

Little Covenhope, Aymestrey, Herefordshire, HR6 9SY

Statement of Case on behalf of the Rule 6(6) Party, the Hawksworth and Thoroton Action Group (HTAG)

APP/P3040/W/23/3330045

Land East Of Hawksworth and Northwest Of Thoroton, Nottinghamshire, NG13 9DB

1) Introduction

The Hawksworth and Thoroton Action Group (HTAG) is formed of the Parish Councils and Parish Meetings of Hawksworth, Thoroton, Orston, Car Colston, Flintham, Sibthorpe, and Flawborough, representing residents from the area around the Appeal site.

The R6P broadly agrees with the reasons for refusal given by the Planning Authority, but considers that the proposed development of Best and Most Versatile (BMV) agricultural land should also have been a reason for refusal.

The risk of harm to archaeological assets and the failure to investigate or assess the significance of these assets may also constitute a reason for refusal. The R6P is aware that the Appellant is currently carrying out field investigations of the archaeology of the appeal site. It is unclear whether the results of these investigations and the assessment of the significance of any findings will be made available before the inquiry.

In the R6P's view, the Appeal should be dismissed for the following reasons:

1. The scale, design and nature of the proposed development would have significant adverse impacts on landscape character and visual amenity, contrary to Policies 16, 22 and 34 of LPP2
2. The proposed development would harm the character and appearance of the Hawksworth and Thoroton Conservation Areas and the settings of designated heritage assets, contrary to Policies 1 and 11 of LPP1 and Policies 16 and 28 of LPP2.
3. The proposals would entail the development of significant areas of best and most versatile agricultural land, contrary to policies 1 and 16 of LPP2.
- 4) The Appellant has failed to investigate the nature, extent and significance of archaeological remains present on the appeal site, contrary to Policy 29 of LPP2.

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5) The proposals pose a significant risk to otters and bats, species protected under the Conservation of Habitats and Species Regulations 2017.

2) Site capacity

The Appellant was asked to provide evidence of the capacity of the proposed development, to demonstrate that the proposals can lawfully be determined by s.78 Appeal, rather than as a development consent order for a Nationally Important Infrastructure Project.

The information provided does not include details of the 26 proposed inverters, which under National Energy Policy EN-3 provide the sole basis on which the capacity of the appeal proposals should be measured.

The latest National Policy Statement for renewable energy infrastructure (EN-3) came into force on 17 January 2024. It says at paragraph 2.10.53: "From the date of designation of this NPS, for the purposes of Section 15 of the Planning Act 2008, the maximum combined capacity of the installed inverters (measured in alternating current (AC)) should be used for the purposes of determining solar site capacity."

The information in the Appellant's Note to the Inspector dated 16th April 2024 (The Note) suggests that the proposals would have significantly greater generating capacity than 49.9MW.

The Appellant has a concurrent appeal within the same local planning authority area, appeal ref. 3329235, for a solar development with a claimed capacity of 49.9MW. In that case, the proposals are for 91,936 solar panels, and 17 inverters of an undisclosed capacity. The drawings of the panels in both these cases are identical, except that a written description indicates different measurements for the panels. Neither set of measurements conforms to the drawings.

The proposals in this appeal are for 139,568 panels and 26 inverters. The Appellant has not explained why 50% more infrastructure is required to deliver 49.9MW on this site. This is especially the case because the Appellant advises that the Appeal Site was chosen for its good levels of solar irradiation.

The capacity of typical inverters for utility scale solar development, such as the appeal proposals, ranges from c.3MW to 4.6MW. See for example: Sineng 4.4MW inverter, Sungrow 3.15MW – 4.4MW: Solar Tech AG 4.6MW.

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These inverters indicate a site capacity of between 82MW and 120MW, well in excess of the threshold for a NSIP.

The Appellant asserts that other components of the proposals should be taken as measures of capacity, although these are not sanctioned by EN-3.

The Note references paragraph 2.10.17 of EN-3, which is a general description of typical solar development and does not purport to be a guide to capacity. The guidance on capacity is set out at paragraphs 2.10.50 to 2.10.58.

Paragraph 2.10.17 advises that a typical 50MW solar development, including infrastructure, will occupy 125 to 200 acres of land. The Note refers to the “buildable” area of the Appeal Site, although there is no reference in EN-3 to “buildable areas”. The Appeal Site is some 234 acres, according to the Appellant’s Statement of Case, larger than the range cited in EN-3.

Fordham J. in *Galloway v Durham** dismissed a similar claim that only the area covered by panels should be assessed when considering the capacity of a solar site. He said:

“In one sense, if you add up the widths of all the rows of panels, half of this one-acre field is “occupied” by solar panels. In another sense, the whole one-acre field is “occupied” by solar panels. The whole field is what the solar farm “requires”. If you looked at this field, in the countryside, it would look like a field full of solar panels. On a straightforward reading, it seems that Draft EN-3 §2.47.2 (§15 above) was speaking of this as an acre of solar panels, because it was describing the acreage which the solar farm “requires” for the solar panels.”

The Note again references paragraph 2.10.17 as indicating a typical 50MW development would include 100,000 to 150,000 panels. The Appellant’s Statement of Case (SoC) advises that there would be 139,568 panels, although The Note says there would 128,752.

The proposals are for bi-facial solar panels, which are typically 30% more efficient than standard solar panels, so fewer would be required to achieve the same output as on sites with standard panels.

The Note acknowledges that the indicative panel ratings given show that site dc capacity would exceed the 50MW threshold – 78.5MW based on the number of panels in The Note, 85MW, based on the number in the SoC.

The Appellant say the excess capacity is an “overplanting” allowance. However, the appeal documents make no reference to overplanting, which would normally be subject to a planning condition to ensure

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that the excess panels are not brought on stream until the output of the original panels has degraded sufficiently to ensure that the site remains within its permitted capacity.

EN-3, footnote 92 advises: ““Overplanting” refers to the situation in which the installed generating capacity or nameplate capacity of the facility is larger than the generator’s grid connection. This allows developers to take account of degradation in panel array efficiency over time, thereby enabling the grid connection to be maximised across the lifetime of the site. Such reasonable overplanting should be considered acceptable in a planning context so long as it can be justified and the electricity export does not exceed the relevant NSIP installed capacity threshold throughout the operational lifetime of the site and the proposed development and its impacts are assessed through the planning process on the basis of its full extent, including any overplanting.”

Solar panels are expected to degrade at a rate of c.0.5%-0.8% a year. At a 0.5% degradation rate, overplanting of 10MW would be required to cover the lifetime of the development. Even if the Appellant were to allow for a 1% annual degradation rate (referenced in Galloway and an earlier version of EN-3), a maximum of 20MW of overplanting would be required, meaning that the 28.5MW to 35MW overcapacity provided for in this application is significantly greater than required and could not be described as reasonable.

The Note also refers to Maximum Export Capacity and a “legal grid limit” as evidence of site capacity. The Appellant advises that a connection to the grid has been secured, but has not provided a copy of the agreement or evidence of any “legal” constraint on capacity. Even had such information been provided, EN-3 does not sanction export capacity as a measure of site capacity and this was confirmed in the Galloway case.

If there is a cap on the connection to the grid, capacity may be “clipped”, meaning that surplus energy is wasted when the site is operating at maximum capacity. Installing more panels and inverters than required would enable the site to deliver 49.9MW for more of the year.

En-3 recognises this at 2.10.56: “AC installed export capacity should not be seen as an appropriate tool to constrain the impacts of a solar farm. Applicants should use other measurements, such as panel size, total area and percentage of ground cover to set the maximum extent of development when determining the planning impacts of an application.”

The Appellant asserts that the capacity of the site is now 49.9MW, having reduced the number of panels from 160,888 to 139,568 and the number of inverters from 28 to 26 since the planning

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application was made. This suggests that, even if the capacity of the appeal site is 49.9MW as claimed (this does not appear to be the case), the original proposals were for a development with significantly greater capacity, which should have been determined as a NSIP, rather than by the Local Planning Authority.

If the Appellant proposes to reduce the number of inverters, or indeed panels, to achieve the 49.9W limit, this will alter the scale and layout of the proposed scheme from that which has been assessed for the purposes of the Appeal. Such changes would acquire re-assessment and re-consultation.

In Galloway, the Court held that the planning permission was for an integrated and non-severable scheme. If the permission had authorised a solar farm exceeding the statutory capacity threshold, the developer could not simply choose to build a smaller solar farm on part of the fields.

In the Galloway case, the granting of planning permission for a proposed solar development with an agreed grid connection of 49.5 MW was unlawful because the Local Planning Authority did not know the generating capacity of the site and should have been aware that it was potentially granting permission for proposals that exceeded the NSIP threshold.

The appeal documents do not provide the information required to calculate the capacity of the site in accordance with EN-3 and to determine whether what is proposed is in fact a NSIP. The information provided by the Appellant indicates that site capacity would substantially exceed the NSIP threshold.

Without this information, it would not be possible to limit the capacity of the site through planning conditions to ensure that the development remained below the NSIP threshold.

*R (Galloway) v Durham County Council [2024] EWHC 367 (Admin)

3) Site Selection

Site selection is addressed in Section 5 of the Appellant's Statement of Case. From this, it appears that the Appellant did not consider any other site, despite the significant constraints of the Appeal Site.

The Appellant's criteria for choosing the Appeal Site were:

- 1) That it was close to a grid connection.
- 2) There are good levels of solar irradiation.
- 3) The site is not within any statutorily designated area.

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The Appellant has not explained why sites on non-agricultural land or land of poorer quality were not considered, although these sites would be preferred under national policy. (See part 3 below).

The grid connection would be to a 132kVA pylon on the Appeal Site. Fig. 1 shows that the route of the 132kVA cable between the site and the town of Corby passes through areas of Grade 4 agricultural land and the brownfield site of the former Corby steelworks. The Appellant has not explained why these areas, with the same potential access to the grid, were not explored.

The SoC has not explained what is meant by good solar irradiation or how levels compare with other potential sites.

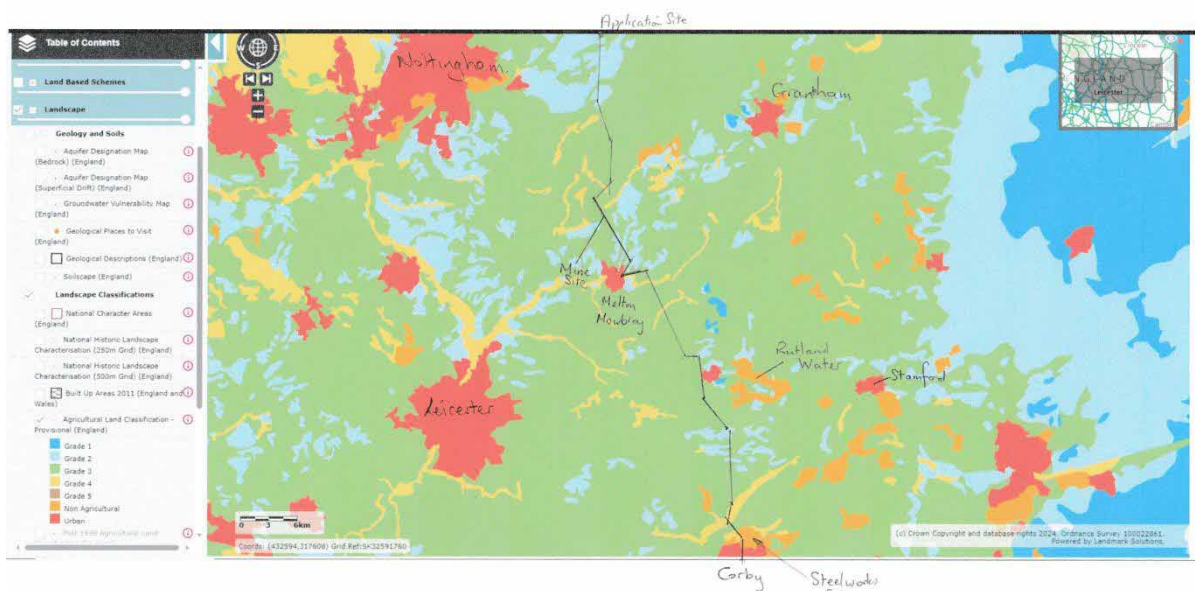


Fig. 1) Plan showing route of 132kVA cable

Two other reasons given for the selection of the site are that biodiversity would be enhanced and that sheep would be grazed on the appeal site. These matters are addressed in part 6 below. They are not reasons for selecting the Appeal Site because these considerations would apply to almost any site on agricultural land.

The Appellant further justifies the selection of the site by listing claimed benefits of the proposals, including, inter-alia, the generic benefits of renewable energy production, “enhancements” to the landscape and provision of permissive bridleways.

The description of the site selection process makes no reference to the significant constraints of the Appeal Site, including but not limited to:

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A large proportion of the site is on best and most versatile agricultural land

There are records of protected species on the site, which would be adversely affected by the proposals

Parts of the site are within flood risk zones 2 and 3

The site is within the setting of several designated heritage assets and close to two conservation areas

The site is within a very rural area with high levels of perceptual and aesthetic qualities and fine view

The highway network approaching the site is made up of narrow lanes, unsuitable for Heavy Goods Vehicles

A geophysical survey had revealed significant potential archaeology across the site

The site is traversed by well-used public rights of way, which are an integral part of the regionally important recreational network

The Appellant did not carry out a sequential test to establish whether there were more suitable sites available for the proposed development, away from the areas at high risk of flooding.

While the case of R (Bramley Solar Farm Residents Group) v SSLUHC [2023] established that no sequential test is required where development of BMV land is proposed, the judgement cited Trusthouse Forte Hotels Ltd v Secretary of State for the Environment [1986], confirming that "it may well be relevant and indeed necessary" to consider whether there is a more appropriate site elsewhere. "This is particularly so where the development is bound to have significant adverse effects and where the major argument advanced in support of the application is that the need for the development outweighs the planning disadvantages inherent in it."

The significant constraints of the Appeal Site indicate that this is a case in which it was relevant and necessary to explain the site selection process.

4) Need for the Development

Paragraph 163 a) of the National Planning Policy Framework establishes that applicants are not required to demonstrate the overall need for renewable or low carbon energy. However, the

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Appellant argues that the harms arising from the Appeal Proposals would be outweighed by the UK's need to generate energy from renewable sources, so this is a relevant consideration for this Appeal.

The Appellant's SoC cites several sources in support of its argument, including the British Energy Security Strategy, which targets solar deployment of 70GW by 2035.

The national strategy documents defer to local and national planning policy on the siting of renewable energy development and contain a presumption that brownfield land or rooftop development is prioritised over the use of agricultural land.

In its 2023 Policy Paper "Finding common ground: Integrating data, science and innovation for better use of land", the government said:

"Key trade-offs include whether land should be used for 'food or fuel' and considerations of environmental impacts (biodiversity, noise, water quality, greenhouse gas emissions) and social impacts (visual amenity, public consent) need to be taken into account when locating energy infrastructure. Protected sites from areas of outstanding natural beauty (AONB) to sites of special scientific interest (SSSIs) can often limit specific forms of energy production. The government is also seeking large-scale solar deployment across the UK, looking for development mainly on brownfield, industrial and low/medium grade agricultural land."

The Policy Paper was a response to the Independent Net Zero Review (Mission Zero) which said:

"Solar farms in the countryside should not be planned piecemeal but in a co-ordinated fashion as part of a Land Use Strategy that the Review encourages in its section on land and agriculture. Stacking technology and appropriate use of solar farms on non-high grade agricultural land is entirely compatible with the wider expansion of solar farms. Once again, where located near communities, the utilisation of a consent process — that could be delivered through Local Area Energy Planning, a 'Net Zero Neighbourhood Plan' or equivalent — should aim to ensure that these projects are not imposed on local communities."

These statements concur with Written Ministerial Statement (UIN HCWS488) of 2015, which said:

Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high-quality agricultural land. Protecting the global environment is not an excuse to trash the local environment. When we published our new planning guidance in support of the Framework, we set out the particular factors relating to large scale ground

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mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality...we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence.”

The Appellant’s consultation with the local community identified high levels of local objection and revealed the value residents place on the landscape, wildlife, the history of the area and their access to rights of way with unimpeded views. The Appellant nonetheless proceeded with an application to “impose the development on the local community” (in the language of the Net Zero Review).

The Appellant’s assertion that development in this location is required to meet the government’s energy targets is not supported by evidence.

Ground mounted solar has expanded rapidly across the UK in recent years, making a substantial contribution to the government’s renewable energy targets. The government’s Renewable Energy Planning Database shows that the cumulative installed capacity of solar in the UK reached 15,993GW by the 4th quarter of 2023, a 9% increase from a year earlier. Of this, more than 9 GW was ground-mounted solar, with a further 1.8GW under construction and 14.2GW consented, bringing the total operating and consented total of ground-mounted solar to more than 25GW.

Ground mounted solar is expected to contribute around half of the total 70GW target with the remainder from roof-mounted and domestic installations. These latter sources are likely to be boosted by new permitted development rights.

Thus, ground-mounted solar is well on the way to supplying its 35GW contribution to the government’s target by 2035, indicating that decision-makers can be selective when granting permission for such development: there is no pressing requirement to depart from development plans.

Solar is also a notably inefficient source of energy, as confirmed by the Appellant’s note on capacity which gives a load factor of 11%, meaning the development would deliver only 11% of the site’s capacity over a year. Because solar energy is delivered at times when national demand is generally lower i.e. during the summer and on short sunny days in winter, development needs to be balanced with other sources, such as wind, that can feed the grid when solar’s contribution is reduced or nil.

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One of the questions for the Inquiry is whether the Appeal proposals constitute effective use of more than 230 acres of land that are currently in food production. (NPPF Paragraphs 128, 129 and 180). The R6P's view is that they do not.

5) Reasons to Dismiss the Appeal

RFR 1) Landscape and Visual Impacts

The LPA's first RfR is that the proposed development 'would have a significant adverse impact on landscape character and visual amenity', contrary to Policies 16, 22 and 34 of LPP2.

The R6P agrees with this conclusion, based on the findings of the independent assessment and review carried out by the expert landscape consultant appointed by the R6P. The consultant will also act as the R6P's expert landscape witness at the Inquiry, and will expand upon the points below in her evidence. The landscape and visual issues considered to be of most relevance to the Inquiry relate to the levels of landscape and visual effects which are predicted to arise from the construction, operation and decommissioning of the proposed development.

The Appellant's case, based on the conclusions of the submitted Landscape and Visual Assessment (LVA), is that:

- '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.'

LVA para. 2.16 explains that "most of the significant effects predicted during year 1, are likely to become not significant at around this time" (i.e. 'after approximately year 5').

The R6P does not agree that there would no longer be 'significant' landscape and visual effects after c. Year 5 of operation; on the contrary, the R6P's expert concluded that many of the landscape and

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visual effects arising could neither be mitigated nor compensated for, and that certain 'significant' adverse landscape and visual effects would be experienced throughout the project's lifetime.

The main reasons for the parties' difference of opinion about levels of landscape and visual effects appear to lie in flaws in the Appellant's LVA's method and process.

For example:

i) The R6P's expert found that the baseline landscape and visual information gathered and analysed as part of the LVA process was far too limited to provide a full understanding of the Appeal Site's levels of landscape and visual value, and susceptibility to change. This resulted in a) many highly relevant landscape and visual receptors not having been identified; and b) levels of landscape and visual receptor sensitivity having been underestimated.

ii) The methods and criteria used in the LVA to establish levels of receptor sensitivity and magnitudes of effect are confusing, and have led to errors, resulting in the underestimation of levels of effects.

iii) Perhaps due to the above, but certainly despite published and actual evidence to the contrary, the LVA's judgements about levels of receptor sensitivity and magnitudes of effect – which led to the conclusion that the proposed industrial development would be appropriate in the proposed location and could easily be assimilated – are based on the assumption that the Appeal site lies within a 'semi-rural' location (LVA para. 4.1).

Site visits will confirm that despite a few modern detractors, not only are the site and its contextual landscapes quintessentially rural, they also display significant time-depth.

Despite its relevance here (and recommendations in relevant published guidance), the LVA has not been concerned with cultural heritage and historic landscape character.

iv) Nor has the LVA been concerned with the landscape's natural heritage, despite this also being integral to both character and appearance, as noted in published guidance.

v) Furthermore, the LVA has not considered the very high value of the area as a recreational resource (walking, running, cycling and horse-riding in particular), not just for local residents,

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but also for those in the wider area, and visitors from all around the country. Many come specifically to enjoy the outstanding aesthetic and perceptual qualities (the area lies within a proposed candidate National Landscape (designated Area of Outstanding Natural Beauty (AONB)), especially tranquillity: the local road network is very lightly-trafficked and offers excellent opportunities for people of all ages and abilities. For local residents, the recreational resource makes an extremely important contribution to their health and well-being, and the quality of their lives.

vi) The LVA has not factored in the nature and likely extent of many of the effects which are likely to arise throughout the project's lifetime, resulting in magnitudes of effect having been underestimated.

vii) In making predictions about the overall levels of landscape and visual effects, the LVA has made some erroneous assumptions. For example, it asserts that mitigating measures can be double-counted as enhancements, and that high levels of adverse effects on landscape character can be reduced through planting to screen views. Published guidance confirms that neither is correct.

viii) The implications of the above two errors in particular are that judgements about overall levels of effects are based on the erroneous assumption that high levels of adverse effects are reduced when enhancements / benefits are factored into the equation, which is simply not the case.

The R6P's expert does agree with certain conclusions drawn in the LVA, for example that (apart from along the construction route), levels of adverse effects on landscape character and visual / social amenity arising from construction and operation of the developed site would decrease with distance, and that the highest levels of effects (potentially 'significant') would be experienced on the site and within a distance of up to 2km from the site boundary.

However, the R6P's expert does not agree with the LVA's conclusions about the extent of visual effects, which would be far greater than reported in the LVA, and thus more harmful than the LVA suggests.

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Nor does the R6P's expert agree with the LVA's assumptions about the likely effectiveness of some of the mitigating measures which are proposed to reduce levels of adverse effects on views.

RFR 2 Conservation Areas

The Hawksworth and Thoroton Conservation Area Appraisals and Management Plans (December 2022), describe "a group of small villages, including Hawksworth, Thoroton, Screveton, Car Colston, Orston and Scarrington, which are within close proximity to each other and share similar characteristics and historic rural context with open countryside between which is accessible by a network of public footpaths."

The assessments highlight the importance of open views from the public rights of way "across the open countryside setting". They describe how the flat landscape and "very few built structures" mean that the villages feel as if they are stumbled upon ". They refer to "the attractive scenes on the approach to the villages."

The identified strengths of both Hawksworth and Thoroton include open space and surrounding open countryside; rural character; limited street lighting and external views which reinforce local character. The "clean break" with other settlements is also recognised as a strength of both villages.

Threats to Thoroton include "Any external development that impinges on the village setting in its landscape." Threats to Hawksworth include "Inappropriate or uncharacteristic developments or improvements (Not experienced in recent times)."

"The enclosure of footpaths and bridleways" is a threat to both conservation areas, while threats to Thoroton include "the loss of glimpses of the open countryside".

The Hawksworth Appraisal references the views enabled by the "surrounding flat landscape" and the attractive scene on approaching the village. "Very few built structures immediately surrounding the village means it is stumbled upon when approached." It says "many openings and above hedges provide views into open countryside, with very little to suggest there is a village nearby."

These Appraisals are material considerations in this Appeal. They demonstrate that the character of the two Conservation Areas derives almost entirely from the agricultural landscape within which they sit and to which they are historically connected. The prosperity reflected in manor houses and other large dwellings derives from the rich farmland of the area.

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The villages are experienced from the extensive public rights of way network which connects them physically, historically and visually. The villages are viewed across the landscape as they are approached on public rights of way.

The Appellant's Cultural Heritage Assessment has entirely disregarded the important associations with the landscape, detailed in the CA appraisals.

It asserts that the Appraisals indicate the characteristics of the conservation areas are "particularly derived from the architectural merit of its buildings. In addition, the conservation area benefits from its internal village features such as grass-lined verges, hedgerow and individual or groups of trees."

Having dismissed the importance of the landscape setting of the Conservations Areas as central to their character and appearance, the Assessment considers only whether there are views of the appeal site from within the villages.

The assessment states at 3.7, in respect of the Hawksworth Conservation Area: "Intervisibility is not expect to result in any significant impacts due the lack of views into the core of the village."

In respect of the Thoroton Conservation Area, the assessment says that "views of open countryside appear to be limited to one or two fields at a time." And "There are no views from the core of the Conservation Area at ground level due to topography and vegetation."

The failure to acknowledge the importance of the undeveloped landscape to the character and appearance of both Conservation Areas, means the Appellant has misunderstood or misrepresented the impact of the appeal proposals on the heritage assets, including the listed buildings within the Conservation Areas.

Historic England's guidance on the Settings of Heritage Assets explains that views are only one element of the way such assets and their settings are experienced.

The guidance also refers to "change to built surroundings and spaces", "change to skyline, silhouette", "lighting effects and 'light spill'", "change to general character (eg urbanising or industrialising)", "changes to public access, use or amenity", all of which are potential impacts of the Appeal proposals, which should have been considered and assessed by the Appellant, but were not.

The errors of assessment have also led to a failure to recognise that the proposals to screen the development with landscape planting would themselves lead to significant adverse impacts by breaking the connection between the heritage assets and open countryside.

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The proposed mitigation would fulfil threats identified in the Appraisals, including the enclosure of public rights of way.

The Appeal proposals would constitute the type of inappropriate development the Appraisals seek to guard against. Both Appraisals identify the importance of the lack of built development in the landscape, which means that both conservation areas are experienced within the rural context which also contributes to the enjoyment of residents and visitors.

The Heritage Assessment's erroneous approach has infected the consideration of impacts on the settings of listed buildings. By confining assessment to the question of whether the site could be seen from the listed buildings, the Appellant has failed to consider how development of a landscape that has been in agricultural use for at least two millennia would change the way that the heritage assets are experienced.

The proposals would introduce incongruous geometric forms on a huge scale into the landscape, disconnecting the heritage assets from their settings and causing further harm by erecting new barriers, blocking longstanding views.

The Appellant seeks to rely on existing plant screening, despite the CA Appraisals identifying ageing trees as a threat, and on proposed planting, which would take many years to mature (and as noted above would itself be harmful to the heritage setting). This is contrary to Historic England's Guidance on the Setting of Heritage Assets, which advises "Ephemeral features, such as hoardings, may be removed or changed during the duration of the development, as may woodland or hedgerows, unless they enjoy statutory protection."

The woodlands around the appeal site also contain large numbers of ash trees with evidence of ash die back, which will limit both their longevity and their effectiveness as a screen.

Suggested Reason for Dismissal 3 Development of BMV Land/Loss of Food Production

NPPF paragraph 180 requires planning policies and decisions to protect and enhance soils and to recognise the "economic and other benefits of the best and most versatile agricultural land." Footnote 62 advises that "Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development."

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National Planning Policy Guidance (NPPG) states

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- 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.

Paragraph: 013 Reference ID: 5-013-20150327

There is clear direction in these policies and guidance that solar development should be located on brownfield and lower grades of agricultural land.

The proposed development would result in the loss of 34.4 hectares of Best and Most Versatile Land, with the remainder on Grade 3b land, which is predominantly in arable production.

The loss of BMV land is significant and warranted a statutory consultation with Natural England. Natural England's response is not an endorsement of the loss of BMV land and simply notes that the loss is not permanent within the parameters of the application as described. Natural England highlights relevant policy and notes that the weight attached to a particular consideration is a matter of judgement for the local authority as decision maker.

The loss of this significant BMV agricultural land is in conflict with Policy 1 of LPP1, Policy 16 of LPP2 and with national policy.

The evidence of the R6P's soils expert witness will show:

That substantial areas of land within a 5km radius of the Appeal Site is likely to include land of lower grades

That the process of building a solar site can cause significant, long-term damage to the soil

That full restoration to agricultural use will take many years or may never be possible.

That soil inversion as proposed by the Appellant to create conditions for a species-rich grassland will cause lasting damage to the soil

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That creation and maintenance of species-rich habitats on former cultivated and nutrient rich land is difficult and may be unachievable

That solar development is likely to increase flood risk, due to soil compaction and built area, and that the Appellant's assumption that run-off rates will be unchanged is incorrect.

In the light of this evidence, the R6P will demonstrate that the proposed development does not contribute to and enhance the natural and local environment by recognising the wider economic benefits from natural capital of this best and most versatile (BMV) agricultural land in accordance with Section 180 b) of the NPPF.

Suggested Reason for Dismissal 4: Archaeology

The failure to investigate the archaeological features identified by desk-based assessment and geophysical survey is in direct conflict with LPP2 Policy 29. This requires:

“1. 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.”

The Appellant produced a Written Scheme of Investigation in March 2023, but only commenced the investigation in April 2024, more than six months after the submission of the Appeal. The Appellant has not provided any information about when the findings of the investigations, or assessment of the significance of any findings uncovered, will be provided.

Instead, the Appellant has proposed that impacts on archaeological assets can be mitigated by, inter alia, installing the solar panels on concrete blocks rather than piles. The county archaeologist has expressed doubt that such measures would be appropriate or effective and this cannot be established at this stage because the nature of the archaeology is unknown.

Similar mitigation proposals were considered in the recent case of R (Low Carbon Solar Park 6 Ltd) v SSLUHC [2024]. The court agreed with the Planning Inspector in that case that:

“An understanding of the significance of any heritage asset is the starting point for determining any mitigation, and therefore I am unable to assess whether the mitigation proposed would be

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appropriate. Similarly, I cannot be certain of the potential harm that may result to the archaeological interest from the proposal, for example through the siting of solar arrays and the groundworks required. The heritage asset might have archaeological interest which could be unlocked through further field evaluation which would enable a greater understanding of any remains and their wider context.”

The judgement records that the Inspector “did not consider that the imposition of a planning condition would provide adequate mitigation for the safeguarding of what amounts to a non-designated heritage asset, and observed that what he termed the affected land is in close proximity to land that

has known above ground archaeological remains which are afforded the highest levels of protection as scheduled monuments.”

HHJ Jarman held: “As the inspector noted at [43], an understanding of the significance of heritage assets is the starting point for determining any mitigation, and it is not appropriate to assess mitigation without that understanding. To approach the matter from the direction which the claimant does, by saying that the requirement to understand such significance is inapplicable because mitigation means that there is no harm, is, in my judgment, to approach the matter the wrong way round. There needs to be an understanding of significance in order to assess whether any mitigation appropriately addresses any harm. It is clear that the claimant did not undertake any evaluations to identify the significance of the historical assets revealed in the March 2022 geophysical survey, seemingly because it took the view that such a requirement was inapplicable where mitigation could avoid harm. In my judgment, the view was in error.”

Archaeological records of the appeal site and surrounding area include finds covering the prehistoric to Roman periods. There is evidence of intense Roman activity in the area, including the Roman settlement Margidunum at East Bridgford some 4km from the site and Roman villas at Shelton, 2.5km away, and at Sibthorpe, 2 km distant.

In the absence of the findings of archaeological survey and assessment, it would not be possible to determine the significance of the archaeological remains on the Appeal Site or establish whether the mitigation proposed by Appellant is adequate or appropriate. The discovery of important finds could trigger a major redesign of the scheme and revised assessment of impacts.

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Suggested Reason for Dismissal 5) Threat to Protected Species

The proposals would pose a significant threat to otters and bats, both protected species under the Conservation of Habitats and Species Regulations 2017.

Research by the University of Bristol has found that the activity level of common pipistrelle, noctule, myotis species, serotine, soprano pipistrelle and long-eared species was substantially lower at solar sites, compared with paired control sites. (Appendix 3)

Lead Researcher Elizabeth Tinsley said: "Further research is required to assess bat behaviour at solar farms, and why it is causing the significant decrease of certain species at the site. Is it the loss of suitable habitat that reduces activity? Are there fewer insect prey available, and are bats at risk of collisions with panels?"

A Study by Gwent Wildlife Trust also found dramatic reductions in the bat population – 95%-100% - following the introduction of solar development to a site in the Gwent Levels.

The ecology survey recognises that the Appeal Site includes excellent bat habitat with a combination of woodland areas, good quality hedges, watercourses and open land over which bats can forage. There are records of numerous species of bat on and around the Appeal Site.

Despite this the Appellant has not carried out any survey of the local bat population and, although the ecology survey acknowledges that the introduction of fences may interfere with bat flight routes, it asserts that this may be mitigated by providing buffers. There is no evidence to support this mitigation.

The appeal proposals must, therefore, be assessed as posing a significant risk to the bat population.

Otters are a protected species, which commonly range over farmland between watercourses. There are a number of ditches on the appeal site and otters are recorded locally. The Biodiversity Management Plan (BMP) claims that risks to the otter population would be mitigated by the provision of 2m buffers alongside the drainage ditches, but does not explain how otters would pass through the fences or how the fencing would allow mammals to pass along the drainage ditches.

The proposed fencing may cause significant interference with otter commuting and foraging routes.

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The risk of water pollution from both the construction and operational phases could also damage otter habitats and food sources.

The potential impact of the proposals on otters and bats, both listed under Schedule 2 of the Habitats Regulations, triggers the requirement for surveys prior to the granting of any permission. In the absence of surveys and evidence-based mitigation measures (if mitigation is possible), the proposals constitute a breach of those Regulations.

PLANNING BALANCE

6) Biodiversity/Ecology

The Appellant claims a number of benefits for the Appeal proposals, arguing these should weigh in favour of granting the Appeal. The R6P's view that most of these claims are overstated or misrepresented and should either weigh against the appeal proposals or carry negligible weight.

The R6P doubts that the potential biodiversity net gains claimed by the Appellant are genuinely deliverable for the reasons set out below. Furthermore, the Appellant appears to be unaware of the potential impacts of solar development on wildlife, which indicate that the development could in fact cause a significant reduction in biodiversity in the local area.

The Appellant's ecology assessment describes solar development as being of a "benign nature...in ecology terms". (Para. 5.1). This statement is demonstrably incorrect (including by the Appellant's own assessment) and undermines the Appellant's entire consideration of impacts on ecology.

Lancaster University has worked with the solar industry to devise a metric to measure biodiversity on solar sites and Solar UK issued its report "Solar Habitat 2024: Ecological trends on solar farms in the UK" earlier this year based on two years of surveys. (Appendix 1)

The report found that plant species richness was greater in margin areas and areas set aside for biodiversity, rather than on the areas of solar development themselves.

Skylarks and other ground nesting birds were observed, but there were no records of any birds nesting, suggesting species may have been displaced and were returning to margins to feed. The

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survey recorded some common mammals, including brown hare, but notably no hedgehogs. There were no records of any mammals nesting or breeding.

The grasses most frequently found on solar sites were yorkshire fog and red fescue and the most frequent wildflowers creeping buttercup, white clover and dandelion. These are common, invasive species, indicative of nutrient rich soils.

The report found “Shading by solar panels, both from rain and sunlight, can create an environment that does not suit many grassland species, often resulting in bare ground that allows problem species, such as curled dock (*Rumex crispus*) and common nettle (*Urtica dioica*), to establish.”

The Solar UK Report indicates that far from being benign, solar sites are likely to displace species and may be having adverse impacts on wildlife, including protected species. These indications are supported by the findings of the Gwent Wildlife Trust, which monitored a solar development on the Gwent levels (Appendix 2). It found:

The diversity of bat species decreased markedly, and for the majority of locations, abundance of species had dropped dramatically (95- 100%).

Numbers of breeding lapwings fell from eight pairs pre-construction to two pairs postconstruction, with only one nest found on site.

A breeding pair of cranes lost from the site.

Flora on site severely damaged by the construction process.

Of further concern, the Gwent Wildlife Trust found a large rise in waterborne pollutants arising from the solar development. For example, the pre-construction levels of suspended solids (silt) inside the development site were up to 7.4 million μg / litre respectively, compared with pre-construction sample levels of a maximum of 0.53 million μg / litre. Very high levels of total petroleum hydrocarbons TPHCWG (a very damaging pollutant adversely affecting aquatic vertebrates and plants) were recorded inside the solar site, at 230 μg / litre, compared with a pre-construction level on site of less than 10 μg / litre.

ii)Water Pollution

The Appellant’s ecology report wrongly asserts that there is no hydrological connection between the site and the River Smite, although the drainage channels across the site, including the Gutter Drain,

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discharge to the Smite. The Smite is a tributary of the River Devon. The Environment Agency's Catchment Data Explorer records that both rivers are failing their Water Framework Directive targets, with particularly high phosphate levels, in part due to poor agricultural and rural land management.

The evidence of the Gwent Levels research is that solar development presents a significant water pollution risk and the appeal proposals may consequently inhibit measures to restore the Smite and Devon to good ecological status.

iii) Birds

The Ecology report considers that there would be a beneficial impact on bird populations, while recognising that “the loss of cereal cropland and modified grassland habitat may have an adverse impact on some specialist farmland birds i.e. skylark and yellowhammer however, in the local context this loss is extremely limited and therefore effects are considered to be negligible.”

In the absence of surveys, there is no evidence for this conclusion. Skylark and Yellowhammer are listed under s.41 of the NERC Act as species of principal importance and Nottinghamshire's Biodiversity Action Plan records both species as in local decline.

The claim that bird populations would be enhanced is contradicted by the measures in the Bird Hazard Management Plan. This advises that the proposed landscaping scheme has avoided bird food species, such as bird cherry, and that the abundant hawthorn hedges around the site will be managed to prevent berry production thus reducing food availability for birds and mammals, including dormice.

The plan proposes the use of “bird deterrents,” including “netting, stringing, anti-bird spikes and floating balls to deter unwanted birds from using features such as the swales and ditches.” Such measures would drive “wanted” and priority species birds from the site as well as “unwanted” birds.

Observations of birds on site recorded by a local ornithologist is attached as Appendix (4) and includes several red-list species. This indicates that the appeal site already provides valuable habitat for a range of birds species, which would be threatened by the appeal proposals.

iv) Fencing

The security fencing presents a further significant constraint on improving biodiversity.

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The Appellant has provided only “typical” drawings of the proposals, including “deer fencing” and CCTV cameras. This is despite the response from Nottinghamshire Police of February 2023, which highlighted the security risks around solar development and “strongly advised” against the use of deer fencing. This is not a matter the Appellant can readily disregard, because inadequate security could result in wasted police time. Nottinghamshire Police recommend the use of security to a minimum of LPS1175 level 3, with secure fencing of at least 2.4 m high.

The security recommended by the Police would have significant impacts on ecology, including protected species, by restricting animal movements and impeding bat flight routes. The proposals suggest that 10cm holes would be left in the fencing, but this is unlikely to meet security requirements and would anyway accommodate only the smallest mammals.

The Appeal proposals pose significant threats to wildlife and would be in breach of Policy 17 of LPP1, which is aimed at:

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;

And Policy 38 of LPP2, which seeks to protect non-designated biodiversity assets and wider ecology network. The harm to ecology should weigh heavily against the grant of permission.

7) Biodiversity Net Gain

The Appellant claims that the proposals would deliver a 187.13% biodiversity net gain in habitat units and 24.68% gain in hedgerow units. These figures are highly doubtful. A large component of the claimed net gain arises from the purported planting of species-rich grassland across most of the site.

These habitats are difficult to establish, especially on previously cultivated land said to have been subject to high fertilizer inputs.

The Solar UK study of some 200 solar sites found only two sites (2%) could be classified as category 1 – “Optimal management for biodiversity with conservation cutting/grazing and no herbicide use. Arisings are removed from the site. A range of habitats (e.g. meadows, tussocky grassland, woodland

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planting, hedgerow planting) are present.” The same number, 2%, were in Category 5, not managed at all.

41% of sites were in category 2: “cutting/grazing. Arisings are left on the site with signs of a thatch of vegetation in places. A range of habitats are present. Herbicides may be used, but spot treatment only.”

45% were in Category 3: “Site cut or grazed throughout the season leading to short sward in the summer months. However, some other habitats present such as tussocky margins or planted hedgerows/woodland. Use of herbicides apparent (i.e. blanket spraying beneath panels)”

And 9% were in Category 4: “Site cut or grazed throughout the season leading to short sward in the summer months. No other habitats (tussocky margins, new hedgerows/woodland). Use of herbicides apparent (i.e. blanket spraying of fields or beneath panels)”

Despite the industry routinely portraying solar development as offering benefits for nature, the report shows that the management of the majority of most sites is akin to intensive agriculture in ecological terms, with significant herbicide use and limited biodiversity.

The existence of hedgerows appears to have boosted sites from Category 4 to 3, although hedges are likely to have been planted or retained for screening purposes rather than to support nature. There is no information as to whether the hedges pre-dated the solar development, although this is commonly the case because sites are selected for existing screening.

The report did not identify the sites surveyed, so there is no information about the size or type of development and nor were there any baseline surveys, so it is impossible to say whether there was loss or gain of biodiversity on any of the sites.

The Solar UK report demonstrates that the type of management practices proposed in the BMP, Landscape and Ecology Management Plan etc, are rarely delivered in practice.

The report said: “The lack of sites in Category 1 is likely linked to the current difficulties in cutting and collecting grass arisings related to both the requirement for specialist machinery and the issue of disposing of arisings once collected.”

This constraint would also apply to the Appeal proposals. The Appeal drawings show the distance between the PV arrays would be c.2m, preventing management by standard agricultural machinery.

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The BMP implausibly suggests that the 230-acre site could be managed by a sit-on mower or by manual scything (with the removal of arisings).

The proposal is not in any case for species-rich grassland as claimed. The recommended seed mix, Emorsgate EG10, is made up of 6 grass species, with no wildflowers. It does not meet DEFRA's definition of species-rich grassland as:

- more than 15 plant species per square metre
- more than 30% cover of wildflowers and sedges (excluding white clover, creeping buttercup and injurious weeds)
- less than 10% cover of white clover and perennial rye grass

The seed sowing could only be carried out after the solar panels are installed, because of the intrusive and soil destructive process of installation, meaning only the land left uncovered by solar panels or other infrastructure could be treated in this way.

The Ecology Report also suggests that all of the hedgerows around the site would be enhanced, although the hedgerows around the site are already well managed and healthy. The proposed planting of in-hedge trees is not characteristic of the local area, probably because hedges are traditionally pleached.

There is a risk that if the hedges are left uncut to screen the proposed development, they would become leggy and sparse.

The Claim that the development would deliver large biodiversity net gains lacks credibility and should attract no weight in the decision-making process.

8) Sheep grazing

The Appellant suggests that the land will be in continued agricultural use because sheep will be grazed on the site.

The BMP advises at 1.79 that sheep would be stocked at a density of 0.2 – 0.5 livestock units (LU) per hectare per year, in accordance with Plantlife guidance. This is the equivalent of some 2-5 sheep (each 0.12 LU) per hectare and only undeveloped areas are likely to be suitable for grazing.

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This low level of activity could not reasonably be described as an effective use of land. According to the National Sheep Association, typical sheep stocking densities are between 15 and 25 head per hectare.

Sheep grazing on solar sites is anyway inimical to good animal welfare because sheep cannot be seen between the panels for spot health checks.

The Secretary of State has found in a number of appeals that the use of grazing on solar sites, if indeed it were to occur, would constitute a management arrangement rather than continued agriculture.

In called-in Appeal 3314266, the inspector said at 6.32 b): "The Appellant has stressed that the site would be "sheep ready" so that an agricultural function would remain. However, no real examples of practice elsewhere were given, and the evidence from local farmers is that stocking levels are very much reduced. It sounds to the Council like a management mechanism rather than a serious agricultural enterprise."

In dismissed Appeal ref. Appeal Ref. 3325112, the inspector said: "solar panels will shade the ground beneath them. I heard at the hearing how the Appellant's BNG assessment had taken account of the potential in that respect, by ascribing a reduction in species richness to areas shaded by panels. Moreover in this instance clusters of solar panels would also be surrounded by 1.84 linear kilometres of hedges, which will cast further shade. At a basic level light is one of the three inputs to photosynthesis (upon which many forms of agriculture, including grazing, are intrinsically reliant).

....the scheme would reduce the agricultural uses to which the land could be put. Continued sheep grazing may be achievable, but the land could realistically only be put to that purpose... The implications of the scheme in terms of BMV cannot therefore reasonably be said to be either a positive or neutral implication of the scheme."

The R6P's view is that the claim that the appeal site would be used to graze sheep, if indeed this is feasible, does not amount to continued agricultural use and should not attract any weight.

9) Temporary Development

The Appellant seeks to argue that the development is policy compliant because it would be "temporary".

Policy 16. 5) of LPP2 is a comprehensive policy setting the parameters for renewable energy development in the LPA area. It seeks to secure acceptable "decommissioning and reinstatement of

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land at the end of the operational life of the development;" acknowledging that renewable energy development may provide opportunities for reinstatement.

Nowhere does the policy suggest that the ability to restore the development site disappplies the remainder of the policy. Thus, the conflicts with the development plan identified in this statement are not overcome by the potential for restoration after 40 years.

Appeal decisions have established that a period of 40 years does not equate to temporary development and does not outweigh the harm caused over that period.

In solar Appeal 2226557, the Secretary of State took the view that "25 years is a considerable period of time and the reversibility of the proposal is not a matter he has taken into account in his consideration of whether the scheme should go ahead."

In called-in decision 3314266, the Secretary of State agreed with the Inspector's view that: "40 years is a considerable length of time during which peoples' experience of the development within the rural landscape or its role as part of the recreational resource would be altered. For some people, were the proposal to gain permission, it would establish a landscape that may be all they know and whose effects may progress through to later generations. The proposal may not be a permanent change but would reflect a very long-term change, and over such a period of time, there can be no guarantees on the future need for such energy sources or the pressures that might lead to re-powering or extending its life."

Dismissing the Appeal, the SoS said: "little weight should be afforded to the potential reversibility of the proposal in landscape or visual terms."

And in recent Appeal decision 3325112, the inspector also noted that the proposals for a solar development included elements that were undoubtedly of permanent construction. "It also emerged at the hearing that not all elements of the scheme are intended to have a lifespan of 40 years. A lifespan of 40 years is, in itself, lengthy. Nonetheless, the substation and access to it, are intended to be permanent features. Hedgerow planting would also in all likelihood remain. The development would not be 'reversed entirely at the end of the operational life of the scheme'.

The claim that the development would be temporary should not therefore carry any weight in favour of the appeal proposals.

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10) Flood Risk

The Appellant failed to carry out a sequential test, despite proposing development of land in Flood Risk Zones 2&3. We note that the LPA has asked for a retrospective sequential assessment, although the R6P does not understand what purpose this would serve, given the aim of the sequential test is to guide development away from areas of flooding and the site has already been selected.

The proposal to develop within areas at high risk of flooding should weigh against the development.

9) New Permissive Paths

The Appellant has proposed new permissive bridleways around the edges of the Appeal Site. In an area with a good network of public rights of way offering views over open countryside, the proposals offer little if any benefit.

The routes proposed would be enclosed on one side by security fencing and solar panels and on the other by hedges allowed to grow tall to obscure views. The routes mainly run parallel to the road network, which is very lightly trafficked, offers wide verges and open views and is likely to remain preferred.

The proposed permissive bridleways are not sought by the local community and would offer little benefit. They should not, therefore, carry any weight in favour of the proposals.

10) Highway Impacts

The Appellant proposes a new access from the highway along the southern boundary of the site. Local residents have raised concerns about the large number of vehicle movements that will be generated during the construction period, endangering other road users.

The proposed haul route from Fosse Way is characterised by single track roads with blind bends and summits and few passing places. These roads are well used by pedestrians, cyclists and horse riders whose enjoyment will be damaged and safety threatened during several months of construction. The traffic is also likely to cause damage to the wide road verges, which are a characteristic and cherished feature of the area as well as being important for biodiversity.

The Appellant's Construction Traffic Management Plan (CTMP) asserts there are a number of passing places along Thoroton Road. In fact, these are gateways that could accommodate only small vehicles – the Appellant has used Google Streetview photographs to show the passing places, suggesting that they were not identified by a site visit.

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The Appellant proposes the creation of a passing bay within the appeal site to prevent conflict between vehicles on the haul route. The proposals do not explain how a vehicle leaving the site would know whether there was any traffic approaching on the Thoroton Road, because views would be obscured from the site entrance by the brow of the hill and by high hedges from the internal passing bay.

While the Highways Authority has raised no objection to the proposals, the generation of heavy traffic on narrow rural roads would give rise to severe conflict with other users. This should further weigh against the proposed development.

11) Conclusion

NPPF paragraph 163.b) says “applications for renewable and low carbon development should be approved if its impacts are (or can be made) acceptable.”

This is not a case in which the adverse impacts of the Appeal proposals could be overcome. The development would result in harm to the character and appearance of two conservation areas and the setting of several designated heritage assets.

There would be significant and unacceptable harm to the landscape and damage to enjoyment of well-used and highly valued public rights of way.

The claims that the development would deliver biodiversity net gains are doubtful and the proposals are in fact likely to cause significant harm to habitats and species, including protected otters and bats.

A large proportion of the development would be on BMV land and the remainder on land classed 3b, and therefore capable of producing a wide range of crops. The development would displace food production.

The claim that the development would be temporary and reversible should carry no weight, given the length of time over which negative impacts would be experienced.

The government’s Planning Practice Guidance says: “The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.” (Our emphasis)

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The local community has clearly expressed its objection to the Appeal proposals, identifying the harms it would cause to conservation areas, heritage assets, the landscape, views and visual amenity, biodiversity, public rights of way, soils and food production.

These matters are material to the determination of this Appeal and significantly outweigh the benefit of supplying green energy, which could as well be delivered on a different site with less harmful impacts.

LPP2 Policy 16, is a comprehensive policy governing renewable energy development in the LPA area. It says:

1. 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;

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n) odour;

o) vehicular access and traffic; and

p) proximity of generating plants to the renewable energy source.

The proposed development is in clear conflict with parts b, c, d, e, f, g, l, j, m and o – essentially every relevant part of the policy - as well as NPPF policies on sustainable development, renewable energy, landscape, heritage assets, flooding, biodiversity and soils.

The appeal should, consequently, be dismissed.

MARCHES PLANNING

APRIL 2024