



The Planning Inspectorate

Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: Environmentalservices@planninginspectorate.gov.uk

Mr H Ramsey
Pegasus Planning Group Limited

Your Ref: 20/012424/FULM

Our Ref: APP/B3030/W/21/3279533

Sent by email:
harry.ramsey@pegasusgroup.co.uk

Date: 09 November 2021

Dear Mr Ramsay

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (SI 571/2017) ('THE EIA REGULATIONS')

Appeal by: JBM Solar Projects 6 Ltd

Site Address: Land North of Halloughton, Halloughton, Southwell

This appeal has been screened of the Secretary of State's own volition under Regulation 5(6)(a) of the EIA Regulations.

The development proposed, namely construction of a solar farm and battery stations together with all associated works, equipment and necessary infrastructure, falls within the description at 3A of Schedule 2 to the EIA Regulations. In the opinion of the Secretary of State, and having taken into account the criteria in Schedule 3 to the EIA Regulations, the proposal is likely to have significant effect on the environment for the following reasons:

The Proposed Development is visible to recreational users from a number of designated Public Rights of Way (PRoW). The Landscape and Visual Impact Assessment prepared in respect of the Proposed Development concluded that there are major or moderate adverse effects to visual receptors during construction and the early years of operation from viewpoint locations for users of PRoW 209/74/1, 209/42/1 and 209/43/1. The Proposed Development is considered to have potential to give rise to likely significant visual effects.

It is noted that a 2017 EIA Regulations compliant Environmental Statement (ES) is required to consider the risks of, and vulnerability to, major accidents or disasters (including due to climate change) that are relevant to that development e.g. for project components such as battery storage or in relation to future flood risk. It is also noted that the level of detail provided in relation to agricultural soils is limited.

In accordance with Regulation 5(3) of the EIA Regulations, the Secretary of State hereby directs that the application is EIA development for the purposes of the Regulations.

The Secretary of State therefore notifies you by this letter that the submission of an ES is required under those Regulations.

Under regulation 28(1) of the EIA Regulations, the relevant planning authority must take steps to secure that this screening direction is placed on the part of the Planning Register which relates to the application that is the subject of this appeal.

You are reminded that, under regulation 14(7) and 14(8) of the EIA Regulations, the Secretary of State shall be under no duty to deal with the appeal unless, within 3 weeks from the date of this notification, appellant writes to inform him that an ES will be provided. A letter should be sent to the above postal or email address and marked for the attention of the Environmental Services Team. Please confirm whether you intend to submit an ES, and if you do, how long you anticipate this will take to prepare.

Under Regulation 2(1) of the EIA Regulations, an ES must contain the information specified in that Regulation. It is recommended that you refer to the EIA Regulations¹ and the online Planning Practice Guidance on EIA² in preparing the ES.

We would draw your attention to court cases which have stressed the need for all the relevant environmental information in an ES to be comprehensive and easily accessible, and to the requirements regarding the publishing and posting of site notices as directed in Regulation 20(1).

You will bear in mind that the Secretary of State's opinion on the likelihood of the development proposed having significant environmental effects is reached only for the purposes of the direction.

A copy of this letter is being sent to the relevant planning authority for information.

Yours sincerely

Richard Hunt

Richard Hunt
Operations Lead – Environmental Services

(Signed with the authority of the Secretary of State)

cc: Planning Appeals Office, Newark and Sherwood District Council (Local Planning Authority)

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is:
<https://acp.planninginspectorate.gov.uk/>

¹ <http://www.legislation.gov.uk/ukxi/2017/571/introduction/made>

² <https://www.gov.uk/guidance/environmental-impact-assessment>