

## **Thoroton Parish Meeting and Hawksworth Parish Meeting Response to Planning Application Ref.22/02241/FUL Installation of renewable energy generating solar farm.....**

Thoroton and Hawksworth Parish Meetings strongly object to the above application as it contravenes the Rushcliffe Borough Council Local Plan Parts 1 and 2.

Policy 1 of the Rushcliffe Local Plan states that “1 ..... the presumption in favour of sustainable development contained in the National Planning Policy Framework. ....2. Planning applications that accord with the policies in this Local Plan .... will be approved without delay, **unless material considerations indicate otherwise**” and the NPPF presumes in favour unless “**adverse impacts of doing so would significantly and demonstrably outweigh the benefits**”.

This application is in direct contravention of Rushcliffe Local Plan Pt1 Spatial Objectives, Rushcliffe Local Plan Pt 2 – Policy 16, Policy 22 and Policy 28, and Rushcliffe Borough South Nottinghamshire Farmlands Character Area assessment by the following:

- 1. It is needlessly developing the Best and Most Versatile (BMV) productive arable land** – in direct contradiction of Policy 16 d. The local farming community have confirmed this is highly productive agricultural land.
- 2. It will significantly harm the highly Valued Landscape** of the South Nottinghamshire Farmlands Character Area. This landscape is clearly described as “prosperous lowland agricultural region with a simple rural character of large arable fields, village settlements and broad alluvial levels.” The form of the application will industrialise this area in direct contravention of the guidelines and recommendations by RBC for this character area, Policy 16 b and i, and Policy 22.
- 3. It will significantly harm heritage assets and their settings** including Grade 1, Grade 2 and conservation villages. All of these assets are set and have all their heritage in an agricultural landscape dating back millennia. The application site abuts these heritage assets, joining them with an industrial site destroying a shared rural setting (See section 3). This contravenes Policy 16 e and Policy 28 in its entirety.
- 4. The application is not necessary and it fails to investigate more appropriate locations**, across the borough and beyond that includes Brownfield sites, and Greenfield land that would not remove BMV land. A wider search is required by Policy 16 l, and national guidance.
- 5. Over 7km of Public Rights of Way, both on and surrounding the site, will be significantly harmed.** The site is extremely popular with many user groups including walkers, cyclists, equestrians, ornithologists, both local and from far afield. National events include these routes attracting large numbers and bolstering the local economy including the nationally acclaimed Outlaw Triathlons and Café Velo Verde. The application directly contradicts RBC Spatial Vision and Objectives (Plan Pt 1), and Policy 16 f and g.
- 6. There will be a significant impact on the ecology and biodiversity of the site.** The application claims biodiversity gains by understating the existing diversity of the site through inadequate and limited baseline investigations. Light pollution is not disclosed despite the proposal for a floodlit approx. 25,000m<sup>3</sup> substation. This impact on the ecology of the area of this application contradicts Policy 16 c.

7. **Unacceptable levels and detail of mitigation.** From the very limited detail in the application, the visual mitigation includes screening from hedgerows which will not disguise the industrial site for many years, if at all, and to be effective would be out of keeping with the landscape character. The amenity mitigation includes permissive paths through an industrial site, which could be withdrawn without notice. Sufficient mitigation is required by Policy 16 j.
8. **The is no decommissioning detail,** other than a vague “boilerplate” statement. There are no details of cost or decommissioning methods. This highly productive agricultural land will be destroyed by the removal of 7,000 tonnes of topsoil to allow the construction of roadways, 46,000 driven piles for module racks, 11,000m<sup>2</sup> concrete plinths for substations, 2,500 driven poles for fencing. The decommissioning costs need a full evaluation and funding secured and assured. Policy 16 j requires acceptable decommissioning.
9. **There will be a significant increase in HGV traffic on suitable roads** including through conservation areas of Car Colston, and Hawksworth. The majority of the access route is metalled former cart tracks 3.5m to 4.5m wide. They are without foundations to support 40 HGV movements per day, there are no passing places other than soft verges, and there are a number of blind spots and bends on national speed limit carriageways. This contravenes latest Highway Code regulations, and Policy 16 m and o.

There remains a substantial amount of information missing from the Rushcliffe Planning Portal as at the 22<sup>nd</sup> January 2023 as set out in our emails to the Planning Department on 16<sup>th</sup> and 18<sup>th</sup> January 2023 – see Appendix 10. We reserve the right to amend this submission subject to the requested information being made available.

There are a significant number of matters in the application which are challengeable in terms of the assumptions and conclusions made about the proposed development. In some instances giving rise to misguided responses, including those from some Statutory consultees<sup>1</sup>.

**In conclusion,** this application is unacceptable in terms of Policy 16, and Policy 28 of RBC Local Plan Pt2, and we object on behalf of the local communities.

Note 1 . For example Natural England response is reliant on this being a “temporary” development. Precedent has confirmed this is not a temporary development. See Section 1. Also see section 4 for significant shortfalls in ecology reports.

**Section 1. This application needlessly develops the Best and Most Versatile (BMV) productive arable land** – in direct contradiction of Policy 16 d. The local farming community have confirmed this is highly productive agricultural land.

### Summary

The issues highlighted below outline a strong case to oppose the proposed Longhedge Solar Farm based on the following:-

1. **The land in question is predominately grade 2 and 3a, less than 50% of the area is grade 3b. This does not meet planning guidelines for solar development.**
2. **Irrespective of grade, the land in question is highly productive arable.**
3. **For the greater public good, the land in question most productive purpose is to produce food at a time when food security is paramount.**

The ALC framework used to classify agricultural land in England and Wales and referred to in National Planning Policy which protects 'best and most versatile' land – Grades 1, 2 and Subgrade 3a.

### Longhedge Soil Quality report

The detailed report prepared by Land Research Associates on behalf of RES and submitted in the planning application indicates that that the 94.24ha covered in the application is graded as follows:-

*Grade 2 – 1.7ha (2%)*

*Grade 3a – 33.7 ha (36%)*

*Grade 3b - 54ha (58%)*

*Other - 3.9ha (4%)*

The actual grading analysis is somewhat subjective and can be influenced by the end purpose. We would contend this understated the value of this land, given evidence from the local farming community, the recent history of crops grown, and Natural England land classification maps.

Note: Patches of Grade 2 land have been removed from this application to minimise the BMV percentage disclosed. This land would still be lost to food production given the uneconomic size and shape of the land removed.

### Mitigating Factors to Support Continued Agricultural Use

When consulting the Provisional Land Classification (PLC) maps from Natural England, it can clearly be seen that at **least 50%** of the proposed site has a Grade 2 classification, the remainder being Grade 3 (with no split between 3a and 3b). See link below

<https://naturalengland-defra.opendata.arcgis.com/datasets/5d2477d8d04b41d4bbc9a8742f858f4d>.

This land can be used to grow most arable crops eg cereals (wheat, barley, oats and rye), oilseeds (Oil Seed Rape and Linseed), pulses (Beans and Peas) and root crops (Sugar Beet).

Three fields running from Hawksworth to the Sibthorpe crossroads, on the opposite side of the road to the proposed solar farm, were recently purchased by a local resident. This land was marketed by Fisher Germain as productive Grade 2 and Grade 3 arable land and was purchased on this basis (sale details are attached in Appendix 1a).

Last year, these fields yielded 8t/ha of winter barley across an area of 48ha. This was a very good yield in what was a very dry spring and summer. The average across the East Midlands for the 22 harvest was 7.7t/ha (see DEFRA statistics attached below). This clearly shows that land in close proximity to the proposed development and of similar soil grade and type is indeed highly productive arable land. See Appendix 1b

Extract from Government “Guide to assessing development proposals on agricultural land”  
These support our assertion this is at least Grade 3a land if not 2.

#### **4.2 Grade 2 – very good quality agricultural land**

*Land with minor limitations that affect crop yield, cultivations or harvesting. The level of yield is generally high*

#### **4.3 Grade 3 – good to moderate quality agricultural land**

*Land with moderate limitations that affect the choice of crops, timing and type of cultivation, harvesting or the level of yield..*

#### **4.4 Subgrade 3a – good quality agricultural land**

*Land capable of consistently producing moderate to high yields of a narrow range of arable crops, especially cereals, or moderate yields of crops including:*

- cereals
- oilseed rape – NOTE OILSEED RAPE is regularly grown on all fields of this application is is currently being grown in neighbouring fields.
- sugar beet

The March 2021 report from the Trade and Agriculture Commission (established to advise the government on how best to advance the interests of British farmers, food producers and consumers in future trade agreements) concludes that: “Our farmers are custodians of our countryside and the sector manages some 72% of UK land. Farmers support

- biodiversity conservation,
- food alleviation,
- climate change mitigation
- and a host of other important public good services and delivery.

Farmland acts as a carbon sink and is an important part of the UK’s national renewable energy supply. Agriculture underpins rural communities, local infrastructure and tourism. Rural and urban economies depend on farming: bluntly, if we lose farms and farmers, we risk untold damage to local communities and to the stewardship of the land across every nation of the UK”

Natural England response to this application - Robbie Clarey January 2023

*“From the description of the development this application is likely to affect 35.4ha of BMV agricultural land. We consider that the proposed development, **IF temporary** (my emphasis) as described, is unlikely to lead to significant permanent loss of BMV agricultural land”.*

However all the planning guidance from appeals shows the application to be misleading, this is NOT a temporary development as per appeal findings below

1. Reference Badsell Road Solar Appeal Ref: APP/M2270/A/14/2226557) “the temporary nature of the scheme is relevant AND found the proposed term (25 years in this case) was a considerable period of time and its reversibility was not something that should be considered”
2. Reference Lower Blakemore Farm Appeal Ref: APP/K1128/W/15/313546 “the scheme would have a marked impact on the locality over a considerable number of years. As such, the temporary nature of the development **DOES NOT MERIT MATERIAL WEIGHT**”

**Therefore on this basis the Natural England guidance would be reversed to Objection**

Section 3. **This application will significantly harm the highly Valued Landscape** of the South Nottinghamshire Farmlands Character Area. This landscape is clearly described as “prosperous lowland ***agricultural region with a simple rural character*** of large arable fields, village settlements and broad alluvial levels.” The form of the application will industrialise this area in direct contravention of the guidelines and recommendations by RBC for this character area, Policy 16 b and i, and Policy 22. (See section 2)

This application creates an undeniably industrial landscape:

- Continuous rows of glass panels completely alter landscape character.
- 30 industrial constructions up to 6.5m high plus a communication tower 15m high
- Boundaries are changed by security fencing and the intrusion of 98 CCTV posts 3.5m high.
- Solar farm development should not be approved where it is contrary to Local Plan Policies.
- The NPPF includes an overarching objective to protect and enhance our natural, built and historic environment, including making effective use of land.

*“Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the use of high-quality land. Protecting the global environment is not an excuse to trash the local environment.”*

<https://questions-statements.parliament.uk/written-statements/detail/2015-03-25/HCWS488>  
Eric Pickles, Secretary of State, Communities and Local Government

### South Nottinghamshire Farmlands Character Area - RBC

The application area is set in the South Nottinghamshire Farmlands Character Area. This area was established in a joint report produced in 2009 by the District Councils that covered Nottinghamshire. Appendix 4 is Rushcliffe Borough Council’s contribution to the Report and covers the area where the proposed solar farm would be situated. The proposed development goes directly against the Guidelines and Recommendations set out by Rushcliffe Council in Appendix 4 for any development in the defined character area. The Guidelines and Recommendations are:-

- Conserve and enhance the overall structure and traditional agriculture of the landscape
- Conserve and strengthen the simple pattern of large hedged fields
- Identify opportunities for enhancing the structure and unity of the landscape through new tree and woodland planting
- Conserve the character and setting of the village settlements
- Promote measure for achieving better integration of new and existing measures in the countryside
- Consider options for converting arable farmland to permanent pasture
- Conserve the remote undeveloped character of the landscape
- Enhance visual unity through small scale planting and where appropriate by strengthening the traditional pattern of hedged fields

The proposed solar farm goes against every guideline and recommendation set out by Rushcliffe Borough Council for the preservation of the historic strength and character of this rural part of the Borough.

Images of the application site are shown in Appendix 2 (Figures 2.2, 2.3). It can be clearly seen that this is a rural area. There is NO industry visible in these images which cover 360° of the area, there are also very few agricultural buildings, indicating the substation and inverter substation sheds will be completely incongruous with the setting.

### Form & Siting

The site sits on slightly rising ground in the northerly direction from Thoroton. The northern part of the site clearly visible as you leave the village. The site is also clearly visible from the ridge between Thoroton and Hawksworth (Appendix 2, Fig2.1).

Entering Thoroton from the north the whole site is clearly visible from the upslopes at Shelton crossroads. This classic viewpoint of the village will be emasculated through industrialised landscape and uncharacteristically high hedges.

Views of both villages from the bridle track running across the northern part of the site will be lost within a tunnel of deer fencing, CCTV towers, and 3m high solar panel modules.

The application sites abuts both conservation villages and infills the agricultural open landscape with an alien industrial landscape against all national and local planning policies. It is less than 5m from Hawksworth and 30m from Thoroton, including numerous CCTV installations just meters from bedroom windows. There is no mitigation that would offset the impact on the residences on the edge of the villages – any hedging proposed would be out of keeping due to the height and density to hide the development.

The form of this application is purely industrial totally incongruous with the RBC defined rural South Nottinghamshire Farmlands Character Area

- 4,700m<sup>2</sup> substation compound up to 6.6m above ground level – **floodlit** – situation clearly visible from Thoroton and light pollution from Hawksworth
- 15m high communication tower – clearly visible across the whole landscape.
- 7.5km of deer fencing – not seen anywhere else within the landscape
- 3.33km of gravel tracks running across

Section 3. **The application will significantly harm heritage assets and their settings** including Grade 1, Grade 2 and conservation villages. All of these assets are set and have all their heritage in an agricultural landscape dating back millennia. The application site abuts these heritage assets, joining them with an industrial site destroying a shared rural setting. This contravenes Policy 16 e and Policy 28 in its entirety. (See section 3).

The historic structures of these villages act as a focal point in countryside views and make a huge contribution to environmental quality. Their setting is a major part of their significance. The Solar farm development deprives them of their context.

*“The contribution of setting to the significance of a heritage asset is often expressed by reference to views...” Historic England Guidance*

*“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” Planning Practice Guidance*

This application is contravenes Policy 28 in almost every respect ... The issues are identified in each sub section. This application fails to show any understanding of the significance of the assets and the particular importance of their agricultural setting. It cannot claim to be a sympathetic development nor enhance the character.

#### Rushcliffe Local Plan Pt 2 2019POLICY 28 CONSERVING AND ENHANCING HERITAGE ASSETS

1. 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.
2. Proposals affecting a heritage asset and/or its setting will be considered against the following criteria:
  - a. the significance of the asset;  
*The villages are both conservation zones and contain Grade 1 and Grade 2 Assets. All these heritage assets are clearly situated in an agricultural setting. Their heritage includes farming of the fields contained in the application*
  - b. whether the proposals would be **sympathetic** to the character and appearance of the asset and any feature of special historic, architectural, artistic or archaeological interest that it possesses;  
*It is clear the entire proposed development is at complete odds with these heritage assets, and could not be more unsympathetic*
  - c. whether the proposals would **conserve or enhance the character** and appearance of the heritage asset by virtue of siting, scale, building form, massing, height, materials and quality of detail;  
*there is no conservation aspect, and the impact on the water table, and underground streams may create substantial harm*
  - d. whether the proposals would respect the **asset's relationship** with the historic.... landscape, views and landmarks;  
*by changing use from agricultural to industrial the proposal cannot claim to respect these assets relationship with the landscape or views*

#### JUSTIFICATION

9.1 This policy applies to all heritage assets, including **Listed Buildings, Conservation Areas, Scheduled Monuments** and non-designated assets of all kinds.

9.2 Historic buildings, monuments, sites, areas and landscapes are an irreplaceable resource and **will be protected** from adverse developments **which harm their significance**.

### The Heritage Assets

- a. Church of St Helena, Thoroton 14<sup>th</sup> century Grade 1 listed building



*Above – from field 5, and right field 8*



This fine buildings history is permanently linked to its agricultural surroundings. It is clearly seen in context with its fields and also from within the fields within this proposal.

- b. Hawksworth Manor & Top Farm – Grade 2 listed - Clearly visible from the application site. This heritage farm managed fields of this entire site for centuries. They form a significant setting for this historic building. See Appendix 3 – figure 3.1 and 3.3

- c. St Mary and All Saints Church – Hawksworth – Grade 2\*

- d. Hawksworth Place - Grade 2

Both of the above seen clearly from field 6 (see right)

- e. Thoroton Hall – Grade 2 Clear views of field 8 of proposal – See Appendix 3 Fig 3.4



- f. Sibthorpe Dovecote – Grade 1 Listed – Clearly visible from the application site.

g. Thoroton Conservation Area & Hawksworth Conservation Areas.

These Conservation Areas are clearly linked by the close proximity and shared agricultural heritage. The setting forms an integral part of their heritage. The parish appraisals by Rushcliffe supports the importance of the countryside views to the conservation area of Hawksworth.

- p4 Section 2.1: "rich farmland and adjacent fields make a considerable contribution to the village scene"

- p10 Section 5.3; Open spaces, trees and landscape

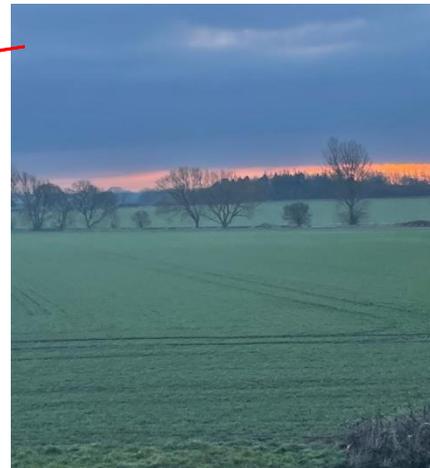
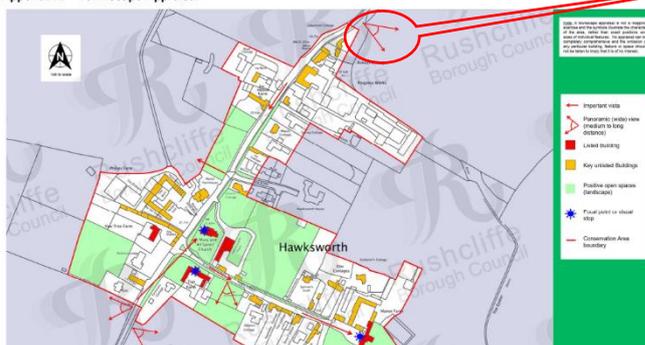
Throughout the village there are attractive open spaces which contribute to views of positive buildings and allow for **views of the surrounding countryside. On the approaches to the village hedgerows combine with grass verges and occasional trees to provide a rural character. ....** Similarly the grounds to the rear of Hawksworth Manor and the paddocks around Top Farm, Ivy House Farm and Yew Tree Farm help to link the village's spaces to the surrounding countryside.

- Appendix 2: the Conservation Plan

Significantly this identifies the view from Askew's and the Works looking eastwards as one of the important viewpoints See below.

This expansive view will be lost to the application.

Appendix 2 – Townscape Appraisal



### Archaeological Assets

The geo physical plots, the LIDAR plot and goggle earth satellite map of the proposed site indicates there are significant features present.

In field 9 the LIDAR plot shows a clear large rectangular feature which extends into the field above field 9.

The geo physical plot and satellite images from field 9 shows numerous features, these range from potential roundhouses, round enclosures, linear rectangular features, probably buildings.

Roundhouses we're built from the Bronze Age through the Iron Age up to and including the Roman occupation of Britain. Therefore the site could have an age of around 4,300 years, if the rectangular features are Roman then occupation would have continued into the Medieval age up and till Thoroton began to grow as a village and expand in the 1400's.

Field 6 has some round features as well, field 3 features that are rectangular and what appears to be a large ditch feature or geology as stated in the report from Headland Archaeology only an investigation would enable a definitive conclusion to be drawn.

All of which indicates there should be a detailed archaeological investigation of the site undertaken before permission is granted to develop the site.

**Section 4. The application is not necessary and it fails to investigate more appropriate locations,** across the borough and beyond that includes Brownfield sites, and Greenfield land that would not remove BMV land. This wider search is required by Policy 16 I, and national guidance.

There is **no evidence within the application that a wide search** has been undertaken despite, as shown in section 1 this is BMV land. It appears to have been a willing landowner with easy access to the grid – this is not the compelling evidence to decisively outweigh the harm identified herein.

There is also no reference to the cumulative impact with existing and proposed development. There are already significant solar farms within 5km of this proposal at Cotham, Orston and Elton. There are also at least three over 50Mw schemes in the area.

The Government has confirmed that offshore wind will produce more than enough electricity to power every home by 2030. Government has published many policy papers on renewable energy, these very largely concentrate on offshore wind rather than solar.

There are significant brownfield and low grade land options in Rushcliffe and neighbouring boroughs including former gypsum and coalfield sites. Former airfields also present opportunity, even where earmarked for housing. A solar proposal could develop the site on a temporary basis, as indicated in the proposal, releasing the land to housing once solar technology becomes obsolete. Alternatively installation of solar panels on all roofs should be a condition of housing development.

- Development should be limited to brownfield land and poorer quality unproductive land.
- BMV land should be avoided. The **'most compelling evidence' would be required** if it was to be used.
- The fact that BMV land happens to be available from a farmer who wants to abandon farming is **not compelling evidence**.
- The fact that it is difficult to find poorer quality land within the district is not compelling evidence.
- Local authority boundaries are not to be used as a limiting factor in the search for alternative options. If there is no poor quality land within a district the only logical conclusion is that industrial scale solar plants are not the right renewable solution for that area.
- Sequential testing is required in relation to the use of agricultural land.

*"The Sequential test: The first question to ask is whether the use of agricultural land is necessary. This exercise should demonstrate that no suitable brownfield land or non agricultural land is available within a reasonable search area... ..there is no policy guidance which advocates restricting searches to within a local authority's administrative area... Even if the use of agricultural land were considered to be necessary, the Appellant has not demonstrated that poorer agricultural land has been chosen in preference to higher quality land... Whilst the sequential test must be proportionate, no good reasons have been advanced to show why it could not involve a robust desk based assessment supported by surveys of selected sites within a realistic area of search. Simply surveying one site is wholly inadequate."*

Comments of Planning Inspector Elizabeth C Ord LLB(Hons) LLM MA DipTUS Appeal Ref: APP/D3505/A/13/2204846 Valley Farm, Wherstead, Ipswich, Suffolk, IP9 2AX 2 June 2014

*Where high-quality agricultural land is involved, this would need to be justified by the most compelling evidence.*

Eddie Hughes MP, Ministry of Housing, Communities and Local Government (in a letter dated 2nd June 2021 to Kemi Badenoch, MP)

**Section 5. Over 7km of Public Rights of Way, both on and surrounding the site, will be significantly harmed.** The site is extremely popular with many user groups including walkers, cyclists, equestrians, ornithologists, both local and from far afield. National events include these routes attracting large numbers and bolstering the local economy including the nationally acclaimed Outlaw Triathlons and Café Velo Verde. The application directly contradicts RBC Spatial Vision and Objectives (Plan Pt 1), and Policy 16 f and g

*Rushcliffe Local Plan Pt1*

*Spatial Vision 2.3.2 In 2028, Rushcliffe is known regionally and nationally as an area with an exceptional quality of life. It has a buoyant economy and continues to be a key sporting centre in the region with an excellent range of sporting facilities..*

*Spatial Objectives 2.4.1 iv*

*Protecting and enhancing Rushcliffe's individual and historic character and local distinctiveness: to preserve and enhance the distinctive natural and built heritage of Rushcliffe, **by protecting and enhancing the historic environment**, by promoting high quality locally distinct design, and by valuing the countryside for its productive qualities and **ensuring its landscape character is conserved, enhanced or restored** in areas where this is necessary.*

The local area between surrounding the site including the villages of Scarrington, Car Colston, Screveton, Flintham, Elston, Shelton, Flawborough, Orston, and Aslockton, as well as Hawksworth and Thoroton are at the core of the sporting and outdoor character of Rushcliffe. On a daily basis hundreds use the local roads, bridleways and footpaths including many cyclists, walkers, equestrians and runners. They enjoy its unique quiet, rural setting with its own unique features. They come from far afield making a significant contribution to the rural economy at cafes, including the nationally acclaimed Café Velo Verde, pubs, guest-houses etc. Clearly an industrial landscape visible for miles around would significantly diminish the attraction of this area.

This site, its bridle track and the surrounding roads are a key part of the attraction. Both Outlaw triathlon courses circumnavigate the site, one of the key features of the Outlaw success is the rural nature of the courses. These local lanes also feature heavily in locally promoted cycling, triathlon and running races and events.

The bridle track itself is a major attraction for equestrians, as it features a mixture of terrain including uphill sections to induce fitness. This bridle track would become a useless tunnel feature if this application were to be approved. The permissive paths offer would not be of much attraction, being trapped between deer fencing and solar panels.

#### Residential Amenity

- Residential neighbours have the setting of their property altered and industrialized  
See Appendix 2 Fig 2.5 for view from Laburnum Cottage Hawksworth
- Boundaries are delineated by security fencing and intrusive CCTV, very close to both Thoroton and Hawksworth.
- Peace and quiet is destroyed by industrial grade traffic and light pollution. The floodlit sub station will be clearly visible from both villages.
- Inverters can overheat in extremely hot weather requiring the use of noisy fans to provide cooling.

**Section 6. There will be a significant impact on the ecology and biodiversity of the site.**

The application claims biodiversity gains by understating the existing diversity of the site through inadequate and limited baseline investigations. Light pollution is not disclosed despite the proposal for a floodlit approx. 25,000m<sup>3</sup> substation. The impact on the ecology of the area of this application contradicts Policy 16 c.

Inadequate Baseline Investigations

It is clear from the shortfalls in Technical Appendix 2 that the baseline reported is grossly inadequate. It would be consistent with a one day study that the majority of the species were missed. This significantly understates the ecological value of this site, and the significant impact the development would have on the resident species.

***The site cannot be approved without an independent, full and detailed ecological survey***

Mammals – with the exception of two common species (Roe Deer and Brown Hare) no field signs were recorded. There is clear evidence of roosts, and burrows/sets etc of many more of the mammals identified. There are also clear animal tracks across the site and through the boundaries. Most of these mammals are observed within the copses introduction of the deer fencing trap these animals, force any movement onto road endangering mammals and road users.

Birds - Appendix 5 includes the bird species on the RSPB red list that are regularly seen during their seasons on, and within 500m of the application site This includes significant species that would be put at severe risk from the development of this site.

The light pollution from the installation of floodlit substations, combined with the glass surfaces of the solar panels will cause major trauma and death of birds and bats.

Amphibians - The baseline claims to have visited 3 ponds – to our knowledge these were not completed. A request for the results remains outstanding. There are also 3 more ponds within 250m which do not appear on Figure 2.3 of the application and have not been investigated.

Land – is degraded with little potential for biodiversity as half of it is in permanent shadow, and rain water run-off create set channels. (Appendix 6 – figure 6.1)

Mitigation & Net Gain assessment

Appendix 2.1 sets out a plethora of habitat creation and management recommendations which could lead to Net Gain. ***There would be NO net gain against a full and complete baseline without the habitat creation which is not related to the solar farm installation.***

There are no guarantees that these will be completed or maintained to the level required to be effective. All of the habitat creation could be undertaken by the landowner WITHOUT the installation of the solar farm.

**Section 7. Unacceptable levels and detail of mitigation.** From the very limited detail in the application, the visual mitigation includes screening from hedgerows which will not disguise the industrial site for many years, if at all, and to be effective would be out of keeping with the landscape character. The amenity mitigation includes permissive paths through an industrial site, which could be withdrawn without notice. Sufficient mitigation is required by Policy 16 j.

The application suggests a number of mitigation options – it offers very few concrete proposals. If Rushcliffe is minded to accept this application, the mitigation must be agreed with the local community and sufficient guarantees in the form of Bank Letters of Credit. These should cover the implementation of the mitigation and the ongoing operation. The ongoing operation and maintenance of these mitigations **MUST** be through an independent management company **NOT** the developers or related parties.

We reserve the right to be consulted on the mitigation conditions as they are developed between RBC and the developers.

#### Mitigation

1. Landscape : Referring to Technical Appendix 1 – section 5.4 : The mitigation offered is minor compared to the extensive harm done to the landscape. Setting back from the immediate edge of the villages does **NOT** offset the harm.

Positioning the substation to lower ground will not be permissible due to flood risk without sufficient elevation above ground level.

The proposed woodlands and hedging will be ineffective for at least 10 years. See Appendix 6 – figures 1 & 2.

2. Biodiversity – The mitigation referred to in Appendix 2.1 Biodiversity Management Plan, is welcome but small scale. There are no guarantees the mitigation will be implemented. The operational management structure is inappropriate as it is run by the developer or related parties, with no stakeholder controls.
3. Traffic Management – Referring to Technical Appendix 5 – section 5.8 : The mitigation is a standard “boilerplate” section significantly understated for the conditions of the application site and proposed haulage route.
  - a. Offer to repair road after construction is insufficient – technical advice confirms these haulage route will be impassable to all regular users, and especially cyclists within 1 month due to the failure of the road surface and its sub structures. These must be reconstructed to accommodate HGVs **before** construction begins.
  - b. HGVs will not be able to pass on the proposed route – there is no proposal to manage traffic on and off site to avoid passing.
  - c. There are no proposals to control speed on the route despite the number of blind bends, summits and junctions.

**Section 8** The is no decommissioning detail, other than a vague “boilerplate” statement. There are no details of cost or decommissioning methods. This highly productive agricultural land will be destroyed by the removal of 7,000 tonnes of topsoil to allow the construction of roadways, 46,000 driven piles for module racks, 11,000m2 concrete plinths for substations, 2,500 driven poles for fencing. The decommissioning costs need a full evaluation and funding secured and assured. Policy 16 j requires acceptable decommissioning.

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*“From the description of the development this application is likely to affect 35.4ha of BMV agricultural land. We consider that the proposed development, **IF temporary** (my emphasis) as described, is unlikely to lead to significant permanent loss of BMV agricultural land”.*

However all the planning guidance from appeals shows the application to be misleading, this is NOT a temporary development as per appeal findings below

3. Reference Badsell Road Solar Appeal Ref: APP/M2270/A/14/2226557) “the temporary nature of the scheme is relevant AND found the proposed term (25 years in this case) was a considerable period of time and its reversibility was not something that should be considered”
  
4. Reference Lower Blakemore Farm Appeal Ref: APP/K1128/W/15/313546 “the scheme would have a marked impact on the locality over a considerable number of years. As such, the temporary nature of the development **DOES NOT MERIT MATERIAL WEIGHT**”

Therefore on the Natural England guidance should be reversed to Objection

Natural England response to this application - Robbie Clarey January 2023

*“Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, **including a required commitment for the preparation of reinstatement, restoration and aftercare plans**; normally this will include the return to the former land quality (ALC grade).”*

#### Ensuring Decommissioning

If Rushcliffe is minded to accept this application, the decommissioning must be agreed with the local community. A guaranteed decommissioning fund MUST be lodged independently to ensure there will be sufficient resources for this to happen in 40 years time.

**Section 9. There will be a significant increase in HGV traffic on suitable roads** including through conservation areas of Car Colston, and Hawksworth. The majority of the access route is metalled former cart tracks 3.5m to 4.5m wide. They are without foundations to support 40 HGV movements per day, there are no passing places other than soft verges, and there are a number of blind spots and bends on national speed limit carriageways. This contravenes latest Highway Code regulations, and Policy 16 m and o.

The additional HGV movements (and other single occupancy vehicles) created by the Proposed Development will significantly increase emissions, is likely to give rise to highway safety concerns on narrow and single track lanes, and increase damage to local roads already in a poor state of repair (See Appendix 9a).

Traffic sensors on the route show an average of just 1 HGV movement per day, that being essentially agricultural vehicles, and despite this minimal activity the road surface and structure continues to fail despite ongoing maintenance works by NCC. Advice of structural engineers suggest these roads will become nothing better than a “ploughed field” in less than 30 days of work commencing making Hawksworth inaccessible from the south.

**Contrary to NCC Local Transport Plan 2011-26. Freight (chapter 7, page 131) .The local plan states the desire to reduce emissions and road use.**

- The County Council’s Freight Strategy is to be developed following the completion of the Local Transport Plan 3. (LTP3)
- The Strategy will include the consideration of how **emissions from freight can be constrained.**
- This will include working in partnership with freight operators to promote low emission vehicles and also opportunities to make operational improvements.
- **The Council strongly supports the transfer of freight from road to rail or barge** wherever possible as a way of **reducing heavy lorry traffic on the county’s roads, to reduce the safety risk associated with heavy lorries,** and to reduce carbon emissions.

In the vicinity of the site the lanes have a maximum width of 5 metres with many less than 4 metres with verges either side of the carriageway measuring circa 1 to 1.5 metres wide. The carriageway is poorly maintained and there is damage to the edge of the carriageway and evidence of the verge being overrun. The condition of the existing carriageway results in vehicles being positioned more towards the centre of the carriageway. there are NO passing places constructed on the entire length north of Scarrington crossroads. (See appendix 9b – passing) There is also restricted view over a blind crest on Thoroton lane, 5 blind bends and 2 road junctions. (See appendix 9c Blind bends)

Any increase in HGVs along this route would therefore result in further damage to the carriageway and verges and vehicles would have to **utilise the soft verge** to safely pass, conflict between existing route users (particularly cyclists, horses, and walkers) and HGVs which would result in a highway safety concern. The application fails to identify the potential of this safety impact and **makes false claims** about road quality and passing places. It omits likely significant effect and the potential for serious injury resulting from the highway impacts.

Should RBC be minded to approve this application, it should be contingent of a full reconstruction of the road, from East Bridgford to the site, to accommodate HGVS **BEFORE** any construction works begin. This includes but is not restricted to the road foundations and substructures, road surfaces, fully constructed passing places, and the traffic speed control.

**Thoroton Parish Meeting and Hawksworth Parish Meeting Response to Planning Application Planning Ref.22/02241/FUL Installation of renewable energy generating solar farm.....**

## **APPENDICES**

## Appendix 1 – Best and Most Valuable Land



## Appendix 1b – Land Productivity

Yields	2018	2019	2020	2021	2022 <sup>(a)</sup> <sub>(b)</sub>
<b>United Kingdom</b>	<b>6.8</b>	<b>7.8</b>	<b>6.2</b>	<b>6.8</b>	<b>7.4</b>
<b>England</b>	<b>6.8</b>	<b>7.8</b>	<b>6.0</b>	<b>6.6</b>	<b>7.3</b>
North East	7.2	8.3	5.7	6.8	7.6
North West and Merseyside	5.4	7.1	4.8	7.2	7.0
Yorkshire & The Humber	7.3	8.2	6.2	6.9	7.8
<b>East Midlands</b>	<b>6.2</b>	<b>7.7</b>	<b>5.5</b>	<b>6.7</b>	<b>7.7</b>
West Midlands	6.6	7.7	4.9	6.5	6.8
Eastern	6.9	7.5	6.2	6.4	7.1
South East and London	7.0	8.0	6.3	6.2	7.2
South West	6.3	7.9	6.3	6.8	7.2
<b>Wales</b>	<b>6.1</b>	<b>7.6</b>	<b>6.0</b>	<b>6.9</b>	<b>7.0</b>
<b>Scotland</b>	<b>7.1</b>	<b>8.2</b>	<b>7.3</b>	<b>7.7</b>	<b>8.2</b>
<b>Northern Ireland</b>	<b>6.9</b>	<b>8.1</b>	<b>5.8</b>	<b>7.5</b>	<b>7.5</b>

Compare these to the 8t/ha derived from the neighbouring fields to the application site.

## Appendix 2 – Highly Valued Landscape

Figure 2.1 North eastern section of Site (in red) from ridge south west of Thoroton (Note hedges already 2m high)



Figure 2.2 Site from south east of Thoroton north over site (Note entirely rural view )



Figure 2.3 Northern part of Site from Hawksworth north east over site (Note entirely rural view)

Figure 2.4 Across Site southward (Note entirely rural view)





*Figure 2.5 Across Site north east across Hawksworth including 4 Grade 2 listed buildings (Note entirely rural view )*

*Figure 2.5 North east from Laburnum across field 1  
This application site is only 5m from the cottage.*



*Figure 2.6 North west from over Manor Farm cottages  
The application site is less than 30m from the cottages and clearly visible from the cottages*

**Appendix 3**

Figure 3.1 – View from Hawksworth to north showing Hawksworth assets and part of proposals fields ( shaded in blue )



Right : Figure 3.2 Proposal Fields 1 and 2 from All Saints Church Hawksworth



Below – Figure 3.3 Hawksworth Manor seen from eastern edge of applicant site.



Below – Figure 3.4 - Proposal Field 8 as seen from Thoroton Hall



## Appendix 4

Deliberately blank – awaiting responses from RBC

**Appendix 5**



*Figure 5.1*

## Appendix 6

Observations from Christian Boix BSc (Hons) Botany, Zoology and Ornithology.  
Christian is a professional bird guide across the UK, Europe and Africa.

These birds from the RSPB red list are seen regularly on the application site (unless stated otherwise).

**Cuckoo** - Seen flying along hedgerow and heard calling from wood copse

**Redwing** - 1000's in large flocks feed on these field in winter

**Woodcock** - Flushed from wood copse on several occasions

**Lesser redpoll** - Seen at feeder in Hawksworth and at wood copses in application site

**Marsh tit** - Seen at feeder in Hawksworth and at wood copses in application site

**Wood warbler** - Seen in Hawksworth and at wood copses in application site

**Hawfinch** - Seen in Hawksworth and at fruiting trees/bushes in application site

**Fieldfare** - 1000's in large flocks feed on these field in winter

**Lapwing** - Recently saw flock feeding in these fields

Skylark - Breeding resident

**Grey partridge** - Breeding resident

**Linnet** - Large flocks present in these area, esp in winter

**Mistle thrush** - Good number feed on these field in winter

**Yellowhammer** - Breeding resident in Hawksworth and regularly seen feeding in fields and hedgerows of application site

**Yellow wagtail** - Often seen in Spring

**Ring ouzel** - Occasional sightings (2019 and 2020) in winter

House sparrow - Breeding resident in Hawksworth and regularly seen feeding in fields and hedgerows of application site

**Starling** - Breeding resident in Hawksworth and regularly seen feeding in fields and hedgerows of application site

**Tree sparrow** - Several sighting over the years (2019-2022) feeding in fields and along hedgerows

**Song thrush** - Breeding resident in Hawksworth and regularly seen feeding in fields and hedgerows of application site

**Black redstart** - Sighted in 2020 along The Gutter within application area

### Key

**Red** – Not listed in Application Technical Appendix 2 Table 6.2

**Amber** – listed in Application Technical Appendix 2 Table 6.2 but with no sitings



*Fig 6.1 – degraded land in permanent shadow*

**Appendix 7**



*Figure 6.1 Ineffective screening at Orston – 6 years old*

*Figure 6.2 Ineffective screening A46 Syerston – over 10 years old*



## **Appendix 8**

Deliberately blank – awaiting responses from RBC

**Appendix 9 – Transport**

**9a – Poor Road Quality**



Figure 1 Thoroton Lane - Gutter Bridge

Figure 2, Thoroton Lane Hawksworth Lane Junction



**9b Narrow Road & Impossible Passing**

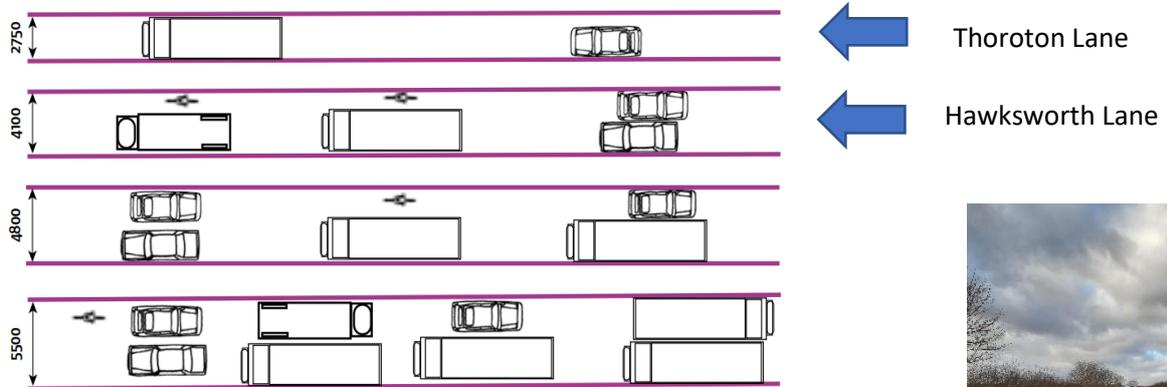
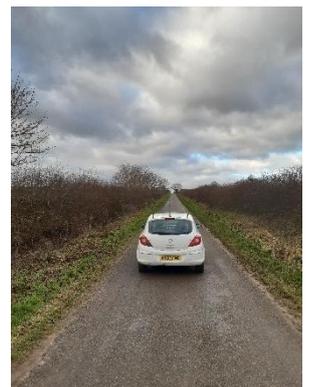


Figure 3 Thoroton Lane

3m wide with blind summit



**9c. Visibility**



Figure 4 Blind corner on Hawksworth Lane

Distance from point of photo to loss of visibility 100m – in a 60mph speed limit. Two opposing HGVs WILL NOT stop.

Figure 5 – Blind T-junction Thoroton Lane / Hawksworth Lane



## Appendix 10

**From:** [hawksworth.parish@btinternet.com](mailto:hawksworth.parish@btinternet.com) <[hawksworth.parish@btinternet.com](mailto:hawksworth.parish@btinternet.com)>  
**Sent:** 16 January 2023 15:42  
**To:** Emily Dodd <[EDodd@rushcliffe.gov.uk](mailto:EDodd@rushcliffe.gov.uk)>; Craig Miles <[CMiles@rushcliffe.gov.uk](mailto:CMiles@rushcliffe.gov.uk)>  
**Cc:** Cllr S Bailey <[Cllr.SBailey@rushcliffe.gov.uk](mailto:Cllr.SBailey@rushcliffe.gov.uk)>; Cllr M Stockwood <[cldr.mstockwood@rushcliffe.gov.uk](mailto:cldr.mstockwood@rushcliffe.gov.uk)>;  
'Michele Warburton' <[warbocm@hotmail.com](mailto:warbocm@hotmail.com)>  
**Subject:** FOR THE ATTENTION OF Ms. E. DODD & Mr. C. MILES Ref 22/02241/FUL

FOR THE ATTENTION OF Ms. E. DODD & Mr. C. MILES

I refer to Planning Application 22/02241/FUL

Further to the receipt of the application and parish meetings to discuss the matter, we have made considerable efforts to fully understand the application, the planning contexts in which it is framed, and the implications for the villages, the borough and wider community.

It has become evident to us that you, and your fellow planners, are put in a very difficult position with this type of application, requiring you to balance such varying and conflicting demands within the planning frameworks, policies and guidance.

During our studies of the application we have become increasingly aware of gaps in the information provided in the application, and subsequently added to the portal.

Set out below in the Information Request are the gaps, we have identified, in information available on the Rushcliffe Planning Portal as at Sunday 15<sup>th</sup> January 2023.

We continue to work toward the deadline for comments on the 24<sup>th</sup> January 2023, however urgent disclosure of this information is required if we are to meet this deadline.

Can you please advise, at the earliest possible opportunity, when this information will be available and therefore allow us to make a full and complete comment on the application?

I am more than happy to meet with you, either in your offices or on site, at your earliest convenience to collect information and discuss availability.

Kind Regards

### **Information Request**

#### Application – Missing Information

1. There is no reference to the top soil removed for the tracks – is there information of what will happen to it
2. Detail of Design ... a lot of “typical designs” – eg Figures 4,5,11 etc. Have you received more definitive design statements.
3. Have alternative sites been identified and evaluated. Can this be made available please
4. Planning Statement – Sn 1.89 Pp24 refers to TA 1: Volume 3 – can you advise what this refers to please.
5. The planning portal as of 12/01/23 does not have Appendix 1A available for reference when reviewing the Technical Appendix 1: Landscape and Visual Assessment. Can this be made available please
6. The Appendix 3D Geophysical Survey Report on the planning portal does not fully download and repeatedly crashes when trying to review the geophysical results. Can this be made available please

#### Technical Design

1. Maintenance Schedule – Do you have a proposed maintenance schedule including expected life of key components; inverters and sub-stations
2. Have National Grid or Western Power Distribution requested Rushcliffe Borough Council to allocate sites
3. Planning Statement Sn1.89 Pp24 and Sn 1.285 pp 67 – states this site can be reinstated. Do you have detail of how this will be achieved including removal of 46,000 piles and the enrichment of land for agriculture to replace disturbed topsoil.
4. Planning Statement Sn 1.143 quotes a “substantial reduction of CO<sub>2</sub> emissions” – do you have the lifetime calculations to support this.
5. There is a lot of reference to site management, both of the technical infrastructure and ecology, yet this is an unmanned site generating very little traffic. Is there any detail of the operational management ?

## Land Use

1. Appendix 9 Refers to a significant amount of Grade2, and Grade 3a land. There is a degree of interpretation between Grade 3a and 3b. The Natural England PLC maps indicate a much larger proportion of the application site as Grade 2. Before this land is lost to arable agriculture can the grading be verified.
2. Planning Statement Sn 1.288 Pp 67. The landowner has indicated that small fields are uneconomic for arable farming – can we see the evaluation to show how these retained fields will remain under arable farming

## Landscape

1. We understand Rushcliffe Borough Council are undertaking a Landscape Visual Assessment – can we see a copy of this as soon as it is available
2. There is a significant amount of mitigation through visual buffers. Will these be effective throughout the year, and how long might it take for them to become effective.
3. The plan clearly identifies a significant deer population requiring full enclosure in deer fencing. Have any provisions been made to protect the mitigation from deer grazing

## Ecology & Bio-diversity

1. Full Species List – Appendix 2 Table 5.2 is redacted and in addition is missing some known inhabitants of the application site – Can we have a complete unredacted version please
2. Appendix 2 Page 25 Section 5.10 refers to Appendix A – Figure 2.3 – This does not appear to be available on the planning portal – Can this be made available please
3. Bio-diversity Claims – Have you been able to verify the claims, which include a significant benefit from the mitigation actions. There will be a dramatic loss of habitat during the construction phase, how long have the applicants assumed for the mitigation actions to be established ?
4. Appendix 2.1 Sn 1.70 Pp21 “It will be the responsibility of the Applicant to ensure that the proposed biodiversity management and monitoring is undertaken. How will this be assured ?
5. There are numerous mammal tracks across the application site and from the woodland within the site including badger and deer. How will these be re-routed and managed to ensure these animals do not become trapped within the fencing

## Amenity

1. Appendix 1 LVA – Sn 7.9 quotes “ protects and enhances Green Infrastructure with greater access, connection and amenity enhancements”.
- a. Permissive Paths – The applicant has indicated that it will create permissive paths – these have no permanence, how can these be assured for use through the 40 year life

Traffic Management - we have concern over other road user safety, in particular cyclists, horse riders, pedestrians and motorists...”

1. Have you been provided with information on the size and axle weight of the HGVs
2. Have you received information about the existing road structures and there capability to withstand 40 HGV lorry movements per day ?
3. Planning Statement Sn1.255 Pp62 States “It was observed that vehicles are highly likely to travel at speeds close to the statutory speed limit due to the road alignment being straight and having good forward visibility. This section of road (near the site entrance point) does not contain centre markings, public lighting, or a defined carriageway edge. This road is approximately 3.7m wide, with passing places located at intervals and the carriageway appears to be in a good condition.”
- a. There are 5 blind bends all requiring HGVs to access both sides of the carriageway to negotiate the bends, a very blind hill summit ( on a 3.7m wide section), and a blind T-junction – all on roads at the national speed limit. Can we see the risk assessment and management plan
  - b. In addition Technical Appendix 5: Construction Traffic and Assessment states in 5.41 that the Thoroton Road has passing places, and has an approximate width of 3.7 m, both these statements are false. It has no passing places and the average width is 3.55 m. Please can these be rectified with immediate effect
4. The latest (2022) amendments to the Highway Code states”  
“driving or riding a motorcycle when overtaking vulnerable road users, including:
  - leaving at least 1.5 metres (5 feet) when overtaking people cycling at speeds of up to 30mph, and giving them more space when overtaking at higher speeds
  - passing people riding horses or driving horse-drawn vehicles at speeds under 10 mph and allowing at least 2 metres (6.5 feet) of space
  - allowing at least 2 metres (6.5 feet) of space and keeping to a low speed when passing people walking in the road (for example, where there’s no pavement)How have the applicants addressed this with HGVs on roads less than 3.7m wide, ie all those on the transport route north of Scarrington crossroads.