



**'SAVE HARDY'S VALE' COMMUNITY GROUP. PROPOSED SOLAR GENERATING ARRAYS ON
LAND AT NORTH DAIRY FARM, PULHAM DT2 7EA**

Case Officer: Rob McDonald
Senior Planning Officer
Development Services
Dorset Council
South Walks House
South Walks Road
Dorchester
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DT1 1UZ
9th March 2023

Dear Rob,

Full Planning Application [P/FUL/2021/01018](#)

Purpose

1. This note demonstrates that the area at and around the proposed North Dairy Farm Site is a “highly valued” landscape in NPPF 174a terms, and also one which is “locally valued”¹ and therefore should be protected. It is totally dissimilar to the degraded rural landscape at the Park Farm Appeal site.²

¹ [Hazelbury Bryan Neighbourhood Plan \(dorsetcouncil.gov.uk\)](#)

² Decision date: 13 February 2023 Appeal Ref: APP/D1265/W/22/3300299 Land at Park Farm, Gillingham SP8 5JG - Phillip J G Ware BSc DipTP MRTPI - Inspector

NDF Solar is a major development – Park Farm is not!

2. The area of the Appeal site is approximately 33 Ha, while the NDF proposal covers some 77 Ha. While both areas are rural in character, the Appeal site is only 600 metres from the urban area of Gillingham. Planning permission for the major development, the Gillingham Southern Extension (GSE),³ has been granted and, at its closest, will be some 70 metres from the Appeal site. The boundary of the former Deer Park already has a considerable amount of modern development including the Kingsmead Business Park, retail stores, a petrol filling station, a garden centre, housing and a football club with floodlights, modern agricultural buildings, and a railway line.

Valued landscape

3. The Appeal Inspector considered the matter of “valued landscape” in NPPF 174a terms and what constitutes a valued landscape in **the Stroud judgement**.⁴ It deals with **whether the countryside in question has ‘demonstrable physical attributes’** (rather than just popularity) which would take the site **beyond mere countryside**. In other words, whether the attributes take the landscape **beyond the ‘ordinary’ or ‘everyday’**.

The NDF Application

4. This distinction is important in the NDF Application. Case law⁵ has shown that if it can be **proven** to be a valued landscape in terms of Paragraph 174a, then the **presumption in favour of sustainable development** set out in Paragraph 11. of the NPPF **can be disengaged and the landscape protected**.

Not designated or sensitive to solar development

5. The Park Farm Appeal site is not within any landscape designated at either a national or local policy level. The site is described as being in a **flat or gently undulating** landform. The Council’s Assessment states that the area is “**not inherently sensitive to solar development**”, and that, unlike NDF, the Appeal site from within the area and the flat topography means that solar development would be “**unlikely to be perceptible beyond its immediate surrounds**”.

³ The North Dorset Local Plan Part 1 is from 2011 to 2031. The largest single area of development in North Dorset will be the Gillingham Southern Extension.

⁴ Appeal was made by Gladman Developments Ltd against Stroud District Council’s refusal of planning permission for 150 houses at the foot of the escarpment to the Cotswold Hills (Appeal reference APP/C1625/A/13/2207324).

⁵ For example, Nanpantan Road, Loughborough (APP/X2410/W/15/3028159, 16 January 2017) and Steeple Bumpstead, Essex (APP/Z1510/W/17/3173352, 6 September 2017)

The Council's landscape reasons for refusal rejected

6. The Council's landscape reason for refusal in the Park Farm case stated that the site was within a **"valued landscape"** and that the solar development would lead to **"unacceptably adverse harm to its character"**. However, the Inquiry was told, there was no mention of the valued landscape argument in the report leading to the grant of the outline permission for the GSE scheme. The Inspector considered that this cast doubt on the Council's approach to the landscape appraisal in the Appeal case.

Landscape - limited visual impact

7. The Inspector also considered (at Paragraph 30.) that the Council's reason for refusal did not specifically refer to visual impact, even though the view from the footpath adjacent to the site (N69/7) **"is of relevance to considering landscape character"**. From his visit to the area, he considered that **"the visual impact, from that footpath, would be limited and short range"**.

North Dairy Farm

8. The NDF proposed site is significantly dissimilar to Park Farm. The Dorset Council Assessment ⁶ identified NDF as being in an area that is **"very highly sensitive to large-scale solar development"**. Even after 15 years growth of the proposed mitigation planting, the development would be visible from 32 public viewpoints ⁷, particularly from the high ground surrounding the site. The uninterrupted panoramic views from the NDF footpaths into the Dorset AONB are clearly identified in the Applicant's 'Environmental Assessment' ⁸ and, of course, are significant matters in the consideration of the harms identified. In the Park Farm Appeal case the Council agreed that significant visual effects would only occur in two specific viewpoints, however, the NDF Application has identified some 28 locations where the level of visual harm is assessed by the Applicant as being "high". ⁹

NDF site is different

9. That the NDF area significantly differs from the Appeal site is underlined by SHV's broad description of it as a 'highly valued landscape,' within the impact zones of the Blackmore Vale Commons and Moors Site of Special Scientific Interest (SSSI), the Rooksmoor Copse Special Area of Conservation (SAC), and the Alner Gorse

⁶ NDDC has undertaken a Landscape Sensitivity Assessment (Landscape Sensitivity to Wind and Solar Energy Developments in North Dorset District (LUC, April 2014))

⁷ Visual Context and Visual Receptors Paragraph 169 and onwards — R007: Environmental Statement – Chapter 6.

⁸ Table 6.3: Assessment of factors which contribute towards visual receptor sensitivity -North Dairy Farm Solar Park – R007: Environmental Statement – Chapter 6 Page 53.

⁹ Environmental Statement Chapter 6 Landscape and Visual - update February 2022 – Paragraphs 177 - 186

Butterfly Reserve. The proposed Site is in the setting of the Dorset AONB and would impact the settings of two protected Conservation Areas, many listed buildings and heritage assets. It also would be in an area that Dorset Council identified as **very highly sensitive to large-scale solar development**, and which it considers **has the qualities of a National Park**.¹⁰

Important landscape characteristics

10. The NDF proposed site is surrounded and bisected by well used and “locally valued” Public Rights of Way. Some offer unrestricted and panoramic views into the site and the surrounding landscape, the Dorset Area of Outstanding Natural Beauty, the designated Conservation Areas and to the Historic Monuments in the surroundings. The site is enclosed by species rich hedgerows which have remained largely intact since the Middle Ages. They qualify as ‘important’ under the Hedgerow Regulations. Its rural character is significantly dissimilar to the Gillingham Appeal site.

Landscape Practice Assessment – characteristics

11. Paragraph 2.1.4. the ‘Landscape Practice’s’ Assessment¹¹ notes: “This part of the Blackmore Vale, the area which would be affected by the (NDF) development proposals, **is a valued landscape** for the purposes of the National Planning Policy Framework (NPPF), Paragraph 174a (was 190). This is mainly, but not exclusively, because of its **perceptual qualities**. It is a **robust and intact landscape with a pastoral and tranquil character**. It has **long-standing dairy farming traditions, historic association between the escarpment located Iron Age hillforts which have directed the evolution of the Vale’s agriculture and settlement patterns, and internationally renowned cultural associations with Thomas Hardy and William Barnes. The related tourist trade is strong.**”

Deserves protection

12. The site itself may not exhibit any of the demonstrable physical features but, if it forms an integral part of a wider ‘valued landscape’ it **would deserve protection**.¹²

¹⁰ [A National Park for Dorset in the 21st Century \(dorsetnationalpark.com\)](http://dorsetnationalpark.com)

¹¹ Phillip Hanson CMLI of The Landscape Practice [Landscape Statement Report Summary \(wordpress.com\)](http://landscapestatementreportsummary.wordpress.com)

¹² Appeal made by Gladman Developments Ltd against Stroud District Council’s refusal of planning permission for 150 houses at the foot of the escarpment to the Cotswold Hills (Appeal reference APP/C1625/A/13/2207324).

Visual impact guidelines

13. Box 5.1 the 3rd Edition Guidelines for Landscape and Visual Impact Assessment helps to identify the “demonstrable attributes” that take the landscape out of the “ordinary” to something that is “special” and valued in the context of 174a of the NPPF. That the countryside in and around the proposed NDF site has “demonstrable physical attributes” is evidenced in the Applicant’s Environmental Assessment ¹³ .

Demonstrable physical attributes

14. Some of the key characteristics of Dorset’s Historic Landscape, the South Blackmore Rolling Vales, the Blackmore Vale, and North Dorset Escarpment ‘Landscape Character Assessments’ are:

(Highlighted in bold are characteristics which the Applicant suggests are also evident on the Site)

- **‘Undulating and rolling farmland hills forming a transition zone between the Blackmore Vale and the chalk escarpment.**
- The chalk escarpment forms a backdrop and landmark to the area.
- There is a more folded landscape at the foot of the escarpment.
- **Irregular shaped fields bounded by thick hedgerows.**
- **Mature hedgerows are important features in the Blackmore Vale.**
- **Twisting hedge lined lanes with narrow verges.**
- Small, bridged stream crossings are key features often with low parapets.
- Settlements are often situated on elevated slopes overlooking the Vale.
- There are numerous scattered farmsteads.
- Frequent use of locally distinctive building materials, mainly stone and brick, adds to the character.
- A tranquil and unified landscape.
- **A unique mosaic of woods, straight hedgerows and grassland fields ‘dotted’ with distinctive mature hedgerow Oaks.**
- **Open views across the undulating flat pastoral landscape to the chalk escarpment backdrop.**

¹³ Environmental Assessment chapter 6 Landscape and visual – Paragraphs 133 – 168 July 2022

- A dense network of twisting lanes often with grass verges and sharp double 90-degree bends.
- **A network of ditches, streams and brooks which drain into the tributaries of the Stour.**
- The North Dorset Escarpment dominates the surrounding landscape. It has a **powerful, dramatic appearance** due to its open and exposed nature, with **commanding views of the Blackmore Vale.**

15. “Overall, the area has largely maintained its **dark night skies and undeveloped rural character.**” The landscape value of the Site and the immediate surrounding area is judged by the Applicant to be high and high to medium value.¹⁴

Locally valued landscapes

16. In the Bovis Appeal case¹⁵ the Inspector found that “although the site did not comprise a designated landscape, it clearly was a valued one, going onto say “its value is not derivative from being seen in a view. Rather its value derives from its own characteristics, **of which views towards the AONB are only one of several charming features**”. The Secretary of State concluded that “Though not designated, the site is...clearly a locally ‘valued landscape’ which paragraph 109 (now 174a) states **should be protected**”.

Valued and protected

17. In the Appeal decision relating to 225 dwellings at Fant Farm, Maidstone,¹⁶ the Inspector concluded that the landscape, of which the appeal site forms a part, was valued by local people and: **“this was enough to give it the protection provided by Paragraph 174a of the NPPF”.**

“Locally valued” - The Hazelbury Neighbourhood Plan

18. Evidence that the landscape surrounding the NDF Site is “locally valued” is contained in the ‘Hazelbury Neighbourhood Plan’. **Paragraph 3.2.** ‘Location and Environment’ notes: “The features **particularly valued by the local community** include: narrow country roads and lanes with **open fields between them; the many rights of way and opportunities to enjoy the surrounding countryside, the general peace and quiet** of village life, and the ability to see the stars at night

¹⁴ Environmental Assessment chapter 6 Landscape and visual – July 2022 Paragraphs 154 - 163

¹⁵ The Inquiry into the Appeal made by Bovis Homes & Miller Homes Limited against Cheltenham Borough Council’s refusal of planning permission for 650 dwellings at Leckhampton, Cheltenham - September – October 2015, APP/B1605/W/14/3001717 (para. 263 of the Appeal Decision).

¹⁶ Fant Farm, Maidstone [March 2017, APP/U2235/W/16/3148213]

away from the lights and pollution of larger towns; **the surrounding hills and views out across the rolling countryside of Thomas Hardy's Wessex**".¹⁷

19. The Hazelbury Bryan Policy HB1 Reinforcing Local Landscape Character notes that: "Development should respect and, where practicable, **enhance local landscape character**, including the following key characteristics:

- **the general tranquillity of the countryside**
- **the dark night skies and general lack of light pollution**
- **the irregular shape of fields and hedgerow boundaries, hedge lined lanes, and their historic associations with ancient field systems, green lanes and drove roads**
- **the many mature trees** notable for their age, stature or **wildlife interest** and **areas of native, deciduous woodland**
- **the many ditches, brooks and streams** with associated vegetation and **crossing points**".

20. The Plan also notes: "There are over **1,000 records of rare or protected species that have been sighted within or close to the neighbourhood plan area** (Dorset Environmental Records Centre), and the **variety of habitats and wildlife contribute to the character and enjoyment** of the area"

21. At paragraph 6.3. Table 1 lists the green spaces that are identified as particularly important to the local community, **for the reasons identified for protection**. They include "**Panoramic views enjoyed to Bulbarrow, the Dorsetshire Gap and the surrounding countryside**".

22. View 1. From the Cemetery, 270° view looking from North through **West** to South-East Panoramic view from one of the highest points between Wonston and Droop, **with views of open agricultural land and Wonston hamlet, against a backdrop of distant hills (Church Hill, Ball Hill, Nettlecombe Tout & Lyscombe Hill and the Dorsetshire Gap)**.

23. Policy HB4. Notes the "Key Rural Views" as described and identified In Table 2 and shown on Figure 7, are to be respected. **Development that would significantly intrude and impact on their enjoyment, by virtue of scale, massing, design or location, will be resisted**".

¹⁷ This Demonstrates the Bovis/Miller Appeal citation and "locally valued"

24. The Plan also notes, at Paragraph 8.21. **“The footpath network is extensively used”**.

25. The Neighbourhood Plan recognises that it can influence where developments are constructed, and what they look like. And it can help **“safeguard some of the things we value the most, whether that’s the local shop or the enjoyment of our beautiful countryside”**.

Conclusion

26. Though not designated, the proposed North Dairy Farm Site is within the setting of the Dorset Area of Outstanding Natural Beauty, and its surrounding landscape is, for the reasons presented here, clearly a “locally valued” and, more widely, a “valued landscape” which paragraph 174a of the NPPF states should be protected.

Ian Bryan

For and on behalf of the Save Hardy’s Vale community group

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