

22/02241/FUL

Recommended By Craig Miles

Date 17 March 2023

Applicant Mrs Claire Chamberlain

Location Land East Of Hawksworth And Northwest Of Thoroton, Shelton Road, Thoroton

Proposal Installation of renewable energy generating solar farm comprising ground-mounted photovoltaic solar arrays, together with substation, inverter stations, security measures, site access, internal access tracks and other ancillary infrastructure, including landscaping and biodiversity enhancements

Parish Thoroton

Ward Cranmer

DATE OF SITE VISIT

OFFICERS REPORT

SITE DESCRIPTION & PROPOSAL

The application site is located in open countryside between and directly adjacent to the settlements of Hawksworth (0.1km west) and Thoroton (0.2km southeast). The site comprises of nine adjoining agricultural fields covering a total area of some 94.24 hectares (ha). They are separated by hedgerows, tree lines and several linear strips of woodland shelter belt. The external boundaries largely consist of mature to lower hedgerows with individual trees and some evident gaps. There are electricity pylons running through the site. The topography of the site is generally low lying lightly undulating agricultural land with an elevation range of c. 20m to 25m AOD.

There is a recreational route within the application site (Ref: Bridleway 1 & 6) that pass through the northern fields. The National Cycle Network (NCN) route 64 shares the minor road on the east side of the site.

The application site is mostly contained within Flood Zone 1 (at little or no risk of fluvial or tidal / coastal flooding), however there are some areas of Flood Zone 2 and 3 which follow the watercourse/drains within the site.

The application seeks full planning permission for the construction of a 49.9MW solar farm for temporary period of 40 years. It would involve the construction of bi-facial ground mounted solar photovoltaic (PV) panels (up to 2.8m in height), substation, inverter stations, security measures, site access, internal access tracks and other ancillary infrastructure, including landscaping and biodiversity enhancements., Following the 40-year operational phase, it is stated that the equipment associated would be removed, and the site reinstated to agriculture.

Associated infrastructure shown on drawings include:

- o . 1 substation compound
- o . 2 spare parts containers
- o . 28 Inverter substations
- o . 14 areas inverter substation hardstanding
- o . 7.499km of 2.4 high deer fencing
- o . 98 3.5m high CCTV posts
- o . A 4/5m wide access road

- o . 4.995km of 1x1m cable trenching
- o . 2 temporary construction compounds

Proposed planting within the scheme includes 2.5km of new hedgerow and multiple areas of woodland planting. There is also an area of wildflower grass proposed within part of the site. In addition, there are proposed biodiversity enhancement features including bird boxes, bat boxes, hedgehog houses, herptile hibernacula, invertebrate hotels, and bee banks.

It is anticipated that the application site would be accessed via the creation of a new entrance off Thoroton Road. The haul route will be from the A46 to the southwest of the Application Site. The vehicles will exit the A46, signposted A6097 (Mansfield), take the 4th exit at the roundabout onto Bridgford Street followed by the 1st exit at the next roundabout onto Fosse Way. Vehicles will travel along this road for approximately 1.5km to the next roundabout, where they will take the 2nd exit onto Tenman Lane. This road will be travelled on in an eastern direction for approximately 3.2km before taking a left hand turn onto Hawksworth Road and vehicles will travel along here for approximately 2km before taking a right hand turn onto Thoroton Road. Vehicles will travel in a southeast direction for approximately 0.9km before turning left into the site.

Environmental Impact Assessment ('EIA') Screening Opinion

The applicant submitted a request for an Environmental Impact Assessment ('EIA') Screening Opinion from the Council on 5 April 2022. The Council issued its Screening Opinion on 7th September 2022, which confirmed that an EIA is not required as the proposals are considered to fall within the criteria and thresholds of Class 3a 'Industrial installations for the production of electricity' of Schedule 2 of the Town and Country Planning Environmental Impact Regulations 2017 (as amended).

RELEVANT SITE HISTORY - None.

CONSULTATIONS

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Ward Councillor comments

Councillor Bailey: I Object to this planning application on the grounds of major adverse visual and landscape effect on the setting between the two villages of Hawksworth and Thoroton. The close proximity of the proposed solar farm to these two villages would have a major adverse effect on the appearance of the countryside and these two very rural villages.

Town and Parish Councils comments

Thoroton Parish Council - Object to the proposals on the grounds that:

- o It is needlessly developing the Best and Most Versatile (BMV) productive arable land
- o It will significantly harm the highly Valued Landscape of the South Nottinghamshire Farmlands Character Area
- o It will significantly harm heritage assets and their settings including Grade 1, Grade 2 and conservation villages.
- o The application is not necessary, and it fails to investigate more appropriate locations
- o Over 7km of Public Rights of Way, both on and surrounding the site, will be significantly harmed

- o There will be a significant impact on the ecology and biodiversity of the site.
- o the visual mitigation includes screening from hedgerows which will not disguise the industrial site for many years, if at all
- o There is no decommissioning detail
- o There will be a significant increase in HGV traffic on unsuitable roads

Hawksworth Parish Council - Object to the proposals on the grounds that:

- o The loss of good agricultural land
- o The adverse landscape and visual impact
- o The impact on adjacent conservation area which should be protected
- o The adverse impact on users of the footpaths

Orston Parish Council - Object to the proposals on the grounds that:

- o The loss of agricultural land
- o It is a registered landscape
- o The impact of increased traffic including HGVs

Shelton Parish Council - Object to the proposals on the grounds that:

- o Its location between two villages
- o It is prime agricultural land that should be preserved
- o Biodiversity will be harmed
- o it will open the floodgates for solar farms to be built without due care and consideration on any prime agricultural land, green belt and places of natural beauty.

Statutory and Other Consultees

The Environment Agency: No objections, subject to conditions

Trent Valley Internal Drainage Board: No Objection

The Coal Authority: No Comments.

Mod Safeguarding Authority: No Objection

National Highways Authority: No objection

Nottingham Airport: No comments.

Ramblers: The proposal acknowledges the 6m wide bridleway, support the permissive path, fencing should be screened by hedgerow planting.

Western Power Distribution (East Midlands) - No comment

National Grid - No comment

Design Out Crime Officer - Does not object to the proposals but provide recommendations in relation to specific aspects of the proposals

Natural England: No objection

Severn Trent Water: No comments

Historic England : No comments

Newark & Sherwood District Council - No comment

Rushcliffe Borough Council

47. Ecology and Sustainability Officer: No Objection subject to conditions

48. Conservation Officer: Objects to the proposals and on the basis that it would adversely affect the setting of both Hawksworth and Thoroton Conservation Areas as well as the listed buildings within them. The proposed mitigation measures would create further harm in view out of and into the conservation areas.

49. Environmental Health Officer: No Objections subject to conditions

50. Planning Policy Officer: Provided detailed comments pertaining to relevant national and local policy, green belt, landscape character and visual effects, ecology and biodiversity, best and most versatile agricultural land, historic environment, open space and recreational uses and cumulative impacts.

Nottinghamshire County Council

NCC Public Rights of Way: No objections.

NCC Highways: No objection subject to received updated plans and CTMP

NCC Policy: Provided detailed comments pertaining to minerals and waste and relevant national and local policy

NCC Archaeology Officer: No objection subject to pre commencement conditions / works

Emergency Planning Officer: No Comment.

Local Residents and the General Public

There have been at total of 278 comments received in relation to the application, which form 254 objections and 22 letters of support.

The objections received are summarised as below:

Principle:

- o Impact and loss of open countryside
- o It would represent the loss of the Best and Most Versatile agricultural land
- o It would have a harmful impact on the setting of Thoroton Conservation Area
- o It would have a harmful impact on the setting of Hawksworth Conservation Area
- o It is not an efficient use of land
- o There would be loss of recreational value within the area of the application site
- o There are no very special circumstances to justify development here
- o It would lead to the loss of agricultural land and harm food security
- o It would have a harmful impact on views from local footpaths next to the site
- o The agricultural land value of the site can still produce moderate yields and should be protected and should be considered the best and most versatile

- o 40 years is not a temporary period

Landscape:

- o Negative impact on landscape character
- o The visual impact of the development would be industrial in appearance not suited to the countryside
- o It would be clearly viewed from the existing footpaths and would be unpleasant
- o Glint and glare
- o The loss of hedgerows
- o The screening would be inappropriate and would not be year round.

Ecology:

- o Wildlife habitat displacement
- o The negative impact on protected species
- o The site should be left for re-wilding or agriculture

Access and Traffic Movements:

- o The public road network is not suitable for HGV movements as there is limited space
- o It would have a harmful impact on road safety due to the number of anticipated vehicle movements
- o potential adverse impact the development may have on the local road network
- o Access to the site from Thoroton Lane which is only single width

Amenity:

- o The potential impact the development would have on amenity through noise
- o The potential impact it may have on user of the footpaths and local road network
- o The fence type may not deter crime and would be contrary the recommendations of the Designing Out Crime Officer
- o It would lead to flooding

APPRAISAL

The Development Plan

The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and The Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (NPPF) (Revised 2021) and the National Planning Practice Guidance (NPPG).

Policies in the Local Plan Part 1: Core Strategy can be found here

The following policies of the Rushcliffe Local Plan Part 1: Core Strategy are relevant to the current proposal:

- o Policy 1 Presumption in Favour of Sustainable Development
- o Policy 2 Climate Change
- o Policy 4 Nottingham-Derby Green Belt
- o Policy 10 Design and Enhancing Local Identity
- o Policy 11 Historic Environment
- o Policy 15 Transport Infrastructure Priorities
- o Policy 17 Biodiversity

Policies in the Local Plan Part 2: Land and Planning Policies, can be found here.

The following policies of the Rushcliffe Local Plan Part 2: Land and Planning Policies are

relevant to the current proposal:

- o Policy 1 Development Requirements
- o Policy 16 Renewable Energy
- o Policy 17 Managing Flood Risk
- o Policy 18 Surface Water Management
- o Policy 22 Development in the Countryside
- o Policy 28 Conserving and Enhancing Heritage Assets
- o Policy 32 Recreational Open Space
- o Policy 33 Local Green Space
- o Policy 34 Green Infrastructure and Open Space Assets
- o Policy 37 Trees and Woodlands
- o Policy 38 Non-Designated Biodiversity Assets & Wider Ecological Network
- o Policy 40 Pollution and Land Contamination

It is considered the above policies comply with the general thrust of the NPPF below.

A copy of the National Planning Policy Framework (NPPF) 2021 can be found here

A copy of the Planning Practice Guidance can be found here

National Planning Policy Framework (NPPF) 2021

The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Development proposals that accord with the development plan should be determined without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. The environmental role refers to 'contributing to protecting and enhancing our natural, built and historic environment.' As such, the following national policies in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:

- o Chapter 2: Achieving sustainable development
- o Chapter 9: Promoting sustainable transport
- o Chapter 12: Achieving well-designed places
- o Chapter 13: Protecting Green Belt Land
- o Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- o Chapter 15: Conserving and enhancing the natural environment
- o Chapter 16: Conserving and enhancing the historic environment

The NPPF sets out its support for renewable energy development in Chapter 14 (Meeting the challenge of climate change, flooding and coastal change).

Paragraph 152 of the NPPF states "The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas

emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."

Paragraph 158 of the NPPF goes on to state that "When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas"

Policy 1 (Presumption in Favour of Sustainable Development) of LPP1 states that "the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

Policy 2 (Climate Change) of LPP1 provides support for mitigating against climate change and reducing carbon emissions and states that "development of new decentralised, renewable and low-carbon energy schemes appropriate for Rushcliffe will be promoted and encouraged including [solar] where these are compatible with environmental and heritage, landscape and other planning considerations."

Policy 2 Renewable and low-carbon energy part 5 of the LPP1 supports "the extension of existing or development of new decentralised, renewable and low-carbon energy schemes appropriate for Rushcliffe will be promoted and encouraged, including biomass power generation, combined heat and power, wind, solar and micro generation systems, where these are compatible with environmental, heritage, landscape and other planning considerations. In line with the energy hierarchy, adjacent new developments will be expected to utilise such energy wherever it is feasible and viable to do so."

Policy 22 Development in the Countryside of the LPP2 allows for renewable energy projects within the open countryside where it complies with Policy 16.

Policy 16 Renewable Energy of the LPP2 supports "proposals for renewable energy schemes will be granted planning permission where they are acceptable in terms of:

- a) compliance with Green Belt policy;
- b) landscape and visual effects;
- c) ecology and biodiversity;
- d) best and most versatile agricultural land;
- e) the historic environment;
- f) open space and other recreational uses;
- g) amenity of nearby properties;
- h) grid connection;
- i) form and siting;
- j) mitigation;
- k) the decommissioning and reinstatement of land at the end of the operational life of the

development;

- l) cumulative impact with existing and proposed development;
- m) emissions to ground, water courses and/or air;
- n) odour;
- o) vehicular access and traffic; and
- p) proximity of generating plants to the renewable energy source."

The principle of the proposed development is readily supported by both national and local policy, including adopted local policy support for renewable energy generation provided there are no unacceptable impacts.

In accordance with the NPPF, the adverse impacts of renewable energy generation need to be addressed satisfactorily. It is the impacts of proposals for renewable energy generation that need to be considered rather than the principle of such development. Renewable energy proposals need to be considered favourably within the context that even if a proposal provides no local benefits, the energy produced should be considered a national benefit that can be shared by all communities and therefore this national benefit is a material consideration which should be given significant weight. There is strong in principle support for the proposed renewable energy development. This needs to be considered against the impacts of the proposal and the two are weighed which is a planning judgement subject to other material considerations and assessed below.

Form and Siting

Policy 10 (Design and Enhancing Local Identity) of the LPP1 states "all new development should be designed to make:

- a.) a positive contribution to the public realm and sense of place;
- b.) create an attractive, safe, inclusive and healthy environment;
- c.) reinforce valued local characteristics;
- d.) be adaptable to meet evolving demands and the effects of climate change; and
- e.) reflect the need to reduce the dominance of motor vehicles.

Policy 1 (Development Requirements) of the LPP2 states that permission for new development will be granted where "the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area".

The proposed development would consist primarily of solar panels mounted on a treated metal framework. This is considered the minimal level of development necessary to ensure that the site performs effectively with regard to its main purpose of generating renewable electricity. The inverters would be set within the rows of panels to reduce visual impact. The Point of Connection tower and substation compound are located in the vicinity of an existing electricity pylon, on the southern part of the site which it is proposed to connect.

All of the panels and associated infrastructure buildings on the site would be no higher than single storey in height. This would ensure that they would not be significantly visible from most viewpoints outside of the site. Even when viewed from nearby vantage points, it is considered that the scale of development would not be overbearing due to its low profile. This situation would take on a further positive direction when proposed screen planting matures, which, in addition to the significant existing screening around the site, would effectively assimilate the site into the local landscape over time.

The highest structures associated with the proposed development would be transformers within the substation compound, at approximately 3.98m high. It is proposed that the majority of the

other structures, including the solar panels, would be no more than 3.1m high which is the height of a mature hedgerow. It is therefore considered that the scale of the proposed development is appropriate to the location. The containers/cabins and other small buildings would be appropriately coloured or clad to minimise any visual impact and comply as far as practicable with the local vernacular.

It is considered that the proposed development has been designed to respect the character of the landscape and uses the strong field pattern to integrate the scheme as far as practicable. Existing landscape features would be retained, protected and strengthened including the retention of all existing field margins (hedgerows and ditches) except where necessary for access and standoffs from boundary habitats. All trees on the site would be retained and additional planting provided, where necessary, to fill gaps in the existing boundary planting. The landscaping and planting proposals associated with the proposed development would bring about significant ecological benefit when compared to the present situation, including upgrading lower-value, biodiversity-poor, arable land to higher value habitats.

The views expressed by consultees have been incorporated into the scheme and have resulted in changes and additions to the proposed development. These include changes to the site layout, to include a 100m buffer to the northern boundary with Old Wood and the formation of additional planting to restrict views of the site from the public footpath.

It is therefore assessed on planning balance that the development is acceptable and in accordance with Policy 10 (Design and Enhancing Local Identity) of LPP1.

Landscape and Visual Effects

Policy 10 (Design and Enhancing Local Identity) of the Core Strategy states that "all new development should be designed to make a positive contribution to the public real and sense of place [and] create an attractive, safe, inclusive and healthy environment". It goes on to list the elements of development which will be assessed, which includes structure, impact on amenity of nearby residents, massing, scale and proportion, potential impact on important views and vistas, and setting of heritage assets. It also states that "outside of settlements, new development should conserve or where appropriate, enhance or restore landscape character. Proposals will be assessed with reference to the Greater Nottingham Landscape Character Assessment."

Policy 34 (Green Infrastructure, Landscape, Parks and Open Spaces) emphasises the importance of green infrastructure and open space in the borough. It notes that developments will only be approved where "existing and potential Green Infrastructure corridors and assets are protected and enhanced". It also notes "where new development has an adverse impact on Green Infrastructure corridors or assets, alternative scheme designs that have no or little impact should be considered before mitigation is provided (either on site or off site as appropriate). The need for and benefit of the development will be weighed against the harm caused" and states that development proposals should ensure that "Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment"

Policy 2 (Climate Change) and Policy 16 (Renewable Energy) of the LPP2 state renewable energy developments must be compatible and acceptable in terms of their landscape and visual effects.

The scale and form of the proposed development including the effects of the views of the panels themselves, as well as the effect of associated infrastructure, including the proposed security fencing and mounted security cameras would clearly have the potential to have an effect on the character and appearance of the immediate surrounding area including the

adjacent footpaths and from within the settlement of both Hawsworth and Thoroton. In support of the application, the applicant has submitted a Landscape and Visual Impact Assessment (LVA) to consider the potential impact the development may have.

It states that the agricultural fields are mostly medium to large scale defined by hedgerows with mature hedgerow trees and that these would be retained and protected throughout construction and operation of the solar farm. There would also be a number of built-in mitigation measures such as new hedgerow planting and management and maintenance of existing trees and vegetation.

The approach in the submitted LVA to assess the landscape and visual aspect of the development on the surrounding area has been to prepare a Zone of Theoretical Visibility Map that is a computer modelling that highlights where the development could be seen from. 8 key viewpoints from within the surrounding area are selected "to offer the clearest view within the vicinity of the chosen point where potentially significant effects are likely to occur" and then assessed with the overall aim of defining the effect on the landscape and the visual impact of the development.

The Borough Council commissioned an independent landscape review of the proposal. The review by the external landscape advisor concludes that the submitted LVA uses a methodology in accordance with GLVA3 and presents sound conclusions. In addition, it was confirmed that the submitted LVA provides a detailed description of the existing site and context, as well as referring to the necessary precedent landscape character studies.

In terms of landscape character Policy 16(2)(e) of the LPP1 requires that landscape character is protected, conserved and enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment 2009 ('GNLCA'). The application site is located within the Landscape Character Unit (LCU) 25: South Nottinghamshire Farmlands: Aslockton Village Farmlands. The main characteristics is defined as being:

- o Rural remote and tranquil character comprising arable farmlands and a regular dispersal of small rural settlements.
- o Land use is mostly arable although pasture is common around village fringes.
- o Field pattern ranges from small-scale fields around village fringes to expansive large scale fields in open countryside.
- o Field boundaries are almost all hedgerows which are of variable condition; they tend to be more intact around pasture fields where left to grow taller whereas in adjacent arable fields are often low and in places quite fragmented.
- o There is a relatively low level of woodland cover with a regular pattern of small geometric and irregular shaped woodlands throughout; other woodland is often linear in character following the line of a former railway, around village fringes and where individual hedgerows are left to mature.

In terms of the potential landscape effects, the document concludes that the 'LVA effects are considered to be relatively localised to the application site and its immediate site boundaries and adjacent points with visibility reduced from most points beyond 280m from the site. They state that given the low height of the proposals and the limited potential for views towards the applications site, all relevant direct and indirect effects would arise within a small section of the LCU25: South Nottinghamshire Farmlands: Aslockton Village Farmland and no adjacent Landscape Character Areas (LCA) and Landscape Character Types (LCT) would be affected to any notable extent, and that "the key character of surrounding landscapes would remain intact and largely unaffected that includes national or regional landscape designations or features of high landscape value." It is also stated that the proposals "conserves and enhances local landscape character."

It explains that the proposed landscape mitigation and enhancement measures would also aid in retaining and improving the existing field boundaries by gapping up and infilling, and that it would provide areas of enhanced landscape structure with woodland and wildflower meadow which would provide contributions to the landscape character patterns in the surrounding landscape. The consider that this approach would help to integrate the development into the wider landscape in line with local policy objectives.

They also note that at the end of the Proposed Development's lifespan, the solar PV panels would be removed and therefore the predicted effects are reversible, but with added landscape fabric and character resulting from the new mitigation woodland and hedgerow features left in situ.

The External Landscape advisor does not entirely agree with these conclusions. Their opinion is that the submitted LVA offers a description of potential landscape effects that would arise from the development, however the 'medium' level of landscape effects predicted for the site is not accepted, because there would be a total loss or large scale damage to the key characteristic of the site being rural agricultural land. Furthermore, there would also be the addition of new features that will substantially alter the character. It is therefore their opinion that the magnitude of landscape change should be assessed as 'high' using the descriptions provided in Table 1.8 of the submitted LVA methodology. Coupled with the 'medium' sensitivity of the site, this would lead to a 'major to moderate' landscape effect on the site as opposed to the 'moderate adverse' level identified within the LVA.

On a much larger scale (to include the entirety of the wider Landscape Character Unit 25: South Nottinghamshire Farmlands: Aslockton Village Farmlands), they agree that a 'moderate adverse' assessment in Year 1, reducing to 'minor adverse' by Year 10. It was also agreed that the surrounding LCUs will not experience landscape effects.

In terms of the landscape effects, the External Landscape advisor highlights that the LVA has failed to consider in any detail is the anticipated change to the setting of both Hawksworth and Thoroton settlements. Clearly, the proximity of the application site to both settlements means that it plays an important role in their setting. At present, the rolling fields contribute to the strong rural context provided for each village. Whilst they acknowledged that some positive measures have been taken to reduce the extent of the proposed solar farm during the course of the design process, the current proposals would introduce "considerable built form to the undeveloped rural landscape, and that "the scale of the solar farm would be well at odds with the existing settlements." They conclude that the setting of Hawksworth would be more adversely affected, with a perceivable change to the north and east, and the setting of Thoroton would experience less character change but would not be completely unaffected.

Whist the External Landscape advisor noted that the predicted landscape effects would not be permanent, as the solar farm will have an operational lifespan of 40 years and the effects should be considered to be long-term, but reversible; the submitted LVA underestimates the predicted effects on the landscape character of the site and fails to address changes to the landscape setting of Hawksworth and Thoroton.

It is concluded that the proposals would have a 'major to moderate' landscape effect and that the impact on the adjacent settlement would be significant in landscape terms and would be at odds with the defined landscape character being "rural remote and tranquil character comprising arable farmlands and a regular dispersal of small rural settlements."

In visual terms, 8 different viewpoints in the surrounding area have been assessed. The conclusion in the submitted LVA is that any potential effects upon the landscape and visual receptors are limited, and visibility would be reduced from most points beyond 280m from the application site. It is also stated that through mitigation (primarily in the form of hedgerow

planting and avoiding development on more sensitive areas of the site) that the visual impact would be limited to an extent it would not be visually intrusive and would protect the visual amenity of any residents and users of public rights of way.

The External Landscape advisor states that they have concerns about the locations of some of the selected viewpoints. They highlight that Viewpoint 1 (Figure 1.8), Viewpoint 4 (Figure 1.9), and Viewpoint 6 (Figure 1.11) are shown from locations adjacent to set-back areas within the proposed development which are useful to show that the set-back areas would reduce the visual prominence of development within certain views, however they do not illustrate some of the shorter distance effects that may be experienced from parts of the bridleway that traverses the site. Visualisations produced from points further east between Fields 1 and 2, in the middle of Field 4, and further west in Field 5 would have helped to illustrate the full range of predicted visual effects providing a better understanding the visual containment caused by mitigation planting, restricting more open views to the rural surroundings.

Overall, the External Landscape advisor agreed with the conclusion of 5 out of the 8 viewpoints. The remaining 3, they stated that the potential impact had been underestimated that the development would have a greater visual impact that had been concluded in the LVA, and that the viewpoints had not taken account of some sections along the bridleway (within Field 5) where users of the Bridleway would experience a higher level of visual effect due to the closer adjacency to mitigation planting and more so that mitigation planting will also restrict views to Thoroton and specifically the spire of St Helena's Church from parts of the PRoW which is correctly identified as a sensitive view within the LVA itself.

In addition, they noted that whilst 'PV solar panels were removed in the north eastern section of field 5 to preserve southerly views towards the church spire of St Helena's in Thoroton and to give additional set-back distance from the Bridleway route running across the north of the site' the External Landscape advisor does not consider that the proposed exclusion area would be large enough to achieve this aim. They consider, even with set-back PV panels, fencing, and inverters shown in the fields on the eastern part of the site (fields 7 and 9) would still introduce built form to much of the rural setting to Thoroton as appreciated from the Bridleway.

The External Landscape advisor's overall conclusion of the submitted LVA is that it underestimates the predicted level of visual effects, and although proposed mitigation planting would screen the solar panels over time, it will also act to restrict characteristic views to open countryside.

Owing to the adverse impact the proposals would have on the local landscape and the associated visual harm the development would have over 40 year period, it is considered that in the context of the potential landscape and visual effects, the proposals are not considered acceptable and as such the proposals are contrary to Policy 34 (Green Infrastructure, Landscape, Parks and Open Spaces) and Policy 16 (Renewable Energy) of LPP2 which both seek to ensure that new development does not have an adverse impact and that any adverse effects can be adequately mitigated.

Glint and Glare

A Glint and Glare Assessment was submitted with the application. It takes account of the landscaping and mitigation package included as part of the proposed development it concludes that no significant impacts are predicted on roads in the surrounding area. Therefore, no mitigation requirement has been identified.

In terms of the impact glint and glare may have on surrounding residential properties, it is stated that a number of dwellings could theoretically be affected by the proposals, but the

computer model takes no account of existing vegetation. Following an assessment of existing vegetation and proposed mitigation planting, it concludes that there would be no adverse impact in relation to glint and glare.

The Site is located within the consultation zone for RAF Syerston and Nottingham City Airport, the submitted Glint and Glare Assessment takes account of the potential impact the development may have on the use of the airport from potential glint and glare. It concludes that impact upon aviation assets is not significant. MOD safeguarding responded to state that they have no safeguarding objections to this proposal. The Civil Aviation Authority have been consulted but have not responded.

No significant impacts are predicted on aviation activity at East Midlands Airport.

As such it is considered that the proposals comply with the aims and objectives of the NPPF, the policies of the Rushcliffe Local Plans Part 1 and Part 2.

Amenity of Nearby Properties

Policy 10 (Design and Enhancing Local Identity) of the LPP1 states that development will be assessed in terms of its treatment of the impact on the amenity of nearby residents.

Policy 1 (Development Requirements) of the LPP2 states that permission for new development will be granted where "there is no significant adverse effect upon the amenity, particularly residential amenity and adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated".

Policy 34 (Green Infrastructure and Open Space Assets) states that Green Infrastructure assets, including rights of way, "will be protected from development which adversely affects their green infrastructure function (or their contribution to a wider network) unless the need for the asset is proven to no longer exist and the benefits of development, in that location, outweigh the adverse effects on the asset".

The primary construction phase of the proposed development is expected to last for approximately 16-24 weeks. During this period, initial site setup works including access maintenance and improvements would be undertaken where considered to be beneficial to the use of the access, followed by construction of the internal access route(s), ground works, the installation of the solar panels and other infrastructure. Facilities would be provided on site for construction workers, including provision of a site office and welfare facilities (including toilets, changing, and drying facilities, and a canteen). During operation it is expected to be very limited.

In this context the proposed development is considered to be acceptable in terms of its impact upon residential amenity and accords with relevant planning policy.

The glint and glare assessment considered above also concludes that there would be no significant impact on residential properties following the establishment of mitigation measures through planting.

In terms the impact of noise and disturbance on adjacent residential properties, the nature of solar development means that it is not a noise intensive form of development, and in this case, there are no large ground of properties adjacent to the application site. Nevertheless, to ensure the amenity of all neighbouring occupiers are protected during construction and operation, the council's environmental health officer has stated that a condition should in place to ensure that the noise levels for any externally mounted plant or equipment, together with any

internally mounted equipment which vents externally needs to be submitted and approved by the planning authority before the site can be used for the production of electricity.

During construction, a construction method statement has been provided to protect amenity and a condition as requested by The Council's Environmental Health Officer would limit the daytime hours and days of construction periods, if necessary.

Ecology and Biodiversity

Policy 17 (Biodiversity) of the LPP1 states "the biodiversity of Rushcliffe will be increased by:

- a) protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including areas and networks of priority habitats and species listed in the UK and Nottinghamshire Local Biodiversity Action Plans;
- b) ensuring that fragmentation of the Green Infrastructure network is avoided wherever possible and improvements to the network benefit biodiversity, including at a landscape scale, through the incorporation of existing habitats and the creation of new habitats;
- c) seeking to ensure new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate;
- d) supporting the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreements; and
- e) ensuring that where harm to biodiversity is unavoidable, and it has been demonstrated that no alternative sites or scheme designs are suitable, development should as a minimum firstly mitigate and if not possible compensate at a level equivalent to the biodiversity value of the habitat lost."

The policy goes on to protect designated national and local sites of biological and geological important for nature conservation and states that development on or affecting other, non-designated sites or wildlife corridors with biodiversity value will only be permitted where there is an overriding need for the development.

Policy 1 (Development Requirements) of the LPP2 states that permission for new development will be granted where there are no significant adverse effects on important wildlife interests and where possible, the application demonstrates net gains in biodiversity.

Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms of ecology and biodiversity.

Policy 37 (Trees and Woodlands) of the LPP2 states that "adverse impacts on mature tree (s) must be avoided, mitigated or, if removal of the tree(s) is justified, it should be replaced" and that "permission will not be granted for development which would adversely affect an area of ancient, semi-natural woodland or an ancient or veteran tree, unless the need for, and public benefits of, the development in that location clearly outweigh the loss." It goes on to state that "wherever tree planting would provide the most appropriate net-gains in biodiversity, the planting of additional locally native trees should be included in new developments. To ensure tree planting is resilient to climate change and diseases a wide range of species should be included on each site."

The application is supported by an Ecological Assessment (EcA) to assess the potential impacts on ecology from the Proposed Development.

It states that the habitats impacted by the development are identified as arable land / cereal cropland, improved agricultural grassland / modified grassland, a line of trees and hedgerow (Priority Habitat). Brown hare was confirmed within the Survey Site.

It also states that the site and adjacent land have potential to support Badger, Otter, Bats, Harvest Mouse, Hedgehog, Brown Hare, Otter, Roe Deer, amphibians, breeding and wintering birds and invertebrates. The report recommends reasonable avoidance measures to avoid impacting on protected species. The consultant ecologist concludes that there would be no significant negative impact on protected and priority species following proposed mitigation and enhancement.

The Council's Ecology and Sustainability Officer has no objections to the proposal and comments that no statutory or non-statutory protected sites are likely to be impacted by this development.

Within the wider landscape, arable farmland, woodland, parkland and industrial and residential development are present. They also note that the development provides opportunities for ecological enhancement and that the favourable conservation status of Protected Species is unlikely to be impacted by this development if appropriate mitigation is taken.

In terms of Biodiversity Net Gain, a biodiversity Net Gain assessment has been carried out using DEFRA's Metric 3.0.

Taking into account the proposed area of wildflower grass, biodiversity enhancement features including bird boxes, bat boxes, hedgehog houses, herptile hibernacula, invertebrate hotels, and bee banks, et al the Biodiversity Net Gain Metric returned the following results: net gain for biodiversity of 205.21 units or 187.13% for area-based habitat gain (by creation of 83.12ha of moderate condition neutral grassland and enhancing 0.62ha of broadleaf woodland) and 80.55 units or 24.68% hedgerow unit gain (by creation of a 2.55km of new hedgerow and enhancement of 0.159km. The metric demonstrates no net gain for river units (none are present).

The Council's Ecology and Sustainability Officer comments that the proposed Biodiversity Net Gain appears to deliver the habitat recommendations of the consultant ecologists Ecological Appraisal, and that the proposed biodiversity net gain should be a condition of any planning approval and be implemented in accordance with the supplied Biodiversity Management Plan or an agreed subsequent plan (to ensure the habitat of the proposed condition will be achieved) and with the means to implement in the long term (30 years minimum) and secured by a legal agreement and monitored in accordance with an agreed monitoring plan for the life of the implementation.

It is therefore considered that the proposal would not result in any significant impacts on biodiversity, and conversely there would be a number of benefits as a result of the new habitat that is proposed resulting in a significant biodiversity net gain. As such it is considered that the proposed development complies with policy 17 of LPP1 and policy 37 of LPP2.

Best and Most Versatile (BMV) Agricultural Land

Paragraph 152 of the NPPF states that renewable and low energy carbon energy and associated infrastructure should be supported. In addition, Paragraph 158 of the NPPF outlines that local planning authorities should approve renewable and low carbon development applications if its impacts are or can be made acceptable.

Policy 1 (Development Requirements) of the LPP1 states that permission for new development

will be granted where "development should have regard to the best and most versatile agricultural classification of the land, with a preference for the use of lower quality over higher quality agricultural land."

Criterion 12 of LPP2 Policy 1 states that "development should have regard to the best and most versatile agricultural classification of the land, with a preference for the use of lower quality over higher quality agricultural land. Development should also aim to minimise soil disturbance as far as possible". In addition, guidance is contained within the NPPG regarding large scale solar farms which states that where a proposal involves greenfield land it should be demonstrated;

- (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and;
- (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms of best and most versatile agricultural land.

The 'best and most versatile' (BMV) agricultural land is defined as land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system.

An agricultural land classification report has been submitted in support of the application. It states that 2% is classed as Grade 1, 36% is classed as Grade 3a and 58% of the application site is classed as Grade 3b. The amount of land classified as best and most versatile (BMV) agricultural land is total some 35.4 hectares which is above the threshold (20ha of BMV) requiring consultation with Natural England. The consultation response from Natural England states that they consider "the proposed development will not have significant adverse impacts on designated sites and has no objection." They also comment that they consider the proposed development as temporary and that 'it is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards'.

The applicant has stated in their planning statement that the proposals would result in a "temporary but long-term loss during the lifetime of the proposed development of arable farmland. However, secondary agricultural use would be maintained through sheep grazing." In these circumstances, the development proposed is a temporary reversible use of the land, which would not result in the permanent loss of good quality agricultural land, and the land would not be permanently unavailable for agricultural use together with biodiversity enhancements.

It is noted that part of the development would remain permanent such as the base for the electrical substation, however it is considered that the overall amount of BMV land lost as a result of the proposals would not be significant in comparison to the overall extent of the application site.

Overall, it is concluded that the proposal would not have an unacceptable impact upon the agricultural land. As such your officers consider that the proposal complies with the LPP1 Policy 1; LPP2 Policy 1 and 16 and the NPPF paragraph 152 and 158 in relation to renewable developments and agricultural land.

The Historic Environment

Chapter 16 of the NPPF addresses the historic environment. It identifies heritage assets as 'an irreplaceable resource' and notes that "they should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

Paragraph 200 of the NPPF states that "where designated assets are concerned great weight should be given to its conservation and any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

Paragraph 201 of the NPPF states "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use."

Policy 11 (Historic Environment) of LPP1 states that "proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance." It goes on to state that elements of particular importance include Registered Parks and Gardens and prominent Listed Buildings. Policy 1 (Development Requirements) of the LPP1 states that permission for new development will be granted where "there is no significant adverse effect on any historic sites and their settings including listed buildings, buildings of local interest, conservation areas, scheduled ancient monuments, and historic parks and gardens".

Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms the historic environment. Policy 28 (Conserving and Enhancing Heritage Assets) of the LPP2 states that "proposals that affect heritage assets will be required to demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development in order that a decision can be made as to whether the merits of the proposals for the site bring public benefits which decisively outweigh any harm arising from the proposals." It then goes on to set out the criteria against which proposals affecting a heritage asset will be considered, including the significance of the asset and whether the proposals would be sympathetic to the character and appearance of the heritage asset.

The proposal site comprises a large area of open countryside between the villages of Hawksworth and Thoroton. The site is surrounded by a range of heritage assets, although no designated heritage assets are present on the site itself. Multiple Grade I and II listed buildings are found within the Conservation Areas covering parts of the nearby villages of Hawksworth and Thoroton and several of these are in close proximity to the application site; additional listed buildings and Scheduled Ancient Monuments are found within 2km of the application site.

The application site is located less than 50m from the Hawksworth Conservation Area and 150m from the Thoroton Conservation Area at the closest points.

In respect of Hawksworth Conservation Area it includes 6 listed buildings (1 Grade II* listed and 5 Grade II listed) within its boundary and covers most of the village. Its character is formed by the composition of the buildings, trees, brick and stone enclosure walls and open spaces. The rich farmland and adjacent fields make a considerable contribution to the village scene. The landmark of the church, the tower of Top Farm, other farm buildings and trees provide an attractive scene on approaching the village. There are also some particularly public views over open countryside. For example, from a point at the entrance to Top Farm's grounds on Main Road, there are views over open countryside of the church spire at St Helena's in Thoroton. Paddocks and small fields on the outskirts of the village provide a more traditional rural setting than intensively farmed arable land. The particularly fine architectural detailing of Top Farm suggests that not only was the village one with a strong agricultural foundation, but that farming on the fringes of the vale of Belvoir was both lucrative and profitable. The village includes a high proportion of farms amongst its properties, with 5 farms within the relatively small village (Manor Farm, Top Farm, Yew Tree Farm, Philips Farm, Ivy Farm), again highlighting the importance of the agricultural connection of the village.

The adjacent settlement of Thoroton is a small, linear village which lies alongside the River Smite and is surrounded by open countryside. The Conservation Officer confirms that there are 5 listed buildings (1 Grade I listed and 4 Grade II listed) within the Conservation Area boundary. It is a traditional Nottinghamshire village in character with the buildings themselves closely defining the street, but wide grass verges edge the lanes on the main approaches. The parish church of St Helena is mostly 14th century, but its 11th-13th century origins are visible. To the north is the mid-17th century Manor Farmhouse, whilst in a farmyard to the south of Thoroton Hall is a 14th century circular dovecote which is very similar to that at nearby Sibthorpe.

Despite the simplicity of the single street form, subtle curves in the street, individual buildings and trees create an attractive sequence of views and give Thoroton a particular character of its own. A key characteristic of Thoroton is its working farms with complexes of modern agricultural buildings. Though not formally registered, the historic gardens and parkland associated with Thoroton Hall to the southeast of the Conservation Area represent a non-designated heritage asset and a key component of the setting of the hall contributing to its significance, and appreciation of that significance. Additionally, within both Hawksworth and Thoroton are numerous identified buildings of Local Interest. There are several good public views out into surrounding countryside from within the village, mostly to the northwest through gaps in the developed frontage along Main Street. Views to the southeast are less common, although there are rights of way leading from Main Street from which views in both of these directions are possible, views east and west are only really possible from the west and east ends of the village.

The village also includes several farms (Manor Farm, Manor House Farm, Thoroton Farm, Hall Farm, Holy Farm and Smite Farm) of which one is listed (Manor Farmhouse) and two remain as substantial farming enterprises active today (Smite and Holly). As with Hawksworth farming has a substantial presence both in terms of the character of the fabric of the village, but the continued agricultural activity together with its sounds and smells further contributes to local character and is connected to the wider rural agricultural landscape in which the village sits. The bulk of the proposed solar farm would be located to the north of the village adjacent to its northeastern limits.

The site is within the context of several other heritage assets, a comprehensive list of both designated and non-designated examples is given as Table 2 of Appendix 3B of the applicants' heritage report. Of these, the most notable are the two Conservation Areas of Hawksworth and

Thoroton, the Grade I listed Church of St Helena (Thoroton), the Grade II Hawksworth Manor and Adjoining Pigeoncote, the Grade II Hawksworth Place and Adjoining Garden Walls, and the Historic Garden and Parkland (a NDHA) associated with the Grade II Thoroton Hall.

Clearly, the open spaces between these two Conservation Areas and the listed buildings within them are of particular importance. The open views and intervisibility are fundamental in understanding the parishes associated with the two churches which they overlook, as is the agricultural setting associated with Hawksworth Manor and Hawksworth Place, and similarly the gardens and parkland historically associated with Thoroton Hall. Farming informs the origins of several listed buildings across both villages, as well as being a fundamental component of the history of both villages and contributes both to the evolved character of their conservation areas and the context in which they sit today.

The proposal site contains numerous records within the Nottinghamshire Historic Environment Record, most of which relate to archaeology and contains no structures, the site is however crossed and bordered closely by a number of public footpaths. These all appear on historic mapping, including Henry Steven's 1820 Map of Newark on Trent, and may be of ancient origin. These footpaths represent routes linking the two neighbouring settlements and their conservation areas and represent approaches to, and routes leading out from, both conservation areas. The development would unavoidably have a substantial impact on the experience of approaching either village, or travelling between them, on these well-established routes.

Owing to the proximity of the site to these heritage assets and the overall size of the development, the proposal as submitted would have an adverse impact on the setting of a number of these heritage assets, particularly the Hawksworth and Thoroton Conservation Areas, the Church of St Helena (Thoroton), Hawksworth Manor and Adjoining Pigeoncote and Top Farm (Hawksworth). Those impacts are, at least in part, acknowledged within the heritage statement submitted with the application.

The council's Conservation Officer has considered the proposals and has provided a detailed assessment, taking account of the submitted heritage statement. The conclusion of their assessment in relation to the impact the proposals would have on both conservation areas is that "there would be an adverse impact on the setting of Hawksworth Conservation Area, primarily from its northern edge where the impact on the rural landscape to the northeast would be transformational in character. The impact on setting to the east from the southeaster limits of the conservation area would be lesser for the reasons described previously, however if the panels themselves are not visible to the east then the heightened hedge would limit visibility of features within neighbouring Thornton (notably the church spire) which serve to highlight the proximity of the two neighbours and contributes to understanding of how Hawksworth sits within a wider landscape.

There would be some impact on the setting of Hawksworth Manor (GII) and the neighbouring Hawksworth Farm both in respect of those truncated eastward views and also through visibility of solar panels in gaps between woodland to the north and north-east, and the impact on views back to them from the footpath to the north.

For Thoroton, there would be some impact upon the setting of the conservation area, mostly focused at its northern edge where there would be a combination of reduced prominence of the agricultural landscape, and those parts still visible beyond reinforced boundaries would be visually dominated by solar panels up the gently sloping fields towards the north. There would be some combination of awareness of a large-scale solar farm to the west in approaches from the north of the village, as well as reinforced boundary planting giving the road approach more of an enclosed character limiting view of the landscape beyond.

From public rights of way to the north of both villages there would be a distinct change in the landscape over which the two conservation areas are seen, as well as the views of more prominent individual buildings within those conservation areas such as the spire of the church in Thoroton.

The scale of the development proposed would see the arable field network altered in terms of its character and appearance. Although electricity pylons are visible in 3 fields and electrical lines pass through 4 fields, the total impact of the proposal would be far more visible and intrusive than that existing impacts in the form of power lines, which are themselves relatively ephemeral given the grid construction of the pylons. Existing internal field boundaries are comprised of hedgerows, tree lines and several linear strips of woodland shelter belt and alterations to remove some internal boundaries would be required to implement the proposal. Some existing field boundaries appear to represent retained boundaries of earlier, smaller, field patterns within the landscape, making some small additional contribution to the character of the rural area and evidencing field boundary division related to farming in Hawksworth and Thoroton. External boundaries to the site largely consist of mature hedgerows with individual trees and some evident gaps.

The proposal site forms part of a wider landscape, which very much contributes to the rural and open countryside setting of the two Conservation Areas and the listed buildings identified as most notable. The addition of a solar farm in this location would fail to preserve part of the rural and open countryside setting and would introduce a fundamentally different appearance into the adjacent fields. As the settlements have an agricultural basis evidenced through farming activity which continues to be a significant component of village life today, particularly in Thoroton where active farms remain prominent parts of village life, landscape scale changes to the character and appearance of the surrounding agricultural landscape will necessarily diminish the extent to which a rural agricultural landscape setting continues to inform the character and origins of both settlements. Access roads, trackways, CCTV and fencing would be necessary, and this would introduce features not traditionally associated with agriculture to the arable fields. These along with the solar PV arrays would result in a negative impact to the character of the countryside and the setting of designated heritage assets, which has associations with the history of the settlements and contributes towards understanding of their development and significance.

In terms of the impact the development would have on listed buildings, they consider that "Thoroton Hall sits to the southeast side of Main Street within Thoroton, with its parkland setting extending beyond to the southeast. Whilst the hall has its principal front facing Main Street its main views are to the southwest. In my view the proposal would have limited impact on the non-designated parkland to the extent to which it forms the setting in which the hall itself is experienced and understood. Similarly, the main elevations of the hall are mainly experienced from Main Street and in these views the proposed development would be located behind the observer, and not visible from street level. There would be some impact on views out across the agricultural landscape from the hall, mostly from within first floor rooms and even then, at an angle and in glimpses between nearer properties. This is as identified within the applicant's heritage assessment, and I would agree that the scale of this impact on significance is relatively minor. In this case there may be some impact on the setting of the wider non-designated parkland, particularly its northern reaches near the church and The Manor House, although views back to the Hall itself are not possible from this part of the parkland, and even views into the churchyard and the ground of The Manor House are limited by trees around the edges of the churchyard and Manor grounds. There would therefore be some impact on the setting of the parkland as a non-designated heritage asset in its own right, the impact would be minor and would do little to disrupt its role as the setting within which the listed Hall itself is experienced.

Hawksworth Manor would suffer some impact as mentioned briefly above, the heritage

statement suggests a conscious choice to omit the nearest fields from the proposal was to mitigate impact upon setting of this building, but acknowledged that impacts would remain. I consider that there would be some harm to significance via setting, however given distance and the limited parts of the site that would be visible I would not disagree with a level of harm at the lower, but not lowest, end of the scale.

St Marys Church sits well within Hawksworth village, with its churchyard and relatively open relationship with the former Rectory at Hawksworth Place forming its immediate setting. I have noted above some vantage points from public rights of way and approaches from the north of the village where glimpses of the tower are possible and would be affected by the proposal, although these views are less frequent than views of the spire in Thoroton, owing to the shorter nature of the tower and that in several instances views are only possible at the time of my visit as trees were not in leaf. I would suggest that the level of harm for the church is low and I would not disagree with a level of harm as the bottom end of the scale for the significance of Hawksworth Place given its relatively well enclosed ground which provide it a grand, but quite isolated, setting.

Top Farm in Hawksworth is a grand farmhouse with a decorative tower and associated Model Farm buildings, as such its relationship with an agricultural landscape plays a higher role in informing its significance, however it is well separated from the proposed development, and in most direct views the nearest part of the site is beyond a slight rise. There may be views from first floor rooms, and likely from the tower which may have had a function as a surveying or lookout point. I would suggest that there would be some harm to its significance through setting and would agree that this is likely in the lower part of the scale, but I would not agree that it would be 'negligible', particularly as views from the elevated tower position would be notably affected.

I have considered Yew Tree Farm in Hawksworth, however given its position and intervening buildings, landscape and the distances involved I would struggle to suggest that there would be any notable impact upon its significance.

In Thoroton, I would suggest that given the widespread visibility of the church spire as a landmark within the landscape, and its presence in views from Hawksworth informing of the close relationship between the two villages I would be of the view that there would be harm and would argue that this would sit at least at the higher end of the range suggested by the applicants - a moderate level of less than substantial harm.

There would be some adverse impact on the significance of Thoroton Hall, although this would be limited to views from the first-floor front rooms at a significant angle and some distance. I would not disagree with the suggestion that the degree of harm would be low.

For similar reasons I am also in agreement with the level of harm identified for Manor Farmhouse, Thoroton Pigeoncote and the blacksmiths forge as being at the lower end of the scale of less than substantial harm.

I have briefly considered the assessed impact on some more distant heritage assets, including those in Sibthorpe, Flintham, Orston, Shelton and the registered battlefield at East Stoke. In these cases, given the greater distances involved, greater scope for screening through intervening features within the landscape and the relatively reduced prominence of the proposed solar farm within their settings owing to these factors I would broadly agree with the levels of harm, Mostly zero or at the far lower end of the 'less than substantial' scale. Despite distance the asset at this distance most likely to be affected would be the registered park and garden at Flintham Hall. That asset is itself a landscape scale feature and as a largely naturalist engineered landscape it is recognised that the asset itself transitions into and has a wider relationship with the surrounding landscape. Given the scale of the proposed

development within that wider landscape I would suggest that whilst harm would be low it should not be described as 'negligible'."

The Conservation Officer has also objected to the method of arriving at the level of harm concluded within the submitted Heritage Assessment. They state that "In terms of the impact on listed buildings, the applicant's heritage statement makes the observation that the "sensitivity [of setting to proposed development] is somewhat compromised by the inclusion of modern developments within the surrounding village". Whilst the applicants' advisors have chosen to consider that existing modern development reduces the sensitivity of nearby assets to further change, it might just as readily be argued that this creates an argument for cumulative impacts to be considered alongside, not subtracted from, impacts arising from the proposed development.

It should be noted that the NPPF acknowledges that the setting of assets evolves and changes, indeed the agricultural landscape forming the setting of the two nearest conservation areas and the listed and unlisted farms within their boundaries has changed, whilst it is still undeniably an agricultural landscape written large it is not unaltered through time. The proposed change, however, would fundamentally alter the character of a sizable parcel of land on a landscape scale such that this part of setting would no longer have a clear agricultural character, and would no longer perform a role in informing the agricultural basis which many of the nearby heritage assets are associated with.

Published guidance on assessing impacts upon the setting of heritage assets sets out a staged approach to proportionate decision taking outlines four steps in assessing impact on setting of heritage assets (there are 5, but the last is post-decision monitoring so not part of the decision making process) where Step 4 is to explore ways of maximising enhancements and avoiding or minimising harm. This states that mitigation is not an ideal solution, proposals should be designed from inception to avoid causing harm to the significance of heritage assets where settings are likely to be affected. Options for reducing harm arising may include repositioning of a development or its elements or changes to its design. The step notes that for some developments affecting setting, the design of a development may not be capable of sufficient adjustment to avoid or significantly reduce the harm, for example where impacts are caused by fundamental issues such as the proximity, location, scale, or prominence of a development. In other cases, good design may reduce or remove the harm, or provide enhancement. It concludes that mitigation is a lesser solution as it concedes that harm must be caused, in addition mitigation itself can then have adverse impacts of its own, albeit often less than what it intends to screen or mitigate.

For example, the proposed plan for the introduction of woodland planting, tree planting, native hedgerow planting and the proposed infilling and enhancement of existing hedgerows, or allowing hedges to grow out to greater height seeks to mitigate prominence and visibility of the arrays - some arguably in the longer-term with some reductions requiring up to Year 10 to reduce potential visual effects to moderate or below. But such mitigation would also hide parts of the landscape the current visibility of which makes the positive contribution to setting. The submitted Design & Access Statement states mitigation measures are proposed for their potential to reduce inward views from nearby receptors. And while the Heritage Statement notes that several site reductions and setbacks to remove more visible land from sensitive points around Thoroton and Hawksworth took place during the preparation of the application, the resulting size of the development site would still result in development that would have intervisibility with the heritage assets. The Heritage Statement recognises that some intervisibility will be possible and that for some heritage assets such as Hawksworth Manor and Hawksworth Place and to the Church of St Helena, 'these views and intervisibility may have the potential for visual impacts to the setting of the Hawksworth Manor/Place, but are not expected to constitute substantial harm', but it remains that some harm has been identified. Aside from the limited setting back of the development from a few of the listed buildings closest

to the site, mitigation measures are reliant on screening which would include 5m buffer from hedgerows, and various visual buffers from settlements, PROWs and trees as well as a 10m woodland buffer. Whilst this is somewhat successful, much of the screening has adverse impacts of its own by obscuring views of the landscape setting of the heritage assets and fundamentally concedes that it has not been possible to design out harm from the proposal. The applicants heritage statement seems to take into account proposed screening but seems to not consider whether the proposed screening has adverse impacts of its own.

I would take issue with some of the assessments which cite 'negligible harm'. Such phrases should be avoided, the PPG makes clear that all harm is relevant, and no level of harm should be set aside or discounted. The use of language such as 'negligible harm' is misleading in that respect.

The assessment insofar as it addresses conservation areas seems to suggest that this has considered conservation areas as the settings in which the listed buildings which they contain are experienced, it is not clear from the wording of the report that the assessment has considered the conservation areas as heritage assets in their own rights, with settings of their own: if so then I would suggest the level of harm identified is undervalued, and if not then that likely explains why my assessment of harm on settings of conservation areas is somewhat higher than within the supporting statement."

With regard to the impact on the setting of designated heritage assets, as set out above, it is therefore considered that the proposal would fail to preserve the significance derived from the settings of several assets, both listed buildings and conservation areas, this engages a strong and statutory presumption against granting planning permission arising from both section 66 and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

This level of harm would be 'less than substantial' for NPPF purposes engaging the test in Paragraph 202. In this case, it is acknowledged that there are considerable public benefits of the provision of new renewable energy sources. However, the submission fails to provide a clear and convincing justification for locating the solar farm in this precise position, as is required under paragraph 200, and as such fails to demonstrate that the harm is necessary to secure the benefits which might arise from the proposal.

In respect of the two conservation areas, the Conservation Officer concludes that that the level of harm site somewhere around the middle of the broad range represented by 'less than substantial harm' owing to the significant change to the agricultural landscape within which the two villages are experienced, both the nature of the change in landscape character and the scale of landscape which is affected. For individual listed buildings the impacts range from 'moderate' in the case of the Church of St Helena, but also include a number of cases where the scale of harm would be low, however that degree of harm affects several listed buildings.

It would appear that all of the benefits of the proposal could be delivered through alternative sites located practically anywhere else nationally, owing to the national nature of the electricity grid, including in parts of the country with intrinsically greater exposure to solar radiation, such as in the south west - there might also be sites considered more suitable just outside of the somewhat small radius in which alternative sites have been considered as this is not the only location even within the Borough with available grid connections. There is also no requirement for the applicant to discount alternative sites; rather, it is for each individual proposal to fully justify its location in terms of minimising its impact, however the findings in the Barnwell Manor and Forge Field Society cases both concluded that when considering matters of heritage harm it is legitimate for a decision maker to consider whether or not the benefits of the proposal (a wind farm in the first instance, and affordable housing in the second) could be attained via alternate means, including alternate sites, without causing harm to heritage assets or their settings, the implication being that harm which could be avoided (or reduced) must struggle to

also have a 'clear and convincing justification' for causing it. Given the very small search radius for alternative sites it is difficult to see that this clear justification has been provided.

In terms of archaeology the heritage statement highlights that there are several areas significant archaeological remains of at least regional significance identified by the geophysics assessment. The County Archaeologist has been consulted about the application and states that there are features within every field of the application site and there is potential for further significant features to be obscured by alluvium. The conclude that without further information on these remains "the archaeological risk and therefore cost of the mitigation schemes cannot be reasonably understood" and therefore further investigation is required to inform the options for archaeological mitigation, and that it would strongly recommend that this work is carried out prior to determination.

The development is assessed as in accordance with the Planning (Listed Building and Conservation Areas) Act 1990 sections 66 and 72. It is considered that the application site does constitute a key element of the setting of a number designated heritage assets and that the proposed development would result in harm to the significance of any designated heritage assets. Whilst the current assessment comprises a proportionate level of information to inform the determination of the planning application (in accordance with paragraph 194 of the NPPF), and that the proposal has demonstrated that it has taken into consideration the impacts on the nearby heritage assets, the considerable level of harm that the proposals would have on the setting of both conservation area and of the listed building within them would be significant.

It is considered that the proposals would be contrary to Policy 11 (Historic Environment) and Policy 28 (Conserving and Enhancing Heritage Assets) of LPP1 that seeks to ensure that there is no significant adverse effect on any historic sites and their settings including listed buildings, buildings of local interest, conservation areas, scheduled ancient monuments, and historic parks and gardens. The proposals would also be contrary to Policy 16 which requires that renewable energy schemes must be acceptable in terms the historic environment.

Whilst it is acknowledged that in some instances that if the level of harm is considered 'less than substantial' permission could still be granted if it is concluded that public benefits outweigh harm through application (as set out in paragraph 202 of the NPPF), in applying this test, it should be noted that it is not to be applied as a simple balance. Public benefits must not simply outweigh harm but must do so to a sufficient degree to justify departure from the statutory presumption against granting planning permission arising from the 1990 Act as recognised by the need to give 'great weight' to preservation as stated in paragraph 199. The overall planning balance is considered at the end of the report.

Grid Connection

The National Policy Statements ('NPSs') make up the planning policy framework for examining and determining Nationally Significant Infrastructure Projects ('NSIPs'). As the proposed development is not a NSIP, the NPSs are not directly relevant; however, they do form material considerations in the determination of the planning application.

It is estimated that the solar panels would generate around 49.9 MW, which would power approximately 14,000 homes annually. However, the restriction on output would be conditioned. (Condition 6 in the list of conditions within this report).

The solar panels would feed DC electricity into the inverters. This would be converted to AC electricity to be transferred through the switchrooms, through the meters, to the substation compound before stepping up the voltage to feed into the grid via the pylons. The substations, inverters and solar panels would be connected by underground electrical cables.

The point of connection for the proposed development into the electricity grid is via an overhead line which runs over the site.

Decommissioning And Reinstatement of Land

At the end of the operational lifespan (40 years), the solar panels and the majority of other infrastructure would be removed, and the site restored back to agricultural use. A small quantity of foundations, hard surfacing and heavy infrastructure, in combination with retaining the majority of the site as grassland, means that the land would be relatively straightforward to restore. The restoration process would ensure that over time the land is restored to the same quality as it was previously, and in the event that planning permission was granted this could be secured through a suitable condition.

Impact of Health

Policy 39 (Health Impacts of Development) of the LPP2 states that "the potential for achieving positive health outcomes will be taken into account when considering development proposals. Where any significant adverse impacts are identified, the applicant will be expected to demonstrate how these will be addressed and mitigated."

Policy 40 (Pollution and Land Contamination) of the LPP2 states that "permission will not be granted for development which would result in an unacceptable level of pollution or is likely to result in unacceptable exposure of sources of pollution or risks to safety".

The nature of the proposed development is such that it is unlikely to cause any form of pollution during its operational stage. This is because there are no significant noise sources close to the application site, traffic movements (once constructed) would be very low and the proposed development would not be lit at night. It would not result in any emissions to air during its operation other than those from vehicles associated with periodic maintenance/inspection visits to the site.

Emissions associated with the construction phase would relate to construction vehicles and similarly, it is considered would not be of a level to cause harm to the environment. It should be noted that any emissions during the construction period (or operationally) would be more than offset by the benefits of generating renewable energy at the site. In these circumstances your officers consider that the proposed development is acceptable in terms of its impact upon emissions and accords with relevant Planning policies 39 and 40 of the LPP2.

Air Quality

Policy 41 (Air Quality) of the LPP2 states that "planning permission will not be granted for development proposals that have the potential to adversely impact on air quality, unless measures to mitigate or offset their emissions and impacts have been incorporated."

The nature of the proposed development mean that no odour would be generated during the operational stage, therefore, the proposed development is considered in alignment with Policy 41 of the LPP2 regarding air quality.

Flood Risk

Policy 2 (Climate Change) of the LPP1 states that "Development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere and

where possible reduce flood risk, adopting the precautionary principle to development, will be supported." It goes on to state where no reasonable Site is available within Flood Zone 1 a sequential test must be carried out and provides details of the exception test. Furthermore, it states "all new development should incorporate measures to reduce surface water run-off and the implementation of SuDS into all new development will be sought unless... not viable or technical feasible."

Policy 17 (Managing Flood Risk) of the LPP2 states that "planning permission will be granted for development in areas where a risk of flooding or problems of surface water disposal exists provided that the sequential test and exception test are applied and satisfied in accordance with the NPPF and NPPG [and] development does not increase the risk of flooding on the site, or elsewhere" amongst other things. It goes on to state that "development proposals in areas of flood risk will only be considered when accompanied by a site-specific flood risk assessment. Proposals will be expected to include mitigation measures which protected the site and manage any residual flood risk".

Policy 18 (Surface Water Management) of the LPP2 states that "to increase the levels of water attenuation, storage and water quality, and where appropriate, development must, at an early stage in the design process, identify opportunities to incorporate a range of deliverable Sustainable Drainage Systems, appropriate to the size and type of development. The choice of drainage systems should comply with the drainage hierarchy." It goes on to state "planning permission will be granted for development which is appropriate located taking account of the level of flood risk and which promote the incorporation of appropriate mitigation measures into new development, such as sustainable drainage systems" amongst other things.

Most of the application site lies within Flood Zone 1, defined as land having a less than 1 in 1000 annual probability of river or sea flooding. However, are small areas of the site falls within Flood Zone 2 and 3a which follow the watercourse/drains within the site. In relation to Flood Risk Vulnerability and Flood Zone 'Compatibility', it is considered that the development passes both the Sequential Test and the Exception Test and the small proportion of the solar array in Flood Zones 2 is compatible with respect to flood risk.

Rainfall falling onto the photovoltaic panels would runoff directly to the ground beneath the panels and infiltrate into the ground at the same rate as it does in the site's existing greenfield state. Existing drainage features would be retained, and the site would remain vegetated through construction and operation of the solar installation to prevent soil erosion. Whilst it is considered that the photovoltaic panels would not result in a material increase in surface water run-off, it is proposed to provide a SuDS arrangement by way of swales / filter trenches in the lower areas of the site to intercept extreme flows which may already run offsite.

A sustainable drainage strategy, involving the implementation of sustainable drainage in the form of swales, is proposed for managing surface water runoff on the site. Swales are proposed at the low points of the application site to intercept extreme flows which may already run offsite. The strategy comments that the swales do not form part of a formal drainage scheme for the development but are provided as a form of 'betterment'. The proposed drainage strategy would ensure that the development would have a negligible impact upon site drainage, and surface water arising from the developed site would mimic the surface water flows arising from the site prior to the proposed development. The natural drainage regime would be retained except in the extreme storm event when a benefit is achieved by reducing the extreme storm run-off flows.

NCC as Lead Flood Risk Authority have not raised objections to the proposal from a surface water/ flood risk perspective and the Environment Agency have stated that they have no objection on the basis that finished floor levels would be set no lower than 18.20 metres above Ordnance Datum (AOD) and that Finished floor levels of all other vulnerable infrastructure shall

be set no lower than 300mm above ground levels.

In these circumstances it is considered that the proposed development is acceptable in terms of flood risk and drainage and accords with the relevant planning policy 17 of LPP2. and is both an acceptable and an appropriate way to manage the circumstances on the application site.

Vehicular Access and Traffic

Paragraph 110 of the NPPF outlines in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 of the NPPF states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Policy 15 (Transport Infrastructure Priorities) of the LPP1 states that "new development, singly or in combination with other proposed development, must include a sufficient package of measures to ensure that... residual car trips will not severely impact on the wider transport system in terms of its effective operation."

Policy 1 (Development Requirements) of the LPP2 states that permission for new development will be granted where "a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority".

Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms of vehicular access and traffic.

It is proposed that the site would be accessed from a new site access point off Thoroton Road and to facilitate this, 13.3m of hedgerow would need to be removed. The applicant states that "The local access route is predominantly consisting of roads wide enough for vehicles to pass, however Thoroton Road becomes a single lane road towards the site entrance. This road has good forward visibility and a number of passing places and it is thought that with the addition of some construction traffic management measures that there will be limited impacts on local road users along this stretch of road." They also state the required visibility splays would be achievable.

In terms of vehicle movements, the submitted Construction Traffic Management Plan (CTMP) states that during construction there would be an increased volume of traffic generated by the proposed development, however, the overall volumes of traffic generated are "considered to be quite low". It is stated that during the anticipated six-month construction period, a total of approximately 1106 HGV deliveries would be made to the site, and during the peak construction, which will be towards the beginning of the construction period, there would be an approximate maximum of 20 daily HGV deliveries per day. During the operational phase of the

site, it is anticipated that between 10-15 LGV movements per year would be required for security and maintenance.

The National Highways Authority have been consulted about the proposals and do not object to the application.

The County Council as Highway Authority confirmed that sufficient visibility splays are available, and the principle of the access is considered acceptable, however they noted that the access would be insufficient for two vehicles to pass and therefore sufficient passing provision would need to be provided at the site access which could be the provision of a passing place within the site adjacent to the access. They also raised concerns stating that a condition survey was required for the full length of Thoroton Road up to the site access, together with the section of Hawksworth Road that forms part of the haul route rather than a small part of it.

Following the submission of further information, the Highway Authority comment that the applicant has confirmed that the condition survey would cover the full length of Thoroton Road up to the site access, together with the section of Hawksworth Road that forms part of the haul route, and that the applicant would be liable to repair any damage to the highway attributed to the construction traffic, however an updated CTMP would be required to address this matter prior to planning permission being granted. In addition, they confirm the suitability of providing a passing bay just within the application site is acceptable however the proposed plans and associated document would need to be updated to demonstrate these changes.

Following the submission of recently updated drawings and CTMP, the Highways Authority no longer object to the proposals as the revised submitted information relating to the proposals passing pace and statements made in relation to repair of damage to the highway attributed to the construction traffic is deemed acceptable and could be secured by condition, should the application be approved.

PLANNING BALANCE

Section 36 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

In considering the application as a whole, the benefits of the proposal need to be weighed against the harm of the proposal and therefore whether the development can be permitted.

It is considered that the principle of the proposed development complies with relevant local and national planning policy. There is an urgent and compelling need for the generation of renewable energy in the UK. Solar energy forms a significant part of the contribution towards the UK becoming carbon net zero, with wind and solar providing the predominant contributor to the UK's electricity. This approach reflects wider Government policy and guidance which is designed to address the potential impacts of climate change, to ensure energy security, economic growth, and the reduction in using natural gas to heat properties. This weights in favour of the development. It is also acknowledged that:

- o There is an urgent need to secure renewable energy as part of the UK's transition to net zero.
- o The UK Government has declared a climate emergency
- o The site has proximity to an existing grid connection with sufficient capacity and such locations are limited
- o The proposal would delivery biodiversity net gain.

- o The proposal would be temporary
- o A new permissive path would be formed

The overall need for such a facility is not disputed and also weigh in favour of the development. However, as considered above the proposals would also have an adverse impact on the setting of heritage assets. Great weight is given to preservation of heritage assets through protection of their setting, in this instance the Thoroton and Hawksowrth Conservation Areas together with the listed building within these settlements. It is considered that the proposed development would be contrary to Policy 11 (Historic Environment) and Policy 28 (Conserving and Enhancing Heritage Assets) of LPP1 together with the broader requirements within the NPPF in respect of heritage matters.

Furthermore, following independent assessment it is considered that the LVA has not properly considered the landscape and visual matters and has underestimated the impact the development would have. There has been no explicit consideration within the LVA of what impact the development would have on the settlements of Thoroton or Hawksowrth which the site is directly adjacent to. The conclusion of the independent assessment is that the proposals would have a 'major to moderate' landscape effect and a predominately major to moderate visual impact upon construction. Whilst temporary, it is considered that level of harm would be significant. Although mitigation planting is proposed, it is considered that these proposals themselves would also harm view into and out of the settlement, that would be contrary to the wider landscape character, and nevertheless the proposed mitigation does not do enough to screen views of the site from the adjacent settlements and public footpaths on and adjacent to the site. The result is that the proposals would have a harmful impact on the open countryside which in this instance provides an important setting for both adjacent settlements. These matters weigh substantially against the development.

On balance it is therefore considered that whilst there would undoubtedly be benefits associated with the proposals (details above), there would be significant harm to heritage assets and to the open countryside primarily related to the setting of each settlement and the building within them. This harm does not outweigh the benefits of the proposals and therefore it is recommended that planning permission should not be granted.

CONCLUSION

Whilst there are significant benefits associated the proposals that weigh it in its favour, including supporting the transition to a low carbon future, habitat creation, biodiversity gains and the formation of permissive paths; it is considered that the proposed development would not comply with the provisions of the adopted development plan and that the supporting environmental and technical reports that form part of the planning application have not demonstrated that there would be no unacceptable environmental impacts primarily in relation to harm to the setting of both adjacent conservation areas together with the anticipated landscape and visual affects.

Taking in account all of these factors, and when combined with the requirement in the NPPF that the planning system should take account of all material consideration, the planning balance (and when considered in the context of the tests under Section 38(6) Planning and Compulsory Purchase Act 2004) is not weighted in favour of the proposed development and therefore the recommendation is to refuse planning permission.

RECOMMENDATION

Refuse permission with reasons

1. The magnitude of the scale and nature of the ground mounted solar proposals would have a significant adverse impact on landscape character and visual amenity, contrary to Policy 22 (Development in the Countryside), Policy 34 (Green Infrastructure, Landscape, Parks and Open Spaces) and Policy 16 (Renewable Energy) of LPP2 which both seek to ensure that new development does not have an adverse impact and that any adverse effects can be adequately mitigated and paragraphs 155 and 180 of the National Planning Policy Framework, which seek to support the use and supply of renewable and low carbon energy provided the adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).
2. The proposed development does not contribute to the preservation or enhancement of the setting of the Hawksworth and Thoroton Conservation Areas and does not contribute to the preservation of the setting of a number of listed buildings within these conservation areas. The harm to the heritage assets would be 'less than substantial. Whilst the significant benefits of the proposal in terms of renewable energy are acknowledged the public benefits do not outweigh the harm to the assets of national and local heritage value. As such the proposal is contrary to Policy 11 (Historic Environment) and Policy 28 (Conserving and Enhancing Heritage Assets) of LPP1 that seeks to ensure that there is no significant adverse effect on any historic sites and their settings including listed buildings, buildings of local interest, conservation areas, scheduled ancient monuments, and historic parks and gardens. The proposals would also be contrary to Policy 16 which requires that renewable energy schemes must be acceptable in terms the historic environment and paragraphs 200 and 202 of the NPPF which require that any harm to, or loss of, the significance of a designated heritage asset (from its alteration, or destruction, or from development within its setting) should require clear and convincing justification and that this harm should be weighed against the public benefits of the proposal.

Note-

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

NOTES TO APPLICANT

Positive and Proactive Statement

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as determining the application in accordance with the agreed Planning Performance Agreement. We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Decision Approved by

A handwritten signature in black ink, appearing to read 'P. A. Cooh'. The letters are stylized and cursive.

Authorised Officer on behalf of Rushcliffe Borough Council

Date 30 March 2023