box 5.1 of GLVIA3 [NW-16].
- 3.25 GLVIA3 (end of Para 5.28) recognises that many areas subject to LVA will be ordinary, everyday landscapes and that some of the Box 5.1 criteria for assessing landscape value may not apply, and that there may be a greater emphasis on judging representation of typical character, intactness of the landscape and condition of the elements.
- 3.26 Using the appellant’s criteria for assessing landscape value, I agree the landscape of the site and the wider agricultural area is of medium value as it is:

- a. Not formally designated for its landscape, but evidently well valued and used by the local community travelling along the PRowS;
- b. Possesses scenic qualities associated with the open, undeveloped, rural, rolling farmland and valleys, although it is noted that some large farm buildings, distant pylons and masts can be seen within the agricultural area, and that the rural roads can be busy at rush hour;
- c. Includes cultural heritage interest, such as the Scheduled Monument – Ring and Bailey to the south of Fillongley;
- d. Somewhat influenced by noise from the M6 to the south, albeit this is not very visually apparent;
- e. Has a good landscape condition overall, with intact historic villages, mature hedgerows and hedgerow trees (oaks) noted along the site boundaries and in the wider agricultural area.

Landscape susceptibility

- 3.27 In terms of landscape susceptibility, the appellant assesses the landscape as being of ‘medium’ susceptibility to the proposed development, described as *“Distinctive and more commonplace landscape receptor, with some positive characteristics/ features and some detracting or intrusive elements. Landscape features in moderate condition. Capacity to accept well planned and designed change/ development of the type proposed”* as set out in LVA Para 1.6.
- 3.28 This seems reasonable overall, however in my opinion, given the area of open rolling farmland that forms the site includes a hill top dome of land, comprising a ridge running south south west to north north east, and which forms the horizon in local views, this part of the site should be recognised as being more susceptible. This area of land is more widely visible and does not benefit from any topographical screening.
- 3.29 In my opinion the appellant underplays the character and distinctiveness of the rural landscape.
- 3.30 They appear to underplay the susceptibility of the more elevated parts of the open, undeveloped agricultural landscape, based on the landscape being self-contained, but I do not find it to be as well-contained as described. The fact that the site includes a ridge of high land, with slopes that face out towards the surrounding landscape both to the east and the west leads me to find that it is not self-contained.

3.31 Para 7.6 of the LVA states:

*“The development is **contained by existing features** and proposed GI planting. This creates a green framework for development that can accommodate the solar farm and creates an appropriate landscape setting for the development, with new planting filtering views. Overall, the development is likely to contribute to a very limited degree of visual change.”*

3.32 Para 5.38 of the SoC states that:

*“It is evident from the LVA and the visual analysis undertaken for this statement that the Proposed Development would be **visually well-contained** due to the low visual profile of the scheme, with the panels at a maximum height of 2.3m (226cm). The Proposed Development would be set within existing fields and within a wider field pattern landscape where field boundaries are demarcated by established hedges and tree cover. Based on the viewpoint assessment (Appendices 11 and 13) and Appeal Site visits, it is evident that the Proposed Development would be **well contained** as a result of topographical variations in the local landscape, vegetation screening including mature hedgerows, tree belts, woodlands, and roadside vegetation across the landscape. The majority of the visual receptors would be generally close to the Appeal Site near its perimeter, or located within it. More distant views across the valley would see the Proposed Development in a wider valley context. The majority of the identified and assessed viewpoints and receptors would not be subject to a major degree of visual effect.”*

3.33 North of the M6, there is currently no existing industrial development, and key landscape features which help define this area (e.g., hills and valleys with rolling fields and hedgerows, with long views being available to countryside beyond) will be changed through development of the site, partly through the blocking of longer views from PRoWs along the edges of and through the site, and partly through the alien colours and textures of the proposed solar panels and 2m high security fencing around them – metallic and plastic structures, with straight edges, arranged on frames in straight lines, elevated above the field and forming a new horizon).

3.34 The ten fields which form the site will be fundamentally altered from an open, farmed, landscape, to a busy construction site, and then to an industrial energy generation development of a large scale.

Landscape sensitivity

- 3.35 Considering the landscape value and landscape susceptibility, the appellant assesses the landscape as having a medium sensitivity to the proposed development. Taking into account my assessments of value (medium) and susceptibility (medium-high – on the elevated part of the site), I consider that landscape sensitivity to the specific development being proposed, comprising 61ha of solar panels across ten fields of rural farmland, with substations, parking, tracks and fencing, is medium-high.

Magnitude of Landscape Change

- 3.36 Magnitude requires consideration of size, scale, geographical extent, duration, and reversibility.
- 3.37 The majority of the site would change from traditional crops and ploughed soils, to comprise hard surfacing on elevated panels. These built features would affect the character and openness of the undeveloped landscape that currently occupies the area to the north of the M6, and would interrupt views. This area is characterised by undeveloped rural farmland, which would be changed to built structures, affecting the character of the landscape both within the site itself and across the land that rises to the east up to the B4098 and up to Green End Road to the west. This is an area some 2-3km from west to east and around 2km from north to south in dimension, with the site being approximately 1km by 1km within this. As such an area of some square 5-6km would be characterised by the development.
- 3.38 The development is described as temporary, but it is understood that this is a duration of 40 years. It is somewhat misleading to describe such a long time period as this as temporary. I would describe the effects as long term, but reversible.
- 3.39 The applicant considers the magnitude of change to range from high/medium at the site level during construction, to medium upon completion, and medium/low at year 15. They consider that there would be no magnitude of change to site features – none at construction, completion or at year 15. This suggests a fundamental misunderstanding of what a landscape feature is. The dome of farmland that characterises the landscape in this area is the feature of the landscape, and this will be entirely covered in solar panels.
- 3.40 I consider the magnitude of effect on the landscape of the site to be understated. At a site and its context level, I would expect the magnitude of change to be high at construction and upon

completion, reducing to high-medium at year 15. The whole of the site will be altered, across ten fields, and this effect will remain the case in the longer term.

- 3.41 At a wider scale, in terms of LCA 7 Church End to Corley – Arden Hills and Valleys, magnitude is judged by the appellant as low at all stages. Clearly only a part of the LCA will be directly affected, and a part indirectly affected through changes to its outlook, but it will include effects on the “*rolling hills and valleys*”, the “*mixed agricultural landscape with an ancient pattern of small fields*”, and the “*more open network of large arable fields*” which are recognised as key characteristics. It would be more transparent to recognise that there will be a medium magnitude of change across a geographical area of some 5-6 square km, and that this will remain the case in the longer term. I also disagree that there would be such contained effects on the character of the landscape.

Levels of Landscape effects

- 3.42 The assessment of landscape effects is also presented in tables in Appendix B of the LVA. For landscape, the findings are **Minor** at a wider scale, and **Moderate** at a site and immediate context scale, dropping to **Moderate/Minor** at year 15.
- 3.43 Given I consider susceptibility and therefore sensitivity to be greater across the elevated hill ridge of the site, as well as magnitude of change to remain higher in the longer term, and that the use of the word temporary, but for a 40 year period seems somewhat misleading, I consider effects on landscape at a site and immediate context scale to be **Major-Moderate** at construction and completion, and **Moderate** by year 15. I consider the effects to remain **Moderate across the 5-6 square km** that will be affected, both directly and through a very apparent change in outlook across the surrounding site facing slopes. This will result in a locally important effect on landscape character. Beyond around 2km from the site and the 5-6 square km that will be physically or perceptually altered, the effect on landscape character will not be an important consideration for this appeal decision (Minor or Negligible).
- 3.44 The appellant provided another appraisal of landscape effects in their SoC, where they recognise that the effect would be Moderate adverse at a site level, across the appeal site itself. They state that the physical character of the surrounding landscape would remain unchanged. This is true but assessing effects on landscape character requires more than just consideration of the physical effects. They state (SoC Para 4.28-9):

*“All of the key characteristics associated with the landscape beyond the Appeal Site would remain and prevail with the Proposed Development in place, with the Landscape Strategy Plan illustrating the additional landscape enhancements which would be introduced as part of the proposals such as the historic field boundaries, would remain after the Proposed Development is decommissioned as a legacy of landscape character enhancement. There would be a **negligible effect on the LCA 7 Church End to Corley Hills & Valleys beyond the Appeal Site itself.**” [my emphasis added]*

- 3.45 Whilst it would be reasonable to claim this beyond the 5-6 square km that is physically and perceptually affected, the statement that there will be a negligible effect in landscape character beyond the appeal site itself is incorrect in my opinion. It is clearly evident when walking west down the Coventry Way that a change across the appeal site will also significantly alter the area across which the Coventry Way traverses. The same is true to the west, where a change in outlook from elevated areas of countryside will lead to a significant change in the way the landscape character is perceived.
- 3.46 As with visual receptors (discussed below), the LVA appears to underplay the short and long-term effects on the site and it's the landscape which surrounds it from a landscape perspective. Considering the site is currently rural agricultural land, with scenic qualities, and would experience a large scale change for 40 years due to the proposed development, it is considered highly unlikely that no important adverse effects would be identified in relation to the landscape beyond the appeal site itself.

Visual Amenity

Visual effects

Table 3.2 Summary of Judgements of Visual Effects for Viewpoints Illustrated by Photomontages

Viewpoint	Original LVA Judgement (Rev E Apr 2024)	Updated LVA Judgement (October 2024)	LUC LVA Judgement (October 2024)
<p>1. View from PRoW WK- 175-M294/1</p> <p>and</p> <p>2. View from PRoW WK- 175-M294/1</p>	<p>High susceptibility and medium value. High sensitivity.</p> <p>Magnitude is high/medium for construction and completion, and medium for year 15.</p> <p>Effect is major/moderate adverse for construction and completion and moderate adverse for year 15.</p>	<p>High susceptibility and medium value. High sensitivity.</p> <p>Magnitude is high year 1 and low year 15.</p> <p>Effect is major adverse year 1 and moderate adverse year 15.</p> <p>EFFECT INCREASED</p>	<p>High susceptibility and medium value. High sensitivity.</p> <p>Magnitude is high/medium for construction and completion, and medium for year 15.</p> <p>Effect is major/moderate adverse for construction and completion and moderate adverse for year 15, assuming proposed hedgerows establish and are well maintained.</p>
<p>3. View from PRoW WK- 175-M294/1</p>	<p>High susceptibility and medium value. High sensitivity.</p> <p>Magnitude is low for construction, completion and year 15.</p>	<p>High susceptibility and medium value. High sensitivity.</p> <p>Magnitude is no change for year 1 and year 15.</p>	<p>High susceptibility and medium value. High sensitivity.</p> <p>Magnitude is low for construction, completion and year 15.</p>

Viewpoint	Original LVA Judgement (Rev E Apr 2024)	Updated LVA Judgement (October 2024)	LUC LVA Judgement (October 2024)
	Effect is minor adverse for construction, completion and year 15.	Effect is no change for year 1 and year 15. EFFECT DECREASED	Effect is minor adverse for construction, completion and year 15, given filtering of views by vegetation.
4. View from PRow WK/175/M294a/1	High susceptibility and medium value. High sensitivity. Magnitude is low for construction, completion and year 15. Effect is moderate/minor adverse for construction and completion, and minor adverse for year 15.	High susceptibility and medium value. High sensitivity. Magnitude is negligible for year 1 and year 15. Effect is negligible for year 1 and year 15. EFFECT DECREASED	High susceptibility and medium value. High sensitivity. Magnitude is low for construction, completion and year 15, as this is a glimpsed view. Effect is moderate/minor adverse for construction and completion, and minor adverse for year 15.
5. View from PRow WK/175/M294a/1	High susceptibility and medium value. High sensitivity. Magnitude is low for construction, completion and year 15. Effect is moderate/minor adverse for construction	High susceptibility and medium value. High sensitivity. Magnitude is low for year 1 and year 15. Effect is moderate adverse for year 1 and year 15.	High susceptibility and medium value. High sensitivity. Magnitude is medium for construction, completion and year 15, given the partial filtering by trees.

Viewpoint	Original LVA Judgement (Rev E Apr 2024)	Updated LVA Judgement (October 2024)	LUC LVA Judgement (October 2024)
	and completion, and minor adverse for year 15.	EFFECT INCREASED	Effect is moderate adverse for construction and completion, and moderate/minor adverse for year 15, assuming proposed vegetation establishes and is well maintained.
6. View north west from Public Right of Way WK/175/M294a/5 (beside the M6 motorway)	High susceptibility and medium value. High sensitivity. Magnitude is medium for construction and completion, and low for year 15. Effect is moderate adverse for construction, moderate/minor for completion and minor adverse for year 15.	High susceptibility and medium value. High sensitivity. Magnitude is medium at year 1 and negligible at year 15. Effect is major adverse at year 1 and negligible at year 15. EFFECT INCREASED	High susceptibility and high value. High sensitivity (part of Coventry Way in close proximity to the site). Magnitude is high for construction and completion, and medium for year 15. Effect is major adverse for construction, and for completion and moderate adverse for year 15, assuming proposed hedgerow establishes and is well maintained.

Viewpoint	Original LVA Judgement (Rev E Apr 2024)	Updated LVA Judgement (October 2024)	LUC LVA Judgement (October 2024)
7. View north west from PRow WK/175/M294a/5 & Footbridge crossing the M6	<p>High susceptibility and medium value. High sensitivity.</p> <p>Magnitude is medium for construction and completion, and low for year 15.</p> <p>Effect is moderate adverse for construction, moderate/minor for completion and minor adverse for year 15.</p>	<p>High susceptibility and medium value. High sensitivity.</p> <p>Magnitude is low for year 1 and year 15.</p> <p>Effect is moderate adverse for year 1 and year 15.</p> <p>EFFECT INCREASED</p>	<p>High susceptibility and medium value. Medium sensitivity, given context on M6 bridge.</p> <p>Magnitude is high for construction and completion, and for year 15, by which time lower areas will be partly filtered by new hedgerow.</p> <p>Effect is major/moderate adverse for construction, and completion and moderate adverse for year 15.</p>
8. View North east from Meriden Road	<p>Medium susceptibility and medium value. Medium sensitivity.</p> <p>Magnitude is medium/low for construction and completion and low for year 15.</p> <p>Effect is moderate adverse for construction</p>	<p>Medium susceptibility and medium value. Medium sensitivity.</p> <p>Magnitude is negligible for year 1 and year 15.</p> <p>Effect is negligible for year 1 and year 15.</p> <p>EFFECT DECREASED</p>	<p>Medium susceptibility and medium value. Medium sensitivity.</p> <p>Magnitude is medium for construction and low for completion and year 15.</p> <p>Effect is moderate adverse for construction and minor adverse at</p>

Viewpoint	Original LVA Judgement (Rev E Apr 2024)	Updated LVA Judgement (October 2024)	LUC LVA Judgement (October 2024)
	and completion and minor adverse for year 15.		completion and for year 15, given filtering by trees.
9. View south from Meriden Road beside Park House Farm	<p>High susceptibility, and medium value. High sensitivity.</p> <p>Magnitude is medium/low for construction and completion, and low for year 15.</p> <p>Effect is moderate/minor adverse for construction, completion and year 15.</p>	<p>Medium susceptibility and medium value. Medium sensitivity.</p> <p>Magnitude is negligible for year 1 and year 15.</p> <p>Effect is negligible for year 1 and year 15.</p> <p>EFFECT DECREASED</p>	<p>High susceptibility, and medium value. High sensitivity given this represents residential views.</p> <p>Magnitude is high for construction, completion, and for year 15. It is unclear why this was given negligible.</p> <p>Effect is major/moderate adverse for construction, and completion and moderate at year 15.</p> <p>The park railing to the south west, closer to the property, is a better location from which to observe this view.</p>
10. View south east from Public Right of Way WK/175/M289/1	High susceptibility, and medium value. High sensitivity.	High susceptibility, and medium value. High sensitivity.	High susceptibility, and medium value. High sensitivity (residential views).

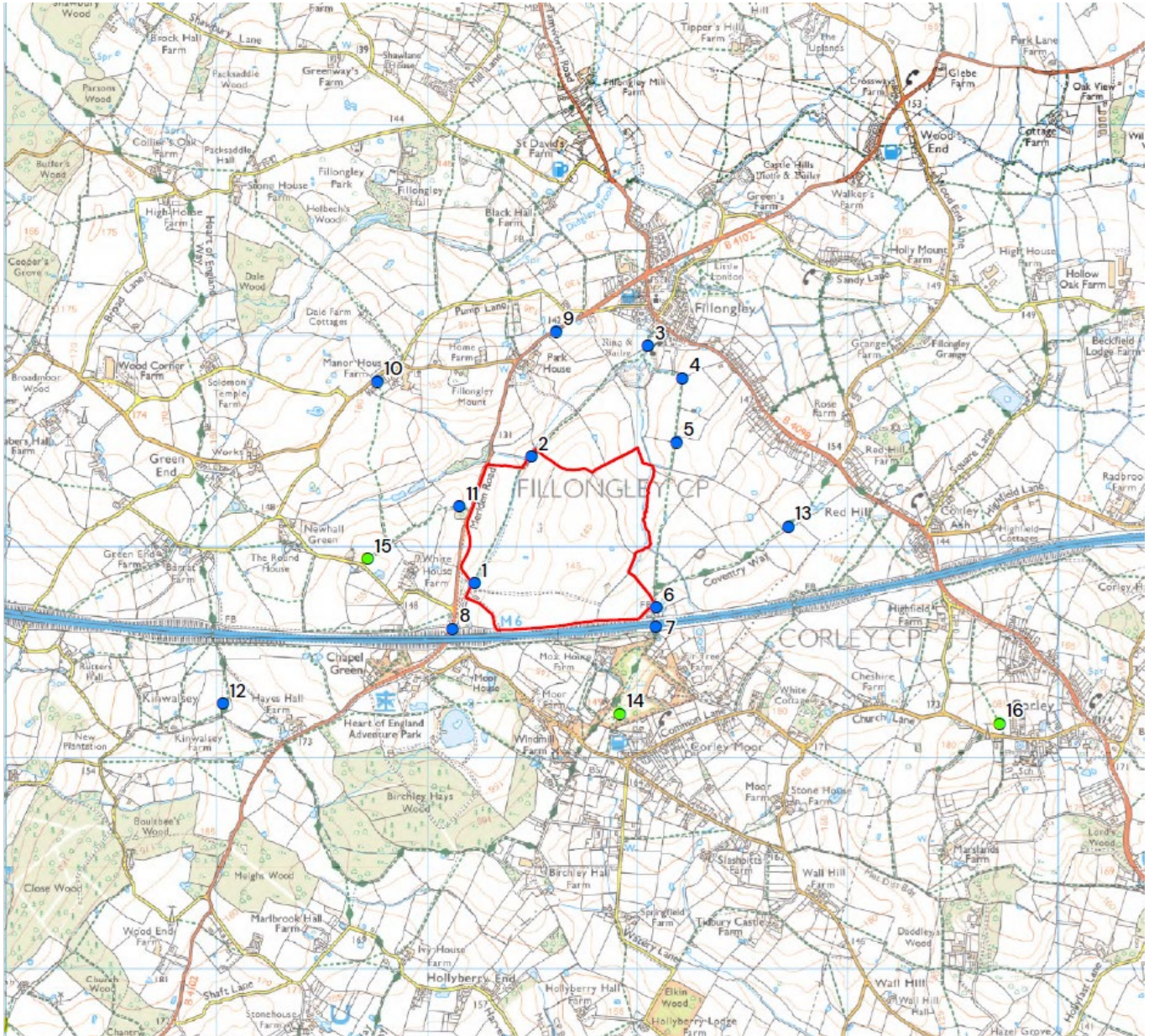
Viewpoint	Original LVA Judgement (Rev E Apr 2024)	Updated LVA Judgement (October 2024)	LUC LVA Judgement (October 2024)
beside Manor House Farm	<p>Magnitude is medium/low for construction and completion and low for year 15.</p> <p>Effect is moderate/minor adverse for construction and completion and minor adverse for year 15.</p>	<p>Magnitude is negligible for year 1 and year 15.</p> <p>Effect is negligible for year 1 and year 15.</p> <p>EFFECT DECREASED</p>	<p>Magnitude is medium for construction, completion and for year 15.</p> <p>Effect is moderate adverse for construction completion and for year 15.</p> <p>The gateway to the east on Green End Road is a better location from which to obtain this view.</p>
11. View east from Public Right of Way WK/175/M289a/1	<p>High susceptibility, and medium value. High sensitivity.</p> <p>Magnitude is medium for construction and completion and medium/low for year 15.</p> <p>Effect is moderate adverse for construction and completion, and moderate/minor adverse for year 15.</p>	<p>High susceptibility, and medium value. High sensitivity.</p> <p>Magnitude is low for year 1 and year 15.</p> <p>Effect is moderate adverse for year 1 and year 15.</p> <p>EFFECT INCREASED</p>	<p>High susceptibility, and medium value. High sensitivity.</p> <p>Magnitude is high for construction and completion and medium for year 15, assuming proposed hedgerow is established and is well maintained.</p> <p>Effect is major/moderate adverse for construction and completion, and</p>

Viewpoint	Original LVA Judgement (Rev E Apr 2024)	Updated LVA Judgement (October 2024)	LUC LVA Judgement (October 2024)
			moderate adverse for year 15.
12. View north east from National Trail Heart of England Way	High susceptibility, and medium value. High sensitivity. Magnitude is negligible/none for construction, completion and year 15. Effect is negligible/none for construction, completion and year 15.	High susceptibility, and medium value. High sensitivity. Magnitude is no change for year 1 and year 15. Effect is no change for year 1 and year 15. AGREEMENT	High susceptibility, and medium value. High sensitivity. Magnitude is barely perceptible for construction, completion and year 15. Effect is negligible for construction, year 1 and year 15.
13. View west from National Trail Coventry Way	High susceptibility, and medium value. High sensitivity. Magnitude is medium for construction, completion and year 15. Effect is moderate adverse for construction, completion and year 15.	High susceptibility, and medium value. High sensitivity. Magnitude is low for year 1 and year 15. Effect is moderate adverse for year 1 and year 15. AGREEMENT	High susceptibility, and high value. High sensitivity. Well used by local people. Magnitude is high for construction, completion and year 15. Effect is major/moderate adverse for construction, completion and moderate at year 15, given the proximity and wide extent of the view.

Viewpoint	Original LVA Judgement (Rev E Apr 2024)	Updated LVA Judgement (October 2024)	LUC LVA Judgement (October 2024)
			Properties above this at Far Backs on the B4098 would experience a similar view. These are not considered.
14. View from within the Open Access Common Land north of Corley Moor	None	High susceptibility, and medium value. High sensitivity. Magnitude is no change for year 1 and year 15. Effect is no change for year 1 and year 15.	High susceptibility, and medium value. High sensitivity. Magnitude is no change at construction, for year 1 and year 15. Effect is no change for construction, year 1 and year 15. It is uncertain why this VP was selected given it looks into vegetation.
15. View from Public Right of Way M289a/1 looking east	None.	High susceptibility, and medium value. High sensitivity. Magnitude is no change for year 1 and year 15. Effect is no change for year 1 and year 15.	High susceptibility, and medium value. High sensitivity. Magnitude is no change for construction, year 1 and year 15.

Viewpoint	Original LVA Judgement (Rev E Apr 2024)	Updated LVA Judgement (October 2024)	LUC LVA Judgement (October 2024)
			<p>Effect is no change for construction, year 1 and year 15.</p> <p>It is uncertain why this VP was selected given it looks into vegetation. It was a perhaps a proxi for White House Farm where views are more open, but there is no public access.</p>
<p>16. View from Public Right of Way M253/3 on the edge of Corley Moor, looking northwest</p>	<p>None.</p>	<p>High susceptibility, and medium value. High sensitivity.</p> <p>Magnitude is no change for year 1 and year 15.</p> <p>Effect is no change for year 1 and year 15.</p>	<p>Not visited, but properties to the south of the M6 are visible from the site suggesting there are views from this general area.</p>

Figure 3.2 Viewpoint location plan [extract from SLR Drawing P24-1827_EN_10]



3.47 As outlined in the above table, upon review of the LVA [NW-02 and NW-03] and subsequent information submitted by the appellant in the SoC in October 2024, I am of the opinion that some of the visual effects have been underemphasised by the appellant.

- 3.48 I consider it very unlikely that a development of this scale would result in so few Major or Moderate visual effects at construction, upon completion and after 15 years (to include the effects of mitigation planting).
- 3.49 The appraisal for each viewpoint within the LVA [NW-02] and the October 2024 SoC [NW-03] has been changed but the SoC generally provides less detail, and a less complete set of judgements than the earlier work. Some of the grades have gone up and some have come down. There are two where there is agreement. Given the proposed development itself has not changed (I note that the minor updates proposed, but the parameters remain broadly the same), the appraisals would be expected to give broadly similar results, although I do note that GLVIA3 allows for landscape professionals to make their own judgements, and expects some variation.
- 3.50 The original assessment of visual effects is presented in the FPCR Environmental and Design Ltd Landscape and Visual Appraisal [NW-02]. Figure 6 illustrates the location of viewpoints considered in the assessment.
- 3.51 The following is a summary of the notable effects that were identified in the LVA (April 2024) [NW-02]:
- a. **Major/Moderate** adverse effect identified for users of footpath WK|175|M294/1 represented by VPs 1 & 2 (Receptor D (at construction phase) (these are the footpaths to the west of the site));
 - b. **Moderate** adverse effect identified for users of footpath nWK|175|M294a/5m represented by VPs 6, 7 (Receptor F (at construction phase) (this is the Coventry Way));
 - c. **Moderate adverse** effect identified for road users of Meriden Road represented by VP8 (Receptor I (at construction and completion phase));
 - d. **Moderate** adverse effect identified for users of footpath WK|175|M289a/1 represented by VP11 (Receptor G (at construction and completion phase) (this also represents Meriden Road));
 - e. **Moderate adverse** effect identified for users of National Trail Coventry Way represented by VP13 (Receptor I (at construction, completion and at Year 15) (see also VPs 6 and 7)).
- 3.52 The following is a summary of the notable effects that were identified in the SoC (October 2024) [NW-03], in which the appellant had updated their judgements:

- a. VP1 PRoW west of site, south end, **Major adverse** at year 1 and **Moderate** at Year 15;
- b. VP2 PRoW west of site, north end, **Major adverse** at year 1 and **Moderate** at Year 15;
- c. VP5 PRoW near Fillongley **Moderate** adverse for Year 1 and Year 15;
- d. VP6 Coventry Way **Major** adverse at Year 1;
- e. VP7 Coventry Way Motorway Bridge **Moderate** adverse for Year 1 and Year 15;
- f. VP11 Meriden Road **Moderate** adverse effect for Year 1 and Year 15;
- g. VP13 Coventry Way **Moderate** adverse effect for Years 1 and 15.

3.53 It is my opinion that the sensitivities of receptors that are given appear to be appropriate, however, the magnitude of change identified for many viewpoints (at construction, upon completion and after 15 years) seemed to be understated, with most viewpoints identified as having a medium/low/negligible magnitude of change.

3.54 The appellant has provided consideration of effects on selective residential receptors, users of PRoWs and road users within the LVA [NW-02] (Appendix C: Visual Effects Table), where some reasoning is set out. Some important receptors seem to have been omitted but it is not clear why. Properties at **Far Parks** on the B4098 to the south east of Fillongley are an example of receptors that have been missed.

Park House Farm

3.55 As an example of apparent under assessment, the appellant identifies adverse effects from **Park House farm** but notes these as being **Moderate/Minor** at all stages, with the magnitude of change being medium/low through to low. The appellant states that it is difficult to make out the site from the farm, but my experience of this in the field was that there are clear views across to the site from this location, especially as there is no hedgerow along the road. The open field to the north east of the farm is bound by park railings and enables a very clear view of the site, seen just across the valley. Essentially, all of the ploughed fields across the full extent of the view photographed below will become solar panels. An extract from the photomontage prepared for VP9 assists in understanding the extent of the change, but as with all the photomontages which are provided, it is a very small image, showing approximately 80 degree view, which essentially

makes the landscape look smaller and flatter than is perceived by the human eye. A 53.5 degree image is not provided.

Users of Meriden Road, Receptor J

3.56 The same view as above is experienced by Receptor J, users of Meriden Road. The effect is described as **Moderate adverse** during construction and at completion and Minor adverse in the long term (described as temporary but meaning 40 years). Viewpoint 11 is also representative of Meriden Road although this is not noted. It is referred to under Receptor G and given a Moderate level of effect, dropping to **Moderate/Minor** in the long term. The photomontage shows an eclipsed view, as when standing on the edge of Meriden Road, a full view of the site is available at close range. The magnitude of change from here would be high and the resulting effect **Major/Moderate**.

Photo from railing north east of Park House farm on Meriden Road



Figure 3.3 Extract from photomontage VP9 from gateway north east of Park House farm on Meriden



Figure 3.4 Photograph from near VP11 on Meriden Road



Figure 3.5 Photomontage from VP11 – an eclipsed view as slightly further back, but the same view as above



Users of the Coventry Way, Receptor I

3.57 A further example of under assessment is for Users of National Train Coventry Way (Receptor I, represented by VP13). I note this is also represented by VPs 6 and 7 although this is not stated. Sensitivity is recognised as being high with which I agree. Duration of effect is described as temporary, as elsewhere. 40 years is a very long time though, and this needs to be interpreted with caution. I would describe this as long term but reversible. All three viewpoints are very close to the development, with VP6 being immediately on its edge. VP13 has a panoramic view across the site as it is elevated. The section of the path between VP13 and VP6 drops down the fields from higher ground, and faces directly towards the proposed development site. It is an attractive view, as shown below. Given the proposed development will extend across the full frame of westerly views from the path, over a distance of around 1km, and the fact that this area is so well used by local people, a judgement of **Major or Major/Moderate** would be a fairer assessment, as the magnitude of change would be high.

View west over site from near VP13 on the Coventry Way. The site comprises the brown harvested fields in this view



Figure 3.6 Extract from photomontage VP13 looking west across site



Effects of security fencing, gates and CCTV

- 3.58 The appellant's LVA [NW-02] does not appear to consider the effects of security fencing and gates. Some further information is given in the appellant's SoC [NW-03].
- 3.59 2m perimeter fencing would be steel wire, which would enclose the site on all sides. Whilst labelled as deer fencing, its purpose is one of site security, and it will be used extensively. It will alter the character of the landscape and the visual amenity of those passing alongside it, especially via PRoW, making the landscape feel less open and rural.

Figure 3.7 Extract from Design Statement, Figure 5.4 Proposed perimeter fencing, page 11 NW-05.

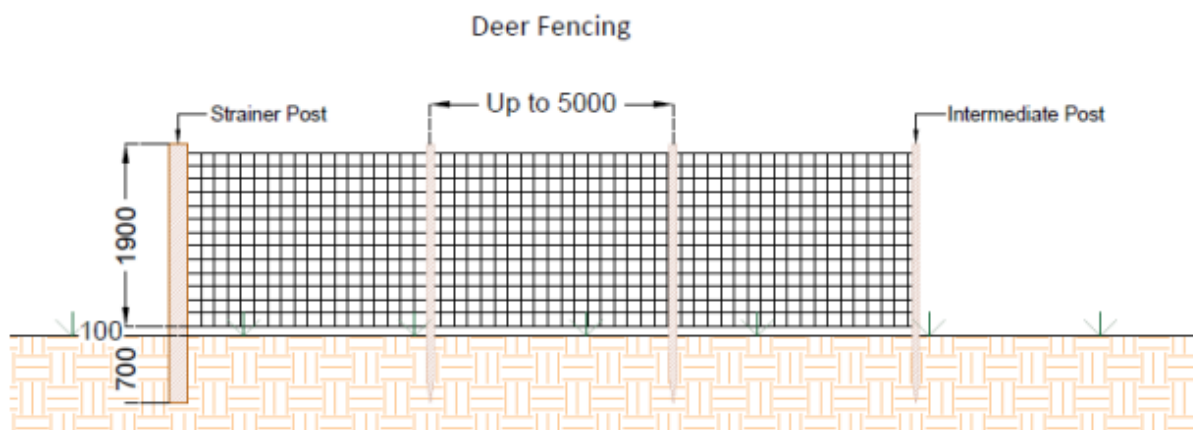


Figure 5.4: Proposed perimeter fencing

Visual mitigation

- 3.60 In terms of mitigation, native trees and shrubs are typically planted as 1+1 or 1+2 40-60cm high transplants, usually in 0.6-1m high plastic tubes. These are 2-3 year old saplings, and are very small. If left to grow untrimmed they would be expected to grow to around 7.5 to 8 metres within around 15 years, and it would be expected that effects would be remain apparent for at least for the first ten years or so, as the new planting would be both low and thin, given its immaturity. Hedgerows will be trimmed, typically from about year 5 onwards, and maintained at the specified height of 2.5m. Again, it typically takes around 10-15 years for these to become more effective in filtering or screening views.

ZTV

- 3.61 The appellant provided a hand drawn Approximate Visual Envelope (Figure 6 of the LVA) as part of the original LVA [NW-02].
- 3.62 This provides an approximation of the extent of visibility but in places the approximation is incorrect. In particular it is wrong in that the visibility from the west is not captured. There are clear views from Green End Road and the area of Home Farm, Fillongley Mount, and further south from the area around White House Farm. There are longer distance views from the north for example around Tipper's Hill Farm. There are also views from the south despite the woodland along the M6. When standing on the site properties to the south of the M6 can be seen, which in turn means there will be views available from these properties – this is the area around Corely Moor, Kinwalsey, Hayes Hall Farm, Windmill Farm.
- 3.63 A new Bare Earth ZTV (Figure P24-1827-EN-09, [NW-03] Appendix 9) was provided by the appellant in October 2024. As would be expected, this ZTV closely mirrors the topography (see topography on Figure 5 of the original LVA), and extends out to the enclosing ridgelines to the west, south east and north.
- 3.64 I consider the Approximate Visual Envelope is a misrepresentation of the likely extent of visibility. It should be considered alongside the new bare earth ZTV that the appellant has provided. This considers a bare ground situation, without vegetation. The two ZTVs are shown one above the other below, at approximately the same scale for ease of comparison. It is clear how much of a misrepresentation the initial approximate version provides, which may explain why the LVA appeared to understate the extent and severity of the landscape and visual effects.
- 3.65 The new ZTV provides a more accurate representation of the extent of theoretical visibility. I can confirm through site visits that the wider area now shown will frequently have visibility of the proposed development, particularly in the years whilst mitigation planting is maturing. Areas where there is dense woodland (shaded green), and the built-up area of Fillongley would not enable visibility. In addition, hedgerows would locally filter views.

Figure 3.8 Approximate Visual Envelope [Figure 6 of the LVA] aligned with bare earth ZTV below at a similar scale

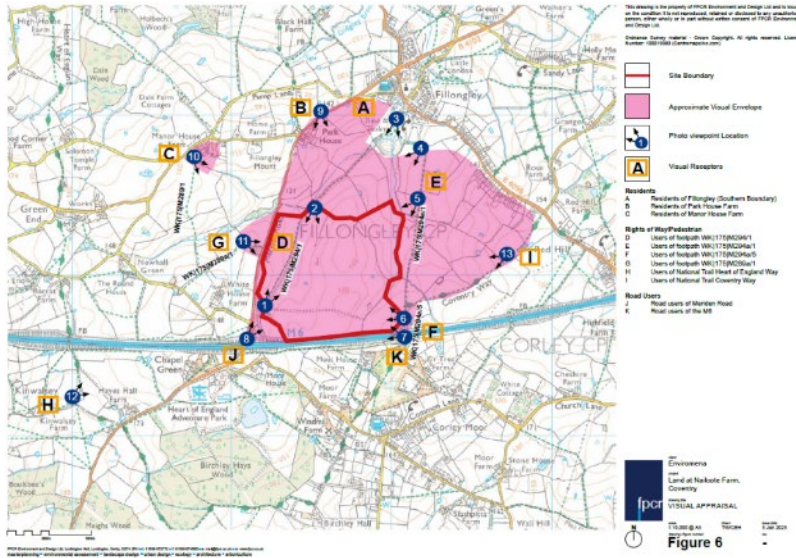
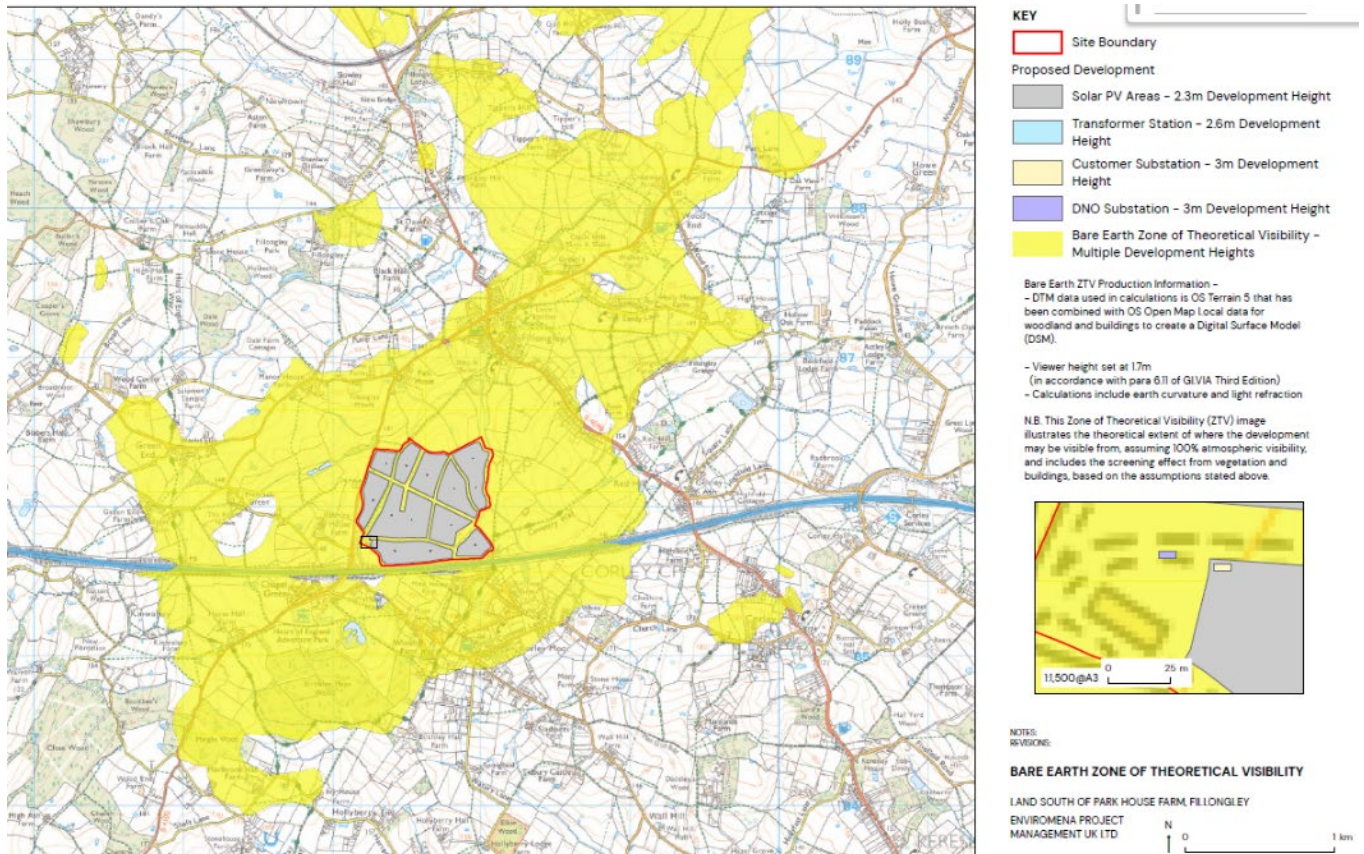


Figure 3.9 Bare Earth ZTV [Drawing P24-1827_EN_09 of the SoC]



Visualisations

- 3.66 GLVIA3 [NW-16] states that *"The predicted changes must be described in the text but should also be illustrated by means of visualisations from representative viewpoints"* (para 8.16) and *"where the scheme is not fully developed visualisations must be based on clearly stated assumptions"* (para 8.22).
- 3.67 The appellant has highlighted that viewpoints were identified through desktop assessment of Ordnance Survey mapping, aerial mapping and a review of contour information. They confirmed that the selected viewpoints were submitted to the Planning Officer for agreement, with the Planning Officer suggesting several additional viewpoints which were also considered in the assessment. LUC was not party to discussions relating to refinement of viewpoints, and the reasoning behind their selection.
- 3.68 Viewpoint photography is presented in the LVA and SoC [NW-03, and Appendix 11]. This photography is useful in illustrating the baseline view from each representative viewpoint. Type 1 baseline photography is provided from all viewpoints as part of the LVA. The photos were taken in January 2023 and show a horizontal field of view of 87 degrees. These photos are very poor quality, with some being taken into the sun and having blurred regions. Some of the labelling is incorrect, for example properties at Far Backs appear to be labelled as Corely Ash in VP11. The more recent photos taken in October 2024 are better, but show vegetation in leaf, so are not a worst case scenario in terms of visibility.
- 3.69 According to Landscape Institute (LI) Technical Guidance Note 06/19 [NW-17], Type 1 visuals are 'annotated viewpoint photographs' and Type 3 visuals *'encompasses photomontages and photowires which will commonly be produced to accompany planning applications, LVAs and LVIAs'*.
- 3.70 Whilst the majority of the baseline photography in Jan 23 may have been produced to Type 1 standard and is helpful in displaying the character and context of each view, the visualisations themselves [NW-04] have not been produced to Type 3 level, and do not follow the LI guidance in terms of their presentation.
- 3.71 The photomontages [NW-04] that were provided to support the application are wide angle (>80 degrees) and are presented at a small size, representing eclipsed views, which makes it hard to appreciate and understand the scale of the proposed development and the visual impact it would

have on receptors in the surrounding landscape. They have the effect of flattening the landscape. This may help explain the apparent understatement of the appraisals made in the original LVA, suggesting that it is unreliable.

- 3.72 These visualisations [NW-04] use the baseline photography captured in late Spring when the trees and hedgerows are in leaf, so represent a best case rather than a worst case scenario. The photomontages show the baseline, the proposed development at year 0, and the proposed development at year 5 (with trees and hedgerows shown at an unspecified size). It is unclear why they show a year 5 scenario given the appraisal did not consider this.
- 3.73 In general, I consider that the supporting photomontages underplay the visual effects that will be experienced whilst the vegetation is maturing, given it is typically planted as 40-60cm high two or three year old transplant seedlings or whips.

Robustness

- 3.74 In the original LVA [NW-02] the appellant considered effects to be Major or Moderate from VPs 1, 2, 6, 7, 8, 11, 13.
- 3.75 In October 2024, the appellant updated their judgements on the visual effects likely to be experienced from viewpoints. They considered them to be Major or Moderate from VPs 1, 2, 5, 6, 7, 11, 13.
- 3.76 There is limited information to support the second set of judgements, which are summarised in a table in Appendix 13, with all judgements being single words. This casts some doubt on the reliability of the appraisals.
- 3.77 There are several instances where I disagree with the findings of the viewpoint assessment. I consider effects will be Major or Moderate from VPs 1, 2, 5, 6, 7, 8 (only at construction), 9, 10, 11, and 13. These represent receptors to the east of the site running up the Coventry Way to the B4098 (so encompassing receptors between VPs between 5, 6 and 13, and at Far Backs on the B4098 (including receptor areas E, I & F), and locations to the north west of the site between VPs 2, 9, 10 and 11, and encompassing Park House farm, Home Farm, Fillongley Mount, Manor House Farm and White House Farm (including receptor areas B, C, D & G and the land in between).

3.78 Given the scale of the proposed development and its position across the elevated land forming a horizon in views, I would argue that important effects are likely to remain at year 15. I have set out my reasoning for this above.

Chapter 4

Green Belt

Purpose and Value of the Green Belt

- 4.1 The appeal site is located within Broad Area 10 of the Green Belt.
- 4.2 LUC previously undertook an independent assessment of the Green Belt for Coventry City Council, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford-on-Avon District Council and Warwick District Council. The Stage 1 Report was prepared in June 2015, and the Stage 2 Report was prepared in April 2016 [NW-15].
- 4.3 The study assessed each parcel in order to determine how land performs with regards to Green Belt functions and their accompanying criteria, as set out below:

- To check the unrestricted sprawl of large built-up areas.

Could the parcel play a role in preventing ribbon development and/or has the land within the parcel already been compromised by ribbon development?

Is the parcel free from development? Does the parcel have a sense of openness?

- To prevent neighbouring towns merging into one another.

Is the parcel located within an existing settlement? If no, what is the width of the gap between the settlements at the point that the parcel is intersected?

What role does the parcel play in the sense of actual or perceived separation between settlements?

- To assist in safeguarding the countryside from encroachment.

Does the parcel have the characteristics of countryside and/or connect to land with the characteristics of countryside? Has the parcel already been affected by encroachment of urbanised built development?

Are there existing natural or manmade features / boundaries that would prevent encroachment of the countryside within or beyond the parcel in the long term? (These could be outside the parcel).

- To preserve the setting and special character of historic towns.

Is the parcel partially or wholly within or adjacent to a Conservation Area within an historic town?

Does the parcel have good intervisibility with the historic core of an historic town?

- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

All parcels were considered to make an equally significant contribution to this purpose by restricting development and encouraging the reused of previously developed land.

- 4.4 With reference to Broad Area 10, it is noted that it:
- a. checks the sprawl of Nuneaton and Bedworth, Kingsbury and Piccadilly, Coventry, Coleshill, Fillongley, Old Arley, New Arley, Hurley and Shustoke;
 - b. prevents the merging of Coventry, Coleshill, Fillongley, Old Arley, New Arley, Hurley and Shustoke,
 - c. safeguards the countryside which contains several ancient woodlands, SSSIs, historic villages and scheduled monuments (none within the site itself), and
 - d. assists urban regeneration by encouraging the recycling of derelict and other urban land across the West Midlands. [page 7 of appendix A].
- 4.5 When considered against the Green Belt purposes above, Broad Area 10 was deemed to make a considerable contribution to all five Green Belt purposes.

Appellant’s consideration of the Green Belt

- 4.6 Judgements and the appellant’s analysis within the SoC are summarised and comment is made by LUC below in Table 4.1

Table 4.1 Green Belt Commentary

Appellants Judgements/Reasoning	LUC Comment
<p>Statement of Case para 1.8</p> <p><i>“Any impacts to Green Belt, landscape or visual receptors arising from this development are temporary**.”</i></p> <p><i>**...solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use”</i></p>	<p>The development is described as temporary, but it is understood that this is a duration of 40 years. It is somewhat misleading to describe such a long time period as this as temporary. I would describe the effects as long term, but reversible.</p> <p>There are long term effects not captured such as the earthworks for all removed structures that would remain. It is not made clear if areas of hard standing would be removed.</p>

Appellants Judgements/Reasoning	LUC Comment
<p>In relation to Green Belt harm assessment and very special circumstances, Enviromena’s case was set out in detail in Stantec’s Planning Statement and Planning Statement addendum, which built on the submitted LVA. However, in response to the planning committee’s invocation of Green Belt as a reason for refusal, Enviromena have provided a further Green Belt assessment by Pegasus, as part of a refreshed look at the LVA. Para 5.58, page 19.</p> <p>The updated LVA takes into account comments made by the LPA about bare earth modelling and additional viewpoints.</p>	<p>The reproduced LVA reports lower effects than the original LVA.</p>
<p><i>“It is currently common ground with the LPA that only Green Belt ‘purpose c’ might be affected...”</i></p> <p>The Pegasus GBA concludes the following in respect of effect on the openness of the Green Belt:</p> <p><i>“Consequently, both visually and spatially, the proposed development would result in some limited and localised harm to the openness of the Green Belt.</i></p> <p><i>In terms of the visual aspect of openness, I consider the harm would be minor (adverse) and in terms of the spatial aspect of openness, the harm would be minor. And in overall terms, I consider that there would be minor (adverse) harm to the openness of the Green Belt though</i></p>	<p>The proposed development would fundamentally alter the landscape character of the site and this part of the Green Belt, by altering the land use, topography (locally for substation platforms etc), and openness of the area, as well as the experience of those using the PRoWs across it, essentially giving a more suburban and developed character. The land use of the part of the Green Belt which the site occupies would be largely changed from a dome of higher farmland formed by a gentle ridge between river valleys, and used for arable fields, to a commercial energy generating development.</p> <p>The proposed development would reduce the openness throughout this part of the Green Belt by</p>

Appellants Judgements/Reasoning	LUC Comment
<p><i>this would be limited and highly localised within the context of this wide designation.”</i></p>	<p>introducing extensive built development, effectively blocking views, as well as the characterising influence of the presence of high security fencing, CCTVs, substations, tracks and the panels themselves.</p>
<p>The Pegasus GBA concludes the following in respect of effect on Green Belt ‘purpose c’: <i>“the level of harm would be limited to a minor degree.”</i></p>	<p>Considering the size of the site, and the extent to which it would be developed, it is my opinion that the proposed development would result in adverse effects on the Green Belt and reduce its openness and countryside character, resulting from encroachment by development. The appeal site would reduce the area of open undeveloped farmland by 61ha, by covering it with solar panels of hard industrial character and form, within high security fencing with CCTV. This is a substantial reduction.</p>

Green Belt conclusion

- 4.7 The appellant considers that there will be encroachment of the countryside *“but limited to a minor degree”*, minor adverse change to the sense of openness and only minor adverse harm to the Green Belt.
- 4.8 The proposed development will have an adverse impact on the function of the Green Belt by replacing ten open fields with 61ha of solar panels and related development, within high security fencing, with CCTV. The function of the Green Belt includes safeguarding countryside from encroachment. Developing the site with solar panels and associated development, which have a built form and do not blend in with the character of the countryside, will result in encroachment and will reduce its openness, as will enclosing it in 2m high fencing. Because of the shape of the land, there are limited existing natural or manmade features / boundaries that would prevent the

sense of encroachment of the countryside, especially given the fact that the site falls across a ridgeline which slopes outwards to the east and west. Planting and reinforcing hedgerows will provide some containment in the long term, but the higher outward facing slopes and hilltop that forms a horizon in views will always be visible, in its changed form.

Chapter 5

Summary and conclusions

The proposals

- 5.1 The appellant is proposing a large solar farm across ten fields (61ha) in a rural area of hills and valleys in North Warwickshire.
- 5.2 The proposals would include solar panels, substations, transformer stations, tracks/roads, parking, high security fencing and gates, and CCTV. No lighting is proposed.
- 5.3 The appellant sets out that mitigation planting measures would be implemented around the boundary of the site and within it. Onsite mitigation would include hedgerows to help filter views of the proposed development. These would be allowed to grow to 2.5m in height. The planting of hedgerows and hedgerow trees would be secured via Condition. The vegetation in this area has been managed by the farmers, but it is unclear who would manage it in the future.

Landscape consideration

- 5.4 The proposal will negatively affect the character and appearance of the rural agricultural farmland by introducing large scale industrial/urban character development into a currently undeveloped area, where it would be incongruous with the farmland character. This would be particularly the case given the site is a dome/ridge of higher land which forms the skyline to views from the east and west. The site is outward facing and not contained as maintained by the appellant.

Visual consideration

- 5.5 The proposed development would be located on an undeveloped dome of higher land forming a ridgeline. This land is locally widely visible, as it faces outwards to all sides. I consider it very unlikely that a development of this scale across a site which lies on a gentle, but elevated ridge, would result in what can be described as contained visual effects.
- 5.6 The original LVA identified **Major/Moderate** visual effects at Year 1 and completion at VPs 1 and 2, and **Moderate** effects at VPs 6, 7, 11 at construction, and VPs 8 and 13 at construction and completion.

- 5.7 In October 2024, the appellant updated their landscape and visual appraisal, upon appointment of SLR in the run up to the appeal. The SoC identified **Major** visual effects at Year 1 at VPs 1, 2, and 6 and **Moderate** effects at VPs 5, 7, 11 and 13. By Year 15 they considered **Moderate** effects to remain at VPs 1, 2, 5, 7, 11, and 13, but that there would be no Major effects.
- 5.8 I consider that important visual effects will arise from VPs 1, 2, 5, 6, 7, 9, 10, 11 and 13. These represent residential receptors and road users on the edges of Fillongley along the B4098 including Far Parks, along Meriden Road, and Green End Road - Park House farm, Home Farm, Fillongley Mount, Manor House Farm, White House Farm.
- 5.9 I do not understand why the assessors do not find notable effects at Park House farm. I consider effects on Coventry Way to have been understated, those upon Far Parks to be omitted, and other residential properties along Green End Road and off Meriden Road to have been missed. I attribute the omissions to use of the Approximate Visual Envelope and perhaps limited field work. I attribute the underestimation of effects to use of visualisations which do not meet the requirements of the Landscape Institute's guidance – images are too small, are presented showing a wide angle of view, resulting in flattening of the view and making it appear more distant, and often eclipse views in places where more open views are available.

Visualisations

- 5.10 The proposals are shown in a series of visualisations [NW-04] but these are small in size, show glimpsed views rather than the full extent of the available view, show a wide angle of view across a small page (>80 degrees) which has the effect of making the landscape and the site appear flattened. As such these visualisations should be treated with caution and only used when standing at the locations on site as a visual aid as to which fields will be developed. They are somewhat misleading and do not conform with the technical guidance provided by the Landscape Institute [NW-17].

Green Belt

- 5.11 This land is part of the Green Belt between Birmingham, Coventry and Nuneaton. Development of this site therefore would give rise to an extensive urban influence within part of this arable landscape. The alteration to the skyline and horizon would have an urbanising effect, reducing the attractive scenic qualities of this area of countryside, and making it feel less open and undeveloped. It would not feel like countryside.

- 5.12 The landscape of this Green Belt area is rolling farmland across hills and valleys, with areas of hedgerow, tree belt and woodland vegetation. Introducing flat development platforms in a sloping site would alter the topography, across the footprint of these earthworks. Large-scale areas of solar panels extending across ten fields would be uncharacteristic of the landscape of the Green Belt in this area. Although planting could help partially filter views of the proposed development in the long-term, it would also reduce open scenic views across the landscape. It will not be effective in filtering views of the higher part of the site which is across a hilltop.
- 5.13 In relation to the Green Belt, the development of the site will not safeguard the countryside from encroachment by built development. It will alter its character to one of built development and reduce the sense of openness. It will not be contained within strong boundaries as the site extends over a shallow, domed hill/ridge top running SSW to NNE, which would make this impossible to achieve, given it forms a horizon to local views. This would be very different if the site was flat or more bowl-like, or indeed if it broadly sloped in one direction rather than several.
- 5.14 Factors which will contribute to this include:
- a. Installation of ten fields of solar panels in east to west orientated arrays, 2.3m high, which will not blend into the rural landscape given their colour, hard edges reinforced by shadows, unnatural material, and reflectivity.
 - b. Construction of 13no transformer stations, substation, car park and a network of tracks, noting it is uncertain how these will be surfaced, but they will be on levelled platforms on a sloping site.
 - c. Installation of 2m perimeter fencing with 3m pole-mounted CCTV around the perimeter of the site, with an urbanising influence.
 - d. Critically, the nature of the topography of the site and its function in local views and horizons, as explained above.

Conclusions

- 5.15 Given visual effects seem to have been somewhat understated or missed, both in terms of grade and geographical extent, this would explain why the appellant considered effects on landscape character to be more limited than I do, which in turn lead on to them considering that the effects on the Green Belt would be more limited. I also consider that they have failed to appreciate the

elevated nature of the site, and its ridge top characteristic, meaning that it is outward facing both to the east and to the west, resulting in greater levels of effects on surrounding landscapes than would be the case if it only sloped one way, or was more contained within a bowl, or if it comprised flatter, lower lying land, with woodland and tree belts beyond it, for example.

- 5.16** The reason for the changes in the judgements between the two sets provided by the appellant is unclear and it is uncertain if SLR support the findings of the original LVA. The changes in grades between the two appraisals are notable, but both increase and decrease.
- 5.17** This, together with the recent provision of a more accurate ZTV, which appears quite different from the original, makes me question the robustness of the LVA.
- 5.18** The appellant fails to fully recognise the change in open and undeveloped character that would result from the construction and operation of the site. Such development at the site would result in the presence of a large scale industrial energy generation development to the north of the M6, into an area that does not have any obvious large scale development of this type, and into an area designated as Green Belt (see Policy LP3 of the North Warwickshire Local Plan 2021 [NW-10]). The proposed development would reduce the openness of the Green Belt, and its characteristic rural farmland land use. Arable land is expected within the countryside, and is part of its character. Built development comprising hard surfaces, substations, tracks, fencing, CCTV etc is not characteristic of the countryside.
- 5.19** The landscape and visual effects, and their effects on and harm to the openness of the Green Belt as well as its landscape and visual character (currently undeveloped rural countryside with scenic qualities), are such that significant weight should be given to these matters in the determination of the appeal.

Appendix A

LUC LVA Methodology

Appraisal Methodology

- A.1** The primary appraisal considers the introduction of the Proposed Development under the current baseline conditions, which includes operational and under construction projects.
- A.2** In undertaking the LVA, the following activities are undertaken:
- Review of baseline material;
 - Definition of a Study Area, informed by the location and context of the Site and the scale of the Proposed Development;
 - Analysis of the Site and surrounding Study Area, in terms of baseline landscape character and overall sensitivity (taking account of both susceptibility and value) to the type and scale of development proposed;
 - Identification of representative viewpoints which represent typical views experienced by visual receptors likely to be affected by the Proposed Development;
 - Identification of potential effects on landscape and visual receptors;
 - Consideration of potential additional mitigation measures to avoid or reduce potential landscape or visual effects; and
 - Identification of likely residual effects on landscape and visual receptors following the implementation of all proposed mitigation measures.

Field Survey

- A.3** Field survey was carried out in October 2024 in clear conditions.

Sensitivity of Receptors

- A.4** Receptors considered in this appraisal include physical landscape features or components, LCAs, and people (visual receptors) whose views and visual amenity may be affected by the Proposed

Development. The susceptibility of receptors and the value of the landscape receptor or view is determined in order to inform an overall judgement of receptor sensitivity.

Susceptibility

- A.5** For the specific Proposed Development, the susceptibility of landscape receptors is determined with consideration of criteria such as scale; landcover, pattern and complexity; settlement and other human influences; skylines and inter-visibility with adjacent landscapes; and perceptual aspects. For visual receptors, susceptibility is based on the activities those people may be engaged in whilst experiencing the view (e.g. engaged in outdoor recreation), and the according susceptibility those receptors may have to changes in their views and visual amenity. Susceptibility is recorded as **high, medium** or **low**.

Value

- A.6** The value of landscape receptors is determined using criteria such as scenic quality, rarity, recreational value, representativeness, conservation interests, perceptual aspects and artistic associations. The value of the existing views or visual amenity experienced by visual receptors is determined using criteria such as the importance of the view, as indicated by reference in relation to designations or heritage assets, appearance in guidebooks or tourist maps and provision of visitor facilities. The value of the landscape or view is recorded as high, medium or low.
- A.7** The overall sensitivity of landscape and visual receptors to change is defined as **low, medium** or **high** (or the intermediate levels of **low-medium** or **medium-high**) and is based on weighing up professional judgements regarding susceptibility and value, and each of their component considerations.

Magnitude of Change

- A.8** The appraisal considers the potential magnitude of change likely to be experienced by the landscape or visual receptor. When determining the magnitude of landscape or visual change, an overall judgement takes account of a combination of factors including scale, geographical extent, duration and reversibility. This determination requires the application of professional judgement and experience to recognise the many different variables which are considered and which are given different weight according to site-specific and location-specific considerations in each instance.

Size/Scale

A.9 The scale of change depends on:

- The loss or addition of features in the landscape or view and changes in its composition, including the proportion of the landscape/view occupied by the Proposed Development;
- The degree of contrast or integration of any new features or changes in the landscape or view with the existing or remaining landscape elements and characteristics in terms of form, scale and mass, line, height, colour and texture;
- The nature of the view of the Proposed Development, in terms of the relative amount of time over which it will be experienced and whether views will be full, partial or glimpsed; and
- The size/scale of landscape or visual change is described as being **large, medium, small** or **barely perceptible**.

Geographical Extent

A.10 The geographical extent of a landscape or visual change records the extent of the area over which the changes will be experienced/visible e.g. whether this is at the Site level or from a viewpoint from where the Proposed Development can be glimpsed, or whether it effects a wider area in terms of effects on landscape character or represents a large area from which similar views are gained. Geographical extent is described as being **large, medium** or **small**.

Duration

A.11 GLVIA3 states that 'Duration can usually be simply judged on a scale such as short term, medium term or long term.' The duration of effects are reported as **short-term** (e.g. less than 12 months), and **long-term**.

Reversibility

A.12 In accordance with the principles contained within GLVIA3, the reversibility of the changes which will arise is reported as **reversible, partially reversible** or **irreversible** (i.e. permanent), and is related to whether the change can be reversed at the end of the phase of development under consideration (i.e. at the end of construction or at the end of the operational lifespan of the development).

A.13 The overall judgement of magnitude of landscape or visual change/effect is based on weighing up professional judgements on size and scale, geographical extent, duration and reversibility. The magnitude of change/effect is recorded as **low, medium or high** (or the intermediate levels of **low-medium or medium-high**) or **barely perceptible**.

Potential Landscape and Visual Effects

A.14 The evaluations of the individual aspects set out above (susceptibility, value, size and scale, geographical extent, duration and reversibility) are considered together to provide an overall profile of each identified effect. An overview is then taken of the distribution of judgements for each aspect to make an informed professional appraisal of the overall level of each effect, drawing on guidance provided in GLVIA3. A numerical or formal weighting system is not applied. Levels of effect are identified as **Negligible, Minor, Moderate or Major** (or the intermediate levels of **Minor-Moderate or Moderate-Major**).

A.15 The levels of effect used are defined in **Table A3.1** for landscape effects and **Table A3.2** for visual effects. The descriptions are provided as examples, and each effect is judged individually.

A.16

Table A.3.1: Levels of Landscape Effect

Level	Effect Description
Major	The Proposed Development will result in an obvious change in landscape characteristics and character, such as introduction of overriding new key characteristics, potentially affecting a highly valued landscape with a medium or high susceptibility to that type of change.
Moderate	The Proposed Development will result in a noticeable change in landscape characteristics and character, potentially altering secondary key characteristics, potentially affecting a landscape with a medium sensitivity to that type of change. This level of effect may also occur when a smaller scale of change acts on a higher sensitivity landscape or a larger scale of change acts on a lower sensitivity landscape.
Minor	The Proposed Development will result in a small change in landscape characteristics and character, potentially affecting a landscape of lower sensitivity. This level of effect may also occur when a larger scale of change occurs for a temporary period.
Negligible	The Proposed Development will not result in a noticeable change in landscape characteristics or character.

Table A.3.2: Levels of Visual Effect

Level	Effect Description
Major	The Proposed Development will result in an obvious change in the visual amenity experienced by the receptor(s), who are likely to have medium or high susceptibility to that type of change or affecting a valued view.
Moderate	The Proposed Development will result in a noticeable change in the visual amenity experienced by the receptor(s), who are likely to be of medium susceptibility to that type of change or affecting a moderately valued view. This level of effect may also occur when a smaller scale of change acts on a higher susceptibility receptor/high value view or when a larger scale of change acts on a lower susceptibility receptor/lower value view.
Minor	The Proposed Development will result in a small change in the visual amenity experienced by the receptor(s), who may be of lower susceptibility to that type of change or affecting a view of lower value.
Negligible	The Proposed Development will not result in a noticeable change in the visual amenity experienced by the receptor(s).

Direction of Effect

A.17 The direction of landscape and visual effects (**beneficial, adverse or neutral**) is determined in relation to the degree to which the proposal fits with the existing character of the landscape or view and the contribution that the Proposed Development makes, even if it is in contrast to the existing character of the landscape or view. With regard to the type and scale of development proposed, potential landscape and visual effects have been assumed to be adverse (negative) and have been determined as such within the appraisal unless otherwise stated.