

# **STATEMENT OF CASE**

## **SECTION 78 APPEAL: COTMOOR SOLAR FARM, LAND NORTH OF HALLOUGHTON, SOUTHWELL**

**ON BEHALF OF THE APPELLANT JBM SOLAR  
PROJECTS 6 LTD**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**

### **PROPOSAL:**

**CONSTRUCTION OF A SOLAR FARM AND BATTERY STATIONS TOGETHER  
WITH ALL ASSOCIATED WORKS, EQUIPMENT AND NECESSARY  
INFRASTRUCTURE**

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## 1. INTRODUCTION

1.1 The Statement of Case has been prepared on behalf of JBM Solar Projects 6 Ltd ('The Appellant') and relates to a planning appeal submitted pursuant to Section 78 of the Town and Country Planning Act 1990, concerning land North of Halloughton, Southwell, Nottinghamshire ('The Appeal Site').

1.2 The appeal follows the decision of Newark and Sherwood District Council ('The LPA') to refuse an application for full planning permission (LPA ref: 20/01242/FUL) for a Proposed Development comprising the following:

**"Construction a solar farm and battery stations together with all associated works, equipment and necessary infrastructure."**

1.3 The refusal of the application was confirmed in a decision notice dated 4<sup>th</sup> March 2021.

1.4 The planning application was validated by the LPA on 10<sup>th</sup> July 2020. The LPA undertook consultation and considered the application, during which time the Proposed Development was amended to:-

- i. Remove proposed solar panels from the land closest to Halloughton village at the southern end of the easternmost field in the Application site;
- ii. Plant a species rich meadow grassland where panels were previously proposed and allowance for the route of a historic footpath to be established through this area;
- iii. Plant a new native hedgerow along the new southern edge of the panels in the easternmost field and along the northern edge of the access track to further establish separation between the Proposed Development and the village;
- iv. Removal of the proposed panels from the field in the central section of the Application Site, south and east of the Southwell bridleway 74;
- v. Reinforcement of hedgerow along the western boundary of the Application Site, adjacent to Public Right of Way footpath Southwell 42, with planting of native trees.

1.5 The LPA's Planning Committee refused the planning application at a meeting held on 2<sup>nd</sup> March 2021, in accordance with the recommendation of the Officer's report to Committee.

1.6 The decision notice confirms one Reason for Refusal, worded as follows:

**01**

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

**Although the proposal would undoubtedly bring meaningful environmental and economic benefits to the District, in the context of paragraph 196 of the NPPF and in the overall planning balance, these are not considered sufficient to outweigh the harm identified on the setting of the abovementioned designated heritage assets or the landscape character and visual amenity of the area by the sheer scale and siting of the proposal. The proposal would therefore be contrary to the objective of preservation required under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in conflict with the development plan with particular reference to policies CP9, 10, 13, 14 of the Amended Core Strategy (2019), policies DM4, 5, 9 and 12 of the Allocations and Development Management DPD (2013) in addition to the provisions of the Southwell Neighbourhood Plan (2016), Landscape Character Assessment SPD (2013) and the NPPF (2019) when read as a whole."**

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### **Appeal Procedure**

- 1.7 The Appellant considers that a **Public Inquiry** would be the most appropriate procedure for this case.
- 1.8 The Appellant requests this procedure because:
- i. This is a significant scheme, with significant public interest. The parties are some way apart on issues of heritage, landscape and visual impact and planning policy assessment. These matters should be properly tested and scrutinised through formal examination and cross examination of Expert Witnesses by an Advocate, which would not be permissible under the Hearing procedure.
  - ii. It is necessary for other material considerations, including those relating to the need for the development, to be properly examined, tested and understood through the examination of oral evidence.
  - iii. It is not expected that all parties could adequately present their case within 2 days (which exceeds normal practice for a Hearing).
  - iv. The likely level of public interest is a further reason for requesting a public inquiry.
- 1.9 The Appellant considers that up to **4-6 days** would be required, depending upon the extent of third party involvement in the appeal proceedings.

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## **2. THE APPEAL SITE AND ITS SURROUNDINGS**

- 2.1 The Appeal Site comprises thirteen agricultural fields to the north of the village of Halloughton. A separate area of woodland falls within the Appeal Site's red line boundary and is situated to the west of the solar site. This separate area is proposed for biodiversity enhancements.
- 2.2 The Appeal Site comprises land within crosses the boundaries of the Parishes of Halloughton and Southwell.
- 2.3 The southern portion of the Appeal Site is located to the north of Halloughton (and is situated within the Parish of Halloughton). This section of the Appeal Site comprises five large linear fields with boundaries at their edge, including copses at the western and part of the southern boundaries. Overhead electricity lines and pylons cross this parcel in an east-west direction. The built-up area of Halloughton lies to the southern boundary of the parcel and the A612 Highcross Hill forms part of the eastern boundary. Agricultural land surrounds the parcel in all other directions.
- 2.4 The northern section of the Appeal Site is located further from Halloughton and largely lies within the Parish of Southwell, comprising seven separate fields of various sizes. This parcel includes buildings associated with New Radley Farm, which has its own access track from the north. Bridleway (BW74) runs from the north-eastern edge of Halloughton Wood in a broadly east to west direction through a small portion of the Appeal Site. An overhead electricity line runs east to west through the southern section of the site and the Westhorpe Dumble crosses the site in the same direction just to the north of this.
- 2.5 Within the adopted Development Plan, a Site of Interest in Nature Conservation (Core Policy 12 and DM7) is identified as running in a broadly east to west direction through the northern portion of the Appeal Site. Additional Sites of Interest in Nature Conservation are located in close proximity to the western boundary of the Appeal Site.
- 2.6 An area of Ancient Woodland 'Halloughton Wood' is located c.150m to the west of the Appeal Site, at its closest point.
- 2.7 A series of existing field boundaries, hedgerows and vegetation are present around and across the proposed Appeal Site.

- 2.8 A number of isolated properties are located in close proximity to the Appeal Site's boundary, including New Radley Farm and Stubbins Farm.
- 2.9 With regard to nearby designations, much of Halloughton is defined as a Conservation Area, including four Grade II and one Grade II\* Listed Buildings. Further Grade II Listed Buildings are located to the east of the Appeal Site.
- 2.10 Southwell is situated to the north-east of the Appeal Site and contains a large Conservation Area and numerous Listed Buildings.

### 3. THE APPEAL PROPOSALS

3.1 The application which is the subject of this Appeal seeks Full Planning Permission for the following:

**“Construction of a solar farm and battery stations together with all associated works, equipment and necessary infrastructure.”**

3.2 The planning application was given the reference 20/01242/FULM by the LPA.

#### Proposed Development

3.3 The application seeks Planning Permission for the construction of a solar farm and battery stations with a capacity of not more than 49.9MW for a temporary period of 40 years from the date of the first exportation of electricity from the site (with the exception of the DNO substation which will remain on the site permanently).

3.4 The Proposed Development was a result of an iterative design process which is summarised in the Design and Access Statement which was submitted as part of the application.

#### Solar Arrays and Supporting Equipment

3.5 The Proposed Development consists of solar PV panels placed on metal arrays arranged in rows, allowing for boundary landscaping, perimeter fencing and access. The PV panels would be laid out in rows across the site in east-west orientation and face to the south at 20 degrees from the horizontal to maximise efficiency, with a maximum height of less than 3m. The arrays would be spaced to avoid any shadowing effect from one panel to another with topography dictating exact row spacing (which can range between approximately 4m and 6.5 metres). The arrangement of the solar PV panels themselves would either be 3 in portrait or 6 in landscape.

3.6 Plant and other equipment to support the generation of electricity is proposed around the Appeal Site, adjacent to internal tracks to ensure access can be achieved for maintenance purposes. The tracks would have a width of 3.5m and would be constructed with crushed aggregate. The supporting equipment includes inverter stations, which would be positioned around the Appeal Site.

#### Battery Stations

- 3.7 The battery stations would be located throughout the Appeal Site. Each station would consist of containerised battery units/inverters, DC-DC converter boxes and ancillary equipment.

#### Cabling and Grid Connection

- 3.8 Underground cabling would be situated around the site connecting the Proposed Development to the proposed substation towards the south-eastern of the Appeal Site.

#### Perimeter Fencing and CCTV

- 3.9 It is proposed that a 2m high security deer fence would be installed around the edge of the Appeal Site. Badger friendly/small mammal access points would be prescribed at various locations along the fencing to allow the passage of Badgers across the Appeal Site.
- 3.10 In addition to fencing, it is proposed that 3m high pole mounted CCTV security cameras will be installed inside and around the Appeal Site.

#### Access

- 3.11 Access to the Proposed Development would be provided in the south-eastern corner of the site boundary (via a double width farm gate being a previously used gated farm access), from an adopted no through road which adjoins the A621. The proposed access would serve the entirety of the Appeal Site, through a network of internal site roads.
- 3.12 Following completion of construction, a double width farm gate would be installed at the access point which adjoins the public highway in order to retain the traditional feel in Halloughton village. The security gate would be setback from the public highway.
- 3.13 An existing Public Right of Way (PRoW) (Bridleway reference: BW74) broadly runs through a small portion of the centre of the Appeal Site in an east to west direction. The Bridleway commences at the north-eastern edge of Halloughton Wood and continues towards Southwell. Additionally, PRoW (Footpath reference: FP43) runs along the northern Appeal Site boundary and in close proximity to the

western Appeal Site boundary. It is proposed to retain both of the PRoW's in their existing locations.

#### Landscaping

- 3.14 The layout of the Proposed Development will ensure that there will be minimal works to or loss of the existing trees and hedgerows within the Appeal Site. This was confirmed in the Arboricultural Impact Assessment (AIA) which was submitted as part of the application and recognised that the layout had been designed to incorporate the existing trees and boundary vegetation into the scheme. As a result, no trees, tree groups or hedgerows are required for removal in their entirety to facilitate the Proposed Development. Partial removals are required at the site access, and along the access tracks within the Appeal Site, where no existing gaps could be utilised.
- 3.15 Where required, gaps in hedgerows will be repaired with appropriate native hedgerow species supplemented with native tree planting to reflect the local landscape character and the hedgerows be allowed to grow wider and taller than is currently the case – supporting more wildlife and providing additional screening/visual interruptions to the installation.
- 3.16 The landscape treatment for the Proposed Development intendeds to mitigate potential visual effects. The Proposed Development seeks to retain and enhance existing landscape elements to further integrate the proposals into the surrounding landscape.
- 3.17 A biodiversity enhancement area has also been proposed to the west of the solar development site. This land currently forms an existing woodland.

#### Construction and Operation

- 3.18 Construction is expected to take place over approximately 6 months (up to 26 weeks).
- 3.19 Once installed, the solar farm would require infrequent visits for the purposes of maintenance or cleaning of the Appeal Site. Such work typically requires 10-20 visits per year. The Proposed Development would be unmanned, being remotely operated and monitored.

#### Decommissioning

3.20 At the end of the 40-year operational lifespan of the solar farm, the site would be restored back to full agricultural use with all equipment and below ground connections removed (with the exception of the DNO substation). However, the landscape enhancement measures would remain, providing long-term benefits to the local landscape character of the area. It is envisaged that the decommissioning of the solar farm would take approximately six months.

#### **4. PLANNING HISTORY**

4.1 There are no previous planning applications on the Appeal Site.

4.2 Planning history relates only to the Screening Opinion request pursuant to the Proposed Development (reference: 19/SCR/00016). On the 28<sup>th</sup> August 2019, the Council confirmed that the proposed development was not EIA Development.

## 5. APPLICATION PLANS AND DOCUMENTS

5.1 The application plans and supporting documents that comprised the planning application at the time that it was determined (as listed on the Decision Notice) are as follows:

### Application Drawings

<u>Drawing Title</u>	<u>Plan Reference</u>	<u>Rev</u>
Site Location Plan	P18-2917_02	Rev E
Indicative WPD and Customer Compound Layout	HLG-01-2001 (Sheet 1 of 1)	Rev 01
Indicative WPD and Customer Compound Elevations	HLG-01-2002 (Sheet 1 of 1)	Rev 01
Tree Protection Plan - Highways Access	BHA_665_03	
Typical Fence, Track & CCTV Details	JBM-HALLOU-SD-02	
Typical Trench Section Details	JBM-HALLOU-SD-03	
Typical Inverter Substation Details	JBM-HALLOU-SD-04	
Typical Inverter Substation Details	JBM-HALLOU-SD-05	
Typical Battery Storage Systems Details	JBM-HALLOU-SD-06	Rev A
Typical Customer Switchgear Details	JBM-HALLOU-SD-07	Rev A
Site Access Visibility Splays Plan	P18-2917 FIGURE 1	Rev A
Site Layout and Planting Proposal	P18-2917_12	Rev L
Swept Path Analysis: Proposed Site Access 15.4m Articulated Vehicle	P18-2917 FIGURE 2	Rev A
Typical PV Table Details (showing 3 in portrait orientation)	Typical PV Table Details 3P	Rev A
Typical PV Table Details (showing 6 in landscape orientation)	Typical PV Table Details	Rev A

### Supporting Documents

1. Arboricultural Impact Assessment, prepared by Barton Hyett Associates, dated 19th March 2020.
2. Construction Traffic Management Plan (CTMP), prepared by Pegasus Group, dated July 2020.
3. Design and Access Statement, prepared by Pegasus Group, dated July 2020.
4. Ecological Assessment Report, prepared by Avian Ecology, dated 9<sup>th</sup> July 2020 (including Biodiversity Metric Calculation, Biodiversity Management Plan, GCN eDNA Survey, Wintering Bird Survey and confidential Badger Report).
5. Flood Risk Assessment, prepared by Calibro, dated 2<sup>nd</sup> July 2020.
6. Geophysical Survey Report, prepared by Magnitude Surveys, dated July 2020.
7. Solar Photovoltaic Glint and Glare Study, prepared by Pager Power, dated 7<sup>th</sup> July 2020.
8. Heritage Assessment, prepared by Pegasus Group, dated July 2020.

9. Landscape and Visual Impact Assessment (LVIA), prepared by Pegasus Group, dated July 2020.
  10. LVIA Addendum, prepared by Pegasus Group, dated December 2020.
  11. Noise Assessment, prepared by LF Acoustics, dated July 2020.
  12. Planning Statement, prepared by Pegasus Group, dated July 2020.
  13. Statement of Community Involvement, prepared by Pegasus Group, dated July 2020.
  14. Community Infrastructure Levy (CIL) – Form 1: CIL Additional Information.
  15. Note addressing Site Access Arrangements, prepared by Pegasus Group, dated December 2020.
  16. Report of an Archaeological Evaluation (reference: R14340), prepared by Pre-Construct Archaeology, dated December 2020.
  17. Agricultural Land Classification Report, prepared by Amet Property, dated 27th November 2020.
  18. Winter Photomontages, prepared by Pegasus Group, dated December 2020.
  19. Note on Additional Planting, prepared by Pegasus Group, dated 21<sup>st</sup> January 2021.
  20. Site Selection Report, prepared by Pegasus Group, dated January 2021.
- 5.2 Copies of the above documents have been provided to the Inspectorate with the Appeal.

### **Revised Drawings**

- 5.3 The Appellant is proposing minor amendments to the site layout following the determination of the planning application in the following ways:
- Removal of solar panels proposed in a central field.
  - Additional native hedgerow planting with trees along a section of the northern boundary of site, adjacent to the existing Public Right of Way (reference: Southwell FP43).
  - Solar panels removed from part of the northern-most field and fenceline relocated from the boundary in order to facilitate the 're-wilding' of this area (adjacent to Public Right of Way reference: Southwell FP43).

- Reinforcement of existing hedgerow with a belt of trees on the south-western-most corner of the site.

5.4 These amendments to the Proposed Development are shown on the following additional drawings:

<b>Drawing Title</b>	<b>Plan Reference</b>	<b>Rev</b>
Site Layout and Planting Proposal	P18-2917_12	Rev M
Indicative Site Section (Years 5 &15)	P18-2917_26	

5.5 Applying the Wheatcroft Principles, the amendments proposed by the Appellant would not result in prejudice to any party and, as they consist of proposing additional landscaping together with the removal of some elements of built development from the proposed development, would result in a reduced development envelope within the application site red line boundary. The overall scheme is not so changed that to allow these amendments would deprive those who should have been consulted on the changed development of the opportunity of such consultation.

5.6 In any event, further consultation is being undertaken [by the Appellant] at the time of lodging this appeal to the Planning Inspectorate in order to ensure that anyone who wishes to comment on the proposed changes, has the opportunity to do so at the outset of the appeal process.

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## **6. CLIMATE CHANGE AND CARBON REDUCTION**

6.1 The Appellant will refer to the relevant climate change legislation and policy in evidence of part of its case.

6.2 This will include:

- i. Climate Change Act 2008
- ii. Climate Change Act (2050 target amendment) Order 2019
- iii. Clean Growth Strategy published by the Department for Business, Energy and Industrial Strategy (BEIS) in October 2017
- iv. UK Parliament's declaration of an Environmental and Climate Change Emergency in May 2019.
- v. Newark and Sherwood District Council's declaration of a Climate Emergency in July 2019.
- vi. Newark and Sherwood District Council's Carbon Reduction Action Plan (September 2020)
- vii. Energy White Paper: Powering our Net Zero Future published in December 2020.
- viii. UK Government's press release of acceleration of carbon reduction to 2035, dated April 2021.

6.3 If relevant any further announcements by the Government between the submission of the Appeal and the opening of the Public Inquiry

6.4 Reference will also be made to progress made to meeting these carbon reduction targets, including:

- i. The latest version of the 'Digest of United Kingdom Energy Statistics', which is likely to be the July 2021 version by the time the Inquiry opens;
- ii. 'Achieving Net Zero' published by the National Audit Office in December 2020
- iii. Performance of Newark & Sherwood Council in becoming carbon neutral by 2035.

## 7. PLANNING POLICY

7.1 The planning policies and guidance that will be of most relevance to this appeal will be set out in the Statement of Common Ground (SoCG). It is anticipated that the main planning policy issues will be agreed with the LPA prior to the opening of the Public Inquiry.

### **The Development Plan**

7.2 The Appellant will explain that the Development Plan applying to the Appeal Site currently comprises:

- Newark and Sherwood Amended Core Strategy DPD (March 2019)
- Allocations and Development Management DPD (July 2013)
- Southwell Neighbourhood Plan 2015-2026.

### **National Guidance**

7.3 The Appellant will refer to relevant national guidance set out in the revised National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

7.4 The Appellant will also refer to the following national guidance

- Overarching National Policy Statement for Energy (EN-1) (July 2011)
- National Policy Statement for Renewable Energy Infrastructure (EN-3) (July 2011)
- UK Government Solar Strategy 2014
- Written Ministerial Statement on Solar Energy: protecting the local and global environment made on 25 March 2015
- Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15 (February 2021)

### **Supplementary Planning Guidance**

7.5 The Appellant will also refer to the following supplementary planning guidance, documents and advice:

- Landscape Character Assessment SPD (Adopted December 2013)

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## 8. PROOFS OF EVIDENCE

- 8.1 On the basis that the Planning inspectorate agrees to the appeal being dealt with under the Public Inquiry procedure, the Appellant will prepare written evidence in advance of the Inquiry to address the Reason for Refusal.
- 8.2 The evidence will also consider any other valid issued raised by Third Party objectors or by statutory consultees.
- 8.3 At this stage it is anticipated, based on the reasons for refusal, that evidence will be presented as follows:

### Heritage

- Gail Stoten BA (Hons) MCIfA FSA

### Landscape and Visual Impact

- Andrew Cook BA (Hons) MLD CMLI MIEMA CENV

### Planning Policy

- Paul Burrell BSc Hons Dip Up MRTPI

- 8.4 The Appellant reserves the right to introduce additional witnesses as necessary to address any other issues that may be raised by the LPA and/or any Third Parties.

## 9. CASE FOR THE APPELLANT

9.1 The Appellant will present evidence to demonstrate that the LPA's Reason for Refusal cannot be sustained, that the scheme accords with the statutory Development Plan, and is further supported by other material considerations.

9.2 Article 35(1)(b) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 states that where planning permission is refused, the notice must state clearly and precisely the LPA's full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision.

### Reason for Refusal

9.3 The Appellant considers that LPA's Reason for Refusal can be split into three main considerations:

- i. The alleged harm caused by the Proposed Development on the local landscape land cover and character, and visual impacts on two Public Rights of Way, Southwell 74 and Southwell 43.
- ii. The alleged harm caused by the Proposed Development to the setting and experience of the Halloughton Conservation Area, and to the setting of the Church of St James (Grade II), the Manor House (Grade II\*), the Brackenhurst complex (Grade II) and South Hill House (Grade II).
- iii. The environmental and economic public benefits of the scheme are alleged to not be sufficient to outweigh the alleged harm to the setting of the heritage assets, nor alleged harm to the landscape character and visual amenity of the area.

9.4 The LPA therefore asserts that the Proposed Development conflicts with Policies CP9, 10, 13, 14 of the Amended Core Strategy (2019); policies DM4, 5, 9 and 12 of the Allocations and Development Management DPD (2013); and more generally to the provisions of the Southwell Neighbourhood Plan (2016), Landscape Character Assessment SPD (2013) and the NPPF (2019) when read as a whole.

### Main Issues

9.5 The Appellant considers that the main issues for the appeal are therefore as follows:-

- 
- Issue 1**      **What impact the Proposed Development would have on the landscape character and visual amenity of the area.**
- Issue 2**      **What level of harm would occur through the Proposed Development on the designated heritage assets of the Halloughton Conservation Area, and to the setting of the Church of St James (Grade II), the Manor House (Grade II\*), the Brackenhurst complex (Grade II) and South Hill House (Grade II).**
- Issue 3**      **Whether the public benefits arising from the Proposed Development outweigh the alleged harm in respect of Issues 1 and 2 identified above.**

### **Issue 1- Impact on Landscape Character and Visual Amenity**

9.6 The Appellant will present evidence that:

- The existing visual landscape elements, topography, vegetation, trees, hedges would continue to remain and would be reinforced. Part of the character of the fields would continue to remain, accepting that they would also accommodate a solar farm, but the fields could return to agricultural use after the expiry of permission. Further the new hedgerow and tree planting would remain after decommissioning as a positive legacy of the scheme in the long term;
- The actual visual envelope and degree to which the Proposed Development would be seen from the surrounding area would be very localised in extent. The visibility of the scheme is relatively limited despite the size of the development;
- The Appeal Site lies at the confluence of three local Landscape Character Areas, and as such is an area of transition between these character areas. Only a fraction of these areas would physically change in terms of their character as the landscape beyond the site would remain in place;
- The association of the area with energy infrastructure forms an integral part of the visual perception of the area;
- The visual effect on PRoW Southwell 74 is limited in terms of viewing opportunities to only a few glimpsed views through mature hedges which would be gapped up and reinforced with further native planting as part of the proposals, such that the visual amenity of this route would not be materially

- affected and the rural character and context of this route would continue to prevail with the Proposed Development in place;
- The visual effect on PRoW Southwell 43 is limited to the length of one field along the route of this path. Along the remainder of the route, the footpath would be barely affected due to the screening effect of adjacent vegetation.
- 9.7 This Statement of Case can be read in conjunction with the Landscape and Visual Impact Assessment, which was submitted as part of the application, alongside the proposed Wheatcroft amendment Briefing Note.

### **Issue 2- Impact on heritage assets**

- 9.8 The Appellant will present evidence that:
- With regards to the Grade II Listed Church of St James, the site does not contribute to the heritage significance of the asset, and the proposed development will cause no harm to its heritage significance. Any association between the church and the site has been severed. Intervisibility between the Appeal Site and the church is very largely screened by intervening woodland and hedgerows. In winter, there will be, at most, heavily filtered glimpses of panels in the easternmost area of the site from the northern edge of the churchyard (not the church), but the heavily filtered nature of these views will mean that the change is scarcely perceptible. From the church, the intervening vegetation within the churchyard is anticipated to screen such views from adjacent to the building. The proposed development is not anticipated to be readily co-visible with the church from other locations in the vicinity. The relationship of the church with the settlement it serves and the churchyard and road from where it is best appreciated will not be changed.
  - With regards to the Manor House, the site does not contribute to the heritage significance of the asset, and the proposed development will cause no harm to its heritage significance. Again, any functional relationship between the Manor and the site has been severed. Any visibility of the proposed development from the northern façade of the asset will be distant and very heavily filtered, at most. The asset will retain views to agricultural land and orchard beyond the road from its northern façade, giving it a rural context, as well as attractive views south-east over a lake.

- With regards to the Halloughton Conservation Area, the special character and appearance of the Area is principally derived from its historic built form, especially the designated heritage assets and other historic sites contained within it, as well as from their historical, visual and spatial inter-relationship(s). The most important views are those within the Conservation Area, especially sequential views along main street and tableaux that enable the architectural and historic interest of the built core to be appreciated. The site has limited intervisibility and co-visibility with the site, and this will be further reduced by planting that is already established. The site can be experienced when walking along footpath loop north of the village, mainly set back beyond intervening agricultural land, and footpaths beyond this loop in the wider landscape, but the experience of the site in or close to those areas from which the Conservation Area derives its special interest and their immediate context is very limited. Overall, the site is considered to make a very small contribution to the heritage significance of the Conservation Area through setting.
- Filtered, seasonal glimpses of small parts of the solar arrays may be visible from a small number of locations within the Conservation Area, until proposed screening planting matures, beyond intervening arable land that will maintain a rural context to the settlement. There will also be some limited co-visibility in views towards the Conservation Area from across the valley, again until existing planting matures. The arrays are not anticipated to be visible from the approach to the Conservation Area from the east along Nottingham Road. The proposed development would result in a very small change to the experience of the Conservation Area's current wider setting, very slightly reducing its heritage significance, through change to the character of its wider rural surrounds, albeit in areas not readily experienced in conjunction with those areas from which the special interest of the area is derived.
- The proposed development would be anticipated to result in a very small degree of harm to the heritage significance of the Halloughton Conservation Area. This would be less than substantial harm at the lowermost end of the spectrum.
- With regards to designated heritage assets at Brackenhurst Hall, The structures are now part of the Nottingham Trent University Campus and

form a landscape of historic and modern structures. The nearest designated assets of the complex are located over 300m north-east of the Appeal Site. The site never appears to have formed part of the designed grounds or parkland of the Hall, nor was it part of the same wider landholding of the Hall. With regards to intervisibility, the Hall and associated buildings are not readily visible from the site. Only distant glimpses of the chimneys of the Hall are possible from the eastern area of the site, and no reciprocal intervisibility is anticipated from the structure. The site is not considered to contribute to the heritage significance of any of the heritage assets at Brackenhurst Hall. The proposals would be anticipated to result in no harm to the significance of those assets.

- With regards to South Hill House, The Appeal Site is located c. 265m south-west of the asset at its closest point. It does not appear to have formed part of the same landholding, nor to share any other historical associations with South Hill House. Inter-visibility between site and the asset is screened by the tree plantation that encircles the south-eastern and eastern boundaries of the southern part of the site, as well as the trees within the asset's gardens. The asset's façade faces southwards rather than directly towards the site, and the site. No visibility of the asset from the site could be observed. The site is not considered to contribute to the heritage significance of the asset through setting. The proposals are not anticipated to be visible from the asset, or co visible with it an any key views. Development within the site on the scale proposed would result in no harm to the asset's heritage significance, and no change to the ability to appreciate that significance.

### **Issue 3- Whether the public benefits of the scheme outweigh the alleged harm**

- 9.9 The Appellant will argue that the Proposed Development draws significant support from Core Strategy Policy 10 which promotes renewable energy generation development where the adverse impacts of the renewable energy generation proposals have been satisfactorily addressed; and further significant support is derived from the Allocations and Development Management DPD Policy DM4, which sets out a permissive approach to granting permission for renewable energy development where the benefits arising from the proposed development are not outweighed by detrimental impacts arising from the construction, operation or maintenance of the proposed development across a consideration of

7 criteria as stated within the policy. The Appellant will argue that this is the case in respect of a consideration of both these policies and their application to this appeal. Taken overall and, taking into full consideration the other Development Plan policies cited by the LPA in their Reason for Refusal, the Appellant will argue that the Proposed Development is considered to comply with the Development Plan, when read as a whole, and receives additional significant support from national policy. Therefore, in accordance with the NPPF planning permission should be approved without delay (NPPF, paragraph 11 (c)).

9.10 In the alternative, the Appellant will also present the case that, should it be concluded that there is conflict with the Development Plan, there is a need to consider whether material considerations indicate that planning permission should be granted in any case.

9.11 The Appellant accepts that there will be some harm arising from the scheme in respect of the historic environment and limited landscape impacts:

- Effect on heritage assets
- Effect on landscape character

9.12 However, the Appellant will explain that the following matters are considered to weigh in favour of granting planning permission:

- Generation of renewable energy and the national planning policy and energy policy support for the UK's transition to a low carbon economy
- Provision of landscape enhancements
- Provision of ecological enhancements
- Economic benefits of construction and business rate
- Flooding and Drainage (subject to appropriate planning conditions)

9.13 The following matters will be argued by the Appellant to be neutral in consideration of the Planning Balance:

- Agricultural land
- Residential Amenity

- Highways and Transport (subject to appropriate planning conditions)
- Noise (subject to appropriate planning conditions)

9.14 The Appellant submits that the Proposed Development is in general accordance with the Development Plan when read as a whole and, even if the Inspector were to conclude that there would be some conflict with relevant policies, the significant identified public benefits constitute material considerations that would indicate otherwise.

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## **10. DOCUMENTATION**

- 10.1 A set of Core Documents will be agreed with the LPA in advance of the Public Inquiry.
- 10.2 In addition to the application documents, planning history and consultation responses, it is anticipated that the following will be referred to.

### **National Documents**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Overarching National Policy Statement for Energy (EN-1) (July 2011)
- National Policy Statement for Renewable Energy Infrastructure (EN-3) (July 2011)
- UK Government Solar Strategy 2014
- Written Ministerial Statement on Solar Energy: protecting the local and global environment made on 25 March 2015
- Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15 (February 2021)
- Climate Change Act 2008
- Climate Change Act (2050 target amendment) Order 2019
- Clean Growth Strategy published by the Department for Business, Energy and Industrial Strategy (BEIS) in October 2017
- UK Parliament's declaration of an Environmental and Climate Change Emergency in May 2019
- Energy White Paper: Powering our Net Zero Future published in December 2020
- UK Government's press release of acceleration of carbon reduction to 2035, dated April 2021
- The latest version of the 'Digest of United Kingdom Energy Statistics'

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- 'Achieving Net Zero' published by the National Audit Office in December 2020
  - Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> Edition
  - Landscape Institute guidance on representative viewpoints and visualisations
  - National Character Area Profile 48 – Trent and Belvoir Vales
  - Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment
  - Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition)
  - Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment
  - Statements of Heritage Significance, Analysing Significance in Heritage Assets, Historic England Advice Note 12

### **Local Documents**

- Newark and Sherwood Amended Core Strategy DPD (March 2019)
- Allocations and Development Management DPD (July 2013)
- Southwell Neighbourhood Plan 2015-2026
- East Midlands's Regional Landscape Character Assessment (April 2010)
- Newark & Sherwood Landscape Character Assessment SPD (2013)
- Newark and Sherwood District Council's declaration of a Climate Emergency in July 2019
- Newark and Sherwood District Council's Carbon Reduction Action Plan (September 2020)
- Relevant local historical documents in relation to the heritage assets cited in the Reason for Refusal

### **Relevant Appeal Decisions and Legal Cases**

- Various appeal decisions
- Various legal judgements, including:
  - Catesby Estates Ltd v. Steer, EWCA Civ 1697, 2018
  - EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

10.3 The Appellant reserves the right to refer to additional documents to those outlined above in preparation of its case and in support of the proposals

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## 11. PLANNING CONDITIONS AND OBLIGATIONS

### Planning Conditions

- 11.1 An agreed set of Conditions will be provided to the Inspector before the start of the Public Inquiry.

### Planning Obligations

- 11.2 The Appellant does not expect there to be a need to submit a deed pursuant to S106 of the Town and Country Planning Act which will be deemed necessary to make the development proposals acceptable.