

Summary Proof Of Evidence.

Evidence of Nigel Cussen.

Land East of Hawksworth and Northwest of Thoroton,
Nottinghamshire, NG13 9DB.

On behalf of Renewable Energy Systems (RES) Ltd.

Date: May 2024 | Pegasus Ref: P24-0105

Appeal Ref: APP/P3040/W/23/3330045 | LPA Ref: 22/02241/FUL

Author: CC/NC/MS





Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
V1	14.05.24	NC	NC	Final



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1. Introduction

1.1. My name is Nigel Cussen. My Professional qualifications and experience are set out at section 1 of my Proof of Evidence.

1.2. My Proof of Evidence has been prepared on behalf of Renewable Energy Systems (RES) Ltd ('The Appellant') and relates to the planning appeal at Kingston Solar Farm.

1.3. The application details are as follows:

“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.” (LPA Ref 22/O2241/FUL)

1.4. Section 2 of my evidence sets out the planning authority's stated reasons for refusal, as follows:

“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.”

1.5. I also outline other matters raised by the Council subsequent to the refusal of planning permission. Notwithstanding the appellant's concerns regarding the Council's approach in raising these matters at a late stage, I note that the matters of the effect of the proposals on Best and Most Versatile agricultural land and flood risks are identified among the Main



Issues for the appeal in the Inspector's note of the CMC. I address the Main Issues in Section 10 of my evidence.

- 1.6. I refer to the evidence of Mr Andrew Cook on Landscape Matters and Ms Laura Garcia on Heritage Matters.
- 1.7. In addition I refer to the following information which has been provided as appendices to my planning proof of evidence:
 - Advice of Mr. Kernon in regard to agricultural land matters, attached at Appendix 1.1 and 1.2 of my evidence.
 - A Sequential and Exception Test Topic Paper, included as Appendix 2
 - Longhedge Grid Report – Mr P Smart (Appendix 3)
 - Longhedge Technical Report – MR J-C Urbani (Appendix 4).
 - Longhedge Ecology Update report (Appendix 6)

2. The Appeal Site and its Surroundings and the Appeal proposals and Planning History

- 2.1. Section 3 of my evidence outlines the appeal site and surroundings with reference to the Statement of Common Ground. Section 4 clarifies the appeal proposals and section 5 outlines the relevant planning history, with cross references made to the Statement of Common Ground prepared for the appeal.

3. Planning Policy Framework

- 3.1. In this section of my evidence, I identify the planning policies and guidance that will be of most relevance to the determination of this Appeal.

The Development Plan

- 3.2. As agreed in the Statement of Common Ground with the LPA, the statutory Development Plan applying in respect of the Appeal Site comprises:
 - Rushcliffe Local Plan Part 1 – Core Strategy
 - Rushcliffe Local Plan Part 2 – Land and Planning Policies
 - The Gotham Neighbourhood Plan
 - The East Leake Neighbourhood Plan

National Policy and Guidance

- 3.3. I refer specifically to the following material consideration in my evidence subsequently:



- National Planning Policy Framework (NPPF);
- Planning Practice Guidance (PPG);
- Overarching National Policy Statement for Energy (EN-1) as designated on 17 January 2024;
- National Policy Statement for Renewable Energy Infrastructure (EN-3) as designated on 17 January 2024.
- Climate Change Act 2008;
- Climate Change Act (2050 target amendment) Order 2019;
- UK Parliament declaration of an Environmental and Climate Change Emergency in May 2019;
- Energy White Paper: Powering our Net Zero Future published in December 2020;
- 'Achieving Net Zero' published by the National Audit Office in December 2020;
- Net Zero Strategy: Build Back Greener, dated October 2021;
- British Energy Security Strategy, dated 7 April 2022;
- 'Powering up Britain' suite of documentation, dated March 2023;
- The latest version of the 'Digest' of United Kingdom Energy Statistics, July 2023.

Supplementary Planning Guidance

3.4. I note the following documents and will refer to the weight to be attached to them later in my Evidence:

- Rushcliffe Borough Climate Change Strategy in 2009, updated in 2021 and reviewed again in November 2023.
- Rushcliffe Borough Solar Farm Development Planning Guidance, dated November 2022

3.5. I also note that the Council are currently preparing a Solar Sensitivity Study for the Borough. The Council's Statement of Case for the appeal states that this will be made available to all parties if it has been finalised for public publication by the date of the appeal Inquiry. Accordingly the appellant reserves its position to comment further on this document in due course.

Need for the development

3.6. The need for solar power is both established and compelling. In section 7 of my evidence I outline the key legislation, and policy statements from which I draw this conclusion.



- 3.7. The matters I highlight emphasise the immediate and pressing need for deployment of renewable energy generation in the UK, to assist with meeting the challenging legally binding obligations to reach "net zero" by 2050. It is clear that the continued deployment of Solar PV, and renewable energy technologies more generally, are and have been consistently recognised by the Government as a key part of the UK's transition to achieving a low carbon economy and tackling Climate Change.
- 3.8. The NPSs recognise that to meet the Government's objectives and targets for net zero by 2050, significant large and small scale energy infrastructure is required. Solar is recognised specifically in EN-3 (Core Document 3.4, paragraphs 2.10.13 and 2.10.14) as being the cheapest form of electricity generation and quick to build. The benefits of delivering additional renewable energy capacity, particularly capacity that is capable of early deployment, weight heavily in favour of the Appeal Scheme. The critical importance of such benefits in the public interest are recognised in national policy. Support for solar energy is also clearly identified in Section 14 of the NPPF, which seeks to increase the use and supply of renewable energy and to maximise the potential for suitable such development. The delivery of suitable renewable energy projects is fundamental to facilitate the country's transition to a low carbon future in a changing climate.
- 3.9. The Appellant's case is that climate change and its impacts are central to the urgent and overwhelming need for a step change in the delivery of renewable energy, both in the UK and in Rushcliffe, to control the effects of climate change. Without local actions, local targets will not be met and national targets will be in jeopardy. All areas of the UK must take appropriate steps to play their full part. This very significant and urgent need for renewable energy is clearly established in national planning policy and is a very significant material consideration. The implications of failing to meet this commitment will be devastating.

4. Consideration of Alternatives

- 4.1. The Council have raised the issue of potential alternative sites in respect of three issues: heritage; BMV and flood risk.
- 4.2. In my section 8, I address firstly the question of whether consideration of alternatives is required, with regard to caselaw, policy and guidance in the NPG. I conclude that there is no policy requirement to consider alternative sites in respect of the heritage or agricultural land issues.
- 4.3. I also consider that the approach taken on the planning application in regard to the sequential and exception test was appropriate and the Council officer, in consultation with the EA and Drainage officers came to the correct conclusion in the Officer Report, satisfied that matters pertaining to flood risk had been appropriately addressed and were acceptable.
- 4.4. Notwithstanding the above, a technical note on the sequential test and consideration of alternative sites is provided by the appellant at Appendix 2 and I have regard to this in my consideration of the main issues for the appeal in section 10 of my evidence.

5. Capacity

- 5.1. Pursuant to the Inspector's request, a technical note on generating capacity was submitted on 16 April 2024. The material contained in that technical note is not repeated here, however



I attach the technical note as appendix 5. It confirms that the appeal proposal is below the 50mw NSIP threshold and is to be properly considered under the Town and Country Planning Act 1990.

5.2. Further matters have been raised by the Rule 6 party. I address these points in my section 9, with reference to an additional note, prepared by Mr Urbani on technical considerations regarding DC/AC installed Capacity, power factor requirements GCR and other elements that are taken into account in the design of a grid connected solar farm. (Appendix 4).

5.3. To further summarise, in response to points raised by the Rule 6 parties:

- the Grid Offer for the site caps the maximum export capacity
- A proposed planning condition will ensure that the generating capacity will not exceed 49.9mw.
- The inverters can be as small as 1MW and so including 26 inverters within the proposal does not exceed the 49.9 MW capacity
- the number of panels proposed, the site area and the development density fall within the range anticipated within EN-3. Panel numbers may vary across different site, as acknowledged by EN-3, with different planning considerations being relevant at each site
- A level of dc overplanting above 49.9MW acceptable with regard to EN-3
- Export capacity is controlled by standard equipment called a power park controller
- Amendments to the appeal scheme has not reduced the maximum 49.9 MWac, the amount of time it reaches that capacity has reduced as the dc overplant has reduced.

6. Case for the Appellant

6.1. Article 35(1)(b) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 states that where planning permission is refused, the notice must state clearly and precisely the LPA's full reasons for the refusal, specifying all policies and proposals in the Development Plan which are relevant to the decision. The policies specified in the Reasons for Refusal are Local Plan policies **22** (Development in the Countryside); **34** (Green Infrastructure, Parks and Open Spaces); **16** (Renewable Energy); **11** (Historic Environment); and **28** (Conserving and Enhancing Heritage Assets) and national policy contained in (what are now) paragraphs **135, 160, 180; 206 and 208** of the NPPF (2023).

6.2. I note that the Council's Statement of Case also alleges conflict with Local Plan policy **10** (Design and Enhancing Local Identity). The basis for this alleged conflict is entirely unclear given that the Officer's Report contained a full assessment of the scheme against that policy which concluded that "*the development is acceptable and in accordance with Policy 10 (Design and Enhancing Local Identity" of LPP1" (Core Document 4.1). No explanation for this apparent *volte face* is given in the Council's Statement of Case.*

Reason for Refusal

- 6.3. The Council's two Reason for Refusal raises issues relating to alleged harm to landscape character and visual appearance to designated heritage assets.

Main Issues

- 6.4. I consider that the main issues from the Local Planning Authorities decision notice are as follows:

- Issue 1 – The effect on the landscape character and appearance of the area;
- Issue 2 – The effect on heritage assets, including the Thoroton and Hawksworth Conservation Areas and associated listed buildings;
- Issue 3 – Compliance with Planning Policy and the Development Plan

- 6.5. However, as noted above, on 9th April 2024, the Council raised additional concerns that were not foreshadowed in the Decision Notice or Officer's Report, namely the impact of the development on BMV and whether it complied with the flood risk sequential test in paragraph 013 of the Planning Practice Guidance.

- 6.6. Consequently, the following are additional main issues as identified in the Inspector's post-CMC Note:

- Issue 4 – The effect of the proposal on Best and Most Versatile Agricultural Land; and
- Issue 5 – Whether flood risks have been adequately addressed.

- 6.7. The following section of my proof addresses these matters in the order of issue 1, issue 2, issue 4, issue 5 and then issue 3.

Issue 1 – The effect of the proposed development on landscape character and appearance of the area

- 6.8. Mr Cook's overall judgement is that the appeal site is not part of any designated landscape; is visually well-contained; and the scheme has been sensitively designed to respect, and in places, enhance local landscape character and that there are no landscape or visual effects associated with this particular scheme that justify refusal of permission.

- 6.9. I set out my consideration of policy compliance in detail in addressing issue 3.

- 6.10. I disagree that the local plan policies seek that there should be no adverse effects. The Council's statement of case and the officer report conclusion misinterpret the relevant policies.

- 6.11. I note in regard to LPP1 Policy 10, the Council's Officers' delegated report concluded that the development is acceptable in this respect and accords with Policy 10.

- 6.12. I conclude that the proposal is in accordance with policies LLP2 Policy 16, LPP2 Policy 22, LPP1 Policy 16 and LPP2 Policy 3. The latter policies incorporate the need to balance the adverse effects of development with the benefits. Neither policy requires or seeks to ensure that new development does not have an adverse impact at all.
- 6.13. This approach is in accordance with Paragraph 163 (b) of the NPPF which states that planning applications for renewable and low carbon development should be approved if its impacts are (or can be made) acceptable.

Issue 2 - The effect on heritage assets, including the Thoroton and Hawksworth Conservation Areas and associated listed buildings.

- 6.14. Taking account of the conclusions of Ms Garcia on the heritage matters, and for the reasons explained in the planning balance, I consider that the less than substantial level of harm identified would be outweighed by the public benefits of the scheme, such that the proposal accords with the local plan policies.

Issue 4 – The effect of the proposal on Best and Most Versatile Agricultural Land

- 6.15. BMV comprises land in grades 1, 2 and 3a of the Agricultural Land Classification.
- 6.16. The Council has recently raised queries as to the scheme’s compliance with PPG paragraph 013.
- 6.17. I have reviewed the relevant considerations, with reference to the NPG, previous caselaw and decisions, the officer report and the advice of Mr Kernon, set out in my appendices.
- 6.18. I agree with both the reasoning and conclusion of the Council’s case officer set out in the committee report..
- 6.19. In response to the Council, Mr Kernon has identified that:
- the proportion of agricultural land in Rushcliffe projected to be BMV is 58.5%;
 - that is above the national average of 42%;
 - that is above the proportion of the Site proposed for solar development which is 36.0%.
- 6.20. Further afield, it is concluded that:
- to the north and west the land quality is expected to be generally a higher proportion of BMV than across the appeal Site;
 - to the south and east the land quality is predicted to be a comparable mix of quality to the appeal Site;
 - only land near watercourses, including the appeal Site, is predicted to be in the low likelihood of BMV;

- and in general terms the land at the southern end of the Borough, moving into a high clay area, is expected to be the poorest.

- 6.21. Mr Kernon's response to the Rule 6 party sets out his conclusions at his section 6. Overall It is concluded that the BMV resource will be unharmed by the proposal.
- 6.22. The Council has not identified any potential alternative site, let alone one that is suitable, available, preferable in terms of impacts and capable of meeting the same urgent need on the same timescale.
- 6.23. If the Inspector concludes that the adverse impacts of developing a solar farm on this site are outweighed by the benefits so that they are acceptable, the appeal should be allowed. That would remain the case even if the Council was able to show that it is also possible to develop another site elsewhere with fewer impacts. As ever, the issue is whether the proposed development is acceptable on this site, not whether this site is the best possible location for it.

Issue 5 – Whether flood risks have been adequately addressed

- 6.24. I have set out my considerations as to why I consider that the relevant flood risk matters were adequately addressed under the planning application and the original officer's conclusions on this were correct.
- 6.25. Nevertheless, additional sequential test information has been prepared in response to the Council's belated request and is attached at Appendix 2. That assessment concludes that there are no suitable and sequentially preferable sites in which to accommodate the proposed development. I conclude that the Sequential and Exception Tests are passed and the proposal complies with the NPPF, PPG, Core Strategy policy 2 (Climate Change) as well as Local Plan Policy 17 (Managing Flood Risk) and 18 (Surface Water Management) of the development plan on flood matters

Issue 3 – Compliance with the Planning Policy and the Development Plan

- 6.26. I have considered compliance with the relevant policies contained in the Development Plan, and the NPPF, as referenced in the LPA's Reason for Refusal and as also cited by the LPA in their Statement of Case (Core Document 7.7). I have also addressed other policies in the development plan.
- 6.27. Policy 16 of the local plan is a positively worded policy, which confirms that the principle of new renewable energy proposals within Rushcliffe District are to be supported and schemes are to be granted planning permission where they are acceptable in respect of the potential impacts considered within the policy. These criteria are also addressed by other policies within the plan. Having regard to the points which I have made, and in line with the policy matters highlighted in my appendix 9, I consider that the policy requirements have been suitably addressed.
- 6.28. In my view, Policy 16 is the policy of most relevance to this appeal. The scheme complies with Policy 16 and all other policies cited by the Council in its Reasons for Refusal and Statement of Case. While I accept there will be some adverse impacts on the landscape character and appearance, these will be highly localised and reversible. The scheme will also have some minor indirect impacts on heritage assets, which are outweighed by the public benefits of the scheme. The limited harm is not sufficient to trigger any conflict with development plan



policy. In light of the above, I consider that the Proposed Development is in accordance with the Development Plan, read as a whole.

7. Other Material Considerations

- 7.1. I have reached the conclusion in Section 7 of my Evidence that the Proposed Development is in accordance with the Development Plan when read as a whole, and therefore that should be approved without delay applying the advice of the NPPF (*paragraph 11*). However, it is necessary to consider whether there are any other material considerations which justify a departure from the development plan, or conversely provide further support for the Proposed Development. Key amongst the other material considerations are the need and policy support for the development, which are discussed in detail above. In my view, that policy provides compelling support for the Proposed Development and further strengthens the case for permission to be granted.

8. Rule 6 Party and Third Party Representations

- 8.1. A number of matters have been variously raised in representations on the Planning Application and the subsequent appeal.
- 8.2. I set out a summary of the comments made and a response to each of the considerations in **Appendix 10** to my evidence.
- 8.3. The Statement of Case provided by HTAG confirms their position in relation to the main issues which I have considered above.
- 8.4. I note that the Inspector's pre-conference note specifically highlighted comments of the Action Group and others as including "effects on highway safety, ecology, and consideration of alternatives and decommissioning". These matters are included in the summary at Appendix 10 and I address those matters further in my section 12.
- 8.5. Overall I consider that the matters raised by 3rd parties and the Rule 6 party are appropriately addressed and do not give rise to reasons why planning permission should not be granted.

9. The Overall Planning Balance, Summary and Conclusions

- 9.1. In this section I explain how I believe the decision maker should approach the determination of this appeal, before going on to identify any harms and benefits of the Proposed Development that need to be weighed in the overall planning balance.

The Decision-Making Framework

- 9.2. The starting point for the determination of this appeal is the Development Plan. The planning system is "plan led" and planning law required that applications for planning permission must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

9.3. Before reaching a conclusion on this matter I turn to consider whether there are material planning considerations which clearly outweigh any potential harm resulting from the Appeal Scheme.

Material Considerations and Weight

9.4. In considering the weight that should be afforded to each consideration in the overall planning balance, I apply the following scale:

- Substantial
- Significant
- Moderate
- Limited

9.5. Such weight may also be regarded 'positive' as a benefit, 'adverse' as harm, or where applicable of 'neutral' effect.

9.6. Set out below is an assessment of each of these material considerations following by a conclusion on whether the benefits outweigh any adverse impacts identified when taken as a whole.

Material Considerations weighting in favour of the Appeal Scheme

1. The Need for Renewable Energy Generation

9.7. I am of the opinion that, due to the imperative to deliver renewable energy schemes which can assist in decarbonising the UK's electricity supply, that the benefit of a 49.9MW solar farm's renewable energy generation should be afforded **substantial** weight in determining this appeal.

2. Climate Emergency

9.8. Through the generation of renewable energy, I consider that the appeal scheme will contribute towards addressing the declarations of climate emergencies.

9.9. By providing a positive, deliverable action on these statements of intent, I consider that the declaration of climate emergencies at both the national and local level is a material consideration which should be afforded **substantial** weight in the planning balance.

3. Energy Security

9.10. Given recent policy statements, I am of the opinion that delivering energy security is both 'urgent' and of 'critical importance' to the country (Core Document 3.4A, page 38), and as such should be afforded very **substantial** weight in the planning balance.



4. Best Available Technology

9.11. In my opinion, that the appeal scheme benefits from the proposing the utilisation of the most efficient technology currently available and this is a material consideration of **moderate** beneficial weight in determining this appeal.

5. Good Design

9.12. Given this positive approach to design and incorporating mitigation measures, I consider that **moderate** weight should be afforded to this consideration in the planning balance.

6. Biodiversity Net Gain

9.13. I consider that this very significant increase in BNG should also be afforded **significant** weight in the planning balance.

7. Soil Regeneration

9.14. I attach **moderate** weight to this consideration as a benefit of the Appeal Scheme.

8. Green Infrastructure

9.15. The proposed enhancements to the existing landscape structure will greatly improve green infrastructure, as set out in section 3 of Mr Cook's evidence.

9.16. The benefits of the green infrastructure noted include:

- Climate change adaptation and mitigation
- Investment in the proposed green infrastructure bringing benefit to wildlife and the environment generally
- Protecting and enhancing landscape character and biodiversity by using land improvements and management to deliver biodiversity gain and overall landscape enhancement
- Provision of a new permissive path

9.17. I attached **moderate** weight to this consideration as a benefit of the Appeal Scheme.

9. Farm Diversification

9.18. The NPPF at paragraph 84 acknowledges that the diversification of agricultural businesses should be enabled.

9.19. The diversification of the agricultural farmland increases the profitability of the landowner's farming business with the ability to continue a reduced level of agricultural use on the appeal site.

9.20. I attach **moderate** weight to this consideration as a benefit of the Appeal Scheme.



10. Economic Benefits

- 9.21. The appeal scheme also represents a significant financial investment, with benefits to the local economy during the construction period including from the temporary jobs created (both direct jobs on-site and indirect/induced roles in the wider economy).
- 9.22. Annual business rate contributions in the region of £164,000 pa will also benefit the local
- 9.23. I also attach **limited** weight to this consideration as a benefit of the Appeal Scheme.

Material Considerations weighing against the Appeal Scheme

1. Effect on Landscape

- 9.24. Having regard to all the foregoing, and given Mr Cook's evidence on the nature and extent of landscape and visual effects in which he concludes that there would be some adverse visual effects affecting public rights of way through the site, although these would reduce once mitigation planting has matured. There would be no significant adverse effects in terms of landscape character of the site itself and the immediate environs and no change to the character of the wider area. I consider that these matters should be afforded **limited** weight.

2. Effect on Public Rights of Way

- 9.25. In respect of Public Rights of Way (PROW), Mr Cook explains the effect of the appeal scheme on the users of this network. The impact of the proposal on the users of the public rights of way will be limited to a small section of the bridleway close to the proposal and in this location the impact will be mitigated by appropriate enhanced hedgerow planting.
- 9.26. All existing PROWs will be protected and enhanced where possible, and PROW widths will remain, or be wider than stated in the Definitive Mapping supplied by Nottinghamshire County Council.
- 9.27. Furthermore, the proposed development will introduce a new Permissive Path to the area enhancing public access. In the case of *Graveley Lane*, the Inspector and Secretary of State agreed that the provision of permissive paths within the scheme should be afforded moderate positive weight as they would provide a benefit to local residents and other walkers in the countryside (*Core Document 5.20, paragraph 33*).
- 9.28. Having regard to all the foregoing, and given Mr Cook's evidence presented, I consider that these matters should be afforded **limited** weight.

3. Effect on Heritage Assets

- 9.29. In terms of heritage assets, Ms Garcia's explains the proposals effect, in particular to Thoroton and Hawksworth Conservation Areas and associated listed buildings. The indirect effects assessed are not significant and are outweighed by the public benefits of the Appeal Scheme.
- 9.30. Having regard to all the foregoing, and given Ms Garcia's evidence presented, I consider that these matters should be afforded **limited** weight.

Material Considerations with are Neutral

- 9.31. I consider that the following material considerations should be afforded neutral weight in the overall planning balance.
- 9.32. In respect of Flood Risk, additional information has been submitted in response to the Council's request which demonstrates compliance with the sequential test. Therefore I consider that there is no material harm to weigh in this regard.
- 9.33. In respect of drainage the proposal incorporates SuDS into the drainage design, which not only adequately mitigated the increased flow rates as a result on the minor increase in impermeable areas of the development, but provides a significant improvement. The Acceptable surface water drainage details submitted to and agreed with the Local Planning Authority can be secured by a planning condition should this appeal succeed and be considered necessary by the Planning Inspector. Therefore I consider that there is no material harm to weigh in this regard.
- 9.34. In respect of residential and visual amenity, I consider that there would not be unacceptable visual effects to private residential properties; from potential glint and glare; nor noise or air emission effects arising from the appeal scheme. Construction activities can also be controlled through condition, such as a Construction Environmental Management Plan, should this appeal succeed and be considered necessary by the Planning Inspector. Therefore I consider that there is no material harm to weigh in this regard.
- 9.35. In respect of vehicular access for construction and operation, I consider that acceptable traffic and access arrangements can be achieved during the construction and operational phases of the appeal scheme. Details of the new site access as well as construction matters such as haulage routes and wheel wash facilities can be secured by a condition should this appeal succeed and be considered necessary by the Planning Inspector. Therefore I consider that there is no material harm to weigh in this regard.
- 9.36. I therefore consider that the appeal scheme is acceptable in all of the above matters. I note that the acceptability of impacts identified above supports the overall suitability of the site for the development and, in the context of Paragraph 163 (b) of the NPPF (Core Document 3.1), provides positive weight in favour of granting planning permission for the proposal.

Overall Conclusions

- 9.37. I have given consideration to the reasons for refusal, relevant planning policy and other material considerations. Having examined the benefits outlined above, and also the limited harm to Landscape character and appearance of the area, the effect on heritage assets, Best and Most Versatile (BMV) Agricultural Land and Flood Risk, I consider that substantial benefits arise from the proposed scheme that outweigh the limited harm identified.
- 9.38. I have assessed the proposal in respect of the relevant policy. I note that the site is not within the Green Belt and not affected by other designations such as valued landscape. In the context of the wider area of Rushcliffe, where a large proportion of the district is affected by the Green Belt, the site presents a significant opportunity to deliver much needed renewable energy generation, meeting both local and national objectives in this regard.

9.39. I have concluded that the proposals accord with the relevant Local and National planning policy and I have identified that there are material considerations that weigh in favour of granting planning permission. There are no material considerations which indicate planning permission be refused. In light of the above assessment, it is my firm view that this appeal should be allowed and planning permission granted.

Planning Balance Summary Table

Material Considerations which are Benefits	Weight (Positive)
Generation of 49.9MW of renewable energy and subsequent reduction in carbon emissions	Substantial Positive Weight
Climate Emergency	Substantial Positive Weight
Energy Security	Substantial Positive Weight
Best Available Technology	Moderate Positive Weight
Good Design	Moderate Positive Weight
Lack of Alternative Sites	Significant Positive Weight
Biodiversity Net Gain	Significant Positive Weight
Soil Regeneration including BMV Agricultural Land	Moderate Positive Weight
Green Infrastructure Enhancements	Moderate Positive Weight
Farm Diversification	Moderate Positive Weight
Economic Benefits	Limited Positive Weight
Material Considerations which are Neutral	Weight (Neutral)
Flood Risk and Drainage	Neutral Weight
Highways and Transport	
Noise	
Glint and Glare	
Material Considerations which are Adverse	Weight (Adverse)
Effect on Landscape Character and Visual Amenity	Limited Adverse Weight
Effect on Public Rights of Way	Limited Adverse Weight
Cultural Heritage and Archaeology	Limited Adverse Weight

10. Planning Conditions

10.1. I am of the opinion that appropriate control over the form of the Proposed Development can be achieved through the imposition of planning conditions.

10.2. A set of conditions on a without prejudice basis is being agreed with the LPA.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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