Appeal – Statement of Case

Longhedge Solar Farm

Planning Authority Reference Number: 22/02241/FUL

22/09/2023

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Contents

1. INTRODUCTION

1.1. This Statement of Case (SoC) has been produced by Neo Environmental on behalf of the Appellant, Renewable Energy Systems (RES) Ltd, and is supported by the following appendices:

- Appendix A: Pre-Application Submission and Response
- Appendix B: Rushcliffe Borough Council – Notice of Refusal
- Appendix C: Field Number Drawing
- Appendix D: Updated Layout
- Appendix E: Written Scheme of Investigation (WSI)
- Appendix F: Landscape and Visual Appeal Report (LVAR) & Associated Figures
- Appendix G: Cultural Heritage Addendum & Associated Figures

1.2. This planning appeal is being made following the refusal under the Town and Country Planning Act 1990 (as amended) of an application for full planning permission for the erection of a 49.9MW solar farm comprising the construction of bi-facial ground mounted solar photovoltaic (PV) panels[1], new access tracks, underground cabling, perimeter fencing with CCTV cameras and access gates, 2x temporary construction compounds, substation and all ancillary grid infrastructure and associated works (**Planning Reference 22/02241/FUL**) (the "Proposed Development"). The Proposed Development is located in a semi-rural setting on lands between the settlements of Hawksworth (0.1km west) and Thoroton (0.2km southeast), approximately 15.5km east of Nottingham, Nottinghamshire (the "Appeal Site") (see **Figure 1 of Volume 2: Planning Application Drawings – Planning Reference 22/02241/FUL**).

1.3. The SoC should be read in conjunction with the supporting evidence submitted with the planning application.

1.4. Initial pre-application advice was received from the Local Planning Authority ("LPA") on the 25 March 2021 (pre-application submission and response included as Appendix A). A negative EIA screening direction was issued by the LPA on 7 September 2022 and the application was validated on 2 December 2022. A notice of refusal of planning permission was received by the LPA on the 30 March 2023 (**Appendix B**) (the "Refusal") and set out two reasons for refusal:

[1] Bi-Facial Ground Mounted Solar Photovoltaic (PV) Panels have a reflective back or dual panes of glass holding the solar cells in place. Exposing the solar cells to sunlight at the back as-well as the front.

REFUSAL REASON 1 – LANDSCAPE CHARACTER & VISUAL AMENITY

"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)."

REFUSAL REASON 2 – CONSERVATION AREAS

"The 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 [of] 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. This SoC sets out the case for the Appeal Site having regard to the Refusal.

The Appellant

1.6. RES Ltd has been at the forefront of the renewable energy industry for over 40 years and has delivered over 23GW of renewable energy projects across the globe.

1.7. RES Ltd carry out extensive site screening, looking at planning, environmental and technical constraints, to ensure that such projects are able to be sensitively integrated into the wider landscape, encouraging the protection and enhancement of the environment.

2. PLANNING APPEAL PROCESS SOUGHT

2.1. RES Ltd strongly disagrees with the officer's recommendation of refusal for the application and believes that the alleged impacts are unfounded based upon the site selection process, assessments undertaken, and suite of information submitted with the planning application.

2.2. Section 319A of the Town and Country Planning Act 1990 gives the Secretary of State the duty to determine the procedure for dealing with various appeals. Paragraph 2.7.1 of the *Procedural Guide: Planning appeals - England*[2] requires an appellant to identify which appeal process they consider most appropriate in the circumstances.

2.3. The written representation procedure is RES Ltd's preferred mechanism for the Inspector to consider this appeal given that the issues that have been raised in the Refusal on the Appeal Site raise relatively narrow issues that will be readily apparent to the Inspector on visiting the Appeal Site, which together with the written assessment material prepared to date and now supplemented as referred to below, should provide sufficient material for a properly informed decision on the appeal to be made.

2.4. If in consideration of this appeal the Inspector requires any further information or explanation from the expert team supporting this appeal then RES Ltd is, of course, willing to respond accordingly.

[2] https://www.gov.uk/government/publications/planning-appeals-procedural-guide/procedural-guide-planning-appeals-england

3. THE APPEAL SITE

3.1. The site is located in a semi-rural setting on lands between the settlements of Hawksworth (0.1km west) and Thoroton (0.2km southeast), approximately 15.5km east of Nottingham, Nottinghamshire (see **Figure 1 of Volume 2: Planning Application Drawings – Planning Reference 22/02241/FUL**).

3.2. Centred at approximate Grid Reference E476129, N343467, the Appeal Site comprises nine fields covering a total area of approximately 94.24 hectares. The Appeal Site covers low lying lightly undulating agricultural land with an elevation range of approximately 20m to 25m AOD. Internal field boundaries comprise hedgerows, tree lines and several linear strips of woodland shelter belt. External boundaries largely consist of mature to lower hedgerows with individual trees and some evident gaps. In terms of existing infrastructure, electricity pylons extend north-south through Fields 5, 6 and 8, whilst electricity lines pass northwest to southwest through Fields 4, 5, 6 and 9 (please refer to **Appendix C** which includes **Figure 3 Field Number Drawing of Volume 2 – Planning Reference 22/02241/FUL** for ease of reference).

3.3. There is one recreational route located within the Appeal Site (Bridleway 1 & 6 that pass through the northern fields), and several located close by (please refer to **Appendix C - Field Number Drawing**). National Cycle Network (NCN) route 64 shares the minor road (Thoroton Road) on the east side of the Appeal Site.

3.4. The Appeal 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 3a which follow the watercourse/drains within the Appeal Site and have been carefully considered during the design phase.

3.5. The Appeal Site would be accessed via the creation of a new entrance off the linear public highway, Thoroton Road. The vegetation is set back from the road verge by a few metres and therefore visibility will not be an issue. Appropriate visibility splays are included within the Construction Traffic Management Plan ("CTMP") (**Technical Appendix 5 of Volume 3 – Planning Reference 22/02241/FUL**) and the access will be designed in accordance with the Nottinghamshire Highway Design Guide[3] to ensure that the largest construction vehicles can enter and exit the Appeal Site access point. To facilitate this, 13.3m of hedgerow will need be removed. This hedgerow is not protected.

3.6. The Appeal Site went through design iterations pre application, with changes such as panel heights being reduced from 3.5m to 2.8m and additional setbacks included from the public rights of way ("PRoW") pre-submission of **Planning Application 22/02241/FUL**. The area of the Appeal Site under panels has been further amended since the Refusal. Please see **Section 5** for further detail on design evolution and **Appendix D - Updated Planning Drawings**. (This

[3] https://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide

Appendix includes updated **Figures 4 and 5 – Infrastructure Layout** which are to replace **Figure 4 and Figure 5 of Volume 2 – Planning Reference 22/02241/FUL**.)

4. THE APPEAL PROJECT DESCRIPTION

4.1. Further to the description of the Proposed Development provided at section 1 above, based on the revised layout shown in **Appendix D – Updated Planning Drawings**, the Proposed Development will include:

- 5,368 module racks, 139,568 modules, 42,944 pile driven poles = 343.55m^2;
- 1 x substation compound = 4,656.42m^2;
- 2 x spare parts containers (12.19m (L) x 2.44m (W)) = 59.48m^2;
- 26 x inverters substations (16.0m (L) x 6.00m (W)) = 2,496m^2;
- 13 x inverter substation hardstandings (16.00m (L) x 16.00m (W)) = 3,328m^2;
- 7,293.3km of deer fencing with 2,431 posts at 3m spacing, with an approximate 0.03m^2 footprint each. Each fence is 2.40m high with a 0.10m gap at the bottom = 72.93m^2;
- 95 x CCTV posts of 3.50m = 53.20m^2;
- Local widening of access point on Thoroton Road involving the removal of approximately 300mm depth of soil, with geosynthetic reinforcement or soil stability wherever possible for a total length of approximately 3.33km (14,985m^2);
- Cable trenches beneath an area of 4,995m^2; and
- 2x Temporary Construction Compounds (50.00m (L) x 60.00m (W)) = 6,000m^2.

4.2. Overall, the proposed footprint constitutes a relatively small percentage of the total area of the Appeal Site (94.24ha) comprising:

- 36,573.10m^2 for infrastructure (approximately 3.88% of the Appeal Site area); and
- 416.48m^2 for piling (approximately 0.04% of the Appeal Site area).

4.3. The total ground disturbance area resulting from the Proposed Development is therefore **36,989.58m^2** or approximately **3.93%** of the Appeal Site area.

4.4. Overall land coverage is higher than the ground disturbance due to the dimensions of the panels relative to their ground disturbance. There are 139,568 modules, each measuring 2.27m x 1.13m. From a top-down view, the length of each module is the same but, assuming a 'worst-case' land coverage angle of c. 10 degrees (out of a range of 10-30 degrees), the

width will measure c. 1.12m in plan, so each module would have an approximate top-down area of c. 2.53m^2. The total top-down panel coverage is therefore approximately 353,035.66m^2. Including the aforementioned land coverage of 36,573.10m^2 for infrastructure, the overall land coverage from the proposal is estimated to be **c. 389,608.76m^2** or **41.34%** of the Appeal Site area (94.24ha).

4.5. In devising the proposed design and layout, RES Ltd has employed specialist consultants to review their operational requirements and advise on any resulting environmental effects and/or necessary mitigation measures. On this basis, and as this SoC and the associated Technical Appendices will confirm, the Appeal Site is considered to strike an optimum balance between energy production from renewable resources and all environmental and technical considerations.

5. PROJECT DESIGN AND SITE SELECTION

5.1. This section outlines the evolution of the Proposed Development describing the design iterations that have taken place pre and post submission of **Planning Application Reference 22/02241/FUL**. Furthermore, the benefits of the Appeal Site will be discussed.

Design

5.2. The Appeal Site has been sensitively sited within the local landscape and is assessed as being a good location for a solar farm for a number of reasons, principally that:

- the Appeal Site is close to a viable grid connection;
- the fields across the Appeal Site have good solar irradiation levels;
- the Appeal site lies outside of any statutory environmental, archaeological and landscape designations;
- with the proposed Landscape and Ecological Management Plan (LEMP) (which has been updated to reflect design changes following the Refusal, **see figure 12a** within **Appendix F1 – LVAR**) and Biodiversity Management Plan (BMP) (**Technical Appendix 2.1 of Volume 3 – Planning Reference 22/02241/FUL**), the Appeal Site's ecology will be significantly enhanced (see also the updated **Net Gain Assessment (NGA) within Appendix F2 – LVAR);** and
- during the lifetime of the Appeal Site, sheep grazing can be undertaken alongside the electricity generation use of the Appeal Site using a low intensity grazing regime, which will allow agricultural activities to continue and the Appeal Site to have a dual use.

5.3. Throughout the design iteration process and in response to consultation responses received, a number of changes have been made. These can be seen in Figure 1 and are summarised below:

- Pre-consultation, the fields shown in blue were removed to protect any potential views from the two Conservation Villages of Thoroton and Hawksworth;
- The panel height was reduced from 3.5m to 2.8m.
- Following feedback from the Public Information Days on 20 and 21 of April 2022, the areas in yellow and orange were removed;

- The area in orange was also removed due to the results of the geophysical survey;
- Solar panels were excluded from the areas shown in red to allow setbacks and reduce potential views from various visual receptors; and
- The area in purple was removed after the LPA issued the Refusal, to help allay any concerns from the local community and to respond to comments in the third party review carried out by Wynn-Williams Associates (WWA Report) and from the LPA's heritage officer.

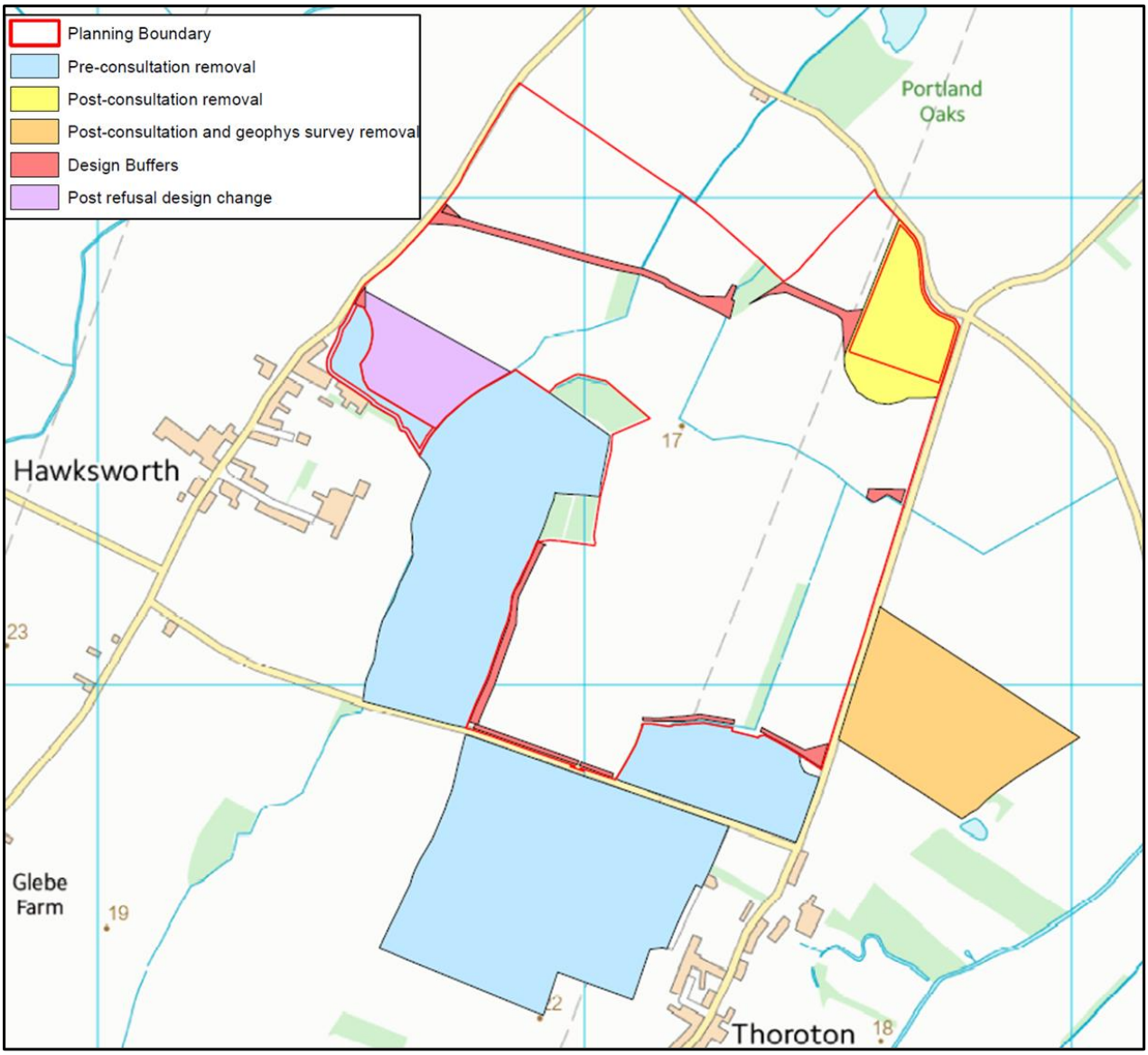


Figure 1 Longhedge Design Evolution

5.4. Being located close to a viable grid connection point means the Appeal Site can maximise existing grid infrastructure, minimise disruption to the local community and biodiversity and reduce energy losses and overall costs.

5.5. The Appeal Site has been sited and designed to integrate into the surrounding area as congruously as possible and **there will be no permanent loss of greenfield land as the Proposed Development is temporary** and the land can be reinstated at the end of the operational period (40 years).

Benefits

5.6. The most notable benefit of the Appeal Site is the support it will provide towards the UK Government's commitments to reduce emissions of greenhouse gas emissions to combat the effects of climate change.

5.7. The Appeal Site will have an export capacity of up to 49.9MW. A solar farm of this size will generate a significant amount of electricity from renewable sources (the Appeal Site can meet the energy needs of approximately 15,200[4] homes), therefore offsetting the need for power generation from the combustion of fossil fuels including coal and oil. Consequently, during its operational lifespan (40 years), the Appeal Site has the potential to displace electricity generated from fossil fuels and consequently represents carbon savings and helps to tackle the climate emergency.

5.8. As the cheapest form of electricity generation (alongside new onshore wind), solar farms are considered to be a key component of the future energy mix[5&6]. The deployment of renewable energy sources will need to increase significantly by 2030 to be on track to achieve net zero by 2050. The UK Energy Security Strategy[7] published in April 2022 commits to look to increase the UK's current 14GW of solar capacity by up to 5 times by 2035. If the Government meets its target of increasing solar capacity fivefold, ground-mounted solar would cover a total area of approximately 0.3% of the UK's land surface[8].

5.9. Additionally, the Proposed Development will provide economic benefits to Rushcliffe and the wider Nottinghamshire area in the form of direct impacts, relating to the use of local contractors where reasonably practical, the use of local materials where possible, and indirect effects, where specialist contractors from outside of the local area are working on the construction / decommissioning of the Proposed Development, local businesses such as

[4] 50MW x load factor of 0.118 (11.8%) x 8760 / 3578

[5] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/911817/electricity-generation-cost-report-2020.pdf

[6] https://solarenergyuk.org/news/large-scale-solar-provides-cheapest-power-says-government-report/

[7] https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy

[8] https://www.solarpowerportal.co.uk/news/ground_mounted_solar_takes_up_0.1_of_land_in_the_uk_says_carbon_brief

hotels, B&B's and restaurants will benefit. The Proposed Development will also result in the payment of annual business rates which fund vital local services for all local residents.

5.10. The provision of significant landscape and ecology enhancement measures is also considered to provide weight in terms of the appeal. These measures include planting of native trees and circa 2.5km of new species-rich hedgerows and the installation of bird and bat boxes, hedgehog houses, reptile hibernacula, invertebrate hotels and additional bee banks. This results in net gains for green infrastructure and biodiversity (including a net biodiversity gain of 182.51% and a net gain of 24.39% of green infrastructure (hedgerows)).

5.11. The additional planting associated with the Appeal Site will result in additional landscape benefits as compared to the existing site and a more sympathetic development once this mitigation planting has been fully established.

5.12. All of the structures within the Appeal Site are at or below single storey level. Even when viewed from nearby public vantage points, the scale of development will not be overbearing due to its limited height and relatively benign appearance (i.e., lack of movement and external illumination etc.).

5.13. All existing PRoW will be protected and enhanced where possible. It is also important to note that PRoW widths are to remain in accordance with or wider than stated in the definitive map supplied by Nottinghamshire County Council. The biodiversity of the hedgerows and woodlands along the PRoWs will be maintained and enhanced in line with the BMP and LEMP.

5.14. The PRoW enhancements would also provide recreational benefits to a wide range of PRoW users through the creation of two permissive bridleways. Permissive bridleway A, to the west of the site, provides a safe off-road route from the village of Hawksworth connecting with the existing bridleway running across the north of the site. Permissive bridleway B runs along the eastern side of the site towards the village of Thoroton to the south where it connects to the existing PRoW network.

5.15. The Proposed Development will represent commercial diversification that would assist with the ongoing viability and stability of a rural business, as supported by both local and national policy. Given that solar power generation does not require a feedstock other than sunlight, the Proposed Development represents an opportunity to provide dual-use of the Appeal Site by harvesting the sun's rays to generate electricity and continued low intensity agricultural use through alternative means such as livestock grazing.

6. RELEVANT PLANNING HISTORY

6.1. An EIA Screening Opinion was received from LPA on the 7 September 2022, confirming that the Proposed Development would not constitute EIA development stating that: *"Given that the site is not located within a sensitive area for the purposes of Environmental Assessment as set out in the Regulations, that the potential environmental affects would be limited, that they can be considered as part of further assessments (as stated in the submitted information), and further mitigation could be provided, it is considered that proposals do not constitute EIA development."* The reasons given for the negative screening opinion are supportive of the Appellants case that this is a scale of development suitable to this landscape and surrounding area.

6.2. There is no other relevant planning history to the Appeal Site.

Archaeology

6.3. As part of the Cultural Heritage Impact Assessment (CHIA) submitted with the planning application, the Proposed Development was determined to be likely to result in *"high/major direct effects to sub-surface archaeological remains within the Application Site in the absence of any mitigation measures"*. As a result, a programme of pre-development archaeological works was recommended in order to facilitate the further evaluation of the Appeal Site, targeting both the geophysical anomalies identified and a sample of otherwise 'blank' areas, within which sub-surface features may have been obscured from the magnetometry survey by alluvium deposits.

6.4. Following a meeting with the county archaeologists, Emily Gillott and Ursilla Spence, a Written Scheme of Investigation (WSI) was prepared for the test trenching in line with their requirements and comments. This is attached as Appendix E - WSI. The WSI proposed a system of 3.5% trenching of the Appeal Site area, with 1.75% having been selected for the pre-determination stage and 1.75% for the post-consent stage.

6.5. This approach was agreed in principle with the county archaeologists, and no objection was raised for archaeology on the basis that this approach was followed, but the WSI was not formally submitted for their approval due to the timing of the planning refusal.

6.6. Due to the planning circumstances, the 3.5% trenching is now only achievable as a single pre-development phase should consent be granted. RES Ltd is agreeable to amending the WSI and proceeding on the basis that all fieldwork and assessment of archaeology will be undertaken prior to development commencing.

7. PLANNING POLICY CONTEXT & ASSESSMENT

7.1. The key planning legislation, policies and guidance relevant to the Appeal Site are:

- Rushcliffe Local Plan Part 1: Core Strategy (2014)[9];
- Rushcliffe Local Plan Part 2: Land and Planning Policies (2014)[10];
- Planning and Compulsory Purchase Act 2004[11];
- National Planning Policy Framework (NPPF) (2023)[12]
- National Planning Practice Guidance (NPPG) (2014)[13]
- Climate Change Act 2008[14]
- Overarching National Policy Statement for Energy EN-1 (DECC) (July 2011)[15]
- Draft National Policy Statements[16]
- Clean Growth Strategy (2017)[17]
- Department for Business, Energy and Industrial Strategy (BEIS) Outcome Delivery Plan (2021)[18]

[9] https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/planningpolicy/corestrategyexamination/9%20Local%20Plan%20Part%201%20Rushcliffe%20Core%20Strategy.pdf

[10] https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/planningpolicy/lapp/adoption/Rushcliffe%20LP%20Part%202_Adoption%20version.pdf

[11] https://www.legislation.gov.uk/ukpga/2004/5/contents

[12] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182577/NPPF_Sept_23.pdf

[13] https://www.gov.uk/government/collections/planning-practice-guidance

[14] https://www.legislation.gov.uk/ukpga/2008/27/contents

[15] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf

[16] https://www.gov.uk/government/consultations/planning-for-new-energy-infrastructure-revisions-to-national-policy-statements

[17] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700496/clean-growth-strategy-correction-april-2018.pdf

[18] https://www.gov.uk/government/publications/department-for-business-energy-and-industrial-strategy-outcome-delivery-plan/beis-outcome-delivery-plan-2021-to-2022

- The Sixth Carbon Budget: The UK's path to Net Zero (2020)[19]
- The Ten Point Plan for a Green Industrial Revolution (2020)[20]
- Energy White Paper (2020)[21]
- Industrial Decarbonisation Strategy (2021)[22]
- Net Zero Strategy (2021)[23]
- British Energy Security Strategy (2022)[24]

Rushcliffe Local Plan

7.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.3. For the purposes of this application, the Development Plan comprises the *Rushcliffe Local Plan Part 1: Core Strategy* and the *Local Plan Part 2: Land and Planning Policies*.

7.4. The *Rushcliffe Local Plan Part 1: Core Strategy* was adopted in December 2014 and is a long-term plan to regenerate the Borough by establishing the strategic approach to new development and identifying the main strategic allocations in the Borough. In support of the Core Strategy, the *Local Plan Part 2: Land and Planning Policies* (LPP) was adopted in October 2019 and identifies non-strategic allocations and designations and sets out more detailed policies for use in determining planning applications.

7.5. The following policies are considered to be of particular relevance to the proposals:

- Core Strategy Policy 1: Presumption in Favour of Sustainable Development
- Core Strategy Policy 2: Climate Change
- Core Strategy Policy 11: Historic Environment

[19] https://www.theccc.org.uk/publication/sixth-carbon-budget/
[20] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936567/10_POINT_PLAN_BOOKLET.pdf
[21] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945899/201216_BEIS_EWP_Command_Paper_Accessible.pdf
[22] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970229/Industrial_Decarbonisation_Strategy_March_2021.pdf
[23] https://www.gov.uk/government/publications/net-zero-strategy
[24] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1069973/british-energy-security-strategy-print-ready.pdf

- Core Strategy Policy 16: Green Infrastructure, Landscape, Parks and Open Spaces
- Core Strategy Policy 17: Biodiversity
- LPP Policy 16: Renewable Energy
- LPP Policy 17: Managing Flood Risk
- LPP Policy 18: Surface Water Management
- LPP Policy 28: Conserving and Enhancing Heritage Assets
- LPP Policy 29: Development affecting Archaeological Sites
- LPP Policy 34: Green Infrastructure and Open Space Assets
- LPP Policy 36: Designated Nature Conservation Sites
- LPP Policy 37: Trees and Woodland
- LPP Policy 38: Non-Designated Biodiversity Assets and the Wider Ecological Network.

Core Strategy Policy 1: Presumption in Favour of Sustainable Development

7.6. Policy 1 states "*When considering development proposals 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.*"

Core Strategy Policy 2: Climate Change

7.7. Policy 2 stresses the importance of all proposals mitigating against and adapting to climate change, as well as complying with national and local targets on reducing carbon emissions and energy use. It goes on to state "*Development should demonstrate how carbon dioxide emissions have been minimised in accordance with the following energy hierarchy:*

a) Using less energy through energy efficient building design and construction, including thermal insulation, passive ventilation and cooling;

b) Utilising energy efficient supplies, including connection to available heat and power networks;

c) Maximising use of renewable and low carbon energy systems"

7.8. While this does not specifically reference solar farms, it does advocate the transition to a low carbon future.

7.9. Subsection 5 of Policy 2 notes "*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*."

7.10. The Appeal Site aligns with Core Strategy Policies 1 and 2 as it would play a key role in helping to secure radical reductions in greenhouse gas emissions, minimise vulnerability and provide resilience to the impacts of climate change. This is considered central to economic, social, and environmental dimensions of sustainable development.

7.11. Subsections 6 – 10 of Policy 2 relate to Flood Risk and Sustainable Drainage. Subsection 6 states, "*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*." And "*All new development should incorporate measures to reduce surface water run-off, and the implementation of Sustainable Drainage Systems into all new development will be sought unless it can be demonstrated that such measures are not viable or technically feasible*".

7.12. The Appeal Site is not assessed to be at significant risk of flooding from groundwater or surface water flooding, with the design of the Appeal Site carefully considered to mitigate against any potential risks. A Flood Risk Assessment and Drainage Impact Assessment Report was submitted with the planning application and demonstrates that the Appeal Site will not increase flood risk away from the Appeal Site during the construction, operation and decommissioning phases. For further details see Technical Appendix 4: Flood Risk Assessment – Drainage Impact Assessment - Planning Reference 22/02241/FUL.

Core Strategy Policy 11: Historic Environment

7.13. Policy 11 states "*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. Planning decisions will have regard to the contribution heritage assets can make to the delivery of wider social, cultural, economic and environmental objectives.*"

7.14. A Cultural Heritage Impact Assessment (CHIA) was undertaken as part of the planning application and can be found in Technical Appendix 3 of Volume 3 - Planning Reference 22/02241/FUL. Please also refer to Appendix G – Cultural Heritage Addendum submitted as part of this Appeal. The Cultural Heritage Addendum sets out the case for the Appeal Site having regard to Refusal Reason Number Two (refer to Section 1 above). The Cultural Heritage Addendum concludes that;

"The indirect effects assessed within the Cultural Heritage Addendum are ***not significant****, contrary to the statements within the Officer's Report, which cited heritage impacts as being too significant a consideration against the Proposed Development for the public benefits of the Proposed Development to sufficiently outweigh.*

Specific analysis of the planning balance is set out in the SoC; however, in consideration of the above, the appraisal of settings and level of indirect effects determined for assets within Hawksworth and Thoroton within the CHIA are considered to be accurate and will not constitute significant indirect effects as suggested within the Officer's Report.

In fact, the walkover survey results indicate that the level of harm is likely to be notably lower than that suggested within the Officer's Report."

7.15. Core Strategy Policy 16: Green Infrastructure, Landscape, Parks and Open Spaces

7.16. Policy 16 stresses 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"*.

7.17. 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*."

7.18. A Landscape and Visual Assessment (LVA) was submitted and determines that there will be no notable effects on the wider Landscape Character Area, in line with the Greater Nottingham Landscape Character Assessment. For further information, see Technical Appendix 1 of Volume 3 - Planning Reference 22/02241/FUL and Appendix F – LVAR submitted as part of this Appeal. Green infrastructure is enhanced and protected over the Appeal Site as far as is practicable, see the Landscape and Ecology Management Plan (LEMP); Figure 12a-12d of Appendix F1 - LVAR. The development would therefore result in a net gain of 24.68% of green infrastructure (hedgerows) within the Appeal Site.

Core Strategy Policy 17: Biodiversity

7.19. Policy 17 has been put in place with the aim of achieving biodiversity net-gain over the Core Strategy period. The Council aim to do this 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.

7.20. The Policy also stipulates that "*Designated national and local sites of biological or geological importance for nature conservation will be protected in line with the established national hierarchy of designations and the designation of further protected sites will be pursued." And "Development on or affecting other, non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place*."

7.21. There are no designated or non-designated sites within the Appeal Site, however there is one Sites of Special Scientific Interest (SSSIs) within 5km. The SSSI is assessed within the Ecological Assessment submitted as part of the planning application (see Technical Appendix 2: Volume 3 - Planning Reference 22/02241/FUL) and it is determined that there will be no adverse effects on the integrity of the SSSI as a result of the Appeal Site. A Biodiversity Management Plan (BMP) and Bird Hazard Management Plan (BHMP) have also been undertaken and can be found as Appendix 2.1 and 2.3 of TA 2 - Planning Reference 22/02241/FUL, respectively. Additionally, the NGA has been updated, to reflect changes to the design and LEMP and is contained within Appendix F2 of theLVAR. With the implementation of the BMP and LEMP, the Proposed Development is anticipated to result in a biodiversity net gain of 182.51% which far exceeds the statutory 10% required.

Land and Planning Policy 16: Renewable Energy

7.22. This policy claims "*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"

7.23. The Appeal Site is considered to align with Policy 16 because:

- Visual effects as a result of the Appeal Site would be limited to the Appeal Site itself and isolated points on site boundaries, due to existing and proposed screening (see Technical Appendix 1 of Volume 3 - Planning Reference 22/02241/FUL and Appendix F – LVAR submitted as part of this Appeal);
- There are no designated or non-designated ecology sites within the Appeal Site and no significant adverse effects on any sites are anticipated as a result of the Appeal Site (see Technical Appendix 2 of Volume 3 - Planning Reference 22/02241/FUL.). The Appeal Site will result in a significant biodiversity net gain with 182.51% gain in habitat units and 24.39% gain in hedgerow units (see Appendix F2 - LVAR);
- The Appeal Site is located on Grade 3a and Grade 3b land with the majority of the site classed as Grade 3b and considered not Best and Most Versatile (see Technical Appendix 9 of Volume 3 - Planning Reference 22/02241/FUL);
- With mitigation, there will be no significant direct effects on features of archaeological interest as a result of the Appeal Site and there will be no significant effects on heritage

assets in the surrounding landscape (see **Technical Appendix 3 of Volume 3 - Planning Reference 22/02241/FUL and Appendix G – Cultural Heritage Addendum** submitted as part of this Appeal);

- Green infrastructure across the Appeal Site is retained, protected and enhanced where practicable and PRoW will remain open and fully functional during all stages of the development, via the use of permissive bridleways for the duration of the development;
- There are no significant impacts on the amenity of nearby properties once mitigation is taken into account (in relation to glint and glare and noise – see **Technical Appendix 6** and **7** of **Volume 3 – Planning Reference 22/02241/FUL**);
- At the end of the 40-year operational period, the Appeal Site can be returned to its current / former agricultural state as the Appeal Site is temporary; and
- There is not anticipated to be any cumulative impacts as a result of the Appeal Site (see **TA 1: Volume 3 – Planning Reference 22/02241/FUL**).

7.24. The Appeal Site is considered to be suitable for the development for a number of reasons including but not limited to, being well screened by existing boundary hedgerows and woodland, being located outside of any environmental, archaeological or landscape designated sites, having good solar irradiation levels and being in proximity to viable grid connection point. Technical Assessments for a range of environmental disciplines have been undertaken which determine the potential for any impacts as a result of the Proposed Development; these can be found in **Volume 3 – Planning Reference 22/02241/FUL.**

Land and Planning Policy 17: Managing Flood Risk

7.25. **Policy 17** claims "*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 protect the site and manage any residual flood risk, such as flood resistance/resilience measures and the provision of safe access and escape routes*."

7.26. The Appeal Site is not assessed to be at significant risk of flooding from groundwater or surface water flooding with the design of the Appeal Site carefully considered to mitigate against any potential risks. Results from EA modelling indicate that the Appeal Site is located entirely outside Flood Zone 3b, but lower ground levels of the Appeal Site are within Flood Zone 3a. A sequential approach to development has therefore been undertaken, with vulnerable infrastructure sited outside Flood Zone 3a.

7.27. A Flood Risk Assessment and Drainage Impact Assessment has been produced for the Appeal Site (See **Technical Appendix 4: Volume 3 – Planning Reference 22/02241/FUL**) which

demonstrates that the development will **not increase flood risk** away from the Appeal Site during the construction, operation and decommissioning phases.

Land and Planning Policy 18: Surface Water Management

7.28. **Policy 18** states "*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"*

7.29. The Drainage Impact Assessment included in **Technical Appendix 4: Volume 3 – Planning Reference 22/02241/FUL** details the various elements of Sustainable Drainage Systems incorporated into the design. Infiltration testing was undertaken on site and the soakage rates obtained determined that infiltration drainage would not be suitable across the Appeal Site. As a result, it is proposed to construct a network of swales around the Appeal Site and a detention pond at the grid substation location. The idea is to capture any overland flow in the SuDS device prior to releasing into the natural surface water system. The design volume of the SuDS scheme will not only adequately mitigate the increase in flow rates as a result of the minor increase in impermeable area but provides significant improvement.

Land and Planning Policy 28: Conserving and Enhancing Heritage Assets

7.30. **Policy 28** states "*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*."

Land and Planning Policy 29: Development affecting Archaeological Sites

7.31. **Policy 29** stipulates that "*Where development proposals affect sites of known or potential archaeological interest, an appropriate archaeological assessment and evaluation will be required to be submitted as part of the planning application. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them."*

7.32. It goes on to say *"Where archaeological remains of significance are identified permission will only be granted where:*

a) The archaeological remains will be preserved in situ through careful design, layout and siting of the proposed development; or

b) When in-situ preservation is not justified or feasible, appropriate provision is made by the developer for excavation, recording and for the post-excavation analysis, publication, and

archive deposition of any findings (to be undertaken by a suitably qualified party), provided that it can be clearly demonstrated that there are wider public benefits of the development proposal which outweigh harm to heritage assets of archaeological interest in line with NPPF requirements."

7.33. There are no designated heritage sites within the Appeal Site. As no designated heritage assets lie inside the Appeal Site, no direct effects will occur on these resources. However, several non-designated cropmark sites within the Nottinghamshire HER lie inside this boundary, and the Appeal Site is considered to contain a high probability for sub-surface remains of potential significance. Mitigation will minimise any effects to a low to negligible significance, on the hitherto-unknown archaeology as a result of the development. A Cultural Heritage Impact Assessment (CHIA) has been undertaken for the Appeal Site and concludes that there will be no significant direct or indirect effects on archaeology and heritage assets, aligning with Policies 28 and 29. Further information can be found in **Technical Appendix 3 of Volume 3 – Planning Reference 22/02241/FUL and Appendix G – Cultural Heritage Addendum** submitted as part of this Appeal.

Land and Planning Policy 34: Green Infrastructure and Open Space Assets

7.34. **Policy 34** states "*Where a proposal would result in the loss of Green Infrastructure which is needed or will be needed in the future, this loss should be replaced by equivalent or better provision in terms of its usefulness, attractiveness, quantity and quality in a suitable location. Replacement Green Infrastructure should, where possible, improve the performance of the network and widen its function*."

7.35. A detailed LVA has been undertaken as part of the assessment of the Appeal Site (See **Technical Appendix 1 of Volume 3 - Planning Reference 22/02241/FUL**). A **LVAR** has also been produced as part of this Appeal. These documents, in addition to the Biodiversity Management Plan (BMP; see **Technical Appendix 2.1 of Volume 3 - Planning Reference 22/02241/FUL**) and Landscape and Ecological Management Plan (LEMP; **Figure 12a-12d of Appendix F1 - LVAR**) detail the minimal loss of Green Infrastructure across the Appeal Site and describe the mitigation and enhancements put in place as part of the development design to improve the performance of the network and widen its function. This includes woodland, hedgerow and wildflower meadow planting, the introduction of new permissive bridleways and improvements to the current PRoW network. Overall, it is anticipated that the development will result in a net increase in Green Infrastructure (hedgerows) of 24.68%.

Land and Planning Policy 36: Designated Nature Conservation Sites

7.36. **Policy 36** notes that "*Development likely to have an adverse effect on a Site of Special Scientific Interest (either directly or indirectly, or individually or in combination with other developments) will not normally be permitted." and "Where an adverse effect on the site's notified features is likely, an exception should only be made where the benefits of the development's location, clearly outweigh both the impacts that it is likely to have on the features of the site that make*

it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest."

7.37. In terms of locally designated sites, the policy states "*Development likely to have a significant adverse effect on a site of local nature conservation value will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the essential nature conservation value of the site."*

7.38. The Appeal Site does not lie within any statutory designated environmental sites. Within 15km of the Appeal Site boundary there are no internationally designated sites. There is one Site of Special Scientific Interest ("SSSIs") within 5km of the Appeal Site, the Oriston Plaster Pits SSSI. No Local Nature Reserves ("LNRs") and National Nature Reserve ("NNR") are located within 5km of the Appeal Site boundary. An Extended UK Habitat Survey (including Habitat Condition for Net Gain Assessment) was undertaken at the site and an Ecological Assessment (EcA; Technical Appendix 2: Volume 3 - Planning Reference 22/02241/FUL) was produced. The EcA concludes that with the suitable mitigation and enhancement measures proposed, the Appeal Site will not significantly impact upon any ecological features and is likely to lead to a positive effect on a number of protected or priority species during the operational phase.

LPP Policy 37: Trees and Woodland

7.39. Policy 37 states "*Adverse impacts on mature tree(s) must be avoided, mitigated or, if removal of the tree(s) is justified, it should be replaced. Any replacement must follow the principle of the 'right tree in the right place*". It then 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.*"

7.40. A pre-development tree constraints survey was undertaken to inform the design of the Proposed Development, in line with *British Standard 5837:2012 Trees in relation to design, demolition and construction.* Subsequently, an Arboricultural Impact Assessment (See Technical Appendix 10: Volume 3 - Planning Reference 22/02241/FUL) was undertaken to determine any potential impacts on trees or hedgerows as a result of the Proposed Development. This concludes, that provided all the recommendations made in this report are followed it is considered that the Appeal Site can be implemented, *with a subsequent negligible impact on retained trees.*

7.41. A LEMP (Figure 12a-12d of Appendix F1 - LVAR) has been produced to minimise any potential negative effects arising from the Appeal Site, while increasing habitat diversity by way of mitigation planting, including native trees and hedgerows as well as species rich grasslands.

LPP Policy 38: Non-Designated Biodiversity Assets and the Wider Ecological Network

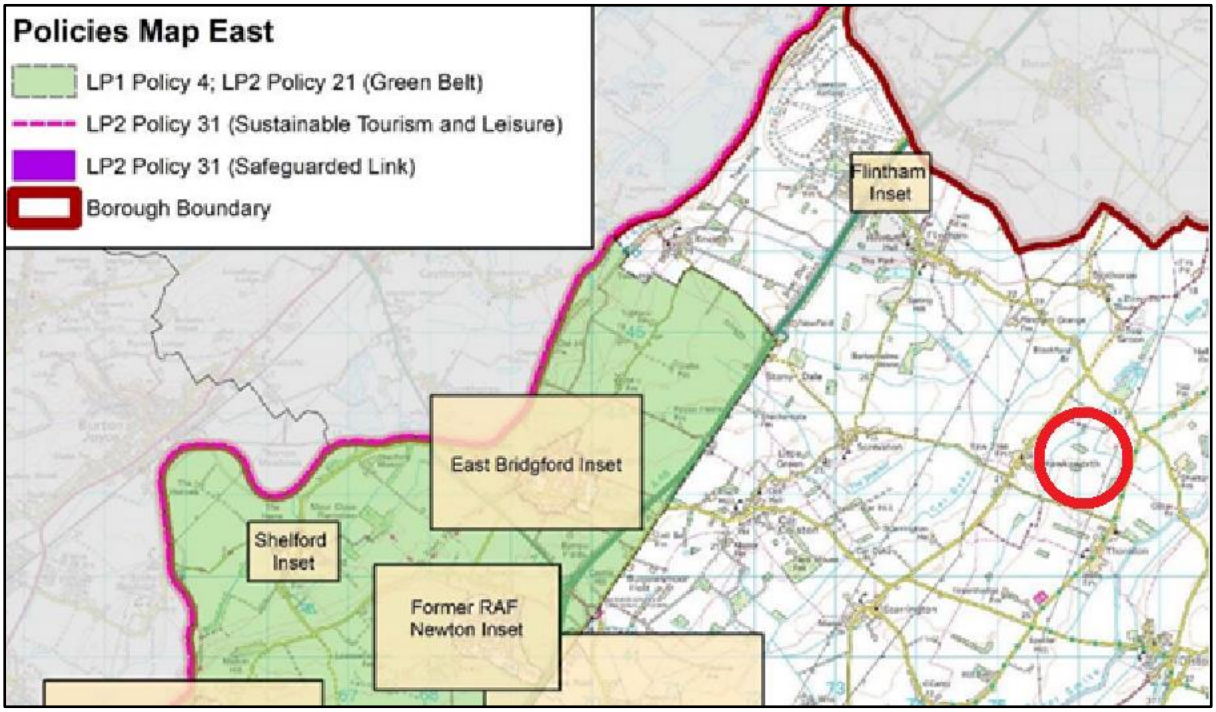
7.42. Policy 38 states "*Where appropriate, all developments will be expected to preserve, restore and re-create priority habitats and the protection and recovery of priority species in order to achieve net gains in biodiversity*".

7.43. A NGA has been undertaken and forms part of the Appeal. This anticipates that the introduction of the Proposed Development will increase the Appeal Sites current capability for supporting wildlife through generation of renewable energy. A significant net gain in biodiversity (182.51% gain in habitat units and 24.39% gain in hedgerow units) is anticipated to be achieved. See Updated NGA - Appendix F2 – LVAR.

Local Plan Policy Map

7.44. A review of Rushcliffe Borough Council's adopted policy maps show the Appeal Site is located outside of the Green Belt and is not included within any Neighbourhood Plan areas see Extract A below).

Extract A: Rushcliffe Borough Council Adopted Local Plan Map with approximate site location identified in red



Material Considerations

National Planning Policy Framework (2023)[25]

7.45. The National Planning Policy Framework (NPPF) is the current National Planning document in England and was first published on 27 March 2012, and subsequently updated on 24 July 2018, 19 February 2019, 20 July 2021 and 5 September 2023. This sets out the government's planning policies for England and how these are expected to be applied and is supported by government published National Planning Practice Guidance (NPPG).

7.46. In accordance with **Chapter 2, paragraphs 7 and 10**, there is a strong presumption in favour of sustainable development within the NPPF. In addition, **Paragraph 8c** of the NPPF notes that a key part of achieving sustainable development is *"mitigating and adapting to climate change, including moving to a low carbon economy".*

7.47. **Chapter 14** of the NPPF, '*Meeting the challenge of climate change, flooding and coastal change*', recognises that planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is considered central to economic, social, and environmental dimensions of sustainable development.

7.48. The generation of this level of renewable energy therefore represents a substantial benefit which would be experienced if planning permission were to be granted. Further details of this are provided at Section 5.6 above and within the Planning Statement (**Volume 1 – Planning Reference 22/02241/FUL**) under '*Renewable Energy Statement*'.

7.49. With regards to low carbon and renewable energy, the NPPF states in **paragraph 152** that the planning system should help;

"…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."

7.50. **Paragraph 158** states that applicants are not required to demonstrate the overall need for renewable or low carbon energy and that LPAs should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. LPAs are directed to approve applications if impacts are (or can be made) acceptable.

7.51. The NPPF also contains policies on several environmental issues relating to sustainable development within **Chapters 15 and 16. Paragraphs 174 to 208** emphasise the importance

[25] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182577/NPPF_Sept_23.pdf

of preservation and enhancement of the built and natural environment. They set out detailed requirements for the assessment of the impact on the landscape value, biodiversity and habitats, and the historic environment. These requirements have been considered in the relevant Technical Appendices (**Volume 3 - Planning Reference 22/02241/FUL**) accompanying the Planning Application and have been addressed, to demonstrate compliance of the Appeal Site.

National Planning Practice Guidance (NPPG)

7.52. The NPPG was published in March 2014 and contains guidance on the planning system and should be read alongside the NPPF. The NPPG's are a material consideration in the consideration of planning applications.

7.53. With specific regard to solar farm development, the NPPG on **Renewable and Low Carbon Energy** provides the following points of consideration for the decision maker.[26]

- *"Where a proposal involves greenfield land, whether (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;*
- *That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *The proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;*
- *The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *The need for, and impact of, security measures such as lights and fencing;*
- *Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence,*

[26] NPPG Paragraph: 013 Reference ID: 5-013-20150327 https://www.gov.uk/guidance/renewable-and-low-carbon-energy

a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;

- *The potential to mitigate landscape and visual impacts through, for example, screening with native hedges; and*
- *The energy generating potential, which can vary for a number of reasons including, latitude and aspect."*

7.54. In terms of compliance with the above factors, submissions above in relation to local plan policy compliance that deal with the same issue will not be repeated here.

7.55. One additional factor to those is that the Appeal Site is designed in such a way to avoid significant losses of agricultural land during the operational stage, with a 3.93% ground level footprint. This means that the Appeal Site can retain a dual use; agriculture in the form of low intensity sheep grazing on the remaining 96% and renewable energy generation.

7.56. The Application was also supported by an Agricultural Land Classification report (see **Volume 3: Technical Appendix 9 - Planning Reference 22/02241/FUL**), which confirms the Appeal Site comprises of grade 2 land (2%), subgrade 3a land (36%), subgrade 3b land (58%), and other land (4%).

7.57. The solar arrays and associated equipment will be temporary structures which will be on the Appeal Site for 40 years. Upon cessation, all equipment will be removed and the Appeal Site will be fully restored to its current state.

ENERGY LEGISLATION AND POLICY CONTEXT

International Energy Policy

7.58. International energy policy is based on the demand to battle climate change and reduce carbon dioxide (CO_2) emissions and, therefore, is relevant to renewable energy development. The United Nations Framework Convention on Climate Change (UNFCCC) implemented by the United Nations in May 1992, determined a long-term objective to lessen greenhouse gases in the atmosphere, with the purpose of preventing anthropogenic interference with the climatic system. Subsequently, the Kyoto Protocol was implemented in 1997. National governments who signed up to the Kyoto Protocol are committed to reducing their greenhouse gas emissions.

7.59. The Paris Agreement marks the latest step in the development of the UN regime on climate change. Its central objective is to boost global response to climate change, keep global temperature rise low and strengthen efforts to support this. The European Union signed the

United Kingdom of Great Britain and Northern Ireland up to the Agreement on 22 April 2016 and it came into force on the 18 December 2016. In line with Article 4 of the Paris Agreement, a Nationally Determined Contribution (NDC)[27] was drawn up which commits the UK to reduce economy-wide greenhouse gas emissions by at least 68% by 2030, compared to 1990 levels.

7.60. European and national energy policy has been established from the Kyoto Protocol and Paris Agreement requirements and will continue to be framed by emerging guidance and scientific information.

7.61. In December 2019 the European Commission published a communication called The European Green Deal. It is described as resetting "*the Commission's commitment to tackling climate and environmental-related challenges that is this generation's defining task.*" It presented an initial roadmap of the key policies and measures needed to achieve a number of goals. The European Commission presented a proposal for a European Climate Law on 4 March 2020, which included a net zero by 2050 target.

UK Energy Legislation, Policy and Guidance

Climate Change Act 2008

7.62. The Climate Change Act 2008 (the 'Act') legislated the UK's approach to tackling and responding to climate change. It introduced the UK's long-term legally binding 2050 target to reduce greenhouse gas emissions by at least 80% relative to 1990 levels. In June 2019, the UK Government amended this headline target to a 100% reduction (compared to 1990 levels) by 2050 (otherwise known as Net Zero). Since 1990, the UK has cut greenhouse gas emissions by 40%.

7.63. Since 1990, the UK has reduced emissions by 44% whilst increasing GDP by 78%, the fastest decarbonisation rate in the G7[28] and in June 2019, the UK became the first major economy to set a legally binding target to reach net zero greenhouse gas emissions by 2050, in recognition of the transformative change needed to tackle global climate change.

7.64. Although significant progress towards this goal has already been made, the UK has far to go. The Climate Change Committee (CCC) published the Sixth Carbon Budget: The UK's Path to Net Zero[29] on 9 December 2020, which sets out the actions needed to achieve net zero emissions. The CCC's recommended pathway, the *Balanced Net Zero Pathway* requires a 78% reduction in UK territorial emissions by 2035, a 63% reduction from 2019. Similarly, the International Energy Agency (IEA) recently released a roadmap to a global net-zero[30] energy

[27] The United Kingdom's Nationally Determined Contributions (https://www.gov.uk/government/publications/the-uks-nationally-determined-contribution-communication-to-the-unfccc#:~:text=In%20response%20to%20the%20Glasgow%20Climate%20Pact%2C%20the%20UK%20has,in%20December%202020)%20%E2%80%93%20remains) 19/09/23

[28] BEIS Outcome Delivery Plan: 2021 to 2022 - GOV.UK (www.gov.uk)

[29] The-Sixth-Carbon-Budget-The-UKs-path-to-Net-Zero.pdf

[30] https://www.iea.org/reports/net-zero-by-2050

system by 2050 stating that advanced economies such as the UK should target net-zero electricity generation by 2035

7.65. Through the Act, the UK was the first country to introduce long term, legally binding national legislation to tackle climate change. The Act provides the UK with a legal framework including a 2050 target for emissions reductions, five-yearly 'carbon budgets' (limits on emissions over a set period, which act as steppingstones towards the 2050 target), and the development of a climate change adaptation plan. On the 1 May 2019, the UK Government became the first in the world to declare a climate emergency and to acknowledge the challenges faced.

7.66. According to the CCC, the UK's exit the European Union (EU) does not change the need to cut greenhouse gas emissions, the level of carbon budgets (which are set out in UK law), or the duty on the UK Government to act to tackle climate change.

7.67. A review of the UK's 2050 target (previously set at 80% reduction) by the CCC prompted the UK Government to set a target of zero net emissions by 2050, which was legislated in 2019. To reach this milestone, the annual rate of emissions reduction must be 50% higher than the previous 2050 target – indicating the substantial increase in action needed if the UK is to have a chance in meeting this ambitious, legally binding, target.

7.68. Reports have shown that to achieve net zero by 2050 the UK will need to quadruple its low carbon electricity generation.

7.69. Solar energy has an important part to play in helping reach these targets, as well as providing a balanced energy mix, and it is estimated that 40GW[31] of solar will be needed by 2030 to stay on track with net zero ambitions, with 63% (or 25GW[32]) of this coming from large scale ground mounted solar farms, such as the Appeal Site.

Overarching National Policy Statement for Energy (DECC, July 2011)

ENERGY (EN-1)

7.70. The overarching NPS for Energy (EN-1) was adopted in July 2011 and sets out the overall national energy policy for delivering major energy infrastructure. Part 1 advises that within the context of the planning system the NPS is likely to be a material consideration.

7.71. Part 2 of NPS EN-1 sets out the Central Government policy context for major energy infrastructure. It comprises the need to meet legally binding targets to cut greenhouse gas emissions; transition to a low carbon economy; decarbonise the power sector; reform the electricity market; secure energy supplies; replace outdated energy infrastructure; and widen objectives of sustainable development. In particular, in this section paragraph 2.2.16 identifies that approximately a quarter of the UK's generating capacity was due to close by

[31] Accelerated electrification and the GB electricity system (theccc.org.uk)
[32] Lighting the way: Making net zero a reality with solar energy • Solar Energy UK

2018 and that new low-carbon generation is required which is reliable, secure and affordable. As a result, the Proposed Development is considered consistent with the aims of NPS EN-1.

7.72. It is worth noting that this document, along with NPS for Renewable Energy Infrastructure (EN-3) have recently undergone a period of consultation run by BEIS (in 2021 and 2023) with outcomes expected imminently.

7.73. The Government has published draft updates for a range of energy-related national policy statements first introduced in 2011. The statements provide guidance for those involved in determining development applications for major infrastructure projects. The Government has said the updates focus on regulatory, policy and technology changes.

DRAFT ENERGY (EN-1) 2023[33]

7.74. Draft EN-1 focuses on solar various times stating that; "*wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.*"

DRAFT ENERGY (EN-3) 2023[34]

7.75. Section 3.10 of the Draft EN-3 is dedicated to Solar Photovoltaic Generation stating that; *"The government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions. As such solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector. Solar also has an important role in delivering the government's goals for greater energy independence and the British Energy Security Strategy[24] states that government expects a five-fold increase in solar deployment by 2035 (up to 70GW). It sets out that government is supportive of solar that is co-located with other functions (for example, agriculture, onshore wind generation, or storage) to maximise the efficiency of land use."*

7.76. In terms of Landscape and Visual, the Draft EN-3 states that "*impacts should be carefully considered at Pre-Application stage. It is also stated that a landscape and visual assessment is necessary and that visualisations may be required to demonstrate the effects of a proposed solar farm on the setting of heritage assets and any nearby residential areas or viewpoints*." A detailed LVA has been undertaken as part of the assessment of the Appeal Site (See **Technical Appendix 1 of Volume 3 - Planning Reference 22/02241/FUL**). A **LVAR** has also been produced as part of this Appeal. Both of these documents and the associated visulisations ensure that there are **no significant** effects predicted on any landscape character types/areas or

[33] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147380/NPS_EN-1.pdf

[34] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147382/NPS_EN-3.pdf

landscape designations within the study area and effects upon the visual amenity of visual receptors within the core study area of 2.5km are **not of major significance**.

7.77. In terms of Cultural Heritage, the Draft EN-3 states that "*impacts of solar PV developments on the historic environment will require expert assessment in most cases and may have effect both above and below ground. Applicant assessments should be informed by information from Historic Environment Records (HERs) or the local authority.*" A Cultural Heritage Impact Assessment (CHIA) was undertaken as part of the planning application and can be found in **Technical Appendix 3 of Volume 3 - Planning Reference 22/02241/FUL**. Please also refer to **Appendix G – Cultural Heritage Addendum** submitted as part of this Appeal. The appraisal of settings and level of indirect effects determined for assets within Hawksworth and Thoroton within the CHIA are considered to be accurate and will not constitute significant indirect effects as suggested within the Officer's Report.

The Clean Growth Strategy 2017

7.78. In October 2017, the UK Government published its Clean Growth Strategy (CGS) setting out ambitious policies and proposals, through to 2032 and beyond, to reduce emissions across the economy and promote clean growth.

7.79. The strategy outlines the ambition of delivering a: "*diverse electricity system that supplies our homes and businesses with secure, affordable and clean power*" and identifies one possible clean growth pathway (to 2032) that "*could see power emissions fall by 80 percent compared to today, to around 16 Mt*." It states that "*This could be achieved by:*

- *Growing low carbon sources such as renewables and nuclear to over 80 per cent of electricity generation and phasing out unabated coal power.*
- *Enabling a smarter, more flexible system, unlocking significant expansion of interconnection, electricity storage, and demand side response, the first steps of which are set out in the Smart Systems and Flexibility Plan...*"

7.80. The Appeal Site would contribute to delivering the electricity generation from clean sources and move to a low carbon economy as envisaged by the strategy. The expected number of homes powered and the CO2 offset as a result of the project are discussed within the Planning Statement (**Volume 1 – Planning Reference 22/02241/FUL**) under '*Renewable Energy Statement*'.

7.81. In November 2017 the UK published its modern Industrial Strategy, which includes a Clean Growth Grand Challenge. The Grand Challenge aims to put the UK at the forefront of industries of the future, by maximising the advantages for UK industry from the global shift to low carbon.

BEIS Outcome Delivery Plan: 2021 – 2022

7.82. The Outcome Delivery Plan sets out four priority outcomes, of which include tackling climate change. BEIS note within the report:

"Making sure the UK ends its contribution to global warming by 2050 is a core part of the Department's work. Following the publication of the Prime Minister's Ten Point Plan, the Energy White Paper and the Industrial Decarbonisation Strategy, we will work across government to drive the Green Industrial Revolution. Our ambitious domestic action plan will create growth and jobs in clean technologies, infrastructure and energy in the 4 nations of the UK. Through our upcoming Presidency of COP26 and our International Climate Finance we will also provide strong global leadership and set an example to accelerate international climate action."

The Sixth Carbon Budget: The UK's Path to Net Zero

7.83. The Climate Change Committee (CCC) published the Sixth Carbon Budget: The UK's Path to Net Zero[20] on 9 December 2020. The Sixth Carbon Budget sets out, for the first time, what actions the UK will need to take to achieve net zero emissions by 2050.

7.84. The CCC's recommended pathway, the Balanced Net Zero Pathway, aims to decarbonise electricity generation by 2035, with action thereafter focused on meeting new demands in a low-carbon way. The pathway requires a 78% reduction in UK territorial emissions by 2035, a 63% reduction from 2019.

7.85. The key features of the scenario are an increasing demand for electricity, decreasing carbon intensity of generation, and a more flexible system. The Proposed Development aligns with the Sixth Carbon Budget by contributing to the decarbonisation of electricity generation.

7.86. The Appeal Site will have an export capacity of up to 49.9MW; a solar farm of this size will generate a significant amount of electricity from renewable sources and mean a substantial reduction of CO_2 emissions annually.

Energy Security Strategy

7.87. The Energy Security Strategy[24] released in April 2022 calls for a major acceleration of new homegrown power generation for greater energy independence and security for the UK. Solar has a huge part to play in this required acceleration, with the strategy setting a target for a five-fold increase in solar deployment by 2035. The development contributes to this target, being capable of generating 49.9MWs of clean green electricity to the grid, the equivalent of supplying the energy required to power c. 15,200 homes per year.

The Ten Point Plan for a Green Industrial Revolution

7.88. In November 2020, the Prime Minister announced his Ten Point Plan[35] for the UK to lead the world into a new Green Industrial Revolution. This innovative programme sets out ambitious policies and significant new public investment to support green job creation, accelerate our path to reaching net zero by 2050 and lay the foundations for building back greener. Spanning clean energy, buildings, transport, nature and innovative technologies, the Ten Point Plan will mobilise £12 billion of government investment to unlock 3 times as much private sector investment by 2030; level up regions across the UK; and support up to 250,000 highly skilled green jobs.

Energy White Paper: Powering our Net Zero Future and the Industrial Decarbonisation Strategy

7.89. The Energy White Paper [36] (EWP), published in December 2020, and the Industrial Decarbonisation Strategy[37], published in March 2021, set out complementary plans for the transformation of the UK's energy system and industries, including actions to fully decarbonise electricity generation by 2050. This will help to meet our ambitious Nationally Determined Contribution (NDC) to reduce the UK's emissions by at least 68% by 2030[38], compared to 1990 levels (the highest reduction target for a major economy to date), and meet our Sixth Carbon Budget to cut emissions by 78% by 2035.

7.90. This domestic ambition is matched internationally, through the Prime Minister's pledge in September 2019 to double the UK's International Climate Finance for developing countries to £11.6 billion for the 5-year period from 2021 to 2025, as part of our Paris Agreement commitments.

7.91. These commitments lay the steps to build back greener from the pandemic and reach net zero.

Net Zero Strategy: Build Back Greener

7.92. The Net Zero Strategy (NZS), was published in October 2021, setting out a delivery pathway showing indicative emissions reductions to meet the UK's sixth carbon budget (2033-2037).

7.93. It sets out the policies and proposals needed to meet the ambitious target of net zero by 2050, including an aim that the UK will be powered entirely by clean electricity by 2035.

7.94. The NZS also confirmed that solar and wind will be the backbone to achieving a secure, affordable and low carbon energy supply, which means that as part of the energy mix, large scale solar projects, have an important role to play.

Local Energy Policy

7.95. The CCC says that local authorities have a crucial role in contributing to emissions reductions and helping the UK meet its carbon budgets targets. Local authorities are well placed to drive and influence emissions reductions in their wider areas through the services they deliver, their role as social landlords, trusted community leaders and major employers, and their regulatory and strategic functions.

7.96. The LPA produced a Climate Change Strategy in 2009 which was later updated in 2013[39]. The strategy states:

"As a Local Authority we are working to reduce Rushcliffe's carbon footprint, by using planning and other policy levers to ensure that buildings and local infrastructure are energy efficient and resilient to increased risk of flooding, water stress and overheating. We will provide green spaces to keep Rushcliffe cool and to absorb heavy rain. We will ensure an effective emergency response after extreme weather events. We will also continue to look at our own estate and reduce the emissions from our operation."

7.97. Since the production of this document the LPA has made a commitment to work towards becoming carbon neutral by 2030 for its own operations. The LPA is also committed to supporting local residents and businesses to reduce their own carbon footprint. In 2020, it released its Council Carbon Management Plan[40] which details various actions to be taken towards its neutrality goal, with timescales and estimated CO_2 savings attached.

7.98. The LPA have recently updated its climate strategy for the next nine years (2021-2030)[41]. This is part of its plans to make Rushcliffe a carbon neutral Borough by 2050 and to make the LPA's operational services carbon neutral by 2030.

7.99. Although the above is not directly relevant to the Appeal Site itself, it is clear that LPA strongly advocate a transition to a low carbon future.

[39] https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/environmentandwaste/environment/climatechange/Climate_change_strategy_2013.pdf
[40] https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/environmentandwaste/environment/climatechange/Carbon%20Management%20Action%20Plan%202020%20Final.pdf
[41] https://www.rushcliffe.gov.uk/aboutus/aboutthecouncil/documentsstrategiesandpolicies/accessiblepoliciesandotherdocuments/climatechangestrategy20212030/

8. THE APPELLANT'S RESPONSE TO THE REFUSAL

8.1. The planning decision document gave two reasons for refusal, as shown in Section 1.

RESPONSE TO REFUSAL REASON NUMBER 1

8.2. As regards the first reason for refusal, the Proposed Development will introduce a new vertically low, medium-scale renewable energy feature into a rural landscape of medium to large gently undulating arable fields to the north of Thoroton and east of Hawksworth. A further Landscape and Visual assessment has been caried out in response to this refusal reason and can be found within **Appendix F: LVAR and Associated Figures.** This has been produced to supplement the original LVA, that can be found in **Volume 3: Technical Appendix 1: LVA – Planning Reference 22/02241/FUL**.

8.3. Throughout the planning process, the Proposed Development's design and setting has considered landscape and visual effects within the confines of the nine arable fields to ensure that any potential effects upon the landscape and visual receptors are limited. To this end, as discussed under Section 5, the Proposed Development has gone through an iterative design process and considered landscape and visual effects at each stage.

8.4. It has been found, through the LVA assessment (**Technical Appendix 1 of Volume 3 - Planning Reference 22/02241/FUL**), WWA Report (refer to **Section 2** within **Appendix F – LVAR**) and this SoC that the extent of notable landscape and visual effect would be relatively low.

8.5. These effects are also restricted principally to within the Appeal Site itself and along the immediate Appeal Site boundary. These effects are also restricted to Bridleway 1 and 6, where the amenity route passes within 10m of the solar array, for a time (see Viewpoints F and G within **Appendix F: LVAR**)

8.6. However, the mitigation measures proposed, such as screen planting and panel offsets, have ensured only glimpsed views are possible once mitigation has been established. This is shown by Viewpoint F and Viewpoint G (see **Appendix F - LVAR**), which present the worst-case scenario.

8.7. Proposed mitigation and landscape enhancement measures within these sections of the Appeal Site, combined with enhancement and management of other existing field boundaries, would reduce the duration of visual effects, whilst retaining and improving the field boundaries, in keeping with local policy and strategies.

8.8. Views from outside the Appeal Site are extremely limited.

8.9. Viewpoint C (within **Appendix F: LVAR**) shows a view achieved through a gateway entrance to the Appeal Site, where there is a break in the hedgerow vegetation for less than 30m. The alternative view, (referred to as **Viewpoint C1** within **Section 4** of **Appendix F - LVAR** which shows a view to the right of the photographer looking towards Thoroton, shows the extent of the vegetation screening within the immediate road network, completely screening any achievable view towards the Proposed Development.

8.10. The remaining viewpoints show the levels of screening which exist within this landscape, with views of the Proposed Development almost completely screened, with only glimpses or partial views of the Proposed Development from the PRoW (Bridleways 1 and 6) in the north of the Appeal Site.

8.11. The original LVA indicates a positive picture regarding the extent of effects upon visual receptors within the wider study area beyond the Appeal Site. Adverse effects would also be subject to seasonality, with views more heavily filtered during summer months and in the short to medium term with mitigation planting, which has been designed to screen the Appeal Site and enhance the intervening view with characteristic wooded field boundary planting.

8.12. To summarise:

- **no significant** effects are predicted on any landscape character types/areas or landscape designations within the 5km study area;
- effects upon the visual amenity of visual receptor within the core study of 2.5km area would be **not significant**; and
- once planting matures, effects on the remainder of the PRoW network are predicted to be **not significant.**

RESPONSE TO REFUSAL REASON NUMBER 2

8.13. As regards the second reason for refusal, a Cultural Heritage Addendum (**Appendix G: Cultural Heritage Addendum and Associated Figures**) has been produced to assist the Inspector and should be read together with the following paragraphs.

8.14. The heritage considerations within the Officer's Report can be divided into three themes:

- The potential indirect effects upon the setting of Hawksworth Conservation Area and its Listed Buildings;
- The potential indirect effects upon the setting of Thoroton Conservation Area and its Listed Buildings; and

- The environmental and public benefits of the proposal are not sufficient to outweigh the potential indirect effects outlined above.

8.15. RES Ltd's response to the first two themes are provided below and within **Appendix G - Cultural Heritage Addendum**. The third theme is addressed elsewhere within this SoC (refer to paragraphs 5.6 – 5.15 and Section 9).

8.16. Within the Officer's Report, which includes comments from the Conservation Officer, there is general agreement between the report and the findings of the CHIA, specifically that some degree of impact is anticipated upon the conservation areas and listed buildings, but that this harm constitutes 'less than substantial harm' as defined within Paragraph 202 of the NPPF. However, the view in the Officer's Report is that the magnitude of these impacts is nonetheless sufficient to merit refusal in relation to Paragraphs 200 and 202 of the NPPF and Policies 11 and 28 of the Rushcliffe Local Plan.

8.17. A second heritage site visit and walkover survey were undertaken by Michael Briggs on the 10 May 2023 at the Appeal Site, following the Refusal. The objectives of the survey were to provide additional information in response to the concerns raised within the Officer's Report, in particular the potential impact upon the settings of the two conservation areas and their listed buildings, by identifying the extent of views and intervisibility at various points within the local landscape and within the contexts of Hawksworth and Thoroton villages.

8.18. This was done by way of a thorough walkover of both conservation areas and their connecting footpaths, as well as through the Appeal Site itself. Views and intervisibility at points throughout each of these locations were assessed and the character and sensitivity of the conservation areas considered via the survey and in consultation with the LPA published appraisal documents, available on their respective pages on the LPA website[42&43].

8.19. The additional walkover survey helped to define the extent of views and intervisibility at various points within the containing landscape and within the contexts of Hawksworth and Thoroton villages. Results from this survey confirmed that the appraisal of settings and level of indirect effects determined for assets within Hawksworth and Thoroton within the CHIA are accurate and appropriately weighted, predominately ranging between low and negligible, with a worst-case 'moderate to low' indirect effect for the Church of St Helena (NA18). It is therefore agreed that the level of these impacts is 'less than substantial' as per the benchmark of paragraphs 200 and 202 of NPPF. The key planning reference within the Refusal was to paragraph 202, which states that:

[42]Rushcliffe Borough Council (2022) Hawksworth Conservation Area Appraisal and Management Plan. RBC https://www.rushcliffe.gov.uk/media/1bjjm0o5/hawksworth-conservation-area-appraisal-final-document.pdf

[43]Rushcliffe Borough Council (2022) Thoroton Conservation Area Appraisal and Management Plan. RBC https://www.rushcliffe.gov.uk/media/2bgfwc0a/thoroton-conservation-area-appraisal.pdf

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

8.20. The arguments for 'significant' indirect effects upon the conservation areas and listed buildings within the Refusal overstated both the extent to which views of the Appeal Site with the surrounding countryside are possible from within the conservation areas, and the importance of such views to their character and setting.

8.21. It is clear from the survey, as well as a review of the Hawksworth Conservation Area Appraisal and Management Plan (2022) and the Thoroton Conservation Area Appraisal and Management Plan (2022), that the primary contributions to their settings are made by the hedgerow, grass verges, trees, paddocks and small fields, each of which will not be affected in any way by the Appeal Site. While glimpses over wider farmland were occasionally possible from within the village through gaps provided by its small enclosures and paddocks, none of the views identified were orientated towards fields inside the Appeal Site (please refer to **Plates 8, 10, 12, 13, 30 and 31** in **Appendix G – Cultural Heritage Addendum**).

8.22. Similarly, the Hawksworth Conservation Area Appraisal and Management Plan specifically highlights a lower sensitivity and significance from large arable fields, as the aforementioned elements "*provide a more traditional rural setting than intensively farmed arable land*". The Appeal Site falls under this characterisation of 'intensively farmed arable land' and therefore does not contribute to the setting of the conservation area in the same way that the aforementioned elements do.

8.23. The indirect effects assessed upon the heritage of Hawksworth and Thoroton are **not significant**, contrary to the statements within the Officer's Report, which cited heritage impacts as being too significant a consideration against the Proposed Development for the public benefits of the Proposed Development to sufficiently outweigh.

Relevant Appeal Decisions

8.24. This section outlines key renewable energy and other energy infrastructure appeal decisions and cases that support the Proposed Development.

PA Ref: 20/01242/FULM, Appeal Case No. APP/B3030/W/21/3279533

8.25. Planning permission was granted on appeal for the construction of a solar farm and battery storage stations together with all associated works, equipment, and necessary infrastructure on land north of Halloughton, Southwell, Nottinghamshire, subject to conditions, following a refusal by the local planning authority, which concluded that:

"In the opinion of the District Council the proposed development, by virtue of its sheer scale, siting and close proximity to Halloughton Conservation Area and designated heritage assets therein would have a long-term detrimental impact on the landscape character and visual amenity of the area. The proposal would result in a moderate adverse landscape impact on land cover and a major adverse scale of effects on the local landscape character (Mid Nottinghamshire Farmlands Policy Zones 37, 38 and 39) for the forty-year lifetime of the scheme. There would also be long-term visual impacts on well used public rights of way (PRoW Southwell 74 and PRoW Southwell 43) which would last at least until Year 10 of the proposed development and likely longer. The proposal would also fail to conserve and enhance landscape character and visual amenity and therefore would be harmful to the character, appearance and visual perception of the area. The proposed development would also result in less than substantial harm on the setting and experience of Halloughton Conservation Area, as well as to the setting of listed buildings within the Conservation Area, notably the Church of St James (Grade II) and the Manor House (Grade II) in addition to resulting in less than substantial harm to the setting of designated heritage assets within the Brackenhurst complex (Grade II) and South Hill House (Grade II). This level of harm would result in loss of significance to these designated heritage assets."*

8.26. Reason two of the refusal for the application similarly considers the proximity of the site to two conservation areas. However, in allowing the above appeal, the Inspector stated;

"The proposal would result in less than substantial harm at the lower/lowest end of that spectrum to the heritage significance of several HAs albeit that harm would be temporary until the solar farm was decommissioned. In relation to the CA as a whole, the proposal would, on balance, preserve its character and appearance. ***In this context, recognising the great weight that is required to be attached to the conservation of a HA, I consider the imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant benefits of the scheme clearly and decisively outweigh the temporary and less than substantial harm to the HAs involved****."* Emphasis added.

8.27. In consideration of the second reason for refusal given by the LPA for the Appeal Site, the local planning authority at Halloughton refused the planning application on the following grounds:

"Although the proposal would undoubtedly bring meaningful environmental and economic benefits to the District, in the context of paragraph 196 of the NPPF and in the overall planning balance, these are not considered sufficient to outweigh the harm identified on the setting of the abovementioned designated heritage assets or the landscape character and visual amenity of the area by the sheer scale and siting of the proposal. The proposal would therefore be contrary to the objective of preservation required under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in conflict with the development plan with particular reference to policies CP9, 10, 13, 14 of the Amended Core Strategy (2019), policies DM4, 5, 9 and 12 of the Allocations and Development Management DPD (2013) in addition to

the provisions of the Southwell Neighbourhood Plan (2016), Landscape Character Assessment SPD (2013) and the NPPF (2019) when read as a whole."

8.28. However, on appeal the Inspector concluded;

"Both national and development plan policy recognise that large scale solar farms may result in some landscape and visual impact harm. However, both adopt a positive approach indicating that development can be approved where the harm is outweighed by the benefits. This is a planning judgement. Here, through a combination of topography, existing screening and landscape mitigation, the adverse effect on landscape character and visual impact would be limited and highly localised. Moreover, as the existing and proposed planting matures, adverse effects, would be progressively mitigated and once decommissioned there would be no residual adverse landscape effects. Rather the scheme would leave an enhanced landscape consistent with the objectives of development plan policy and the SPD. ***In these circumstances, whilst there would be some localised harm to landscape character and some visual harm in conflict with the relevant development plan policies, the imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant benefits of the scheme clearly and decisively outweigh the limited harm."*** Emphasis added.

8.29. The LPA presented similar landscape issues in its Refusal. However, the Appeal Site will have no residual adverse landscape affects, although there will be localised harm to the immediate landscape and visual receptors. The existing vegetation, including mature trees and hedgerows within the Appeal Site and surrounding area, make this location ideal for the Proposed Development, with the mature trees and hedgerows offering significant screening allowing the Appeal Site to be accommodated.

8.30. In respect of both Reasons for Refusal at Longhedge, instead of substantial weight being attached to the provision of renewable energy as a benefit to outweigh such residual adverse impacts as will be experienced with mitigation steps in place, as was the approach of the Inspector at Halloughton, it appears that no significant weight has been attached to these benefits as the Halloughton decision illustrates that it precisely benefits of the type and scale anticipated at Longhedge that are sufficient to justify the type of impacts that will be experienced from the development.

9. CONCLUSIONS

9.1. There is an urgent need for renewable energy in the UK, to which solar schemes contribute significantly.

9.2. Before turning to the factors that stand in favour of allowing this appeal, it is informative to consider some of the language by which opposition to this development has been raised by the LPA which, it is submitted, illustrates there is potentially no great level of opposition to approval being granted:

9.3. The Officer's Report:

- acknowledges the principle of the Proposed Development "complies with relevant local and national policy" (lines 6 and 7 of Planning Balance assessment) but then still proceeds to advance two reasons against which it is claimed the harm caused outweighs its benefits;
- notes 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…" (lines 2 and 3 of page 9) but then concludes that the "potential" landscape and visual effects found the Proposed Development are unacceptable; and
- states that "all of the benefits of the proposal could be delivered through alternative sites located practically anywhere else nationally" (lines 1 and 2 of the final paragraph of page 23) which introduces a policy test that no renewable development in a location such as this would be required to satisfy.

9.4. Against opposition such as that which is either equivocal or misconceived this SoC and its supporting documents demonstrate that the benefits of the Proposed Development outweigh what level of adverse impact may be caused by the Proposed Development, such that it is an appeal that is well within the Inspector's discretion to allow, in that:

- visual impacts and effects on landscape and visual amenity together with heritage assets have been shown by detailed expert assessment to be low in any event due to the accommodating landform in and around the Appeal Site and the visual separation of the two conservation areas and listed buildings from the areas to be developed;
- those impacts have been reduced further by design changes that have been made in light of consultation responses to the point now that an optimum balance of development and impact has been reached with no suggestion from any quarter that

further reductions in developed area would achieve any proportionate reduction in impacts;

- the Proposed Development achieves high levels of compliance with all relevant policies in the NPPF, Core Strategy and Local Plan;
- the Proposed Development would have a renewable energy generating capacity of up to 49.9 MW, which would meet the needs of approximately 15,200 homes annually saving approximately 25,000 tonnes of CO2 annually;
- the Proposed Development would contribute to reducing the UK's reliance on fossil fuels and, in turn, contribute to the climate change agenda and the Net Zero by 2050 target;
- these energy generation benefits bring compliance with a wide range of national and international policy and legal obligations;
- 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;
- the Proposed Development will provide a BNG of 182.51%;
- the Proposed Development is temporary and fully reversible such that the Appeal Site can be reinstated to allow full agricultural use on decommissioning;
- the Proposed Development will provide a range of community benefits, including the protection and enhancement of PRoWs and two new permissive paths; and
- significant support for granting permission in this appeal comes from the recent appeal decision on renewables neighbouring a conservation area at Halloughton where the Inspector concluded that the imperative to tackle climate change set out in legislation and energy policy, and therefore the significant benefits of the renewable energy scheme, outweighed the temporary and less than substantial harm to heritage assets and limited harm to landscape and visual amenity.

10. APPENDICES

- Appendix A: Pre-Application Submission and Response
- Appendix B: Rushcliffe Borough Council – Notice of Refusal
- Appendix C: Field Number Drawing
- Appendix D: Updated Layout
- Appendix E: Written Scheme of Investigation (WSI)
- Appendix F: Landscape and Visual Appeal Report (LVAR) & Associated Figures
- Appendix G: Cultural Heritage Addendum & Associated Figures