

Inquiry Statement APP/P3040/W/23/3329235
Land to West of Wood Lane and Stocking Lane NG11 0LF
Ref 22/00319/FUL
Cllr Carys Thomas, Leake Ward, Rushcliffe Borough Council

I am ward member for Leake Ward, in which part of this site is situated.

This is a site in the greenbelt much used by local residents for recreation and greatly valued for the network of paths that give access to this peaceful, unspoilt, wildlife-rich area. I will refer to the statement I submitted for the appeal in which I covered the greenbelt, very special circumstances, landscape and visual amenity, Public Rights of Way and some other issues. Without repeating everything I do wish to highlight five issues.

1. Gypsum Undermining

The site is above a gypsum seam. There are two aspects that need to be considered – sterilisation of reserves and land instability. As the site has already been undermined it is land instability that is of most concern. Sink holes and subsidence events related to gypsum are common here and well documented. A field adjacent to the site is permanently closed with a “danger keep out” sign. One of the public footpaths is also currently closed because of subsidence. Cuckoo Bush Farm between fields 8 and 9 was demolished and rebuilt on its current site because of a subsidence event.

Resident J Cooke in their representation gives a link¹ to an analysis of the instability of the area at paras 4.24 to 4.39 of the April 2016 planning statement from British Gypsum regarding the current Marbleigis mine.

The Mining Risk Assessment undertaken by RES is Appendix C of their Planning Statement, Document CD1.3 on the Inquiry Website. Pages 11 and 13 of the report show four recent events in the fields where panels are proposed. I refer you to the map on page 20 of this appendix. This shows, in grey, the mines under the site. The regular checkerboard hatched areas are more recent mines, where a strict arrangement known as “room and pillar” helps to support the ground. The areas where the grey lines are irregular are the older mines not constructed to the same standard. You will see that fields 1 to 11 are undermined by these earlier mines which are the least stable. Note that in the risk scale of 1-5 used, “medium” risk is the second highest category of risk.

The appellant states they will mitigate the risk by positioning sensitive infrastructure in areas of lower risk, but looking at the site layout there are inverters in the areas of greatest risk within fields 1-11. A subsidence event under panels and even inverters in the next 40 years is very likely. The appellant may be accepting this risk for their own part, but there is danger to their contractors and the public using the rights of way, plus further disruption from construction to remedy damage. A gas pipeline also runs across fields 9 to 11.

In assessing and comparing suitable sites for solar farms, surely the instability of this land should have been an important material consideration?

2. Cumulative Impact of Solar Farms and of Development in General in this Area of Greenbelt

On page 19 of my appeal representation I added to the map provided by the appellant to show more of the cumulative development in the area, including other solar farms. I provide the references to 19 sites in the key on pages 17 and 18. I have not shown all the housing sites in East Leake and Gotham nor the proposed quarry at Barton in Fabis.

Note that this list and map includes solar farm applications not mentioned by either the Council or the Appellant in their statements. Numbers 1,2,3 and 4 are all 49.9MW solar farms omitted from the appellant's map. No 3 is mentioned in the Council's proof of evidence at 6.21, but numbers 1, 2 and 4 are missed. The Council's proof of evidence wrongly states in para 6.20 that no application has been submitted for the Church Farm Solar farm – this one has in fact been approved.

It's difficult to see how either party can come to a conclusion about the intervisibility of solar farms in the area if they haven't identified them all. Number 3 on my map is approved, and the site is visible in the distance from the elevated vantage point of the bridleway adjacent to field 11 and from Wood Lane where there are gaps in the hedge. This also applies to the Glebe Farm site. No 2 on Leake Road is closer and the site is visible from the bridleway adjacent to field 11 (though site number 2 is not yet at the application stage).

It is worth mentioning the cumulative impact of solar farms in this part of Rushcliffe on the long distance trail, the Midshires Way. In addition to the site we are considering, the Midshires way runs alongside the Sharpley Hill site (approved) and the one west of Wysall (no 4 on my map, application in progress). The Highfields Farm solar farm (approved) would also be visible from the trail.

In terms of the more general impacts of cumulative development in the greenbelt, my map illustrates the pressure from development in this triangle of countryside between the built up areas of Fairham at the edge of Nottingham, East Leake, and the area around Kegworth and Junction 24 of the M1. Whether you consider this in terms of openness, urban sprawl, merging of settlements, or encroachment it is clear that the additional protection of greenbelt status here is important as this buffer of countryside is being eroded on all sides. This unspoilt site is at its heart. It provides amenity space for the settlements around, including the massive new housing site at Fairham. It is a sanctuary for wildlife and has connecting wildlife corridors to other areas.

Development of this site would reduce the separation of these three built-up areas and ultimately contribute both to merging of settlements and urban sprawl as well as encroachment.

3. So called "Temporary" Harm

The fundamental aim of greenbelt is to keep land permanently open. This application proposes fencing off acres of land for 40 years for industrial structures and "screening" it with hedges that perhaps would be permanent. Forty years is a long time. The officer report put great weight on the idea that 40 years is "temporary" but the committee discussed it and gave it less weight. I included in my appeal representation a quote from paragraph 19 of the Little Heath appeal, which is on the

appeal website as document CD5.13 – the inspector did not find the argument that “40 years is temporary” persuasive.

- Why is the Biodiversity Net Gain calculated for this “temporary” period to be given so much weight whereas the harm to the greenbelt for the same period is considered temporary?
- Why is the BNG calculated on the operational rather than the restored site when it is to be considered temporary?
- Why is the decommissioning plan not required as part of the application rather than in 40 years time?
- What is the actual likelihood of this land ever being restored to agricultural use?
- What will happen to the country’s energy supply in 2064 when all these huge “temporary” solar farms are decommissioned?
- Will energy no longer be needed then?

4. The Connection Point/Consideration of Other Locations

Paragraphs 11.41 to 11.46 of the Appellant’s Statement say that there are no suitable alternative sites. There is some technical information from the appellant about the alleged superiority of this particular connection point in terms of deliverability but this site is not the only option for connecting a solar farm via this connection point.

Looking again at the map – within 2km are the Glebe farm site in brown (the main area and the two smaller areas alongside the A453), the Church Farm site in blue, and site 2 on Leake road. Any of these could connect into this connection point but were not identified in the appellant’s green belt assessment which considered this. (See CD1.35). There are no doubt other parcels of land within 2km that were not considered.

The LDO site (no 5 on my map) is also within 2km. The part north of the A453 is a brownfield site, but not included in the appellant’s list of brownfield sites. It is not available for ground mounted solar panels, perhaps, but the Power Station redevelopment masterplan shows huge industrial buildings and great expanses of car parking, all of which could be covered in solar panels, rather than using agricultural fields.

Looking at the sites within 2km of the whole length of the 132Kv line from Ratcliffe of Soar Power Station to Willoughby (see fig 1 in Appendix E of the Appellant’s Statement of Case) I guess that most if not all of the solar farms identified on my map would connect into this line. Those developers must believe they have a good prospect of doing so or they would not have gone so far in the application process (four approved, one submitted but not yet determined, 3 at earlier planning stages). There are dozens of other potential sites along this line, most of which are outside the greenbelt, with less public amenity and wildlife value and not known to be at risk of subsidence.

5. Landscape analysis, particularly views from the public rights of way to the South East

I covered some long distance views into and from the site in Appendix 3, submitted as a separate document. I would like to highlight now the views of fields 12-14 on the slope down from the Stone

House from the network of public rights of way to the SE of the site. This slope of fields, and Stone House itself, is visible from a wide area.

The closest viewpoint provided by the applicant is no 8 (repeated as E) – this is behind a point of trees so Stone House itself is not visible. Moving this viewpoint just a short distance SE along Bridleway 3 would have included the house itself (my photo C). There are panels downhill from Stone house so I believe they would be visible lower down the slope than shown in the photomontage. Note also that the panels are side on to the view, so the supporting structures would be visible, not just the faces of the panels. Even with an attempt to screen with a hedge on the S and SE boundaries, the panels would be visible from a distance because of the slope of the land.

I suggest therefore that the impact from viewpoint 8 is more adverse than assessed and that a viewpoint including Stone House would have demonstrated this.

On a more general point, the photomontages do not appear to include the fencing, CCTV poles, danger keep out signs and the other paraphernalia that would be visible and contributing harm to the visual appearance.

Site Visit

I request that the route includes the following:


- Views towards Stone House and fields 12-14 from PROWs to the SW. There is a small area to park cars on Dark Lane where BW1 joins Dark Lane.
- Views out to the SW from Stone House.
- The access track through the woods between the two sites
- Long distance views from around Cuckoo Bush Farm

Conditions

The table below includes conditions I requested in my representation, plus two additional items. (I leave the wording to others.)

Item	Request/Explanation/Questions
Any future change in the plan from deer fence to security fence would be a material amendment requiring further consultation	A condition on this is now included (21) but has the wording <i>“and the fencing shall not be altered without prior written approval of the Borough Council”</i> . In my experience such conditions are dealt with by officers as non-material amendments with no further public consultation. If the applicant should decide to replace the deer fencing with security fencing (as suggested by the police) the visual impact would be so great that further consultation would be needed, in my view, so I request suitable rewording.
Mammal gaps in fencing	See draft condition 12(j) Is this LEMP already submitted?
Limited use of pesticides	See draft condition 12(k) Is this LEMP already submitted? I note in their statement that the applicant affirms that they do intend to use

	pesticides to “control weeds”. A very strict definition of “weeds” would be required – i.e. alien invasive species, rather than spraying to remove the diverse native plants that live in grassland.
Controlled use of chemicals for cleaning	See draft condition 12(l) – again is this information to be supplied later to satisfy the condition or is it already in the documentation? This is unclear to me.
If mixed solar and agriculture use is seen to be a benefit, use of sheep should be assured.	I note draft condition 27. Why does it take 3 years to move the sheep in? What density of sheep will there be? Is this true agricultural sheep farming or light grazing by a roving handful of sheep to keep the grass down?
Archaeological measures re Roman Road	I note that there are archaeological conditions (15 and 16) but not that they have specifically considered the roman road.
(new) Sign at the entrance to Stocking Lane	A resident has requested a sign at the bottom of Stocking Lane for the duration of the construction period – “No access to solar farm construction traffic” or similar. This seems a reasonable precaution and it would help allay concerns if it were added to conditions.
(new) Risk of subsidence events during construction period	Given the known dangers of subsidence in the area and the potential of the construction process triggering this, I request that risk management measures related to this be added in the Construction Management Plan.

ⁱ Marblaegis Mine, Nottinghamshire. Periodic Review of Mineral Permissions pursuant to Section 96 of Environment Act 1995. PLANNING STATEMENT April 2016
<https://www.nottinghamshire.gov.uk/planningsearch/DisplayImage.aspx?doc=cmV%20jb3JkX251bWJlcj02ODA3JmZpbGVuYW1lPVxcbnMwMS0wMDI5XGZpbGVkYXRhMiRcRElwMy0wMD%20MwXFNoYXJlZEFwcHNcRExHU1xQbGFuc1xQTEFO TkIOR1xNUkEtMzUxOFxTdXBwb3J0aW5nIHNOY%20XRlbWVudCBST01QX0ZJTkFmLnBkZiZpbWFnZV9udW1iZXI9MyZpbWFnZV90eXBIPXBsYW5uaW5n%20Page2of3%20Jmxhc3RfbW9kaWZpZWRFZnJvbV9kaXNrPTAzLzA1LzlwMTYgMTg6MzQ6Mjg6>


Some Long Distance Views – 22/00319/FUL

Slides 2 to 11

Views of fields 12-14 around the Stone House from the Public Rights of Way to the SW, and reverse views from the Stone House towards the SW

Slides 12 and 13

View from high ground on Gotham BW1 towards the site

Slides 14 to 17

Long distance views from the area around Cuckoo Bush Farm

22/00319/FUL

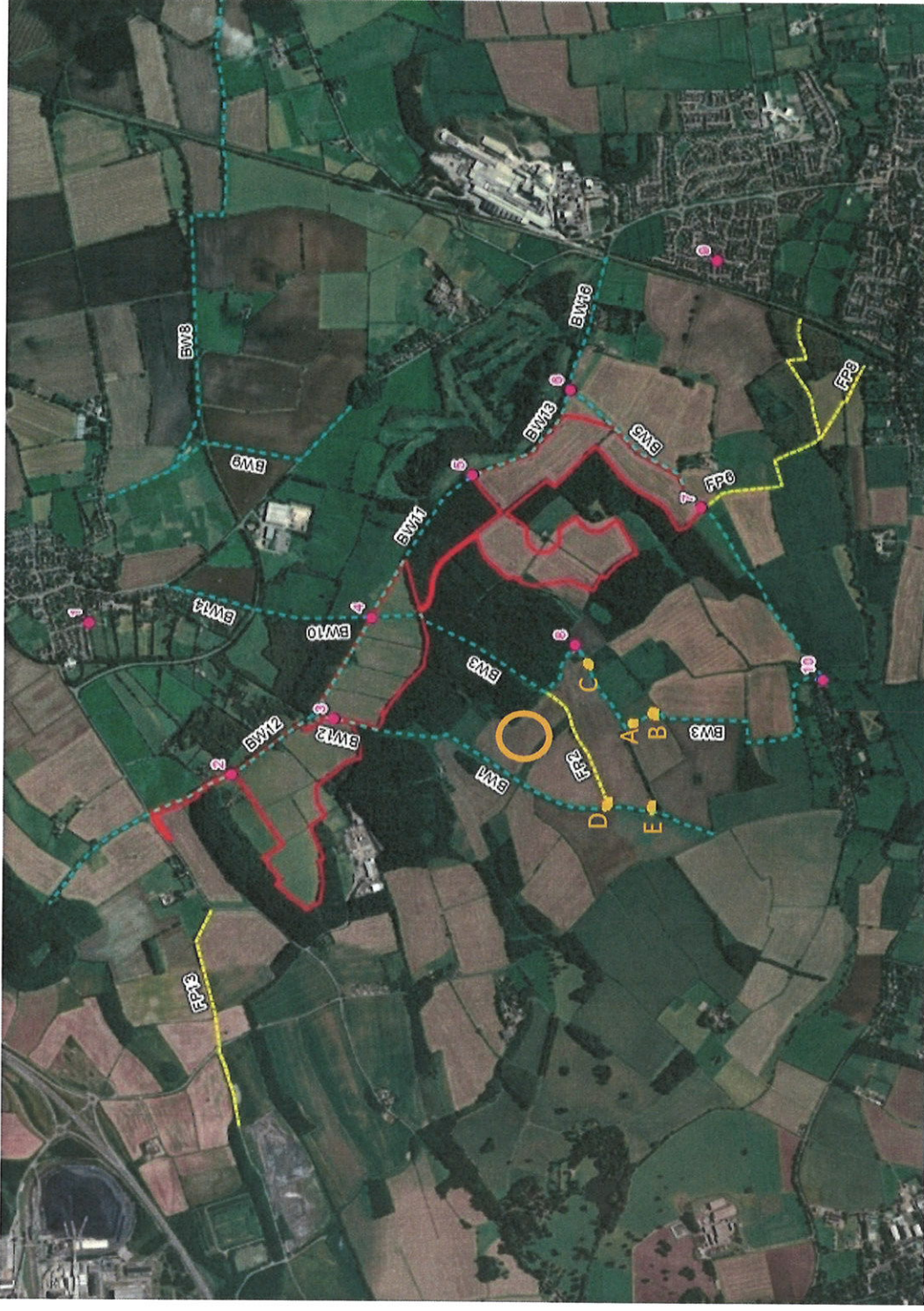
Additional viewpoints from footpaths to the SW of the Stone House.

The next 5 slides show existing views from points A to E towards Stone House (circled) from PROWs to the SW of fields 12-14

Slide 8 is RES viewpoint 8

Slide 9 is the site plan

Slides 10 and 11 are views out from the Stone House and field 13 (taken from application documents)



A



B

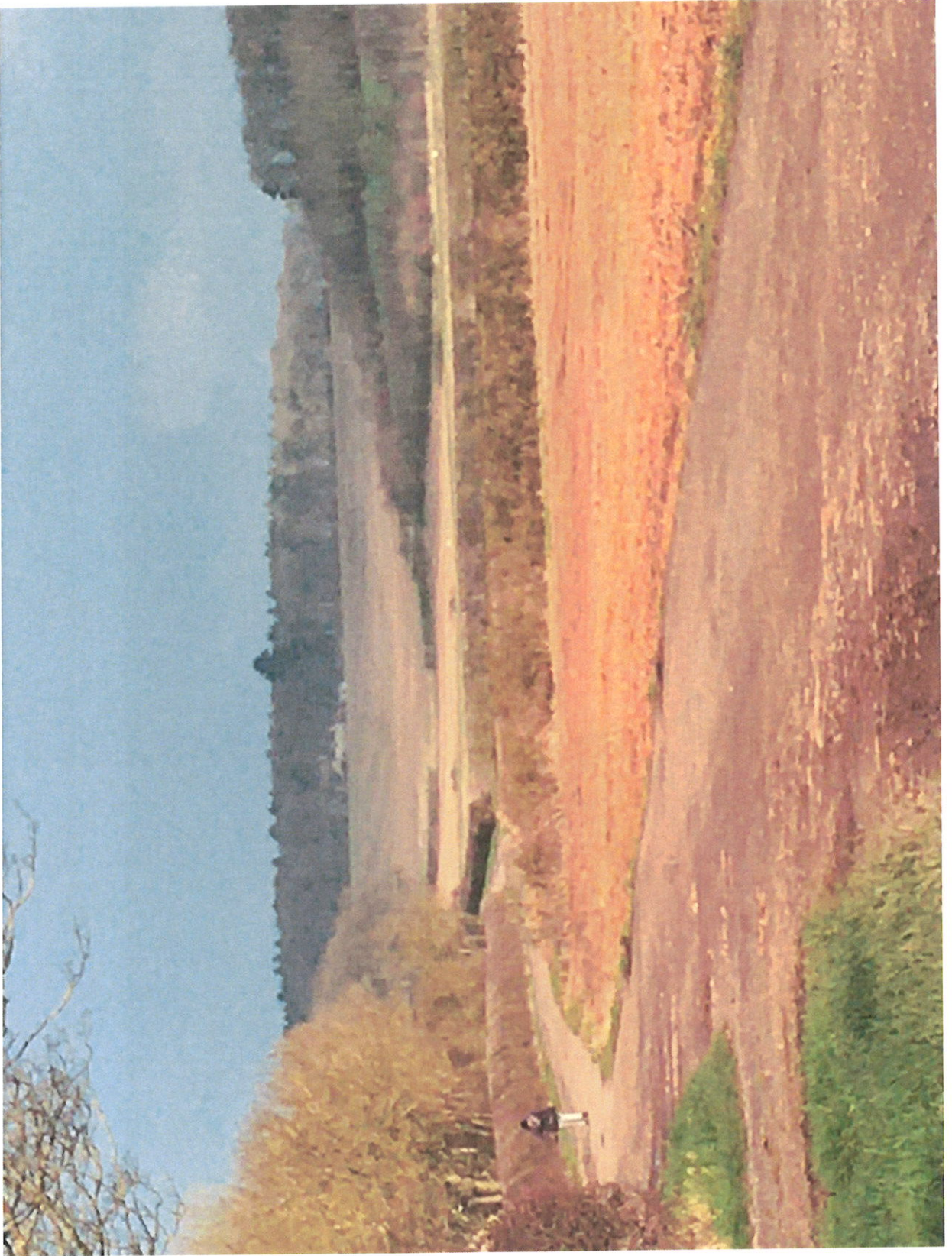




C



D



E

RES viewpoint 8 photomontages.

Query the extent of solar panels shown vs the site plan

Stone House itself not in this view, but the panels come downhill from it

Note orientation of panels – legs of the structures are visible, not the flat face of the panels, so more intrusive

Note that hedges planted to reduce sight of the panels at Y10 have impacted openness of greenbelt

Note that fencing is not shown

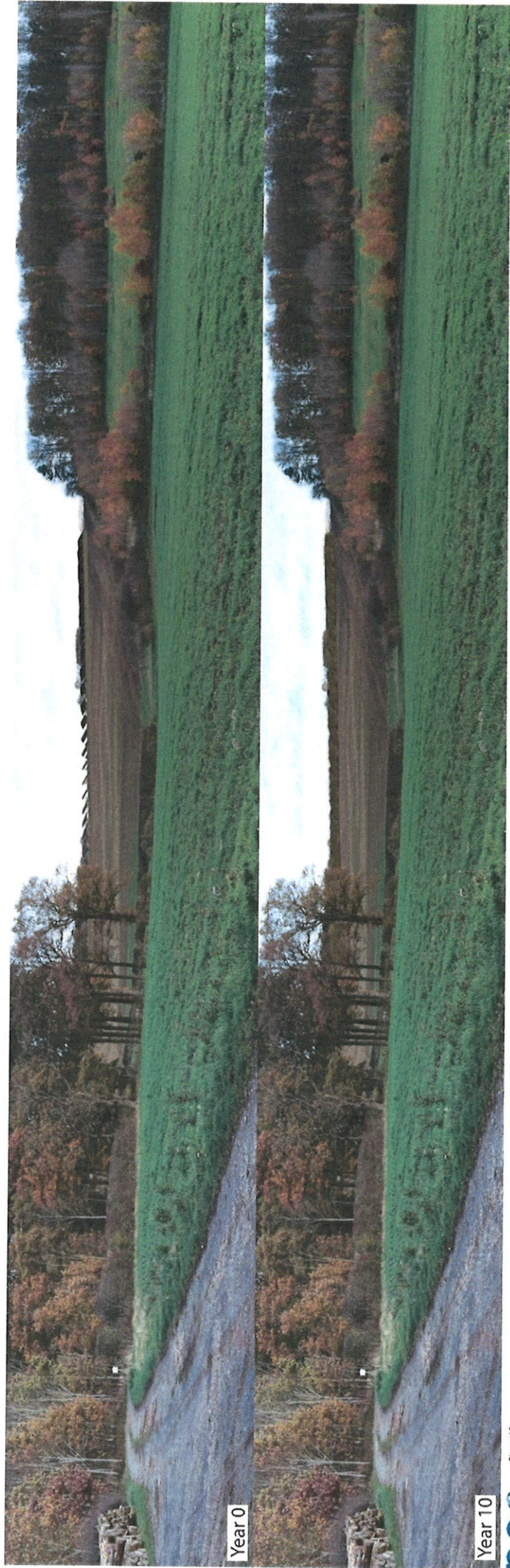


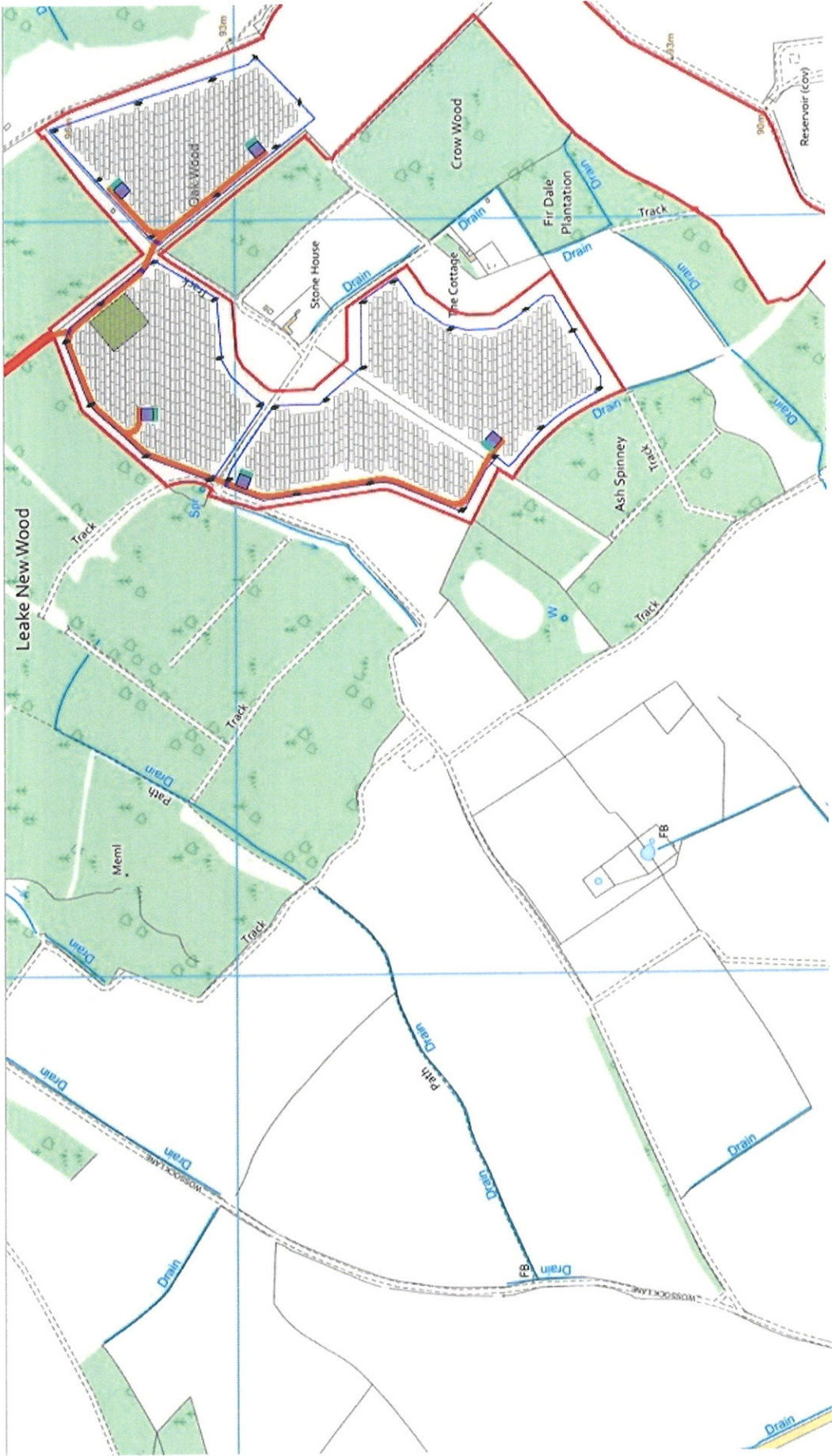
Figure 10
Viewpoint 8: PhotoW near Grange Farm



CS-reference: 4539608 211210
Site Label: 66.5m 1400
Direction of view: 0.0°
Distance to line: 0.1851m

Horizontal field of view: 85.0°
Printed distance: 841.1307mm (nfp/54)
Paper Size: 841.1307mm (nfp/54)
Corrected printed image size: 820 x 1360mm

Camera: Canon 5D
View: 1.5m
Camera height: 1.5m
Date and Time: 15/09/2023



This is the view from the front of Stone House – i.e. in the opposite direction of the area from which the photos above are taken.

Source - Landscape Review prepared for RBC Oct 22 by wynne-williams associates

8.2 Appendix B – Viewpoint Photos

Photo 1 – View from the access track adjacent to Stone House, looking south-west towards development field 13

Approximate extent of proposed development



This photo is taken from the RES/NEO Environmental Assessment dated 7/2/22

The network of PROW to the SW are in the bright green area.

RES viewpoint 8 is behind the triangle of trees coming down from the right hand top corner.

Photograph 23: View southwest from Field 13



X shows the view point on Gotham Bridle Way 1 on the ridge alongside Gotham Hill Wood, looking towards the point of connection P and fields 1-6

The next slide shows the view from point X.



The site is visible as a green triangle in the centre.

The connection point is assumed to be the pylon in the centre left. Any equipment here will be very visible from this bridleway.



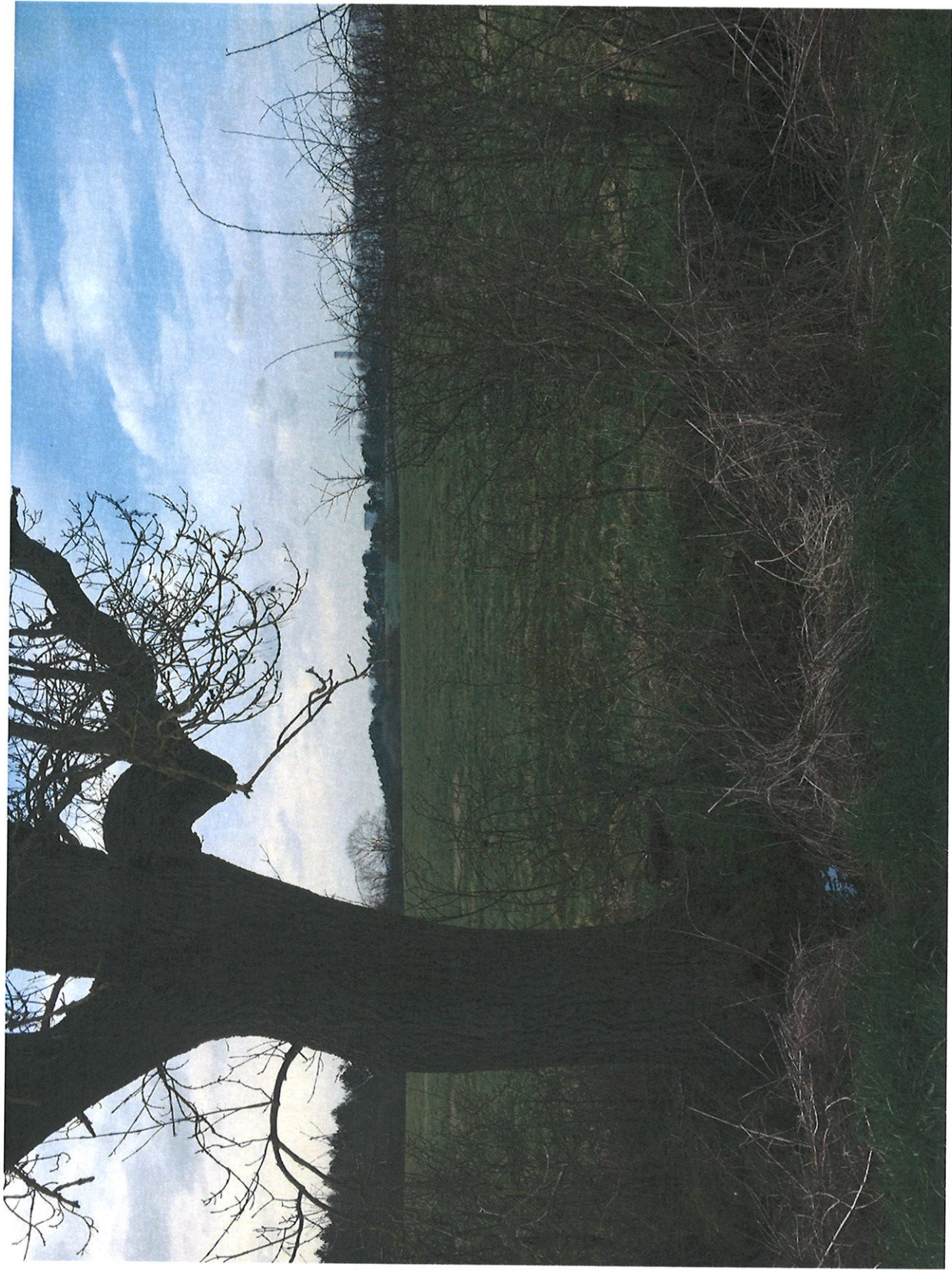
This slide and the next three show the long distance views from the area around Cuckoo Bush farm towards the Trent Valley



This view is from
Gotham Bridleway
12. These long
distance views
area along this
stretch through
gaps in the hedge
until the
woodland is
reached.



Another view
towards the Trent
Valley along BW 12.
Power station just
visible (closing
soon).



Glimpses of this
long distance
view through the
hedge along
Wood Lane



“Applications for major solar farm developments should provide details of all transformer/substation infrastructure required along with an indication of the route of the cabling required to connect the development to the national grid.”

I have not found details of the cable route to the connection point in the documentation.

1.26 With so many other applications for Solar Farms and battery storage on the line between Ratcliffe on Soar and Willoughby (see list and map appendices 1 and 2) there must be a question of the overall capacity of the line to accept connections, and there is no analysis of this in the appellant’s “Grid Capacity Analysis” document and no third party expert opinion given, e.g. from the National Grid or DNO.

Biodiversity Net Gain

1.27 The BNG metric is a technical calculation, and will be covered by representations from others. I make the following points:

- If 40 years is considered “temporary” in terms of landscape and greenbelt harm, wouldn’t it be reasonable to also consider the BNG in terms of when the land is returned to agriculture rather than assessing any temporary net gain for the operational site? In the absence of a restoration plan, the long term BNG gain (or loss) has not been considered.
- Residents remain concerned about ecological impact on various species that this area supports because of the unique patchwork of fields and woods. This is covered in 4.2.
- Management of the site for its long operation period is crucial to prevent harm to the ecology. Rushcliffe passed a council motion in 2022 to use its influence to encourage businesses in Rushcliffe to reduce use of pesticides.
- Cleaning of panels with chemicals that run off onto the land is another concern.

Employment benefits

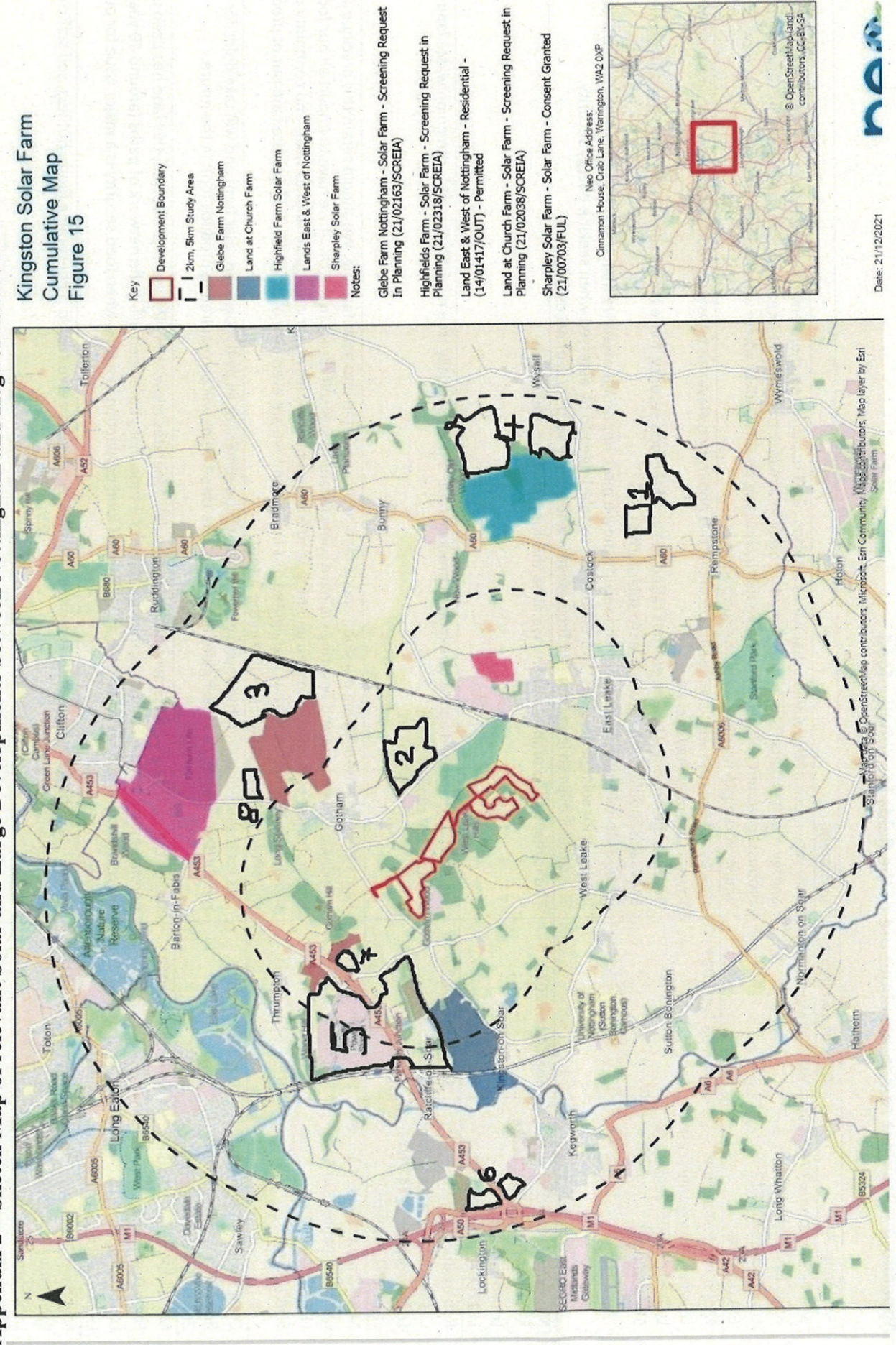
1.28 Any employment benefit would be truly temporary i.e. during the short construction period only and should be considered relative to the temporary harm in the same period due to land disturbance, construction traffic, noise, dust/mud etc.

2. Landscape and Visual Amenity

2.1 This is an area of high ground and the proposal would build the solar farm along the ridgeline with potential visibility against the skyline from a vast surrounding area, as well as from the footpaths and bridleways that criss-cross the area. There is reliance on significant screening being provided by existing areas of woodland but these are outside the redline of the application so their continued existence can’t be assured by conditions. Indeed some of the areas are plantations – planted presumably to take a crop of timber at some time. Unless these areas of woodland can be protected to act as screens for the duration of the solar farm, additional screening should be provided along their boundaries within the redline.

2.2 In some areas existing hedges would provide the basis of screening and again these would need to be protected, allowed to grow higher with an agreed management plan, and thickened up as necessary. In other areas new hedges would be planted, but it should be noted that these would not provide effective screening for many years. Along the ridgeline, even with fully grown hedges, some equipment would be visible above the hedge.

Appendix 2 – Sketch Map of relevant Solar and Large Developments between Nottingham and Kegworth/EMAM/1



Appendix 4 – Resident comments about use of the fields for growing food

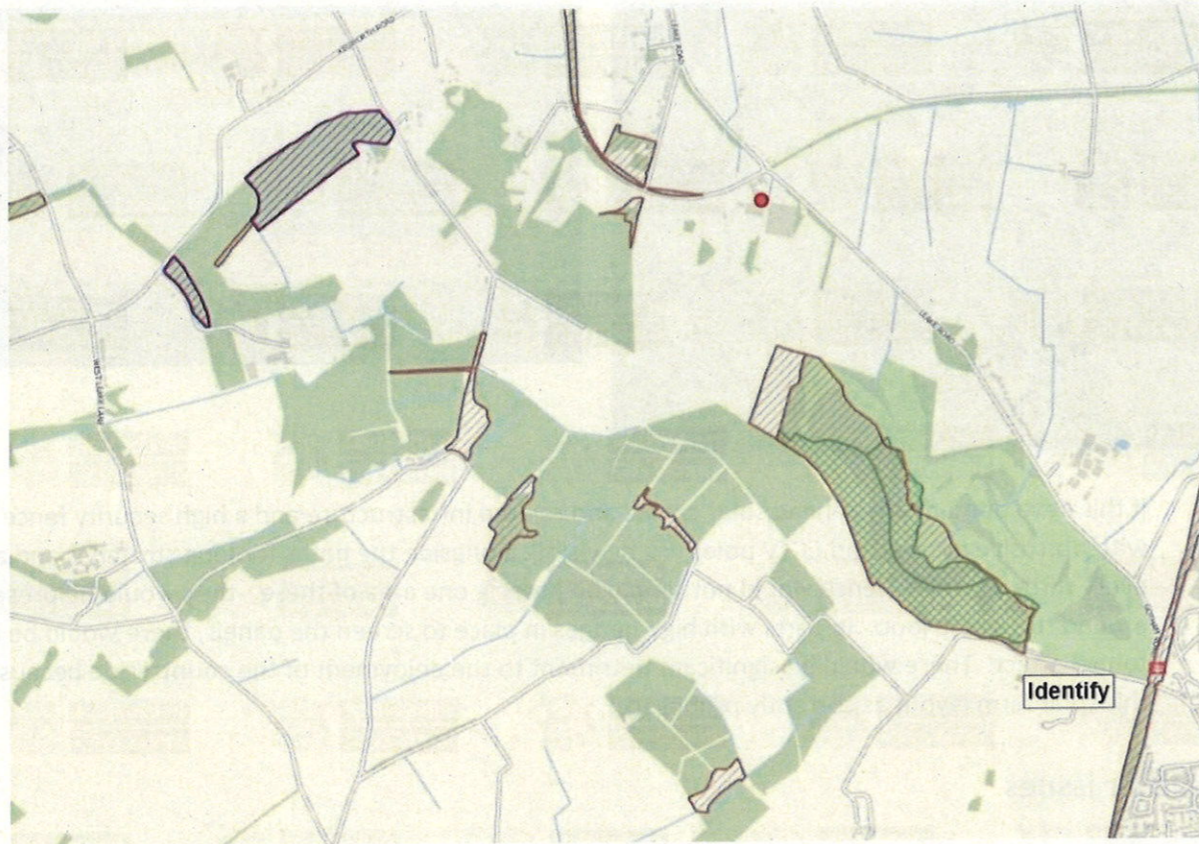
Resident	Date of comment	Comment
Mr Michael Smith 3 Angrave Road East Leake Loughborough LE12 6JA (Objects)	Wed 08 Mar 2023	I am very much of the opinion that we as a nation need to move to a more environmentally friendly method of providing our energy requirements. This in turn should be done in a manner that doesn't impact our countryside and its residents. This proposal does not and will not achieve this by building on GREENBELT where we should be growing crops to provide food whilst working in harmony with the surroundings.
Mr Peter Mostyn Pine Lodge, Stocking Lane East Leake Loughborough LE12 5RL (Objects)	Mon 06 Feb 2023	As was not the case with the discussion about this Application eleven months ago, food security has become a national issue to rival that of energy security. Because the ongoing Ukraine war has raised the need for food security, there have been various HMG pronouncements that BMV land should not be given over to solar farms. As agricultural land is finite, and food security now a more important objective than it was eleven months ago, the potential locations for solar generation (and the options to solar) need to be assessed when seeking energy security. The conflict over 3b land between food security and energy security is unnecessary. This is really good arable land and we need this for good food production.
Mrs Lyn Warren 15 Northfields Way East Leake Loughborough LE12 6RZ (Objects)	Tue 24 Jan 2023	
Robert Burrow 42 Castledine Street Extension Loughborough LE11 2NT LE11 2NT (Objects)	Sat 07 May 2022	We need to keep good agriculture land to produce food this is especially true now. Solar panels can go on waste land and commercial roof.
Mrs Samantha Kearn 17 Far Lane Normanton On Soar LE12 5HA LE12 5HA (Objects)	Fri 06 May 2022	I am totally against allowing our good arable land to be converted into solar farming. We should retain this precious land for growing our own food and ensuring we have some means of self sufficiency in the UK. If we have to import all our food, wheat, barley, oats, maize, linseed and rape seed from abroad this leaves us vulnerable to price hikes and continuity of supply. The war in Ukraine has highlighted just how reliant we are even now on imports. Taking more land out of production will only make this situation worse in the future.
Craig Finch 38 Birchwood Road NOTTINGHAM NG8 2ET NG8 2ET (Objects)	Sun 17 Apr 2022	This is a beautiful part of the countryside which will be ruined for all by the planned solar farm and will take fields for food production away. With growing population I'm sure these fields will be required to produce food in the future.
Mr Paul Fileman 2 Gables Farm Drive Costock Loughborough LE12 6XZ LE12 6XZ (Objects)	Mon 11 Apr 2022	Whilst the agriculture assessment of the land quality generates a low rating for the land involved, this land has been under permanent cultivation and / or grazing for the entire time that I have been using the network of paths (around 40 years). Therefore the land does have value as a source of food production at a time when food security is a major issue for our country.
Mrs Janet Fileman 2 Gables Farm Drive, Costock Loughborough LE12 6XZ LE12 6XZ (Objects)	Mon 11 Apr 2022	There is also the loss of agricultural production to be considered as we should be becoming more, not less, self sufficient in food production.

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Site selection/sequential test ("Grid Capacity Analysis")

- 1.19 In the section about conserving and enhancing the natural environment, NPPF para 181 states that plans should "allocate land with the least environmental or amenity value".
- 1.20 The documents presented at the time of the application included a "Green Belt Analysis" which states at para 7.40 that the sequential assessment was undertaken of sites within "2km of the Grid Point of Connection (study zone), anything beyond this would not be economically feasible". There is no detailed reasoning for this distance, no consideration of other points of connection. The map at the end of that document denotes the 2km radius study area, and is difficult to interpret as the redline of the application is superimposed on a mirror image of the underlying map. No potential sites are identified. The zone drawn, however, includes three sites that have in fact already been submitted for consideration as solar farm sites: Leake Rd Gotham, Glebe Farm, and Church Farm Kingston – any of which are presumably capable of connection via this particular connection point, along with other sites within this radius. It also contains the LDO Power Station Site which could itself be suitable a solar farm at least as big as this one simply by adding panels to the roofs of buildings and canopies over the vast car park areas proposed.
- 1.21 In the appeal documentation there is a new document "Grid Capacity Analysis" where the sequential test has been extended to "include land within 2km of the 132kV line [between Ratcliffe on Soar and Willoughby], as beyond this an economically and electrically viable scheme could not be achieved". Much of the area is outside the Green Belt which should be a very important consideration in site selection. The map provided includes three sites that have already been granted permission (Church Farm, Sharpley Hill, Highfields Farm, but omits Asher Lane (approved), Glebe Farm (SCREIA), Leake Lane (SCREIA), West of Wysall (application in progress), Field Farm between Costock and Rempstone (SCREIA). Several other parcels of land are identified but there is no rationale for having selected these and not selecting other sites within the search area.
- 1.22 An earlier section in the same document looks at financial and technical viability, making much of the fact that this site would have an underground rather than overhead connection. However the evidence is of several other developers bringing forward sites that connect on the overhead part of the line to Willoughby (and overhead lines elsewhere in the country) so the assessment of these other applicants must be that there is both technical and economic viability. This has to cast doubt on the claims in this document about the superiority of this particular connection point.
- 1.23 I would also comment that the appellant has provided no evidence that a connection will be granted, for example there is no letter confirming this from the National Grid or a Distribution Network Operator as is seen in some applications.
- 1.24 Policy 16 of Rushcliffe's LPP2 contains a list of criteria for considering Solar Farm applications and Grid Connection is one of these. Rushcliffe's Solar Farm SPD³ provides more detailed guidance and states at para 6.50:
"Whilst the NPS EN-1 advises that ensuring a suitable grid connection is the responsibility of the applicant, the Council may need to be satisfied that there is no reason why, in principle, a grid connection would not be possible. This can be demonstrated by submitting evidence of a formal offer of a connection from the service provider, such as Western Power Distribution (WPD) or similar relevant organisation, with the planning application."
- 1.25 The SPD at para 6.51 states:

³ <https://www.rushcliffe.gov.uk/media/i0tnvsnv/solar-farm-guide-nov-2022.pdf>



- 4.4 I note (Design and Access Statement p13) that the deer fence would have a 10 cm gap at the bottom along its length which would allow movement of smallest mammals, and this is welcomed. I question however whether the height of the gap is enough to allow passage of other small mammals, e.g. hedgehogs. I note that the recently approved Sharpley Hill solar farm application 21/00703/FUL has holes for passage of animals of 1.5 x 0.2m and additional badger gates 300mm wide and 250mm deep. The British Hedgehog Preservation Society recommends 13cm by 13cm for "hedgehog streets". Appropriate gaps should be secured by condition should the application be approved. This is assuming that the fence will be the "deer fence" type – if the police recommendation is followed, it is likely that it would be impossible to include mammal gaps without compromising security.
- 4.5 Even with mammal gaps, the deer fence would still prevent movement of larger mammals e.g. deer, fox, badger, brown hare freely around this area. Their foraging area would be fenced off, and their ability to travel between the remaining areas reduced. The impact on these species cannot be helpful.
- 4.6 The presence of solar panels on so many of the clearings would mean that birds of prey would have to travel further distances to hunt and mammals would have reduced access to feeding areas.
- 4.7 Ongoing management techniques would not be helpful to ground-nesting bird species including lapwings and skylarks. The latter were observed in the ecology study (see table 2.5, page 35 of the Environmental Assessment Report) and are a Red List species of conservation concern. No breeding survey of skylarks has been carried out and no mitigation measures have been proposed.
- 4.8 The noise from inverters could affect wildlife if installed on the woodland edge near badger setts, bat roosts, bird nesting sites etc. Of course this infrastructure needs to be situated away from any

homes, and consideration for users of the PROW network is needed, but wildlife needs to be protected from the noise too, and the layout should consider this.

- 4.9 Management methods proposed include using herbicides to clear the land (para 2.87 Biodiversity Management Plan) and thereafter to "treat all weeds" (Landscape and Ecological Management Plan). In March 2022 Rushcliffe Council unanimously passed a motion to limit use of pesticides in Rushcliffe. Ideally both the construction and ongoing management plans should state that operations will avoid pesticides, apart from for a limited number of exceptional situations where there is no viable alternative, e.g. spot control of invasive alien species. Such species to be agreed and conditioned, rather than relying on the term "weeds". This should be included in conditions.
- 4.10 There are reports from other solar farms of chemicals used to clean the panels being allowed to run off onto the land. Given the proximity of areas of woodland around the fields, more cleaning is likely on this site, as mentioned in para 10.35 of the arboriculture report. Again the management plan should state the cleaning methods and materials to be used, designed to minimise environmental harm. This should be included in conditions. If the application is allowed the detail of the management plan is key to ensuring biodiversity benefits are absolutely maximised.

Food security

- 4.11 See Appendix 4. Residents have expressed concerns about loss of fields that grow food and the food security situation of the UK. While land classification is 3(b), so not classed as "Best and Most Versatile" some of these fields do grow food crops, and this should be given some consideration in that the NPPF states (footnote to para 181)
- "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."*
- 4.12 Land use for sheep grazing is much less efficient than crops in terms of food production – on solar farms sheep are effectively just there to cut the grass. Para 7.81 of the appellant's statement says that land between the panels can be used for sheep – but not that it will. If the sheep are to be given any weight, they should be in the conditions.

Gypsum

- 4.13 This land is above gypsum mines and deposits. There are two aspects to consider – safeguarding minerals (policy 42 of LPP2) and land instability from mining under the site.
- 4.14 NCC Planning advised on 1 June 2022:
- "it should be noted that this entire area is underlain by the former 'Glebe Gypsum Mine' and the County Council would emphasise the importance of consulting 'British Gypsum Ltd' on any surface development. This mine at its deepest point is approximately only 30 metres beneath the surface. Surface development in this entire area is limited due to a 'Subsidence Protection Area'."*
- 4.15 The Planning Policy Officer advised:
- "Policy 42 of the LPP2 seeks to prevent mineral deposits from being sterilised by new development. It is noted that the application site and surrounding area are identified in the*

DP as being within a Mineral Safeguarding Area for Tutbury Gypsum. Notwithstanding the comment at paragraph 1.352 of the Applicants Planning Statement, given the current timetable for the decommissioning of the power station at Ratcliffe on Soar is September 2024, the views of British Gypsum (Saint Gobain) should be sought to ensure that this mineral resource would not be sterilised during the 40 year lifetime of the development.”

- 4.16 Para 1.352 of the Planning Statement is saying that mined gypsum is not needed because of the availability of DSG from Nottinghamshire’s coal fired power stations – an astonishing statement as these are about to close!
- 4.17 The gypsum beneath the site has largely been mined already, so there may be no sterilisation of deposits, but this should have been checked with British Gypsum – there is no evidence of this.
- 4.18 The risk of subsidence or crown holes from the undermining is, however, significant and a mining risk assessment is provided in Appendix C of the applicant’s Planning Statement. The “Preliminary Risk Plan” on page 20 of Appendix C identifies 5 levels of risk: very low, low, medium, high, and very high. The site includes some areas of actual recorded subsidence shown as “very high” risk, where panels are planned.
- 4.19 The applicant has responded to the risk report by stating that it has sited the most sensitive equipment away from the areas of greatest risk, but the risk remains that panels and cabling are planned over areas when subsidence has already occurred and there is a significant risk of future incidents, close to well used public rights of way. No advice about this from British Gypsum is included in the paperwork.
- 4.20 There is evidence of recent subsidence in the area – the photos below show a field with “danger of subsidence” signs, and footpath closed for safety reasons (photos March 23).



- 3.9 If this development goes ahead solar panels and related infrastructure and a high security fence with obtrusive notices and CCTV poles will be visible alongside the paths for long stretches and at every turn. The experience would not simply be passing one area of these - they would be present around the whole loop. In parts with high hedges in place to screen the panels, there would be a tunnel effect. There would be significant detriment to the enjoyment of the countryside because of this solar farm layout as currently proposed.

4 Other issues

Wildlife impact, Local Wildlife Sites, Wildlife Corridors

- 4.1 Policy 17 of LPP1 (Biodiversity) highlights the importance of wildlife corridors, particularly in sections 1(b) and 3.
- 4.2 On this site the landscape is essentially woodland containing a patchwork of fields in clearings. The woods provide nesting grounds and cover, the fields provide areas for creatures to hunt and forage and for some bird species to nest. These two things work together to support a biodiverse habitat which has viable populations of larger mammals, a diversity of birds (including owls and birds of prey) and bats. There is a SSSI (Golf Course) adjoining one long stretch of panels, which has a similar form of mixed woodland and clearings. There are five further local wildlife sites in and around the adjacent woods (Leake New Wood Track, Ash Spinney Assart, Crowend Wood - Eastern and Western Assarts, and Crowend Wood Ride), showing the richness of the habitat here. The area forms part of an important wildlife corridor, stretching from Bunny Woods, along Ash Lane and Hotchley Hill, over to the Golf Course and beyond towards the Trent, and linking with other areas of woodland around East and West Leake, Gotham and Kingston.
- 4.3 Insufficient consideration was given to the local wildlife sites in the applicant’s ecological report and the officer’s report to committee. Para 140 of the officer report assesses this, quoting the applicant’s ecological assessment that says:
 - “within a 5km radius of the site there are five Sites of Special Scientific Interest (“SSSIs”) and that there are seven Local Nature Reserves (“LNRs”), but no National Nature Reserves (“NNRs”), within 5km”.
 “Within 5 km” significantly underrepresents the situation. The SSSI (Golf Course) adjoins the site. There are seven further local wildlife sites in and around the adjacent woods showing the richness of the habitat here. The importance of this 1.5 mile long site as part of an important network of wildlife corridors has not been fully assessed. (See map)

3. Public Rights of Way

- 3.1 Policy 16 of LPP1 (Green infrastructure, landscape, parks and open space) is about protection of green corridors and assets, and it also highlights the health and wellbeing benefits of access to these.
- 3.2 Rushcliffe's Solar Farm SPG⁶ states at para 6.41:
Public Open Spaces (POS) and other recreational routes, such as Public Rights of Way (PROW), are important local amenities for local communities within the Borough, that help to promote healthy lifestyles and wellbeing. As such applications for large scale solar farm developments that would adversely affect or result in the loss of POS or PROW's, are unlikely to be acceptable.
- 3.3 The site sits between the three villages of West Leake, East Leake and Gotham. The footpaths and bridleways are the historic connections between these communities. The area is readily accessible from all three villages without needing to drive to a start point for a walk or ride. Currently these interconnecting footpaths and bridleways go through countryside. If the application is approved they will go through large industrial structures not in keeping with the countryside.
- 3.4 The area is criss-crossed by bridleways and footpaths and provides a much valued resource and heavily used amenity for walkers, horse riders and cyclists. This area is close to areas of population and a bus route, so that it can be accessed without a car journey. It is much used at lunchtimes by workers walking from the Gypsum site. Elevated open views and surrounding agricultural fields and woodland create a countryside experience important for mental and physical well-being. Various circular walks and rides are available.
- 3.5 Construction has started on one of Rushcliffe strategic housing allocation sites of 3000 homes just north of Gotham on the urban edge of Nottingham. The existing footpaths and bridleways plus new cycle paths from here will give ready access to the West Leake Hills for recreational use. The amenity and character of the site will become even more important with an increased number of users.
- 3.6 The majority of residents in East Leake believe that the network of footpaths/bridleways out into the countryside is important to them⁷. Their use increased during lockdown and has remained at a higher level.
- 3.7 Stocking Lane (BW16 East Leake, BW16 Gotham, BW5 West Leake) forms part of a long distance multi-use trail – the Midshires Way.
- 3.8 The Gotham Heritage Trail⁸ runs alongside fields 5 to 10, with two information boards on the path up to Cuckoo Bush Mound, a neolithic burial ground, the site of one of the tales of the "Wise Men of Gotham"⁹. This is marked "tumulus" in map below.

⁶ <https://www.rushcliffe.gov.uk/media/i0tnvsnv/solar-farm-guide-nov-2022.pdf>
⁷ Para 4.1.19 East Leake Neighbourhood Plan, data from survey for the East Leake Community-Led Plan 2012
⁸ Gotham Heritage Trail https://gothamhistory.org.uk/?page_id=44
⁹ https://en.wikipedia.org/wiki/Wise_Men_of_Gotham



Golf Course

- 4.21 Field 15 adjoins a golf course, and there would be some detriment to the overall experience for golfers. It should be noted that the Golf Club has expressed concern about liability if stray golf balls damage panels, and there is no indication that this issue has been resolved.

Wood Lane

- 4.22 The documentation states that Wood Lane will be widened to 4.5m. Is this temporarily for the construction period or permanent? It is currently a fairly narrow road with generous verges rich with wildflowers and a memorial bench. The character of this part of the bridleway will be significantly altered, becoming more like a road and less like a lane. It forms part of a leisure route connecting East Leake to Thrumpton and the River Trent. Temporary widening may be preferable, with restoration to its current state for the operational period.
- 4.23 Wood Lane, known as Potter's Portway, was part of the Roman Road between Derby and Willoughby¹⁰, and may have archaeological importance. If the application is approved I request a suitable archaeology condition for any excavation for cables along or across Wood Lane, the work to widen and adjust the exit junction of Wood Lane and any trenching in the field to the pylon.

¹⁰ pp14-18, Roads to Ratcliffe, 31 pages, A5, published by Ratcliffe on Soar History Group, January 2009

4.24 I am advised by a resident that the underground cable to the power station runs under the area at the junction of Wood Lane and Gotham Road, where work would need to take place to widen the visibility splays etc.

5. Summary of Conditions Requested

Should the appeal be allowed I ask that conditions be considered as discussed above (in addition to conditions included in the committee report).

	Paragraph
Any future change in the plan from deer fence to security fence would be a material amendment requiring further consultation	2.17
Mammal gaps in fencing	4.4
Limited use of pesticides	4.9
Controlled use of chemicals for cleaning	4.10
If mixed solar and agriculture use is seen to be a benefit, use of sheep should be assured.	4.12
Archaeological measures re Roman Road	4.23

of Rushcliffe's Solar Farm SPG⁴ says that consideration should be given to "*the need for, and impact of, security measures such as lights and fencing*" – the impact of these has not been assessed in the photomontages.

2.16 The consultation response from Notts Police Designing Out Crime Officer⁵ states:

"Solar Farms or Solar Parks have in recent years been subject of some significant thefts of the installed solar panels with replacement costs in excess of £50,000. This combined with the continuing rise in the costs of metals typically used in the provision of sites such as this, and which is saleable by the criminal as scrap metal, has seen a consistent increase in the number of solar sites being targeted. I would strongly advise to avoid the use of what is described as 'Deer Fencing', which is referred to in the DAS on this planning submission, as this does not provide any difficulty or deterrent to the criminal."

They go on to state:

"I would recommend that the boundary fence is to a minimum of LPS 1175 level 3 and to a height of 2.4 metres or to the current UK Government standard, SEAP (Security Equipment Approval Panel) class 1-3. The use of 2.4 metre welded mesh fencing (in green) would be the most unobtrusive method of providing a secure perimeter border."

Example image of LPS 1175 level 3 fence below (on the portal submitted by a resident).



- 2.17 In terms of impact on views and the landscape these are clearly two very different scenarios. The officer report para 235 states that this can be dealt with by condition, but I suggest that changing the fence type is a fundamental change - the photomontages would need to be redone and there would need to be another consultation. This would be too significant an issue to be delegated to officers as a "non-material amendment" without further consultation.
- 2.18 Ignoring the police recommendation (also identified as an option in para 235 of the officer report) could be unwise. If criminals are drawn to the site the safety of the public using the public rights of way and living in these remote homes is a consideration as well as protection of the assets for the company operating the site.
- 2.19 Until and unless this matter is resolved the application should not be approved.

⁴ <https://www.rushcliffe.gov.uk/media/i0tnvsnv/solar-farm-guide-nov-2022.pdf>

⁵ On planning portal as "Notts Police" 2 Feb 2023

Landscape character

2.11 The Planning Policy Officer report states:

“Policy 16(2)(e) of the LPP1 requires that landscape character is protected, conserved and enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment 2009 (‘GNLCA’). The application site is located within the Nottinghamshire Wolds Regional Character Area. Appendix 9 of the GNLCA identifies certain Draft Policy Zones (‘DPZ’) within the Regional Character Areas and identifies the site as being within the DPZ known as the NW01 - Gotham and West Leake Hills and Scarps (see pages 89-94 of appendix 1).”

2.12 The third bullet point in the key characteristics of the Nottinghamshire Wolds identifies the West Leake hills (this site) as an exemplar of the character (my underline):

“Broad area of low hills which extend to the Soar Valley thinning out to a series of hills in the north. Gotham and West Leake are the most prominent.”

And again another specific mention of this site further down the same page:

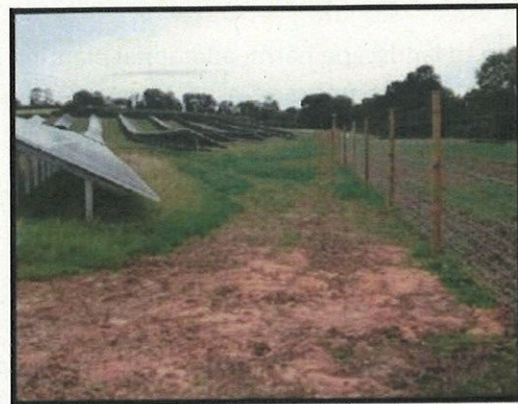
“Broad-leaved woodland is variable across the area and ranges in size creating areas of high and low enclosure; the most prominent and mature is on high ground covering the hills to the north at Gotham and West Leake and around Cotgrave;”

Fencing/Security

2.13 The application as it stands has the areas of solar panels surrounded by “deer fence”. This has the look of an agricultural field stock fence, only higher to prevent deer jumping over. It is specified in the document “Typical Deer Fence - Plan Ref: 04533-RES-SEC-DR-PT-003 (Figure 13 Version 2)”.

2.14 The officer committee report in para 19 states: *“It is proposed that a 2.4m high perimeter security deer fence will be installed around the edge of the application site that would allow for small mammals and other wildlife to pass through the site.”*

These small mammal gaps are vital.



(Images above are from the “Typical Deer Fence” document).

2.15 Note that the landscape appraisals and photomontages that form part of the application have either illustrated this type of fence or omitted the fence altogether. Other perimeter structures such as CCTV poles and notices are omitted, which in itself understates the visual impact. Para 3.10

Appendix 1 - Cumulative impacts of development - relevant applications, compiled 17 March 2024
This lists solar farm and battery storage applications in the area plus some larger other developments locally.

Reference	Location	Description	Status (March 24)	Map ref (Appx 2)
21/00703/FUL	Sharpley Hill, Rear of Rushcliffe Grove, East Leake	4.2MW Solar farm	Delegated approval Dec 21 Awaiting construction	█
21/02163/SCREIA	Glebe Farm, Gotham	49.9MW Solar Farm and battery storage “approx. 140 ha connected by an underground cable route to connection point at Ratcliffe on Soar Power station”	Decision Sept 21 - not EIA development	█
22/00319/FUL	Stocking Lane East Leake/Wood Lane Gotham	49.9 MW Solar farm	This appeal	Red line
22/00303/FUL	Highfields Farm, Bunny Hill, Costock	42.9 MW Solar farm 8 MW Battery Application to modify an angle tower to accommodate a connection	Approved by delegated decision Feb 2023	█
24/00046/OHLS37	Church Farm, Kingston On Soar	49.9 MW Solar farm	Approved by committee decision. 21 Dec 2022	█
22/01832/FUL	Nottingham Road, Gotham	100 MW battery	Refused, appeal dismissed Jan 2024	8
22/01856/SCREIA	Leake Road, Gotham	(Large) Solar Farm ad Battery Storage	Decision 13 Jan 2023 - not EIA development	2
23/00254/FUL	Fields Farm, Asher Lane, Ruddington	49.9 MW Solar farm 49.9 MW Battery	Approved by delegated decision, 4 Oct 23	3
23/01073/SCREIA	Field Farm, Wysall Rd, Costock (Rempstone)	49.9 MW Solar Farm	Decision 30 June 23 - not EIA development	1
23/01285/FUL	West Leake Lane, Ratcliffe on Soar	600MW Battery	Committee refusal, March 24	7
24/00151/FUL	Church Farm, West Thorpe, Willoughby on the Wolds	25 MW Battery	Application open for consultation	Not shown
24/00161/FUL	Land West of Wysall	49.9 MW Solar farm and battery storage	Application open for consultation	4
Rushcliffe Local plan part 1 ¹¹	Land South of Clifton (Fairham)	Core strategy allocation 3000 homes, employment	Construction in progress	█

¹¹ <https://www.rushcliffe.gov.uk/planning-growth/planning-policy/local-plan/local-plan-part-1/> Core Strategy Policy 24 P136, and Policies Maps P31

Ratcliffe on Soar Power Station Local Development Order 22/01339/LDO	Ratcliffe on Soar Power Station site redevelopment plus development on land south of A453	265 ha extending north and south of the A453 – employment, industry etc	LDO approved 20 July 2023	5
North West Leics draft local plan EMP73 ¹²	Either side of where the A453 joins J24 of the M1	70,000m2 industry/smaller warehouses	Draft local plan consultation	6
RBC-LO2, GNSP Logistics Preferred Approach ¹³	“Nottingham Gateway” – 168ha site between Fairham and Gotham, straddling Gotham road	Logistics	Considered under “reasonable alternatives” but not selected	Not shown
Charnwood P/23/0379/2 NW Leics 23/00211/FULM	West of Hathern Road, Long Whatton	49.9MW Solar Farm Battery Storage	Charnwood Approval Feb 24 NW Leics Approval Mar 24	Not shown
Segro East Midlands ¹⁴	Stretching East from M1 adjacent to J24 and Kegworth	700 acre logistics development		Not Shown

¹² North West Leicestershire New Local Plan – consultation in progress – see [District Wide Policies Map](#) and [Draft Insert Policies Map](#) - Map 15 Kegworth Proposed Housing and Employment Allocations EMP73 5.2 page 67 – proposed allocation 70,000m2 industry/smaller warehouses North of A6 Derby Road, Kegworth and North of A543 Remembrance Way, Kegworth

¹³ Greater Nottingham Strategic Plan Distribution and Logistics Preferred Approach – site RBC-LO2 considered as a “reasonable alternative” but not selected as a preferred site – see <https://democracv.rushcliffe.gov.uk/mgAi.aspx?ID=3419> - Rushcliffe Cabinet papers, 12 Sept 23

¹⁴ <https://www.slp-emg.com/>

- 2.3 Most of the public rights of way are bridleways, and the area is well used for riding. Horse riders are higher than head height of pedestrians and will see over the hedges even when fully grown.
- 2.4 Considering views from rights of way within and adjacent to the site, in the main these are restful countryside scenes looking across open fields to woodland in the distance. These views would be obscured by hedges close by, with fencing, CCTV posts etc above the hedge. In areas where rights of way pass between two fields there would be a corridor effect with high hedges and fencing on either side.
- Long distance views**
- 2.5 Please see separate document Appendix 3 which illustrates long distance views from and into the site from PROWs.
- 2.6 The applicant statement para 8.1 states that “visibility of the surrounding landscape is extremely limited due to the nature of the Appeal Site”. This is simply untrue, particularly in the case of fields 6 and 12-14.
- 2.7 Along the PROW within and adjacent to the site there are long distance views from the site in places that would be obscured, including in the area by Cuckoo Bush Farm looking out across field 6 towards the Trent Valley.
- 2.8 Considering long distance views into the site from other public rights of way, there are at least two significant omissions in the LVIA:
- The fields around Stone House (12, 13, and 14) would be visible from BW1 (West Leake), FP2 (West Leake), and BW3 (West Leake) to the south and southwest.
 - The panels and possibly substation compound in field 5 and any equipment at the point of connection would be visible from the highpoint on BW1 (Gotham) that runs alongside Gotham Hill Wood on the opposite ridgeline.
- 2.9 Insufficient weight was given in the officer’s report to the harm to the landscape, judged to be “major adverse” by the independent landscape advisor.
- 2.10 An example of an appeal where more weight was given to landscape harm, additional planting for screening was not considered to mitigate the impact, and the “temporary” aspect was given less weight.

APP/M1005/W/22/3299953

Land North-West of Hall Farm, Church Street, Alfreton DE55 7AH

The application was refused and the appeal was dismissed.

Part of the conclusion reads:

60. The need for renewable or low carbon energy does not automatically override environmental protections. I have taken into account all the other matters raised including the proximity of a suitable grid connection, but in the overall balance, the harm caused to landscape character and visual amenity is decisive. The adverse impacts cannot be addressed satisfactorily on a site of this size and character, and the suggested planting mitigation measures would be seriously out of keeping and would largely worsen, rather than mitigate for the landscape and visual impact. [...] I consider that 40 years is a very significant period in people’s lives during which the development would seriously detract from landscape character and visual amenity.

returned to Planning Committee, again with an officer recommendation to approve. Committee this time went against officer recommendation and refused the application, and the subsequent appeal was dismissed. These Green Belt VSC decisions must be made on a case-by-case basis – they can be finely balanced and both officers and members play their role in the decision making process.

- 1.14 At an appeal with some similar characteristics to 22/00319/FUL the inspector gave the following view on the “temporary” nature of a solar farm and Green Belt openness, (different to that of the officer recommendation in this case).

APP/A1910/W/23/3317818

Little Heath Lane, Little Heath, Berkhamstead

“19. I acknowledge the appellant’s argument that the proposal is temporary in nature (40 years) and that the development would be removed and the land restored to its former condition – in essence openness would be restored at that point. Leaving aside the discussion as to what may happen at the end of the 40 year period – which can only be speculation - I do not find this argument to be persuasive in terms of reducing the effect on Green Belt openness. Although the proposal is for a limited period, the length of that period is very substantial. But even more importantly, the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open. With that well established policy background it cannot be right that the fact that approval is sought for a 40 year period is accorded more than very limited weight in favour of the scheme in relation to the loss of openness. To do so would go against the concept of permanence.”

Very Special Circumstances case by appellant

- 1.15 The appellant’s VSC case as described in the “Green Belt Assessment” appears to have four elements – NPPF 156 (importance of renewable energy); an assertion that other sites had been considered and were not as suitable; Biodiversity Net Gain; and jobs generated during the construction phase.

NPPF 156 renewable energy

- 1.16 The VSC case relies very heavily on the benefits of renewable energy. But Para 156 of the NPPF is not a magic bullet to automatically confer VSC – the benefits have to clearly outweigh the harms.
- 1.17 In terms of the amount of electricity that will be generated and the number of homes served, is this still 49.9MW after the removal of one and a half fields? If so, are the panels now more closely packed?
- 1.18 Four solar farm applications in this area have recently been approved by Rushcliffe. 21/00703/FUL is a smaller site outside the green belt. 22/00303/FUL is a 49.9MW site outside the green belt. Of the two 49.9MW schemes in the green belt, 23/00254/FUL was approved via a delegated decision, and 22/00809/FUL was approved at committee. These two are both on low lying flat ground - compact sites with large fields that only have small stretches of woodland edges. They can be screened with hedges more sympathetic to the landscape character in those areas and with less loss of openness than is possible on the appeal site. They don’t follow a ridgeline on high ground like the appeal site, and although both have some rights of way adjacent or crossing the site these do not criss-cross the site providing multiple circular walks and rides of anything like the public amenity value of 22/00319/FUL. Both those sites (23/00254/FUL and 22/00809/FUL) are in homogenous areas of intensively farmed agricultural fields very different from the wildlife habitat opportunities of the dispersed and wooded setting of the site under consideration.

Mrs Sue Allen 18 Northfields Way, East Leake LOUGHBOROUGH LE12 6RZ LE12 6RZ (Objects)	Mon 11 Apr 2022	In terms of food security, we have seen a decline in food production within the UK, with added carbon footprint caused by importation of food, which has been particularly highlighted with the war in Ukraine, transportation issues and the pandemic, affecting the cost and supply of cereal and oils. It does not make sense to remove arable fields? The impact on the environment, decreasing UK production and increasing the carbon footprint negates a lot of the benefits this "green" energy solution is supposed to provide?
Mr Barak Fave Foxhill Barn Stocking Lane West Leake LE12 5RL LE12 5RL (Objects)	Mon 04 Apr 2022	I was also appalled to learn that these fields have been considered for this project as many of them are currently being used for food production, while I appreciate that green energy is important I do think it should not be obtained at the expense of food production
Miss Abbey Hurrell Colomendy Talwrn Llangefni LL77 8JD LL77 8JD (Objects)	Sat 02 Apr 2022	I also do not agree that solar should be given priority over food when there's a food crisis at the moment. The news is reporting how the war in Ukraine could plunge the world into food shortages and these very fields are currently used to grow food and in future can be used to grow foods reportedly in short supply such as wheat and maize.
Mr Peter Mostyn Pine Lodge, Stocking Lane, East Leake Loughborough LE12 5RL LE12 5RL (Objects)	Fri 01 Apr 2022	Last but not least, the agricultural food output of 200 acres containing 16 fields will be lost, at a time when the need for food security arguably matches, if not exceeds, that of energy security.

Greenbelt analysis in RBC officer report to committee

- 1.8 My view is that too much weight was given by officers to the “temporary” nature of the development, and insufficient weight was given to the loss of openness and the harm to the landscape and amenity value of the Public Rights of Way.
- 1.9 In coming to a recommendation for the Planning Committee the officer considered the Green Belt in paras 78 to 94 of their committee report, concluding in para 246 and 248 that the test for Very Special Circumstances is met. This is at the heart of their recommendation to approve the application. There is no evidence that the officers took outside expert advice on this. There was no independent Green Belt assessment commissioned by the Council as was done for Landscape. There are no references to appeals or other decisions elsewhere to provide a reference point for their decision on the balance of harm and benefit required for VSC.
- 1.10 All the parish council representations, and many others, cited the harm to the green belt in their consultation responses.
- 1.11 The report by Rushcliffe’s Planning Policy officer¹ points out (their underline):

“Whilst the NPPF does acknowledge that VSC’s may include the wider environmental benefits associated with increased production of energy from renewable sources, in order for planning permission to be granted any such potential benefits must clearly outweigh any ‘definitional’ harm as well as any other potential harm or harms that might be identified (such as adverse effects on landscape, heritage or ecological assets). It is important to bear in mind that it would be insufficient for the potential benefits of the proposed development to merely outweigh any harm or harms to the Green Belt that might be identified. They must clearly outweigh them in order for VSC’s to be said to exist. This is necessarily a high bar to overcome.”
- 1.12 On the balance of greenbelt harm v benefit the elected members at Planning Committee made a different judgement to the officer. The committee included members who already knew the local and wider area and others who had taken the time to visit and explore the site before the meeting. The Chair has many years’ experience, the Planning Portfolio holder and the current Leader of the council were both involved in the debate and decision, individuals with significant knowledge and experience of planning, as well as other members trained and experienced in judging planning matters. The debate was on policy matters and material considerations and the decision was unanimous. Planning Committee deals with cases where the officer view is different from that of the ward member and this is a routine and necessary part of the democratic process. Greenbelt VSC balance cases often come to committee, not least because the balance decision is to some extent subjective.
- 1.13 The importance of officers fully assessing greenbelt harm and making appropriate recommendations to the committee is illustrated in 20/00810/FUL (Overgrown Acres, Normanton On The Wolds, NG125PE) where the officer recommended approval of an application in the green belt, committee approved, then neighbours took the case to judicial review². The Judge quashed the decision on the basis that the Council had not demonstrated that it had given substantial weight to the harm the development would cause to the Green Belt. The application subsequently

¹ Copy of Planning policy comments and three appendices is on the planning portal dated 06 April 2022

² Copy of Consent Order included in documents submitted

1. Greenbelt

- 1.1 This is inappropriate development in the Green Belt. Openness of the landscape is affected, and there is harm. Para 156 of NPPF allows the wider environmental benefits associated with increased production of energy from renewable sources to be included in "very special circumstances", but it is a case by case decision and in this case the harms outweigh the wider environmental benefit from the provision of renewable energy in my view.

Greenbelt analysis by appellant

- 1.2 The report identifies by Neo Environmental dated 7/12/22 states at para 7.45 that the 5 purposes of greenbelt were evaluated by a desk-based assessment. It seems extraordinary that such an important study would be done without a visit!

- 1.3 The 5 purposes of greenbelt:

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist urban regeneration, by encouraging the recycling of derelict and other land.

- 1.4 The report evaluates purposes 1 and 2 together in paras 7.50 to 7.54 and dismisses them on the basis of merging of settlements. But these two purposes are very different. Purpose 1 is about a large scale consideration of sprawl of built up areas. This site is in a key part of the buffer of green space between the expanding urban area of Nottingham and huge industrial developments taking place outside the green belt around Kegworth, East Midlands Airport and J24 of the M1 and along the A453 which joins these two areas. These developments are huge and the shrinking undeveloped buffer is increasingly important. The contribution of this site to the cumulative impact of development needs full consideration.

Appendix 1 lists relevant developments

Appendix 2 sketches these onto the appellant's cumulative map

- 1.5 The third purpose is covered by the applicant in 7.44 to 7.77. It is clear that the proposal would encroach significantly on the countryside, not have the "minor impacts" the report identifies in 7.56. The site stretches along the length of the ridge between East Leake and Gotham. Vast areas of high panels, security fencing and equipment would encroach on the countryside. Large amounts of access track would be laid, including through the centre of one wood.

- 1.6 Screening is proposed by planting extra hedges etc, but this would in itself harm the openness of the countryside. Para 142 of the NPPF states:

"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

- 1.7 Also, while the fields are adjacent to woodland which screens them to some extent, the woodland itself is not permanent. Some is mature native woodland but other areas are plantations that could well be felled during the long 40 years of operation of the site. The woodland is not within the redline of the site and cannot be guaranteed to screen the panels, fences, inverters, CCTV and the other industrial features of the installation for 40 years.

**Interested Party Statement APP/P3040/W/23/3329235
Land To The West Of Wood Lane And Stocking Lane, Gotham, NG11 0LF
Rushcliffe Reference 22/00319/FUL**

Cllr Carys Thomas, Leake Ward, Rushcliffe Borough Council

I am one of the Ward members for Leake Ward in Rushcliffe and part of the appeal site is in my ward.
I oppose the application. I request to speak at the inquiry.

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4. Resident comments about use of the fields for growing food	20

Additional Documents Submitted

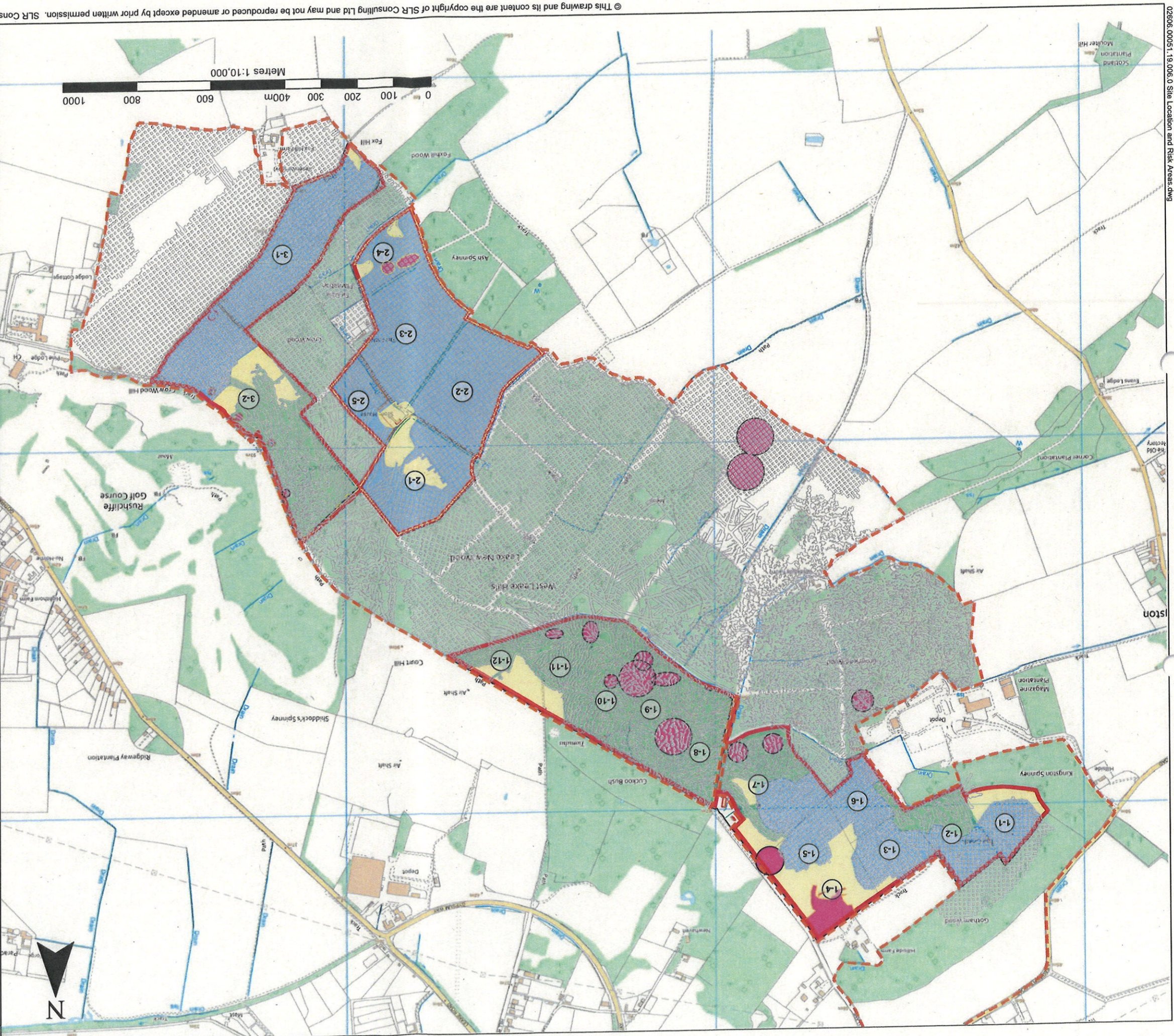
Appendix 3 – Long distance views

Consent order – judicial review for 20/00810/FUL

Appeal decision - APP/A1910/W/23/3317818, Little Heath Lane, Little Heath, Berkhamstead

Appeal decision - APP/M1005/W/22/3299953, Land NW of Hall Farm, Church Street, Alfreton DE55 7AH

(I have not sent documents that are on Rushcliffe's planning portal or planning policies etc on the Rushcliffe Website.)



LEGEND

- SITE BOUNDARY
- EXTENT OF LAND OWNERSHIP
- AREA LOCATION AND NUMBER
- NO RISK
- NEGLIGIBLE RISK
- LOW RISK
- MEDIUM RISK

Revision	By	Chkd By	Date	Comments
0	IG	CD	01/22	

SLR
 4/5 LOCHSIDE VIEW
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Site
KINGSTON SOLAR

Project

Drawing Title
SITE LOCATION AND RISK AREAS

Scale
 1:10,000 @ A3

Date
 JANUARY 2022

Drawing Number
006

Revision
0

