



DEPARTMENT FOR LEVELLING UP, HOUSING AND COMMUNITIES

REF: APP/B3030/W/21/3279533

NEWARK AND SHERWOOD DISTRICT COUNCIL REF: 20/01242/FULM

TOWN AND COUNTRY PLANNING ACT 1990 (AMENDED)

SECTION 78

APPEAL

By JBM Solar Projects 6 Ltd

AGAINST

the decision of the Local Planning Authority (LPA) Newark and Sherwood District Council to refuse  
permission for the

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

At

Land North of Halloughton, Southwell

PLANNING SUMMARY PROOF OF EVIDENCE

by

Honor Whitfield MRTPI

on behalf of Newark and Sherwood District Council

## **Introduction**

- 1.1 This Summary Proof of Evidence has been prepared by Honor Whitfield, Planning Officer at Newark & Sherwood District Council. I am a chartered Town Planner with four years' experience. I hold a Masters degree in Urban Planning and I am a member of the Royal Town Planning Institute.
- 1.2 This Summary Proof of Evidence is provided on behalf of Newark & Sherwood District Council in relation to the appeal against the refusal to grant full planning permission for the construction of a solar farm and battery stations together with all associated works, equipment and necessary infrastructure at land north of Halloughton, Southwell. It should be read alongside my main Proof of Evidence.
- 1.3 This evidence which I have prepared and provide for this appeal within this Summary Proof is true, and has been prepared, and is given, in accordance with the guidance of my professional institution, the Royal Town Planning Institute. I confirm that the opinions expressed are my true and professional opinions.

## **Reason for Refusal**

- 1.4 The appeal was refused by the Council for a single reason. In my main Proof of Evidence I break down the detail of this reason for refusal, explain the breaches of the development plan, consider national policy and other material considerations and set out all elements that feed into the planning balance exercise.

## **Renewable Energy Development**

- 1.5 In my main Proof of Evidence, I discuss the relevant policies, guidance and other material considerations which provide support for proposals that look to address climate change through the generation of renewable energy. I explain that, whilst there is strong policy support for renewable energy schemes, this support is not unqualified and any scheme must

avoid causing unacceptable harm. The Development Plan policies therefore encapsulate the requirement to balance often conflicting factors.

- 1.6 I explain that I accept the Appeal Scheme would make a positive contribution towards carbon reduction and would accord with the thrust of Core Strategy Core Policy 10. However, in assessing the Scheme, the decision maker is required, by Policy DM4 of the Allocations and Development Management DPD, to balance the public benefits of the proposals against the listed impacts. Criteria 1 and 3 of the policy relate to the impact of the development on the landscape character of the District and the impact on heritage assets and their settings.

#### **Landscape Character and Visual Impact**

- 1.7 In my main Proof of Evidence, I discuss the relevant policies and guidance which set out the Council's approach to protecting and enhancing the natural environment and local landscape character.
- 1.8 The evidence presented by Mrs Jones (C8B) demonstrates that the Appeal Scheme would result in:
- A moderate adverse scale of effect on land cover for the forty-year lifetime of the Scheme. This identified scale of effect on land cover is also a matter of agreement between parties (see para. 8.50 of the SoCG (C4)).
  - A major adverse scale of effects on the local landscape character for the Mid Nottinghamshire Farmlands Policy Zones 37, 38 and 39 [PZ39 is omitted from the Revised Scheme] for the forty-year lifetime of the scheme which are concluded to be significant impacts [save for PZ39]. These identified scale of effects on landscape character are also matters of agreement between parties (see para. 8.51 of the SoCG). It is also concluded that the mitigation planting proposed would generate a further negative effect on the landscape character.
  - Significant adverse effects on Viewpoints 1, 2, 3, 12, 14 and 15 as a result of the Appeal Scheme [Viewpoints 1, 2, 3, 14 and 15 as a result of the Revised Scheme] during the Construction Phase and Year 1 with some lasting until Year 10 depending on the success of the planting proposed. These Viewpoints relate to well used public rights of way (PRoW)

Bridleway 209/74/1, PRoW Footpath 209/42/1, PRoW Footpath 209/43/1 and Cotmoor Byway). It is also concluded that the mitigation planting itself would close down or block middle distance views, creating an effective change in the experience/perception of this sensitive landscape.

- 1.9 It is therefore considered that the proposal would fail to conserve and enhance the areas landscape character and visual amenity and consequently would be harmful to the character, appearance and visual perception of the area.
- 1.10 On the basis of this evidence, it is considered that the Appeal scheme conflicts with Core Policies 9 and 13 of the CS, the policy actions identified within the corresponding Landscape Character Assessment, Policy E6 of the SNP, Chapter 15 of the NPPF and the guidance contained within the PPG. Particularly in the context of the duration of this impact I afford this harm significant negative weight.

### **Heritage Impact**

- 1.11 In my main Proof of Evidence, I discuss the relevant policies and guidance which set out the Council's approach to conserving and enhancing the historic environment. I also explain the legislative objectives of preservation of listed buildings, conservation areas and their setting, as required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 1.12 The evidence presented by Mr Partington (C8C) demonstrates that the Appeal Scheme would result in:
  - A less than substantial degree of harm, at the higher end of the scale to: Halloughton Conservation Area; Halloughton Manor Farmhouse (Grade II\*, List ID: 1178664); Church of St James (Grade II, List ID: 1045555); and Barn at Bridle Road Farm (Grade II, List ID: 1178708) over the duration of its installation, use and decommissioning; and
  - A less than substantial degree of harm, at the lower end of the scale to: Pigeoncote, Granary and Stable Block at Manor Farm (Grade II, List ID: 1370180); Barn at Halloughton

Manor Farm (Grade II, List ID: 1045556); Brackenhurst Hall and Attached Coach House, Orangery and Garden Wall (Grade II, List ID 1369927); Gateway and Railings at Brackenhurst Hall (Grade II, List ID: 1289246); Lodge to Brackenhurst Hall (Grade II, List ID: 1213102); Garden Walls and Potting Sheds 100 Metres North East of Brackenhurst Hall (Grade II, List ID: 1046108); and South Hill House (Grade II, List ID: 1213124).

- 1.13 Furthermore, Mr Partington concludes that subsequent to its decommissioning, the Appeal scheme would have a low adverse residual effect upon the significance of the Halloughton Conservation Area and those designated heritage assets within it including the Grade II\* Manor Farm House and Grade II Bridle Road Farm.
- 1.14 On the basis of this evidence, it is considered that the Appeal Scheme would be contrary to the objective of preservation required under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, heritage advice contained within CP14 of the CS and DM9 of the ADMDPD, in addition to Chapter 16 of the NPPF and the guidance contained within the PPG.
- 1.15 Accounting for the magnitude of the development and the low to high degrees of less than substantial harm brought about to multiple heritage assets, including the Halloughton Conservation Area and Grade II\* Manor Farm House, both individually and cumulatively, Mr Partington advises that a very high degree of weight should be afforded against the Appeal Scheme (both Refused and Revised Schemes). In accordance with para. 202 of the NPPF, this harm should be weighed against the public benefits of the Appeal Scheme.
- 1.16 In accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, concluding there would be harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. For this reason, I give the identified heritage harm significant negative weight.

### **Other Material Considerations**

- 1.17 In my main Proof of Evidence I also discuss a number of material considerations that should be considered when assessing the merits of the scheme. These include the NPPF, NPPG, local SPDs, national energy policies, statements and guidance, the generation of renewable energy, landscape and ecological enhancements, flood risk improvements and economic benefits.

### **The Planning Balance**

- 1.18 I conclude my evidence by carrying out a planning balance exercise.
- 1.19 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that this Appeal be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 1.20 It has been identified that the Appeal scheme would result in a long-term detrimental impact on the landscape character and visual amenity of the area. The Appeal Scheme would result in *significant adverse* effects on local landscape character and a moderate adverse scale of effect on land cover for the forty-year lifetime of the scheme. There would also be *significant adverse* visual effects on well used public rights of way during the Construction Phase and Year 1 with some lasting until Year 10 depending on the success of the planting proposed. Furthermore, it is concluded that the mitigation planting itself would have a further negative effect on landscape character and would close down or block middle distance views, creating an effective change in the experience/perception of this sensitive landscape. The Appeal Scheme would therefore fail to conserve and enhance landscape character and visual amenity and consequently would be harmful to the character, appearance and visual perception of the area.
- 1.21 Furthermore, the Appeal scheme would also result in less than substantial harm on the setting and experience of Halloughton Conservation Area, as well as to the setting of all listed buildings within Halloughton (Grade II\* and Grade II), to South Hill House (Grade II) and Brakenhurst Hall and Associated Estate Elements (all Grade II).

- 1.22 As a result, the scheme does not comply with the Development Plan when read as a whole and with particular reference to CP9, 10, 13 and 14 of the Amended Core Strategy (E1), policies DM4, 5, 9 and 12 of the Allocations and Development Management DPD (E2) in addition to policy E6 of the Southwell Neighbourhood Plan (E3). The Appeal proposal would also be contrary to the objective of preservation required under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I afford these conflicts significant negative weight.
- 1.23 It is from this position that one must now assess whether there are other material considerations of sufficient weight to indicate that the appeal ought to be determined other than in accordance with the Development Plan. The NPPF and documents set out at paragraphs 2.24 – 2.60 of my main Proof are material considerations.
- 1.24 I consider the following benefits should be weighed in the balance. The generation of renewable energy, landscape and ecological enhancements, flood risk improvements and economic benefits.
- 1.25 The Appeal Scheme would contribute towards the Government's long-standing and well-documented commitment to renewable energy generation. Any renewable energy production is a substantial benefit of the scheme. I therefore give this significant weight.
- 1.26 The landscape and ecological enhancements proposed reflect common practice in the development of solar farms. They also accord with the expectations of local and national planning policy. Accordingly I only give moderate weight to these benefits.
- 1.27 The flood risk improvements proposed have not been fully evidenced and thus it is difficult to fully quantify these alleged benefits. Nevertheless, it is accepted that some downstream betterment could arise from the proposed scheme which would carry some positive weight. However, equally I note that the use of a sustainable drainage strategy is also common practice in the development of solar farms. Accordingly I only give moderate weight to these benefits.

- 1.28 It is accepted that the construction of a solar farm of this scale will give rise to certain socio-economic benefits. Whilst these are recognised, they would apply to any similar development anywhere in the District including development that can adequately mitigate the detrimental impacts identified. Accordingly I only give moderate weight to these benefits.
- 1.29 Ultimately I accept that the Appeal Scheme would give rise to certain measurable benefits, notably in terms of renewable energy generation but more generally in terms of ecological and economic benefits. However, these benefits could arise from other schemes in the District. In my view, the benefits of landscape/ecological enhancements and economic benefits are standard and attributable to any renewable energy development scheme.
- 1.30 Whilst I acknowledge the importance of renewable energy generation to meeting targets and addressing climate change, the planning system and associated guidance is not set up to allow this type of development at all costs. Rather it is set up to strike a balance as appropriate between the mitigation of harm and the benefits of delivery. When all of the above matters are weighed together, it is my view that the Appeal Scheme would cause harm of a weight and magnitude, which would tip the balance and outweigh the benefits of the development. Ultimately the scheme therefore represents an unsustainable form of development.
- 1.31 Overall, I do not consider that the material considerations in the balance outweigh the identified conflicts with the Development Plan or the statutory objective of preservation required under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. On this basis I therefore consider the Appeal should be dismissed.