

Sean Herbert
Planning Department
Wychavon District Council
Civic Centre
Queen Elizabeth Drive
Persnore
Worcestershire
WR10 1PT

Our Ref: KKP/100807.1
Tel: 020 3375 7297
Fax: 020 7430 1885
Email: karen.phull@farrer.co.uk

19 April 2023

By Email: sean.herbert@malvern hills.gov.uk

Dear Sirs

**Representations in respect of planning application W/23/00270/FUL
Land East of Stock Green (adjacent to Roundhill Wood, Wychavon, Worcestershire)**

1. Please accept this letter as the representations on behalf of the Roundhill Wood Solar Farm Opposition Group (the Group). For the reasons set out below, the Group wishes to register its objection to this application. Specialist consultants advising the Group have undertaken a technical review of the planning application, we summarise their findings in this letter and enclose their reports.

Overview of submission

2. We acknowledge that the South Worcestershire Development Plan (adopted in 2016 and referred to as the Local Plan) provides support for sustainable energy projects at SWDP27, and the relaxation for such schemes outside settlement boundaries at SWDP2. However, policy SWDP27 recognises that regard must be given to provisions of other relevant policies in the Local Plan. The reasons justification for this policy makes specific reference to the need for visual impacts on the landscape to be considered carefully, amongst other matters such as minimising noise, odour, traffic and air and water pollution.
3. The enclosed review by Annabelle Langhorn CMLI, a landscape planning consultant carries out an independent peer review of the applicant's LVIA and separately an independent

Farrer & Co LLP 66 Lincoln's Inn Fields London WC2A 3LH **Telephone** +44 (0)20 3375 7000 **Facsimile** +44 (0)20 3375 7001

DX 32 Chancery Lane **Website** www.farrer.co.uk

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review of the landscape and visual context of the site. Her summary of the peer review findings includes the following observations: -

- 3.1 The scoping response of the Council has not been fully taken into account, in particular with regards to the concern raised by Inkberrow Parish Council in relation to open views from elevated land to the east of Moreton Underhill.
- 3.2 The methodology is not based on best-practice guidance or latest LI guidance, particularly in relation to the assessment of landscape value and landscape character effects.
- 3.3 Landscape value has not been adequately assessed.
- 3.4 Visual impacts have not been comprehensively assessed.
- 3.5 Mitigation is over-reliant on visual screening of the proposals with no explanation as to why and whether this would be in keeping with the wider landscape and visual context of the site. The use of hedgerow as mitigation is inappropriate in this location as it will create a sense of enclosure in an environment where walkers currently enjoy open uninterrupted views.
- 3.6 The scale of the site and proposals in comparison to the receiving landscape has not been assessed.
4. At paragraph 2.50 of Ms Langhorn's report, she concludes that *"Overall, this Review considers that the LVIA to be lacking in detail, not in line with the latest best-practice guidance, and with clearly obvious gaps, which would need to be addressed before a decision can be made by the determining authority on the conclusions that have been made."*
5. In Ms Langhorn's independent review of the landscape and visual context of the site, she concludes that *"...the site would not be an appropriate location for the proposed solar PV development as there is a high level of uncertainty that suitable mitigation and enhancement measures could overcome the likely impacts and effects on sensitive landscape and visual receptors."*
6. The impact that large scale renewable schemes give rise to are also acknowledged in national policy and guidance (PPG). The PPG identifies the sensitivity of certain landscapes to solar and wind farms, ones where the topography is likely to give rise to more extensive view impacts or, and equally, where the quality of the landscape is good, contributing to local

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amenity. Such landscapes do not have to be nationally designated to be sensitive. As a consequence, the guidance identifies flat landscapes as most suitable, particularly where they are previously developed (airfields, for example). The application site has a rolling topography and cannot be categorised as a flat landscape. The site is prominent within the valley it occupies, on the rising ground for which Roundhill Wood is named. It is highly visible from multiple viewpoints.

7. Likewise, the PPG places weight on the impacts of proposals on the amenity of an area, which can be affected not just by a change to character (in this case from agricultural and rural to intensive industrial) but also by the consequent impacts on local residents' amenity.
8. Such amenity impacts arise from, for example, glint or glare experienced from private land (gardens and habitable rooms) or by road users. Likewise, and importantly, are impacts on the amenity enjoyed by users of public rights of way crossing an array site.
9. Impacts on the historic environment are closely aligned with these two topics.
10. There are separate considerations, around the loss of productive agricultural land, particularly where such land has an ALC rating of 3 or higher (which the applicant recognises).
11. There is long-standing recognition of the importance of landscape and amenity impacts. The two extant ministerial statements of relevance, April 2013 and March 2015, highlight these topics particularly. See <https://www.gov.uk/government/speeches/gregory-barker-speech-to-the-large-scale-solar-conference> to which full weight should be given.
12. The 2013 statement identifies brownfield land (e.g., airfields) in open countryside as particularly suitable, and refers to 'greenfield agricultural land' as inappropriate land which could (and here is a relevant part of the statement) '*generate strong opposition to our community energy agenda*'. Impacts on '*the local community, on landscape... have to be a real consideration*'.
13. This statement promised new government policy, which the PPG in effect comprises, albeit this area of policy is underdeveloped relative to the importance of the sector (based on our review of national guidance, and relative to that for wind turbines). For example, and to

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illustrate the point, there is no nationally endorsed formula or matrix for site selection. Every promoter has their own, as the applicant recognizes.

14. Ultimately, the current UK energy strategy, cutting across departments, dates to 2009. In April 2022, the then Prime Minister published a new strategy, which is no more than a framework for a strategy. It promises planning guidance for solar. This has yet to be published.
15. We have also considered the recent publication by the Department for Energy Security and Net Zero of "Powering Up Britain" which does not alter the planning policy position. Page 20 of the publication states that "*Government seeks large scale solar deployment across the UK, looking for development mainly on brownfield, industrial and low/medium grade agricultural land.*"
16. Taking a view of all this, we conclude that brownfield land in the open countryside is preferable to open and productive agricultural land, and where such sites come forward then, clearly, those with a higher ALC will be less desirable, as will those that are covered by sensitive designations, or which are near to them. In any event, as outlined above, the site would not be an appropriate location for the proposed development as there is significant doubt that suitable mitigation and enhancement measures could overcome the substantial harm to the landscape.

A 40-year Planning Permission

17. The several consultants who have contribute to this submission recognise that such consents are time limited.
18. However, we understand that the period sought in this application is 40 years. This is a considerable period of time in relation to the amenity impacts on local residents (effectively two generations), and of course once established such sites are more easily capable of new consents for similar uses, taking advantage of the infrastructure installed.
19. Thus, particular weight, should be given to the impacts on local amenity, including the impacts on the users of the several local footpaths that cross this large development area.

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Omissions in the Environmental Statement

20. It is not for consultees to do work which an applicant should do or should have done. One object of the review has been to identify omissions in the environmental information. These omissions are explained in detail in the enclosed report prepared by Trium.
21. In summary, the omissions in the environmental information include:
 - 21.1 In landscape terms, the omission of any viewpoint selection from the much higher land to the east of the site, from the ridge at Pinhill's Farm along the Millennium Way, a high quality footpath actively promoted and maintained. The proposals will certainly have a noticeable impact, and a harmful one, on the amenity of views from this area of high quality. Roundhill Wood (see the heritage section of this submission) is a very noticeable and attractive landscape feature in these distant views, and the array would be a harmful element in its immediate setting.
 - 21.2 Similarly, and staying with landscape, there is no view testing the impact of the array from higher areas of land to the north of the array.
 - 21.3 Climate change and sustainability does not form a sufficient part of the ES and it should be covered in more detail. Minimal reference has been made to the standalone climate change report, which cannot be located as part of the planning application documentation. The applicant should confirm if one has been undertaken, and if so, this needs to be submitted and drawn out within the ES;
 - 21.4 While noted that the Wylde Moor Feckenham SSSI is assessed within Chapter 4, further explanation is required for the exclusion of Rookery Cottage Meadows SSSI located 2.5km from the northern boundary of the site;
 - 21.5 The images used in the Non-Technical Summary (NTS) are of poor resolution. Figure 3, the most important Figure in the document is unreadable, defeating the purpose of an NTS;
 - 21.6 Glint and Glare visual impacts and landscape impacts should be appropriately cross referenced and explained in the Landscape and Visual Impact section and Cultural Heritage section of the ES. The ES is required to be in accordance with the Scoping Opinion, but is not;

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- 21.7 Given that (Glint and Glare) mitigation is provided within the ES, it is unclear whether in the absence of mitigation a significant effect would be reported. If this mitigation is required to reduce the impact to low, the ES should have reported this. The ES should be updated to address the effect prior to mitigation and the mitigation required to ensure no significant effects;
- 21.8 In respect of noise and vibration, no baseline noise surveys have been undertaken. This is a significant shortcoming of the submitted assessment and environmental noise and vibration impacts cannot be understood. Baseline noise levels at existing receptors, including in the Public Right of Way need to be undertaken. The application site has been noted by the Council to be a tranquil area in the context of other development proposals subsequently refused;
- 21.9 In respect of biodiversity and ecology, contrary to the requirements of the scoping opinion, no bat surveys have been undertaken as part of the ES or planning application, the extent of bat activity is therefore unknown. Limited information is provided for protected species.
22. In relation to the historic environment, it is clear that the assessment overlooks historic landscape features which provide a context for the heritage assets. First, there is Roundhill Wood, which is remnant ancient woodland (and subject to other designations). Then there are a number of veteran trees across the site. Similarly, the landscape analysis does not pay any regard to the time depth of the application site in context.
23. The heritage chapter correctly identifies the affected assets, but the analysis of their setting's contribution to significance is not sufficiently developed, particularly given the extent of change to their setting.

Heritage

24. In respect of heritage a review of the planning application by Montagu Evans' concludes that the reporting in both the Heritage Statement and Cultural Heritage Chapter is informed by reliance on the use of the HER, with little additional research, including into secondary literature. There has been no attempt to consider the interaction of the assets in relation to the time-depth of the landscape, and so in our view the analysis of setting's contribution to significance is not sufficiently developed.

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25. There is no individual assessment of significance of the potentially affected assets but instead a general statement that in the case of each, significance is 'predominately derived from the architectural and historical interest of their built form and fabric'. This does not give sufficient weight to the potential interaction between designated heritage assets which were, and remain, components of the local and distinctive historical landscape: scattered timber-framed farmhouses, woods, and hedged fields.
26. There is likewise no assessment anywhere in the submitted documents of the view obtained from the high value public footpath The Millennium Way, in which the proposals will be seen clearly and interpose between the woodland edge of Roundhill Wood (a significant survival of a large medieval wood and a noticeable and attractive feature), changing the perception of the historic landscape grain.

Tolkien connection

27. There is also a close literary association of the immediate area within and surrounding the proposed solar farm to the work of J.R.R Tolkien and his works, *The Hobbit* (first published 1937) and *The Lord of the Rings* first published in 1954. Tolkien biographers, including Andrew H Morton (in his book *Tolkien's Bag End*) acknowledges that during the 1920s, when J.R.R. Tolkien was beginning to formulate the stories that found their way into *The Hobbit*, Bag End was owned and farmed by his aunt Jane Neave. Bag End (now known as Dormston Manor, a Grade II listed building) remains in situ and is located approximately 250 metres from the southern boundary of the application site. The importance of the surrounding landscape is captured in the first edition of *The Hobbit* published in 1937, which includes a painting by Tolkien of the view from Bag End farm towards Roundhill Wood.
28. The Nomenclature of both the *Hobbit* and the *Lord of the Rings* also makes express reference to Bag End farm in the previous ownership of Jane Neave, and use of other local names, e.g. Morton Underhill. The importance of the nomenclature and environment is also explored by John D. Ratliff in *J.R.R. Tolkien - The History of the Hobbit*, which references Bag End/Dormston Manor.
29. Dr Stuart Lee's (of the Faculty of English Language and Literature at Oxford University) current research includes the works of J.R.R. Tolkien. Dr Lee also acknowledges that J.R.R Tolkien would have visited his aunt at Bag End and the surrounding countryside would likely have enamoured him.

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30. The literary connection was also emphasised by the Council's conservation officer in her response the screening application (W/22/01154/SCR). Accordingly, we see no basis for the applicant to assert (in Chapter 3 of the ES) that this literary connection to the landscape does not exist.

Limited Renewable Energy Benefits

31. We enclose a report prepared by James Hoare of the LHW Partnership, a specialist engineering consultancy. Mr Hoare has over 31 years' renewal energy engineering experience and has undertaken a range of engineering services including feasibility, design, installation, commissioning review, inspection, auditing and verification of thousands of renewable energy systems from small "off-grid" systems to larger 300MWp+ utility scale PV systems. There are a significant number of errors and misleading statements in the planning application which cast doubt over the weight that is to be given to the renewable energy benefits from the proposed development. These include:-

- 31.1 Of the five primary targets in the Wychavon District Council Intelligently Green Plan 2020-2030 (set out below), the proposed development will not satisfy these targets, raising significant doubt in respect of the renewable energy benefits claimed by the applicant:-

31.1.1 **Target 1: Reduce our own greenhouse gas emissions by at least 75% by 2030**

In March 2023, JBM Solar was acquired by RWE who generate both gas fired and renewable electricity. It is very likely RWE will sell the electricity from the PV/BESS system to their customer base.

Unless Wychavon District Council purchases "green" electricity directly from RWE or a broker, they will not actually be able to benefit or even claim the electricity generated from the PV/BESS system is providing any metered benefit to helping to reduce the Council's Greenhouse gas emissions by 75% by 2030.

31.1.2 **Target 2: Halve district wide carbon emissions from 992 kt CO₂ in 2005 to 496ktCO₂ in 2030**

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In 2017, Wychavon District generated 723 kt CO₂, this amounts to 5.8 tonnes of CO₂ per person. Industry and commerce accounted for 37% of these emissions, 36% were from transport and 27% were from homes. Industrial and domestic emissions have fallen steadily over the past decade, and since 2013 transport-related emissions have increased. Aside from the small reduction on kg of CO₂ attributable to the UK electricity grid content, the current solar farm proposal will not alter these emissions.

31.1.3 **Target 3: Double the size of Wychavon's low carbon economy by 2030**

There are no manufacturers of principal products (Inverters, Cable, PV modules, structures, transformers, Switchgear) required for the PV/BESS system within the Wychavon District, and no recognised contractor who could construct the project. The proposed solar farm is unlikely to assist the low carbon economy to any great degree, and more likely to hinder it, as 49.9MW of grid capacity has been apportioned that will limit the potential for other smaller renewable projects within Wychavon District.

31.1.4 **Target 4: Treble renewable energy generation in the district from 108,119 MWh in 2016 to 324,357MWh in 2030**

In 2018, the level of renewable generation in the Wychavon District was 240,542 MWh, and in 2022/3, planning approval was granted for a total of 110,500 MWp of solar farms, each expected to generate 1000MWh/MWp. An estimated 2.5MWp of smaller scale renewable projects are likely to have been installed in the District in the period up to the start of 2023, and the Wychavon Intelligently Green Plan target of tripling the MWh of renewable energy by 2030 from 2016 levels in Wychavon District has been exceeded by 8% without the proposed solar farm.

31.1.5 **Target 5: Capture at least 500 tonnes of carbon dioxide equivalent per year by 2025**

The proposed solar farm is unlikely to have any noteworthy impact on achieving this target.

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- 31.2 There are misleading claims in the applicant's Planning Statement in respect of CO2 savings that have been incorrectly calculated. The applicant's CO2 savings have been calculated against a coal power station offset value of 0.527 kg CO2 / kWh and not the UK Government stated value of 0.19338 kg CO2 / kWh which is more representative of the UK energy mix including interconnectors from mainland Europe. This is relevant as since 2019, coal power plants have generally not been operational in the summer period when the PV generation outputs are largest, and in 2022, coal only generated 1.5% of UK energy mix. Consequently, the stated CO2 savings calculations are wrong, and misleading.
- 31.3 There are major variances in the risks and fire safety management requirements of the differing technologies. Despite this, the proposed battery chemistry technology selection for the 20 BESS containers has not been detailed in the planning application. Currently, UK BESS technical standards and regulations are not sufficiently developed to deliver robust fire safety for the 20 batteries that form part of the proposed solar farm. Fire safety is particularly important for this planning application given the rural location of the site, but also the surrounding residential properties of such a large site and adjacent ancient woodland. The nearest fire service is located 8 miles from the site, the roads leading to the site are narrow country roads and the site is directly adjacent to Roundhill Wood.
- 31.4 The proposed solar farm is likely to limit the ability of local stakeholders within Wychavon District to undertake their own renewable energy projects. This is because National Grid has stated that there have been over 300GW of new generation/BESS connection applications in the UK, and currently any new connection application with greater than 1MW of potential export is unlikely to proceed before 2030 at the earliest, and in some instances a connection date of 2037 has been quoted.
- 31.5 The planning statements and technical reports submitted with the planning application claim that the generated energy will provide equivalent power for 18,186 Wychavon homes. This is not correct because the electricity distribution area that the Feckenham substation serves is significantly larger than the Wychavon area and the electricity is directed to where the demand/need is greatest. As a result, it is likely that the electricity will be directed to Redditch and other urban areas. In March 2023, RWE (a major utility company) purchased JBM Solar and it is likely that the generated green energy will be supplied to RWE customers and not to Wychavon stakeholders.

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- 31.6 It is likely that the proposed solar farm will generate annual revenues in excess of £9 million (just short of £10 million) per annum with additional revenues for the BESS system. The proposed community benefit of £180,000 from JBM Solar to support local sustainable initiatives is considered to be disproportionately low, particularly considering that the proposed solar farm is likely to limit the ability of local stakeholders within Wychavon District to undertake their own renewable energy projects that could reduce energy bills for local residents and businesses.
- 31.7 The applicant claims that the proposal will include long duration storage batteries which could store energy generated in June (which typically has longer sunnier days) for use in higher demand periods such as December and January. However, there is no technology that is commercially proven and available within the construction timescales of the proposed solar farm. The applicant's statement is therefore misleading.

Conclusion

32. There are significant shortcomings in this planning application, both in the environmental information provided and, in the applicant's, LVIA. The flaws in the environmental information provided include a failure to comply with the requirements of the Council's Scoping Opinion.
33. The harm to the landscape is such that there is a "*high level of uncertainty*" that any mitigation and enhancement measures could overcome the effects on this sensitive landscape. The suggested mitigation of hedgerow lining the public footpaths (thereby creating a sense of enclosure) is wholly inappropriate in this location where users of the public paths enjoy open views. Intrinsically linked to the special character of the area are the cultural and heritage connections. The renewable energy benefits have been vastly overstated in the application, with a number of misleading comments made by the applicant that would not be immediately apparent to those considering it. The actual renewable energy outputs are minimal, especially during the height of UK energy demand, when considered in the context of the potential landscape harm.
34. Although the application describes the proposal as being temporary, it is in fact for a period of 40 years which will give rise to significant impacts on the amenity of residents. No information has been provided in the application in respect of alternative sites. The application site is a greenfield location comprised of grade 3b agricultural land. The Government's most recent publication in respect of energy security does not alter planning

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policy, which favours large scale solar farms on brownfield, industrial and low/medium grade agricultural land. While we note that the applicant refers to sheep grazing under the solar panels, we have reservations in respect of whether this will be possible and in any event, the use of the site for grazing results in the loss of arable crop.

35. For the reasons set out above, we object to this planning application. In due course, we would like to be kept informed in respect of the proposed date for Planning Committee.
36. We understand that an associated planning application has been submitted to Redditch Borough Council, in view of this being a cross boundary application. We have copied this letter to the case officer at Redditch Borough Council determining that application.

Yours faithfully

A handwritten signature in blue ink that reads "Farrer & Co LLP." The signature is written in a cursive style and is underlined.

cc: David Kelly, Redditch Borough Council (application 23/00192/FUL) (including enclosures)

Encs (1) Review of Landscape and Visual Matters April 2023, Annabelle Langhorn
(2) Trium EIA Review April 2023
(3) LHW Partnership LLP Report, James Hoare