The Planning Inspectorate

Appeal Decision

Inquiry Held on 7 December 2021

Site visit made on 16 December 2021

by S R G Baird BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/B3030/W/21/3279533
Land north of Halloughton, Southwell, Nottinghamshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by JBM Solar Projects 6 Limited against the decision of Newark & Sherwood District Council.
- The application Ref 20/01242/FULM, dated 7 July 2020, was refused by notice dated 4 March 2021.
- The development proposed is the construction of a solar farm and battery stations together with all associated works, equipment, and necessary infrastructure.

Preliminary Matters

1. Further to Regulation 14(5) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 571/2017), the Secretary of State issued a direction that an Environmental Statement (ES) was required. An ES was submitted on 30 November 2021. At the inquiry, the appellant submitted a revised Biodiversity Nett Gain Assessment (BNG) using the updated Biodiversity Metric 3 issued in July 2021. I have had regard to its contents and the representations made.

2. The appellant requested that the appeal be determined based on an amended plan, *P18-2917_12 Rev M Site Layout and Planting Proposal*, and an additional plan *P18-2917_26 Indicative Landscape Site Section (Year 5 & 15)*. Whilst the boundaries of the site remain unchanged, the amendment involves, the removal of solar panels and associated infrastructure from Fields 7 and 12, additional planting in the south-west corner of Field 3 and on the northern boundary of Field 1 and the introduction of a rewilding area in the north-west corner of Field 1. Following public consultation and formal consideration the local planning authority (lpa) has no objection to the proposal being determined on these plans. No party would be prejudiced by the appeal being determined based on Drawing Nos. P18-2917_12 Rev M and P18-2917_26 and I have proceeded on this basis.

3. To allow for consideration of the ES, the revised BNG assessment and receipt of closing submissions, the inquiry was adjourned and closed in writing on 14 January 2022.

Decision

4. The appeal is allowed, and planning permission is granted for the construction of a solar farm and battery stations together with all associated works, equipment, and necessary infrastructure on land north of Halloughton, Southwell, Nottinghamshire in accordance with the terms of the application,

Ref 20/01242/FULM, dated 7 July 2020, and the plans submitted with it, subject to the conditions contained in Annex A to this decision.

Main Issues

5. These are: (1) the landscape and visual impact of the scheme; (2) the effect on heritage assets (HA); and (3) whether the proposal would conflict with the development plan and if so whether there are any material considerations that would outweigh that conflict; the planning balance.

Development Plan and other relevant Policy Guidance

6. The development plan includes the Newark and Sherwood Amended Core Strategy (CS), the Allocations and Development Management Development Plan Document (A&DM) and the Southwell Neighbourhood Plan (SNP).

Core Strategy

7. The objective of Policy CP 9 is the protection and enhancement of the natural environment. Policy CP 10 indicates that proposals for renewable energy generation will be supported, where adverse impacts have been satisfactorily addressed. To assist decision makers in assessing the impact of proposed developments on landscape character, the lpa has adopted the Newark and Sherwood Landscape Character Assessment Supplementary Planning Document (SPD). The SPD identifies Landscape Policy Zones (LPZ), and landscape conservation and enhancement aims for each LPZ. Policy CP 13 seeks to secure development that positively addresses the implications of the relevant LPZs consistent with the landscape conservation and enhancement aims for those areas ensuring that landscapes, including valued landscapes, have been protected and enhanced. Policy CP 14 seeks the conservation and enhancement of the character, appearance and setting of HAs in line with their significance.

Allocations and Development Management Development Plan Document

8. Policy DM 4 indicates that applications for renewable energy schemes will be permitted where the benefits are not outweighed by harm to, amongst other things, landscape character, HAs or living conditions. Policy DM5 lists the criteria against which proposals are assessed. These include access, amenity, landscape, biodiversity, green infrastructure, ecology, and flood risk. Policy DM9 adopts a positive approach to proposals to reflect the overarching presumption in favour of sustainable development.

Southwell Neighbourhood Plan

9. The supporting text to Policy E6 indicates that the SNP seeks to increase the amount of energy generated locally from renewable sources. Low carbon energy schemes will be supported where, amongst other things, they would not negatively impact on local landscape character. Whilst Policy E6 refers to effect on the setting and character of HAs, this criterion relates to Policy DH3, which solely relates to Southwell and as such is not relevant to this proposal.

National Planning Policy Framework Framework) and Planning Practice Guidance (PPG)

10. The Framework and PPG provide generic and specific policy and guidance on development in general and renewable energy developments. These cover

considerations such as biodiversity, historic environment, landscape and visual effects, traffic, living conditions and socio-economic benefits.

Reasons

Issue 1 – Landscape & Visual Impact

11. Given their nature and scale, it is inevitable that large scale solar farms may result in landscape harm. In this context, national and development plan policy adopts a positive approach indicating that development will be approved where the harm would be outweighed by the benefits of a scheme.

Landscape Character

12. Framework, paragraph 174, indicates that the intrinsic character and beauty of the countryside should be recognised. That said, the Framework does not seek to protect, for its own sake, all countryside from development; rather it concentrates on the protection of valued landscapes. The site does not form part of any designated landscape and the lpa acknowledges that for the purposes of the Framework, the site is not a valued landscape.

13. The Framework does not define what constitutes a valued landscape. However, given that all landscapes are valued by someone at some time, the term, valued landscape, must mean a landscape that is of value because of demonstrable attributes that takes it to a level of more than just mere open countryside. I note the strong feelings eloquently expressed both at the inquiry and in writing by residents about their attachment to and value they place on Halloughton and its surroundings. However, nothing I have read, heard, or seen would elevate this site and its surroundings to that of a Framework valued landscape.

14. Of the various landscape character documents referred to, the most relevant is the SPD. The site extends over 12 fields at the confluence of 3 LPZs. Fields 1 to 5 and 12 are within LPZ 37 – Halam Village Farmlands with Ancient Woodlands. Part of Field 8 and Fields 9 to 11 are within LPZ 38 - Halloughton Village Farmlands. Field 7 and the balance of Field 8 is found within LPZ 39 - Thurgarton Village Farmlands with Ancient Woodlands.

15. The landscape characteristics of the site and immediate surroundings are consistent with the characteristic visual features listed for the LPZs. These are: a predominantly arable agricultural landscape with medium to large scale fields with some smaller pasture fields; field boundaries comprising well-maintained hedgerows albeit fragmented in places, with some mature hedgerow trees; blocks of woodland of varying age and linear sections of woodland along field boundaries, streams, and drains. Topography is gently undulating and rounded with medium distance skyline views enclosed by hedgerows and woodland.

16. The assessments of the individual LPZs conclude on their value and sensitivity. However, as the LPZs cover extensive areas and the site extends over a relatively small part of these LPZs, I see it as an area of transition. Here, it would be inappropriate to apply the wider area values and sensitivities uncritically. For example, Field 7 and less than half of Field 8 is located within LPZ 39. However, there is nothing on the ground that would distinguish that part of Field 8 falling within LPZ 38, which is judged to be of moderate landscape sensitivity from that part in LPZ 39, which is judged to

have a high landscape sensitivity. Taking the landscape characteristics, condition, and sensitives of each of the 3 LPZs as a starting point and looking at value and sensitivity in the round, the site and its surroundings have a medium landscape value and medium sensitivity to change.

17. The key elements that contribute to landscape character are topography, land use/land cover, tree/woodland, hedgerows, public footpaths, and watercourses. Although for some of these elements, the conclusions reached by the lpa and appellant differ in terms of value, susceptibility and sensitivity, there is a large measure of agreement on the significance of effect.

18. Apart from the proposed permanent electricity substation, the solar panels and associated infrastructure, would, for the wont of a better phrase, sit lightly on the affected fields, with no material change to topography. As to land use/land cover, most of the site would be retained in agricultural use as grazing pasture. Sheep grazing is an accepted part of solar farm developments as a means of naturally managing the pasture. Seeking opportunities to restore arable land to pasture is an "action" promoted by the SPD. For these landscape elements, the lpa and appellant agree that the degree/scale of effect would be *Not Significant* in landscape character terms.

19. For trees and hedgerows, whilst the lpa accepts there would be some minor to moderate beneficial impacts from the proposed mitigation, it regards these changes as Not Significant. The appellant, on the other hand, assesses the changes as being Major Beneficial and Significant. Relative to the existing fund of trees/woodland in the area, the additional tree planting on the southern edges of Fields 8 and 9, the northern edges of Fields 7 to 11, the western and southern edges of Field 4 and on the northern edge of Field 1 does appear modest. However, these are strategic areas for planting and the impact belies their extent. In my view the outcome would be a Major and Significant Beneficial Effect. A similar approach can be adopted for hedgerows. Here, the existing 8km of hedgerow around and within the site would be supplemented by some 1.2km of new planting. This would be a significant expansion and result in a Major and Significant Beneficial Effect. Moreover, tree and hedgerow planting are consistent with "actions" promoted by the SPD, which are, to conserve and enhance hedgerow and tree cover

20. For public footpaths there would be no change. For watercourses, whilst there is a difference between the parties as to the scale of beneficial effect, there is agreement that it would be Not Significant in terms of landscape character effect.

21. It common ground that, given their spatial extent, there would be no significant adverse effects on the landscape character of the wider LPZs. Moreover, the lpa accepts there would be no direct impacts on landscape character outside the boundaries of the site. Given the topography of the area, existing planting and overhead power lines/pylons that bisect Fields 6 and 8 to 11, the lpa acknowledges there are, limited medium distance views and visibility of the site. Accordingly, whilst the solar panels and associated infrastructure would, in Environmental Impact Assessment terms, have a Significant Adverse effect on landscape character, it would be highly localised.

22. In terms of the degree/scale of impact of the scheme, the assessments carried out by the lpa and the appellant concentrate on the construction period and Years 1 and 10. During the construction period and at Year 1, it

is agreed that within the site, the scale of effect would be Major and have a Significant adverse effect on landscape character. In my view, this significant adverse effect would be experienced at several places where there are views into the site. However, given the relatively short construction period, some 26 weeks, and at a time when the mitigation planting would be young, such adverse impacts cannot be avoided. Thus, the weight I attach to these early effects is limited. As François Athenase de Charette de la Contrie[1] is reputed to have said, "…*you cannot make an omelette without breaking a few eggs*".

23. The lpa acknowledges that over the lifetime of the scheme the planting would increasingly mitigate the landscape impact of the solar panels and associated infrastructure. The main difference between the parties is that by Year 10 the appellant considers that the adverse effect would be reduced to a largely Moderate Adverse impact and Not Significant in landscape character terms whereas the lpa submit that there would still be a Major Adverse and Significant effect on landscape character. The difference appears to rest largely on the lpa's conclusion that the impacts of the proposed mitigation measures rather than the presence of the solar panels and associated infrastructure would be the source of the enduring adverse landscape effect. Essentially, the additional tree cover, hedgerow reinforcement and allowing the hedgerows to grow out would result in long term harm by interrupting or curtailing medium distance views.

24. The lpa acknowledges that the proposed mitigation, is consistent with the nature and character of existing planting. Moreover, these works are entirely consistent with the "actions" to conserve and reinforce hedgerow and tree cover promoted for these LPZs. Indeed, the landscape character changes the lpa assert would be a harmful is something that has already occurred in the landscape to the north of the village. Here, over the last 2 decades landowners have engaged in extensive tree planting and hedgerow maintenance. The prime example of this is the extensive and dense woodland planting to the east and south of Fields 10 and 11.

25. No important or protected views were identified by the lpa. However, residents refer to the loss of views of the twin towers of Southwell Minster, looking eastwards from public footpaths that run along the western and northern boundaries of the site. That said, whilst there are some views of the tops of the Minster towers from the field to the west of Fields 2 and 4, these are not from the official line of the public footpath that runs hard against the hedge line of Fields 2 and 4, but a desire line that follows vehicle tracks across the centre of the field. In any event, these views are not sequential, but glimpsed and any loss would be limited.

Visual Impact

26. The assessment of visual impact is based on an assessment of views from 18 agreed representative viewpoints[2] (VP). In concluding on visual impact, I acknowledge that, (a) the views obtained from these VPs are a snapshot of the site and do not reflect the experience of walkers as they proceed along the road/public footpath and (b) the photographs were taken when the deciduous trees and hedgerows were in full leaf. That said, my visits to the

[1] Breton soldier and politician 1863 to 1796.
[2] In addition, there are views from 3 points on the edge of Southwell included for the assessment of impact on heritage assets.

site and its surrounding were in winter, which presents a worst-case scenario. Moreover, on views, the area is well endowed with extensive tree and hedge cover that limits views to short or medium range. Moreover, given the topography and existing tree/hedgerow cover, the opportunity for sequential views is limited. This is particularly the case where Footpath 209/74/1 runs along the southern boundary of Field 6 and where Footpath 209/42/1 runs northwards along Fields 4 and 2.

27. The parties agree that the Year 10 assessments of effect are the most important to assess the visual impact of the scheme. It is these effects that would last for most of the life of scheme. That said, the existing and proposed planting would continue to grow and increasingly screen the development. Thus, the Year 10 assessment of effect must be regarded as a worst-case scenario. It is common ground that there would be no significant visual effects after decommissioning.

28. There is a significant amount of agreement between the parties regarding visual impact. Taking the lpa's conclusions in each case as a worst-case scenario, the visual effect at VPs 1, 3, 5, 6, 7, 9, 10 to 13 and 16 to 18 are judged as Negligible and Not Significant. In landscape assessment terms, a negligible effect is where the proposed changes would maintain the existing view or where, on balance, the proposed changes would maintain the quality of the view, which could include adverse effects that would be offset by beneficial effects for the same receptor. At VPs 2 and 8, the visual effect is judged as Minor Adverse and Not Significant. Typically, this is where a proposal would represent a low magnitude of change and/or the proposal would result in a slight deterioration of the view.

29. The effect at VPs 4 and 14 is described as a Moderate to Negligible Adverse effect. A moderate adverse effect is typically described as a Medium Magnitude of change where the proposal would result in a clear deterioration in the view. In this context, I would also describe the views to the north-west obtained when walking west on Footpath 209/74/1, towards VP 2 as being Moderate Adverse and Not Significant. On this stretch of path, views of panels in Fields 3 and 5 would be obtained across the shallow valley containing the Westhorpe Dumble where the field hedgerow is heavily gapped.

30. One Significant Year 10 effect would occur on Public Footpath 209/43/1 at VP 15, and a Major Adverse effect would be experienced by walkers on the stretch between VPs 14 and 15. Here, the footpath runs along the southern edge of a tall, dense, mature hedge that has been allowed to grow out limiting the visual effect to one side of one field. That said, the lpa agreed, the effect is limited geographically and of short duration. Any impact on the footpath where it extends to the east beyond Field 1, VP 16, or to the west and north of Field 2, would, due to existing screening, be limited if not negligible. Here, the proposed mitigation includes a native hedgerow with trees along the northern edge of the solar panels and a substantial area left for rewilding in the north-east corner of Field 1. As the planting matures, the solar panels would largely disappear behind the planting mitigating the visual harm.

31. Currently, on Footpath 209/43/1, between VPs 14 and 15, the walker experiences an open aspect to the south-east albeit the extent of view is short range as Field 1 rises to the south-east and a mature hedgerow along the

eastern boundary of Field 1. Concern was expressed that the narrowness of the gap between the existing hedge and the proposed mitigation would result in walkers experiencing an unacceptable tunnel effect. Whilst walkers may experience what the appellant suggests would be a "green corridor" this is not an unusual feature of the area. Footpath 209/80/2 to the north of Halloughton Wood runs for a significant length with dense woodland on either side and Footpath 209/74/1 runs between tall dense Miscanthus planting on its northern and southern side as shown by the view from VP 3.

32. Drawing the above together, it is inevitable that located in a countryside location a solar farm of this scale would have some adverse landscape character and visual impact. However, through a combination of topography, existing screening and the introduction of landscape mitigation, the adverse effect would be limited and very localised. Moreover, as the existing and proposed planting matures, the adverse effects, would be acceptably mitigated. Whilst the 40-year lifetime of the scheme is significant, once the solar farm was decommissioned, there would be no residual adverse landscape effects. Rather the scheme would, through the mitigation planting, leave an enhanced landscape consistent with the objectives of the development plan and the SPD.

Issue 2 - Heritage

33. The site lies partly within the Halloughton Conservation Area (CA), and within the settings of several Listed Buildings (LB). Regarding the LBs, there would be no direct physical impact, rather the potential for harm would be indirect. As to effect, the key difference between the parties is the contribution the Halloughton Prebend males to the heritage interest these HAs. Briefly, a Prebend is a salary generally given to clergymen, the Prebendary, derived from tithes on agricultural land. Here, the Halloughton Prebend was given to Canons of Southwell Minister and ceased around 1840. At that time, the estate reverted to the Diocese of Southwell and in 1952 sold to the tenants.

34. The Prebend is not, on its own, an HA rather it is a matter of historical record, and no tangible connection can be experienced on the ground or in the wider landscape; it is a non-visual historic consideration. That said, there are many LBs whose significance is founded on historic associations that are not reflected in their physical appearance or surroundings. The appellant's submissions on the relevance of the Prebend to the heritage interest of the 5 LBs and CA were deftly put. However, whilst I recognise the Prebend is now a matter of historic record rather than a physical manifestation, it is of historic interest and as such contributes to the heritage interest of these HAs.

Halloughton Manor Farmhouse, Pigeon Cote, Granary and Stable

35. Although listed separately, these buildings are part of the same complex. Halloughton Manor Farmhouse (HMF) is listed as Grade 2*, the Pigeon Cote, Granary, Stable and Barn are listed as Grade 2. HMF, was originally the Prebendal House constructed in the 13th Century with additions and alterations during the medieval, post medieval and 19th century. At the core of this building is a 3-storey tower largely constructed of coursed rubble with ashlar dressings with the later addition of a pitched pantile roof and brick gables. A substantial part of the frontage elevation of the tower is obscured by what appear to be late 19th century single-storey extensions.

36. The Pigeon Cote, Granary, Stable and Barn were constructed during the 18th and 19th centuries as the farmstead expanded. The Pigeon Cote, Granary and Stable, a 2-storey building, constructed in red brick with a pantile roof. Located at the core of the complex, views of the building are restricted to the upper storey: the Pigeon Cote. Added to the complex in the 19th century, the Barn albeit it has some decorative elements, is a large functional red brick building with a pantile roof abutting Bridle Farm Road[3] (BFR).

37. At Grade 2* HMF is a HA of the highest significance and at Grade 2 the Pigeon Cote, Granary, Stable and Barn is acknowledged as less than the highest significance[4]. The heritage interest of these buildings is architectural and historic. In the case of HMF, the tower is an example of a medieval tower house albeit it has been altered and extended over the years. The historic interest of the Pigeon Cote, Granary, Stable and Barn lies is the physical demonstration of the development and expansion of the agricultural economy, in the 18th and 19th centuries. Whilst the Prebend is now a matter of historic record rather than a physical manifestation, HMF was the prebendary house, which adds to its historic interest.

38. Given its serpentine nature, the settings of these assets is confined, largely to a short stretch of BFR. Other than from the south and south-west and largely limited to HMF itself there are few, if any, views of this complex of buildings from the solar farm site and its surrounding landscape. Any that may be obtained are limited by topography or heavily obscured by existing woodland and hedgerow and are no more than fleeting glimpses. Thus, medium to long range views do not contribute to the interest of these HAs. Whilst historically, initially, through the Prebend and after its abandonment, the wider agricultural surroundings, including parts of the solar farm site formed part of the setting of HMF, in that produce from the land passed through and was stored on the complex, that link no longer exists. Thus, the contribution that historic link makes to the significance of these assets is limited.

39. Drawing all the above together, given the degree of separation between the solar farm site and these HAs and the nature of existing and proposed screening, the development would result in no harm to the architectural interest of these HAs. That said, given the association with the Halloughton Prebend, I consider there would be some limited harm to the historic interest of these HAs albeit it would fall within the category of less than substantial harm and at the lowest end of that spectrum.

Church of St James

40. Although parts date from the 13th century, the church was substantially rebuilt in the late 19th century under the direction of Ewan Christian an English architect noted for the restoration of Southwell Minster, Carlisle Cathedral, and the design of the National Portrait Gallery. The church, Grade 2 listed, is constructed in course rubble with some ashlar detail. The church is simple in form comprising a nave, chancel, modest windows, and decoration from the 14th, 17th, and 19th centuries. The frontage to BFR is defined by a random

[3] The street map for Halloughton does not show road having a name. The appellant's submitted documentation variously refers to the village street as either Bridle Farm Road or Cotmoor Lane. More than one document refers to it as Bridle Farm Road and for the purposes of this decision, I have adopted Bridle Farm Road.
[4] Framework paragraph 200.

stone wall backed by several evenly spaced mature trees and the church is set well back into a well-defined plot.

41. The heritage interest of the church is architectural and historic. The architectural interest is grounded in it being a good example of a late Victorian Parish Church. The historic interest relates to its association with HMF and its role as the medieval Prebendal church and the association with Ewan Christian. The churchyard setting with its ubiquitous yew tree and location next to an orchard and agricultural fields immediately to the north adds to the church's heritage interest.

42. It was clear from my extensive walks before and after the inquiry that the church is not experienced from the public footpaths that cross and go around the proposed solar farm nor from any of the fields that would make up the solar farm or its surroundings. Given the deep setback from the road, the church is mainly experienced from a limited stretch of BFR. Whilst there would in wintertime heavily filter views of a limited number of panels, the way the heritage interest of the church is experienced would not be changed. That said, given the association with the Halloughton Prebend, there would be some limited harm to the historic interest of this HA, albeit it would fall within the category of less than substantial and at the lowest end of that spectrum.

Barn at Bridle Road Farm

43. The barn is a large functional 2-storey red brick building with limited decorative detail and a steep pantile roof built in the 18th century. The farmstead at Bridle Road Farm is tight knit, with the barn, farmhouse and other vernacular buildings forming a courtyard comprising areas of grass and hardstanding. Heritage interest derives from its vernacular architecture and as an example of historic agricultural development. Again, the Prebend, adds to the historic interest of this HA.

44. Views of the barn are from BFR and the public footpath 186/3/1 that runs from the farm entrance, through the yard and branches of to the south-east. Views from BFR are limited due to its serpentine nature. The main area where the barn is experienced is from several points on the public footpath where the farmstead dips in and out of view. In views closer to the farmstead some panels would be seen in the same view as the barn. That said, glimpses of some panels over the roof of the barn would have a limited impact on its heritage interest. That said, given the association of the village with the Halloughton Prebend, there would be some limited harm to the historic significance of this HA, albeit it would fall within the category of less than substantial and at the lower end of that spectrum.

Halloughton Conservation Area

45. Halloughton CA was designated in 1972 and is primarily focused on the linear form of the village core and several adjoining fields. The character, appearance and heritage of the CA is largely derived from its sunken serpentine form giving it an enclosed and intimate character, the historic buildings, the open approaches to the village core from the east and west, boundary walling and grass verges. Whilst the agricultural land beyond the CA boundary, does contribute to the interest of the CA, this is, in my view, of less importance than the contribution of the various HAs and features described above. There are few views out towards the solar farm from the CA

and across it to the CA, resulting in only limited change to some views of the wider rural area and of the CA. In this context, the solar farm would have no material impact on the character and appearance of the CA.

46. The only element of the proposal to fall within the CA would be the vehicular access from BFR some 45 to 50m from the junction with the A612 Highcross Hill and a short length of access track running through an area of semi-mature woodland. Whilst this area of BFR forms the entrance to the CA, it is a wide engineered junction with extensive visibility splays that makes a limited contribution to the character of the CA. The start of the CA experience is from where BFR approaches and passes the church and HMF leading into the serpentine and intimate route to the west. During the relatively short construction period, the access and its use would have an impact on the appearance of the CA. However, on completion, the character and appearance of the access would revert to that of an agricultural access of which there are several within the wider CA. Therefore, any harm would be limited and of a short duration.

47. Given my conclusions on the effect of the proposal on the various LBs within the CA, the relevance of the Prebend and the impact of the proposed access, there would be some limited harm to the historic interest of this CA, albeit it would fall within the category of less than substantial and at the lower end of that spectrum.

Brackenhurst Hall Complex

48. Brackenhurst Hall as a complex has 4 Grade 2 listed elements. These are (1) Brackenhurst Hall, Coach House, Orangery and Garden Wall; (2) the Gateway and Railings; (3) the Lodge and (4) Garden Walls and Potting Sheds located some 100m to the north-east of the Hall. The Hall and its surrounds are part of the Nottingham Trent University Campus. Since the land was acquired by the University the facilities have been extensively extended to include student accommodation, lecture, and administrative buildings, some of which have been added recently and are interspersed to the north and west of the HAs.

49. Constructed in the early 19th century, the Hall is a substantial building that has been extensively remodelled during the late 19th century by its various owners. The Hall and its adjacent HAs have architectural and historic interest as, an example of a large 19th century country estate house and the former home of Reverend Thomas Coats Cane and the birthplace of Field Marshall Viscount Allenby. There is as far as I am aware no functional, historic, or physical relationship between the Hall and the appeal site. There are only limited glimpses of the upper parts of the Hall's tower from eastern part of the site. In terms of its setting, where it is appreciated this is entirely located within its grounds and to the east and south.

50. Whilst the Hall and its associated assets may be an example of a 19th century estate, the appeal site makes no contribution to its setting and significance. Moreover, the setting and significance of the Hall and its associated HAs have been significantly eroded and compromised by the development of the University campus. Some of which are bland functional structures and others "in your face" modern. In this context, the proposed solar farm would result in no harm to the heritage interest of these assets.

South Hill House

51. South Hill House is 2-storey red brick house constructed at the beginning of the 19th century and now forms part of the Nottingham Trent University Campus. The building is Grade 2 listed and has architectural and historic significance as a high status former farmhouse. There appears to be no historical, physical, or functional relationship with the appeal site or its surrounds. Whilst the main facade is orientated to the south, the building is heavily screened from views from the appeal site by dense tree and hedge planting and mostly experienced from the adjacent main road. Given the above, the proposed solar farm would result in no harm to the heritage interest of this asset.

Other Considerations

Renewable Energy

52. The Government recognises that climate change is happening through increased greenhouse gas emissions, and that action is required to mitigate its effects. One action being promoted is a significant boost to the deployment of renewable energy generation. The Climate Change Act 2008, as amended sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero, by 2050. Recently, the Government committed to reduce emissions by 78% compared with 1990 levels by 2035. The Clean Growth Strategy 2017 anticipates that the 2050, targets require, amongst other things, a diverse electricity system based on the growth of renewable energy sources.

53. A material consideration in the determination of planning proposals are National Policy Statements (NPS) for the delivery of major energy infrastructure. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. Whilst NPSs EN-1 and EN-3 do not specifically refer to solar generated power they reiterate the urgent need for renewable energy electricity projects to be brought forward. Draft updates to NPSs EN-1 and 3 identify that, as part of the strategy for the low-cost decarbonisation of the energy sector, solar farming provides a clean, low cost and secure source of electricity.

54. The December 2020 Energy White Paper (WP) reiterates that setting a net zero target is not enough, it must be achieved through, amongst other things, a change how energy is produced. The WP sets out that solar is one of the key building blocks of the future generation mix. In October 2021, the Government published the Nett Zero Strategy: Build Back Greener where under Key Policies it explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation such as solar.

55. The development has a capacity of some 49.9Mw, generating a significant amount of electricity from a clean, renewable source. This would provide for a reduction of approximately 20,690t[3] of CO_2 emissions annually and meet the energy needs of approximately 12,000 homes. The lpa acknowledges that this is a substantial benefit that attracts significant weight. There are no physical constraints limiting early development of this site and a grid connection offer is in place. As such, the scheme could make an early and significant contribution to the objective of achieving the statutory Net Zero

target set for 2050 and the commitment to reducing emissions by 78% compared with 1990 levels by 2035. Given this imperative, this benefit attracts significant weight.

Ecology and Biodiversity.

56. Subject to the implementation of appropriate mitigation, neither Natural England (NE) nor the Nottinghamshire Wildlife Trust, object to the proposal. The SoCG confirms that, the proposal would not conflict with the relevant sections of CS Policy 12 and LP Policy DM5.

57. The appellant provided an updated BNG assessment of the proposed Biodiversity Management Plan. The mitigation includes additional tree/hedgerow planting and the long-term management of existing trees/hedgerows, sowing a species rich grassland beneath the panels and the provision of bat and bird boxes around the site.

58. The BNG Metric is a tool for measuring and accounting for nature losses and gains resulting from development or changes in land management. The appellant's Metric 2 calculation identifies a net gain of 37%[5] in habitat units and 24% in hedgerow units. Based on the Metric 3 calculation, there would be a net gain of 92% in habitat units and 32% in hedgerow units. The lpa's assessment[6] disputes the extent of the total loss of other neutral grass land placing this at some 7ha whereas the appellant calculates a loss of some 1ha. That said, based on the 7ha figure, the lpa calculates that the net gain would be some 73% in habitat units.

59. Notwithstanding the difference in the figures, the lpa acknowledges that Metric 3 provides a more accurate calculation of BNG. The increase from the Metric 2 figure would result in a significant benefit. The context for the lpa when ascribing weight to this benefit is, that ecological mitigation, management, and enhancement reflects common practice and accords with local and national planning policy, it is a by-product of the development and there would be an overall loss of arable agricultural land for crop production. On this basis, the weight the lpa attaches to BNG is moderate/significant. The appellant submits that significant weight should be attached to the acknowledged BNG. Whilst BNG will be a requirement of the Environment Act 2021, the minimum requirement is currently set at 10%. Thus, even acknowledging that the assessment starts from a low base in terms of the ecological value of the site, a gain of some 73%, is substantial and a benefit that attracts significant weight.

Access and Highway Safety

60. Most of the traffic generated would occur during the construction period with deliveries being made by heavy goods vehicles (HGV). Over the 26-week construction period, delivery traffic generation would equate to some 6 vehicles or 12 movements per day. Up to 80 construction workers would be onsite at any one time and depending on their origin most would be transported to the site by minibus. Post construction it is anticipated that the site would be monitored remotely with limited occasional visits of between 10 and 20 vehicles per annum. I have no reason to dispute these figures or consider them to be unrealistic.

[5] Percentages have rounded up to the nearest whole number.
[6] Carried out for the lpa by an Ecological Consultant from Via East Midlands.

61. Vehicular access would be from BFR, some 45 to 50m from the junction with the A612 Highcross Hill. BFR is a no through road and there would be no need for site traffic to enter the built-up area of the village. The access has been designed to accommodate HGV traffic and visibility to the east and west is acceptable. The immediate road network has a good safety record with no personal injury accidents reported in the vicinity of the site access or the junction with Highcross Hill in recent years. The junction of BFR and Highcross Hill, has adequate visibility to the north and south and it could accommodate the nature and level of traffic generated by the proposal without a material impact on highway safety. Nottingham County Council (NCC) as Highway Authority and the lpa have, subject to the imposition of conditions, no objection to the proposal on highway safety or traffic generation grounds. Drawing the above together, the proposal would not have an unacceptable effect on the safety and free flow of traffic.

Flooding & Drainage

62. In line with the Framework, CS Policy 9, AD&M Policy DM5 and SNP Policy E2 seeks to steer development away from areas of high flood risk and ensure that proposals manage surface water run-off with Sustainable Drainage Systems (SuDS). Whilst the site is located within Flood Zone 1, a low risk flood area, areas downstream of the site have experienced flooding. Following an independent Flood Risk Assessment (FRA), the Environment Agency and NCC, the Lead Local Flood Authority, have no objection to the proposal subject to the imposition of an appropriate condition.

63. The FRA is a robust assessment, which forms the basis for a SuDs compliant system, the details of which would be covered by a condition. Whilst the extent of potential betterment is not quantified, the lpa acknowledges there is potential for betterment and accepts that the development would not adversely impact on flooding or drainage. In this regard, the proposal would accord with the Framework and development plan policies.

Agricultural Land

64. Framework paragraph 174 indicates that decisions should recognise the economic and other benefits of best and most versatile (B&MV) agricultural land. PPG[7] defines B&MV agricultural land as Grades 1, 2 and 3a indicating that agricultural land quality is a factor when assessing proposals. These considerations include, whether the use of any agricultural land is necessary and whether a proposal allows for continued agricultural use. AD&M Policy DM8 indicates that proposals resulting in the loss of B&MV agricultural land, will be required to apply a sequential approach to site selection and demonstrate environmental or community benefits that outweigh the loss.

65. The lpa accepts that site is Grade 3b and is not B&MV agricultural land or that it was necessary to consult NE. Moreover, given the assessment was carried out by a suitably qualified professional and the results conform with the NE MAGIC database, the lpa did not consider it necessary to undertake its own analysis given the grading was. That approach is not unreasonable.

66. The SoCG notes that, the land would continue in agricultural use through sheep grazing, that as a time-limited scheme, other than for the electricity

[7] Natural Environment Paragraph 001 Ref ID 8-001-20190721 & Renewable & Low carbon Energy Paragraph 013 Ref ID 5-013-20150327.

substation, it would not result in the permanent loss of agricultural land and there are no suitable alternative brownfield sites to accommodate the scale of the development. In terms of site selection, one of the elements is the availability of a grid connection. Here, the site is crossed by overhead power lines providing access the national grid easily and economically.

67. NE's Agricultural Land Classification Map shows the site to be located within an area identified as Grade 3 land i.e., good to moderate quality agricultural land. Whether the site is Grade 3a - good quality or Grade 3b – moderate quality can only be determined by site and soil examination. The appellant, using an appropriately qualified agricultural assessor, undertook a comprehensive site and soil assessment that included 98 sample locations involving the excavation of 3 trial pits and augur samples based on one sample per hectare. Assessment of the samples combined with other relevant factors contained in the guidance concludes that the site falls within Grade 3b.

68. Objectors submit that the report is deficient in that it that it does not account of the presence of Grade 2 – very good quality land in the locality, include a consideration of economics or any account of the application of husbandry. This last point is regarded as important, given that maize, a cereal crop dependent on good soil condition, has been grown locally.

69. The Grade 2 land shown on the NE Classification Map is some distance to the north of the site and is not indicative of the potential quality of the appeal site. Experience indicates that soil quality can vary dramatically over a small area and obtaining a clear differentiation between grades can only be achieved through site and soil examination.

70. The NE classification notes that Grade 3b land can produce moderate yields of cereal crops. Thus, the reference to maize being grown is not, on its own, and indication that the land falls to be considered as B&MV. There is no indication as to the extent of the yield achieved. Moreover, as I understand it, yield data and financial assessment of the farm business are explicitly excluded from the classification methodology. This is because, unlike site and soil examination, it is not possible to make allowances for variables such as management skill, levels of input and short term weather factors.

71. It is suggested that the net value of the solar farm should be measured in terms of national energy production and security against the net value of arable crop production and UK food security. Given that agricultural land is a finite commodity and food security is equally important as energy security, superficially this appears to reasonable. However, in my experience, this is not something that an individual appellant or lpa could realistically or reasonably undertake for any one proposal. Even if it is possible to undertake such an assessment, it strikes me it is one that would have to be carried out at a national level and involve high level political decisions/choices that are outside the remit of an individual decision maker in a planning appeal.

72. Drawing all this together, the appellant has undertaken a robust and appropriate agricultural land classification assessment that shows the land falls outside the definition of B&MV agricultural land. Only a very small proportion of the site would be permanently lost from agricultural use and the remainder would continue to be used for agriculture in the form of sheep grazing. There is no evidence that the minor, permanent loss, and the change from arable to pasture farming would unacceptably affect the viability

of the individual holding. Accordingly, the proposal would not conflict with the objectives of the Framework or AD&M Policy DM8.

Issue 3 – Planning Balance

73. A material consideration is the time limited nature of the proposal. I acknowledge that 40 years is a long time and materially longer than many references to the life of a solar farm in national and industry guidance where 25 years appears. However, I am aware that technical advances have improved the longevity of solar panels. Accordingly, given the contribution the Government expects solar generated electricity energy to make to the national energy supply, it would be unreasonable to limit the life of a solar farm to an arbitrary figure based on older and less efficient equipment. That said, I recognise that the proposed 40-year life of the solar farm is significantly more than a generation and I accept that a child born today in the village would reach middle age by the time to solar farm would be decommissioned. Thus, in coming to my conclusion I have these factors/concerns uppermost in my mind.

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

75. Sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged. Section 66 requires the decision maker to pay special regard to the desirability of preserving LBs, their settings, and any architectural features they may possess. Section 72 requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of a CA.

76. Whether a proposal results in substantial or less than substantial harm to the significance of a HA, Framework Paragraph 199 requires the decision maker to attach great weight to its conservation. Framework paragraph 200 says that where a proposal would lead to less than substantial harm to the significance of a HA, this harm is to be weighed against the public benefits of the proposal.

77. The proposal would result in less than substantial harm at the lower/lowest end of that spectrum to the heritage significance of several HAs albeit that harm would be temporary until the solar farm was decommissioned. In relation to the CA as a whole, the proposal would, on balance, preserve its character and appearance. In this context, recognising the great weight that is required to be attached to the conservation of a HA, I consider the

imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant benefits of the scheme clearly and decisively outweigh the temporary and less than substantial harm to the HAs involved.

78. Drawing the above together, I conclude the proposal would make a material and early contribution to the objective of achieving the decarbonisation of energy production and that to allow the proposed solar farm would not conflict with the objectives of relevant development and national planning policy when read as a whole. Accordingly, and having taken all other matters into account, the appeal is allowed.

Conditions

(The numbers in brackets refer to the conditions listed in Annex A)

79. A list of conditions, including 5 pre-commencement conditions, were agreed by the parties. The solar farm is required for a period of 40 years with the DNO Substation retained permanently. Conditions are necessary to confirm the extent of the temporary period, to provide for removal of the solar farm when the permission expires or if it ceases to operate (2, 3 4 & 5). In the interests of certainty, a condition listing the approved plans is imposed (6).

80. In the interests of the appearance of the area, conditions and pre-commencement conditions relating to, the finish of the solar panels, ancillary structures, details of tree and hedgerow planting, the protection of retained trees/hedgerows including areas identified on the margins of the site, implementation of landscape mitigation and external lighting are reasonable and necessary (7, 8, 9, 10, 11 & 16 & 18). In the interests of protecting living conditions, conditions specifying construction hours and limits on noise generation are reasonable and necessary (12 & 24).

81. In the interests of enhancing and protecting biodiversity, conditions and pre-commencement conditions relating to a Biodiversity Management Plan, the submission of details relating to the protection of Great Crested Newts, the timing of vegetation clearance and external lighting are all reasonable and necessary (13, 14, 15, 17, & 18). In the interests of highway safety, conditions relating to the construction of the access and compliance with a Construction Management Plan are reasonable and necessary (19 & 20). The site potentially contains archaeological remains and conditions to provide for appropriate site works and recording are reasonable and necessary (21 & 22). In the interests of water management and the flood mitigation, a condition relating to surface water management is reasonable and necessary (25).

George Baird

Inspector

ANNEX A – SCHEDULE OF CONDITIONS

1. The development hereby permitted shall not begin later than 3 years from the date of this permission.

2. The planning permission hereby granted shall be for a temporary period only, to expire 40 years and 6 months after the first export date of the development, except for the DNO substation, which will remain on the site in perpetuity. Written confirmation of the first export date shall be provided to the local planning authority within one month after the event.

3. If the solar farm hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the solar farm and ancillary equipment, except for the DNO Substation, shall be submitted within 6 months of the end of the cessation period to the local planning authority for its written approval. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures.

4. Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the first export date, a Scheme for the decommissioning of the solar farm and its ancillary equipment, except for the DNO substation, and how the land is to be restored, to include a programme for the completion of the decommissioning and restoration works, shall be submitted to and agreed in writing by the local planning authority.

5. The solar farm and its ancillary equipment, except for the DNO substation, shall be dismantled and removed from the site and the land restored in accordance with the approved Scheme and, in any event shall be removed within a period of 40 years and 6 months following the first export date.

6. The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference:

   P18-2917_02 – Rev E - Site Location Plan (deposited 8th January 2021).
   HLG-01-2001 Rev 01 - Indicative WPD and Customer Compound Layout.
   HLG-01-2002 Rev 01 - Indicative WPD and Customer Compound Elevations.
   BHA_665_03 - Tree Protection Plan – Highways Access.
   P18-2917 Figure 1 Rev A - Site Access Visibility Splays.
   JBM-HALLOU-SD-02 - Typical Fence, Track & CCTV Details.
   JBM-HALLOU-SD-03 - Typical Trench Section Details.
   JBM-HALLOU-SD-04 - Typical Inverter Substation Details.
   JBM-HALLOU-SD-05 - Typical Spares Container Details.
   JBM-HALLOU-SD-06 Rev A - Typical Battery Storage Systems Details.

JBM-HALLOU-SD-07 Rev A - Typical Customer Switchgear Details.
P18-2917_12 Rev M - Site Layout and Planting Proposal.
Typical PV Table Details 3P Rev A - Typical PV Table Details (x 3).
Typical PV Table Details Rev A - Typical PV Table Details (x 6).
P18-2917 Figure 2 Rev A - Swept Path Analysis: Proposed Site Access 15.4m Articulated Vehicle.

7. Notwithstanding the approved plans contained in Condition 6, prior to their erection on site details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the proposed development.

8. No works or development shall take place until the local planning authority has approved in writing the full details of the tree, shrub, and hedgerow planting (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards. The landscaping scheme should be based on the Species List for the Mid Nottinghamshire Farmlands Landscape Character Type included within the Newark and Sherwood Landscape Character Assessment.

9. The approved landscaping scheme shall be carried out within the first planting season following the date when electrical power is first exported ("first export date"). If within a period of 7 years from the date of planting any tree, shrub, hedgerow, or replacement is removed, uprooted, destroyed, or dies then another of the same species and size of the original shall be planted at the same place.

10. Notwithstanding the submitted details, no works or development shall take place until an Arboricultural Method Statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the local planning authority. This scheme shall include:

a. a plan showing details and positions of the ground protection areas.
b. details and position of protection barriers.
c. details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
d. details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g., in connection with foundations, bridging, water features, hard surfacing).
e. details of construction and working methods to be employed for the installation of access tracks within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
f. details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in accordance with the approved arboricultural method statement and tree/hedgerow protection scheme.

11. The following activities must not be carried out under any circumstances:

a. no fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
b. no equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site.
c. no temporary access within designated root protection areas without the prior written approval of the local planning authority.
d. no mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
e. no soakaways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
f. no stripping of topsoil(s), excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
g. no topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
h. no alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the local planning authority.

12. Except for emergency works, construction works on the site shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1400 hours on Saturdays and at no time on Sundays or Bank Holidays.

13. The development hereby permitted shall be carried out in strict accordance with the pre, post and during construction mitigation, enhancement and management measures outlined within the Biodiversity Management Plan (V2 09/07/2020 by Avian Ecology). For the avoidance of doubt, this shall include compliance with the Ecological Mitigation Measures set out in Section 3, the Ecological Enhancement Measures in Section 4, and the Habitat Management Measures in Section 5 in addition to the Management Schedule set out in Section 7. Save for the installation of the bird boxes (which should be installed in the autumn, September to November) the Wildlife Enhancement Measures should be installed in accordance with the timescales embodied within the management schedule following the cessation of construction works. The Biodiversity Management Plan shall be implemented for the lifetime of the development.

14. The development hereby permitted shall be carried out in strict accordance with the Ecological Assessment Report V2 09/07/2020 (including Appendices 2, 3 and 4) by Avian Ecology. For the avoidance of doubt, this shall include the pre-construction survey work and/or mitigation measures as summarised in Table 5.1. The measures shall be undertaken in accordance with the timescales embodied within the report.

15. Prior to the commencement of development, a methods statement of Reasonable Avoidance Measures (RAMs) for Great Crested Newts (GCN) shall be submitted to and approved in writing by the local planning authority. All works shall thereafter be carried out in accordance with the approved details. If RAMs are not sufficient to safeguard GCN, proof of a Low Impact Class Licence or full European Protected Species Mitigation License from Natural England (whichever is applicable), supported by a detailed Method Statement shall be submitted to and approved in writing by the local planning authority.

16. Prior to the commencement of development, a Scheme for the retention, ongoing maintenance, and replacement of any trees and/or hedgerows which die within the areas indicated with green notation on "Areas of Existing Planting" which are within the land edged in blue and red (drawing number P18-2917_30) shall be submitted to and approved in writing by the local planning authority. The approved Scheme shall be implemented in accordance with the approved details until the solar farm hereby approved is decommissioned.

17. No tree works or vegetation clearance shall take place during the bird nesting period (beginning of March to end of August inclusive) unless a precautionary pre-start nesting bird survey has been carried out by a qualified ecologist/ornithologist and the findings have been submitted to and approved in writing by the local planning authority.

18. No external lighting (other than low level lighting required on ancillary buildings during occasional maintenance and inspection visits) shall be erected/used on site unless precise details of any lighting are first submitted to and approved in writing by the local planning authority. The lighting shall be installed and thereafter maintained in accordance with the approved details of the lifetime of the development.

19. No part of the development hereby permitted shall otherwise commence until the access to the site has been completed (as shown on approved plan ref. P18-2917 Figure 1A) and surfaced in a bound material for a minimum distance of 10m behind the edge/extent of the public highway and the crossing of the highway and footway verge is available for use, in accordance with details to be first submitted to and approved in writing by the local planning authority.

20. Development shall take place in strict accordance with all the mitigation measures set out in the Construction Traffic Management Plan (July 2020) by Pegasus Group. For the avoidance of doubt, this shall include i. that deliveries shall not take place outside 1000 hours to 1600 hours or 1800 to 2000 hours and at no time on Sundays or Bank Holidays; ii. compliance with the mitigation measures details at Section 7 in the Construction Traffic Management Plan (July 2020).

21. No development shall take place until an archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following:

    1. an assessment of significance and proposed mitigation strategy (i.e., preservation by record, preservation in situ or a mix of these elements).
    2. a methodology and provisional timetable of site investigation and recording.
    3. provision for site analysis.
    4. provision for publication and dissemination of analysis and records.
    5. provision for archive deposition and
    6. nomination of a competent person/organisation to undertake the work.

    The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

22. The archaeological site work must be undertaken only in full accordance with the approved Written Scheme of Investigation. The developer/site operator shall notify the local planning authority of the intention to commence at least 2 working weeks before the start of archaeological work to facilitate adequate monitoring arrangements. No variation to the methods and procedures set out in the approved Written Scheme of Investigation shall take place without the prior written consent of the local planning authority.

23. The post-investigation assessment and final report must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication, dissemination of results, submission of the final report to the local planning authority and Nottinghamshire HER and deposition of the archive being secured.

24. The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed a rating level of 35 dB LAeq,15 minute at the nearest sound-sensitive premises. All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

25. No part of the development hereby permitted shall commence until a detailed surface water drainage scheme based on the principles set out in the approved Calibro Flood Risk Assessment (FRA) ref. BR-629-007 dated 2 July 2020, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The submitted scheme shall:

1. provide detailed design (plans, network details and calculations) in support of the surface water drainage system required to manage runoff from the proposed building associated with the substation in accordance with the approach discussed in Section 7 and presented in drawing BR-629-0007-100_02 Surface Water Drainage Proposals (Appendix D of the FRA).
2. provide detailed design (plans and calculations) in support of the proposed bunded storage areas and associated cut-off swales proposed to reduce flow in the Potwell Dyke as presented in Section 6.3 of the FRA.
3. provide a maintenance schedule for the attenuation basin and bunded storage areas to ensure their performance over the lifetime of the development.
4. provide a maintenance schedule to ensure run-off from solar panels is managed to reduce any detrimental impacts on the natural formation of the agricultural land beneath and around the panels.

ANNEX B – APPEARANCES & DOCUMENTS

FOR THE APPELLANT

Thea-Osmund Smith of Counsel, instructed by Paul Burrell, Executive Director, Pegasus Group.

She called:

Paul Burrell BSc (Soc Sci) Hons, Dip UP, MRTPI.
Executive Director, Pegasus Group.

Andrew Cook BA (Hons) MLD, CMLI, MIEMA, CENV.
Executive Director, Pegasus Group.

Laura Garcia BA (Hons) MCIfA.
Associate Heritage Consultant, Pegasus Group.

FOR THE LOCAL PLANNING AUTHORITY

Ruchi Parekh of Counsel, instructed by Newark and Sherwood District Council.

She called:

Adam Partington, BA (Hons), MSc.
Director, Locus Consulting Limited.

Cathy Gillespie, BSc, Dip LM, CMLI, Assoc RTPI.
Head of Environmental Management and Design, VIA East Midlands Limited.

Honor Whitfield, BSc (Hons) MSc, MRTPI.
Planning Officer, Newark and Sherwood District Council.

INTERESTED PERSONS

Professor M McCaskill	-	Local Resident.
Professor S Bamford	-	Local Resident.
Ms H Hanmer	-	Local Resident.
Ms B Cast	-	Honorary Secretary, Thoroton Society of Nottinghamshire.
Mr B Haigh	-	Chairman, Southwell Civic Society.

DOCUMENTS SUBMITTED TO THE INQUIRY

Doc 1 - Statement by Professor McCaskill.
Doc 2 - Statement by Professor Bamford & Email dated 13/12/2021.
Doc 3 - Statement by Ms B Cast, Thoroton Society of Nottinghamshire.
Doc 4 - Statement by Mr B Haigh, Southwell Civic Society.
Doc 5 - Agreed Landscape Summary Comparison Schedule.
Doc 6 - Agreed Landscape & Visual Impacts Summary Comparison Schedule.
Doc 7 - Biodiversity Net Gain Note & Metric 3 Schedule dated 8 December 2021.
Doc 8 - Agreed list of suggested conditions.
Doc 9 - Email dated 13 December 2021, Appellant's agreement to pre-commencement conditions.

Doc 10 - Revised Biodiversity Net Gain calculation using Biodiversity Metric 3.

DOCUMENTS SUBMITTED FOLLOWING THE ADJOURNMENT OF THE INQUIRY

Doc 11 - Submission by Professors McCaskill & Usherwood on the Environmental Statement.
Doc 12 - Submission by Mr Struggles on behalf of the Southwell Civic Society on the Environmental Statement.
Doc 13 - Appellant's response to submissions on the Environmental Statement.
Doc 14 - Lpa comment on the revised Biodiversity Net Gain Metric 3 Statement.
Doc 15 - Appellant's response to lpa's Biodiversity Net Gain Metric 3 Statement.