



Statement of Common Ground.

Between Exagen Development Ltd and Rushcliffe Borough Council.

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Author: Nigel Cussen

Signed: 	Signed: 
Name: Peter Bond	Name: Nigel Cussen
On behalf of: Heaton Planning Limited (acting on behalf of the Council)	On behalf of: Pegasus Group (acting on behalf of the appellant)
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1. Introduction

- 1.1. This Statement of Common Ground (SoCG) (CD 8.3) has been prepared by Pegasus Group on behalf of Exagen Development Ltd (the Appellant). It relates to a Planning Appeal made pursuant to Section 78 of the Town and Country Planning Act 1990, in connection with Land West of Bradmore Road and North of Wysall Road, Land West of Wysall, Wysall ('the Appeal Site').
- 1.2. The SoCG (CD 8.3) accompanies an appeal submission made against Rushcliffe Borough Council's ('RBC') decision to refuse planning permission for the construction, operation and subsequent decommissioning of a renewable energy park comprising ground mounted Solar PV with co-located battery energy storage system (BESS) at the point of connection, together with associated infrastructure, access, landscaping and cabling (also known and referred to as Old Wood Energy Park).
- 1.3. The 'Appeal Site' occupies approximately 100.96ha of land comprising: –
 - 65 hectares of agricultural land comprised of 8no. medium to large field enclosures (this is referred to as the 'Northern Parcel');
 - 33 hectares of agricultural land comprised of 6 small to medium field enclosures (this is referred to as the 'Southern Parcel').
 - Circa 3 ha of land beneath the public highway between the Northern Parcel and the Southern Parcel, passing through the village of Wysall, to allow the laying of an electrical cable to connect the two parcels of the Appeal Site.
- 1.4. The purpose of this overarching SoCG (CD8.3) is to identify the areas where the principal parties are in agreement and to narrow down the issues that remain in dispute.
- 1.5. Additionally the Appellant and RBC have prepared three topic based Statements of Common Ground, addressing separately Landscape Matters (CD 8.3.1), Heritage Matters (CD 8.3.2) and Skylark Matters (CD 8.3.3).
- 1.6. These documents will allow the public inquiry to focus on the most pertinent issues.
- 1.7. This SoCG has been agreed with RBC.

2. The Appeal Site and Surroundings

- 2.1. The Planning Statement (CD 2.4) and Design and Access Statement (CD 2.2) submitted as part of the planning application contain a full description of the Appeal Site. A summary of pertinent information is included below.
- 2.2. The Appeal Site comprises two distinct land parcels located to the west of the settlement of Wysall, Nottingham, including a 'Northern Parcel' and 'Southern Parcel'. The two parcels are situated approximately 325m apart.
- 2.3. The proposed Solar PV Arrays will be laid out over both site parcels and the proposed battery storage compound and grid connection infrastructure will be positioned within the south of the Southern Parcel, in proximity to the Point of Connection (POC) into the existing 132kV overhead powerline which crosses the Southern Parcel of the Site. The two site parcels would be linked by an underground cable which will extend from the eastern side of the Northern Parcel before following the route of the highway along Bradmore Road – Keyworth Road – Main Street – Costock Road – Wysall Road (as it passes through the settlement of Wysall) and eventually extending northwards into the southern boundary of the Southern Parcel.
- 2.4. Vehicular access to the Northern Parcel of the site is currently achieved via the existing farm access track at Lodge Farm which extends westwards from Bradmore Road to the east of the Site. It is proposed that as part of the Development a new access track will be constructed slightly further south that will extend west from Bradmore Road parallel to the existing farm access through the field, retaining the existing access for continued farm and residential operation and footpath users as it is also a public right of way.
- 2.5. Vehicular access to the Southern Parcel of the site is currently achieved via an existing gated agricultural field entrance on Wysall Road on the southern boundary of the Parcel, from where an access track and culvert over Kingston Brook provide means of access into the agricultural field parcels. The existing access and culvert crossing will be appropriately upgraded to accommodate both construction and operational traffic associated with the Development.
- 2.6. Additional agreed details relating to the site and surroundings are included in the Landscape Statement of Common Ground (CD 8.3.1).

3. The Appeal Proposal

- 3.1. The description of the Appeal Proposal, as stated in the planning application form (CD 1.1) and decision notice (CD 4.2), is as follows: –

“Construction, operation and subsequent decommissioning of a renewable energy park comprising ground mounted Solar PV with co-located battery energy storage system (BESS) at the point of connection, together with associated infrastructure, access, landscaping and cabling.”

Variation to Submitted Proposals

- 3.2. Following the refusal of the application by RBC, the Appellant has proposed some changes to the design of the Appeal Proposal and these changes and associated plans, and technical reports accompany the appeal submission.
- 3.3. The Appellant has conducted a full consultation with the Local Planning Authority (LPA), appropriate Statutory Consultees and all interested 3rd parties in parallel with the submission of the Appeal. The parties agree that the consultation process meets the consultation test created by the Holborn principle.
- 3.4. Details of the changes are illustrated on the Appellant’s Summary of Changes Comparison Plan submitted in support of the appeal (CD 3.5). The following revised documentation is submitted with the appeal:
- Updated plans as entitled:
 - Layout Plan (WLL02A-EXG-04-00-D-K001-PO7 replacing WLL02A-EXG-04-00-D-K001-PO5) (CD 3.1),
 - Enhanced Landscape Strategy Plan (P21-2533_EN_02E replacing P21-2533_EN_02C) (CD 3.6)
 - Site Layout Plan (with EA Flood Risk 2025) Drg no. WLL02A-EXG-04-00-D-K003 Rev. PO7 (CD 3.2)
 - Summary of Changes, dated October 2025, prepared by Exagen (CD 3.4)
 - Summary of Changes Comparison Plan (P21-1631_EN_03C) (CD 3.5)
 - New elevation plan for the water tanks (Drawing no WLL02A-EXG-05-ZZ-D-K014 Rev. PO1) (CD 3.3)
 - NFCC Compliance Report – prepared by ARC (CD 3.9)
 - Updated Flood Risk Assessment and Drainage Strategy, prepared by Pegasus (CD 3.7)
 - Updated Ecological Impact Assessment, including Biodiversity net Gain Assessment, dated October 2025, prepared by Clarkson & Woods (CD 3.8)

- Report on an Archaeological Evaluation, prepared by York Archaeology, October 2025 (CD 3.10)
- Flood Risk Sequential Assessment and Exception Test, dated October 2025, prepared by Pegasus Group (CD 3.11)

- 3.5. The Appellant considers that that the changes represent minor and beneficial amendments to the scheme.
- 3.6. The Council considers that the amendments fundamentally change the nature of the development under consideration at the appeal (as per the substantive test created by the Holborn principle) and that that the Appeal should be determined on the basis of what was before the Council when the application was determined.
- 3.7. Further to discussion at the CMC on 7th January 2026, it was decided that the matter should be for the Inspector to determine following the exchange of proofs of evidence, either in advance of the commencement of the Inquiry or at the Inquiry. On this basis, the parties will prepare evidence in respect of both the original determined planning application and the amended scheme.

4. Appeal Plans and Documents

4.1. Plans and documents that informed RBC's decision.

Documents submitted with the planning application

- Application Form, dated 31 January 2024 (CD 1.1)
- Planning Statement dated January 2024, prepared by Pegasus Group (CD 1.2)
- Design and Access Statement, dated February 2024, prepared by Pegasus Group (CD 1.3)
- Statement of Community Involvement, dated January 2024, prepared by Exagen Development Limited (CD 1.4–1.4.2)
- Landscape and Visual Impact Assessment, dated October 2024, prepared by Pegasus Group (CD 1.5–1.5.14)
- Heritage Statement (including Geophysical Survey), dated January 2024, prepared by Pegasus Group (CD 1.6–1.6.1)
- Agricultural Land Classification Report, dated January 2024, prepared by Davis Meade Agricultural (CD 1.7)
- Arboricultural Impact Assessment, dated January 2024, prepared by Barton Hyett Associates (CD 1.8)
- BNG Metric Tool (CD 1.9)
- Photomontages (CD 1.10)
- Ecological Impact Assessment, dated January 2024, prepared by Clarkson and Woods Ecological Consultants (CD 1.11)
- Outline Battery Safety Management Plan, dated January 2024, prepared by Exagen Development Limited. (CD 1.12)
- Covering Letter, dated January 2024, prepared by Pegasus Group. (CD 1.13)
- Breeding Bird Survey Report, dated September 2023, prepared by Clarkson and Woods Ecological Consultants (CD 1.14)
- Construction Traffic Management Plan, dated November 2023, prepared by Motion (CD 1.15)
- Transport Statement, dated January 2024, prepared by Motion (CD 1.16–1.16.1)
- Flood Risk Assessment and Drainage Strategy, dated January 2024, prepared by Pegasus Group (CD 1.17)

- Glint and Glare Assessment, dated January 2024, prepared by Pager Power Urban and Renewables (CD 1.18)
- Noise Impact Assessment, dated January 2024, prepared by Metrica Environmental Consulting Ltd. (CD 1.20)
- Proposed Surface Water Attenuation Statement, dated February 2024, prepared by Exagen. (CD 1.21)

Plans and Drawings submitted with the planning application

- Existing Site Location Plan (CD 1.22)
- Site Layout Plan (CD 1.23)
- Site Layout with Section Minimum Buffer Distances (CD 1.24)
- Boundaries Plan (CD 1.25)
- Boundaries Plan South (CD 1.26)
- Boundaries Plan North (CD 1.27)
- Landscape Strategy (CD 1.28)
- Battery Unit (CD 1.29)
- MV Inverter (CD 1.30)
- Substation Building (CD 1.31)
- RMU and Control Enclosures (CD 1.32)
- AUX Transformer (CD 1.33)
- Palisade Fence and Access (CD 1.34)
- BESS CCTV and Lighting (CD 1.35)
- 132KV Switchgear (CD 1.36)
- Solar Panel (CD 1.37)
- Solar Fence and CCTV (CD 1.38)
- 33KV Cable Connection and Control Room (CD 1.39)
- Typical 33KV Transformer (CD 1.40)

Documents submitted during determination of the planning application

- Planning Statement (Rev C) dated February 2024, prepared by Pegasus Group (CD 2.4-2.4.1), updated to correct an error on solar panel heights in areas of flood risk.

- Design and Access Statement (Rev B), dated February 2024, prepared by Pegasus Group (CD 2.2), updated to correct an error on solar panel heights in areas of flood risk.
- Archaeology Note, dated March 2024, prepared by Exagen (CD 2.6)
- Electricity Generating Capacity Statement, dated March 2024, prepared by Exagen (CD 2.7)
- Electricity Generating Capacity Statement, dated June 2025, prepared by Exagen (CD 2.8)
- Legal Advise Note, Highfields NSIP, dated April 2024, prepared by TLT LLP (CD 2.10)
- Transport Statement, dated June 2024, prepared by Motion (CD 2.11)
- Construction Traffic Management Plan, dated June 2024, prepared by Motion (CD 2.12)
- Technical Note 3 – Highway Authority Response, dated December 2024, prepared by Motion (CD 2.13)
- Construction Traffic Management Plan, dated December 2024, prepared by Motion (CD 2.14)
- Technical Note 2 – National Highways Response, dated March 2024, prepared by Motion (CD 2.15)
- Landscape and Visual Impact Assessment, Parts 1 – 16, dated October 2024, prepared by Pegasus Group (CD 2.16)
- Landscape and Visual Impact Assessment, Parts 17, dated October 2024, prepared by Pegasus Group (CD 2.16.1)
- Ecological Impact Assessment, dated October 2024, prepared by Clarkson and Woods (CD 2.17)
- Ecology Response Note, dated October 2024, prepared by Exagen (CD 2.18)
- Overview Letter of additional info, dated November 2024, prepared by Exagen (CD 2.19)
- Response to Historic England Comments, dated October 2024, prepared by Pegasus Group (CD 2.21)
- Statutory Calculator_BNG Metric_v2.0 (CD 2.22)
- Archaeological Evaluation: Summary Statement, dated March 2025, prepared York Archaeology (CD 2.27)
- Flood Zone Clarification Email, April 2025 (CD 2.28)

- Type 4 Visualisations, dated March 2024 (CD 2.30)
- Ecological Impact Assessment, dated April 2024, prepared by Clarkson and Woods (CD 2.31)
- Biodiversity Net Gain Updates Comments, dated April 2024, prepared by Clarkson and Woods (CD 2.32)
- Geophysical Survey Report, dated May 2024, prepared by Magnitude Surveys (CD 2.33)
- Arboricultural Impact Assessment, dated November 2024, prepared by Barton Hyett Associates (CD 2.35)
- Archaeological Evaluation: Summary Statement, dated April 2025, prepared York Archaeology (CD 2.37)

Plans and Drawings submitted during determination of the planning application

- Typical Solar Panel Elevations Drg no. WLL02A-EXG-05-ZZ-D-K010 Rev.P02 (CD 2.5)
- Footpath Buffer Distances Drg no. WLL02A-EXG-04-00-D-K002 Rev. P01 (CD 2.9)
- Landscape Strategy Drg no. P21-2533_EN_06E (CD 2.20)
- Green Infrastructure Plan Drg no. WLL02A-EXG-00-00-D-K015 Rev.P01 (CD 2.23)
- Site Layout Plan Drg no. WLL02A-EXG-04-00-D-K001 Rev. P05 (CD 2.24)
- Footpath Buffers Plan Drg no. WLL02A-EXG-04-00-D-K002 Rev. P02 (CD 2.25)
- BESS and Substation Layout with Latest EA Flood Mapping Drg no. WLL02A-EXG-00-00-D-K016 Rev. P01 (CD 2.28.1)
- Agricultural Land Classification Survey Sampling Point Locations Drg no. WLL02A-EXG-00-00-D-K017 Rev. P01 (CD 2.29)
- Draft Trench Layout Including Geophysical Survey, dated June 2024 (CD 2.34)
- Draft Trench Layout 2 Including Geophysical Survey, dated June 2024 (CD 2.34.1)
- Draft Trench Layout 3 Including Geophysical Survey, dated June 2024 (CD 2.34.2)
- Draft Trench Layout 4 Including Geophysical Survey, dated June 2024 (CD 2.34.3)

Additional Plans and Documents Submitted with the Appeal

4.2. The following new plans and documents are submitted for consideration as part of the appeal:

- Summary of Changes document, prepared by Exagen, October 2025 (CD 3.4)

- Summary of Changes Comparison Plan – P21-2535_EN_O3C , new drawing not previously submitted (CD 3.5)
- Revised Layout Plan – WLL02A-EXG-04-00-D-K001-P07 replacing WLL02A-EXG-04-00-D-K001-P05 (CD 3.1)
- Site Layout Plan (with EA Flood Risk 2025) Drg no. WLL02A-EXG-04-00-D-K003 Rev. P07 (CD 3.2)
- Enhanced Landscape Plan – P21-2533_EN_O6F replacing P21-2533_EN_O2E (CD 3.6)
- Water Tank Elevations Plan – WLL02A-EXG-05-ZZ-D-K014-P01, new drawing not previously submitted (CD 3.3)
- Updated Ecological Impact Assessment (EclA), including Biodiversity Net Gain Assessment – Clarkson and Woods, October 2025 (replaces the previous EclA submitted in November 2024). (CD 3.8)
- Updated Flood Risk Assessment and Drainage Strategy, Pegasus, October 2025 (replaces the original FRA and Drainage Strategy produced by Pegasus, January 2024). (CD 3.7)
- National Fire Chief Councils (NFCC) Compliance Report, ARC, August 2025, submitted in addition to the original Outline Battery Safety Management Plan, Exagen, January 2024. (CD 3.9)
- Report on an Archaeological Evaluation, prepared by York Archaeology, October 2025 (CD 3.10)
- Flood Risk Sequential Assessment and Exception Test, dated October 2025, prepared by Pegasus Group

5. Reasons for Refusal

5.1. In RBC's decision notice (CD 4.2) dated 19th June 2025, four reasons for refusal are given.

1. The proposal would result in a significant adverse visual impact upon the landscape character of the area, particularly when the impacts are considered cumulatively with the consented solar farm to the west of the site. The proposal would result in major adverse effects upon users of the Public Rights of Way which run through and near to the site, impacting on their ability to enjoy the rural landscape character which would be diminished and changed by virtue of the industrialisation of the area and the resultant enclosed industrial corridors. The proposal is therefore contrary to Policy 10 (Design and Enhancing Local Identity) of LPP1 and Policy 1 (Development Requirements), Policy 16 (Renewable Energy), Policy 22 (Development in the Countryside) and Policy 34 (Green Infrastructure and Open Space Assets) of LPP2 as the benefits of the development do not outweigh the adverse effects on the users of the Public Right of Way and the wider landscape character.

2. The proposed development would cause harm to the setting of the Grade I listed Holy Trinity Church, Grade II listed Manor Farmhouse and Highfields and the Wysall Conservation Area. The harm identified is towards the middle level of the less than substantial scale and whilst the benefits of the proposal in terms of renewable energy are acknowledged, the public benefits do not outweigh the identified harm. The proposal is therefore contrary to Policy 10 (Design and Enhancing Local Identity) and Policy 11 (Historic Environment) of LPP1 and Policy 1 (Development Requirements), Policy 16 (Renewable Energy) and Policy 28 (Conserving and Enhancing Heritage Assets) of LPP2 and Chapter 16 (Conserving and Enhancing the Historic Environment) of the NPPF

3. The impacts of the proposal upon protected species including the permanent negative residual impact upon Skylarks, is not considered to be adequately diminished by the proposed mitigation measures. The impact is not outweighed by the benefits of the scheme and the proposal is therefore contrary to Policy 1 (Development Requirements), Policy 16 (Renewable Energy) and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the LPP2 and Chapter 15 (Conserving and Enhancing the Natural Environment) of the NPPF.

4. Notwithstanding the mitigation measures proposed, it has not been demonstrated to the satisfaction of the Local Planning Authority, that the battery storage element of the proposal would not result in potential adverse fire safety impacts to the detriment of the public through subsequent contamination impacts and risks to safety. The proposal would therefore be contrary to Policy 40 (Pollution and Land Contamination) of the LPP2 and Chapter 15 (Conserving and Enhancing the Natural Environment) of the NPPF.

5.2. It is confirmed in the Council's SOC and stated at the CMC that the Council does not consider that any harm would arise to the significance of the Grade II listed Manor Farmhouse and that the Council considers that the impact of the proposed development upon the Grade II listed building of Manor Farmhouse would be neutral. Therefore the

parties are agreed that impacts on Manor Farmhouse do not form part of the considerations in regard to Reason No 2.

- 5.3. It is confirmed in the Council's SOC and stated at the CMC that the Council is offering no evidence in support of Reason No. 4 on the basis that subject to appropriately wording planning conditions, the control of potential contamination impacts and risks to safety can be mitigated to an acceptable level. This reason for refusal is therefore withdrawn by the Council.

6. Relevant Planning Policy and Material Considerations

The Development Plan

- 6.1. This section identifies the planning policies and guidance that will be of most relevance to this appeal. All documents that are referred to will be included in a list of Core Documents.
- 6.2. Rushcliffe Borough Council Local Plan Part 1: Core Strategy was adopted in December 2014. Part 2 to this Local Plan (Land and Planning Policies) was adopted in October 2019.
- 6.3. The following Local Plan policies are the most important policies in the determination of this appeal:

Rushcliffe Borough Council Local Plan Part 1: Core Strategy 2014 (Core Document 6.1)

- Policy 1 – Presumption in Favour of Sustainable Development
- Policy 2 – Climate Change
- Policy 3 – Spatial Strategy
- Policy 10 – Design and Enhancing Local Identity
- Policy 11 – Historic Environment
- Policy 16 – Green Infrastructure, Landscape, Parks and Open Spaces
- Policy 17 – Biodiversity
- Policy 18 – Infrastructure

Rushcliffe Borough Council Local Plan Part 2: Land and Planning Policies 2019 (Core Document 6.3)

- Policy 1 – Development Requirements
- Policy 16 – Renewable Energy
- Policy 17 – Managing Flood Risk
- Policy 18 – Surface Water Management
- Policy 19 – Development Effecting Watercourses
- Policy 20 – Managing Water Quality
- Policy 22 – Development in the Countryside
- Policy 28 – Conserving and Enhancing Heritage Assets

- Policy 29 – Development Affecting Archaeological Sites
- Policy 37 – Trees and Woodland
- Policy 38 – Non-designated Biodiversity Assets and the Wider Ecological Network
- Policy 39 – Health Impacts of Development
- Policy 42 – Safeguarding Minerals

National Planning Policy

- 6.4. The National Planning Policy Framework (NPPF) (CD 5.1), National Planning Practice Guidance (CD 5.2) and National Policy Statements (NPS) (CD5.3–5.4) EN1, EN3 and EN5 are all relevant material considerations. It is acknowledged that the proposed development falls below the threshold for nationally significant infrastructure projects (NSIPs) which is those generating >50MW of energy. This threshold has since been increased to >100MW as of 6th January 2026. In light of this, it is for the decision maker to determine the level of weight afforded to NPS EN1, EN3 and EN5.
- 6.5. The NPPF was revised during the course of the planning application consideration and the relevant NPPF is that published most recently in December 2024.

Rushcliffe Borough Council Climate Change Strategy 2021 – 2030 (CD 6.4)

- 6.6. The Rushcliffe Borough Council Climate Change Strategy was first adopted in November 2021 and together with the Council's Carbon Management Action Plan sets out the steps the Council will take towards reducing greenhouse gas emissions for the Council as an organisation. In addition to the Council's own commitment to become a carbon neutral organisation by 2030, the Climate Change Strategy also sets out the Council's commitment to ensure the whole of the Rushcliffe Borough will be net zero by 2050. In achieving these targets, the Climate Changes Strategy focuses on three key areas:
- Council – Reducing the emissions associated with the Council's own buildings and activities;
 - Conservation – Protecting and increasing the Council's green spaces and their ability to absorb CO₂; and,
 - Community – Supporting residents and businesses to reduce their emissions

Rushcliffe Borough Council Carbon Management Plan 2020 (CD 6.7)

- 6.7. The Rushcliffe Borough Council Carbon Management Plan 2020 sets out the key actions the Council will take in implementing their Climate Change Strategy. With regards to renewable energy the Council commits to developing supplementary planning documents for renewable energy developments to promote the delivery of new renewable energy generating development to support the delivery of the D2N2 Energy Strategy. Policy D2N2 is considered further below.

D2N2 Energy Strategy (CD 6.8)

- 6.8. Sets out the Clean Growth and Energy Strategy for Derbyshire and Nottinghamshire Counties. The Strategy sets out key targets for the Counties to promote the rollout of low carbon and renewable energy developments, including a target to achieve a 100% low carbon energy supply by 2030 with 60% renewable energy generation output generated by local low carbon sources and an increase of 180MW in electricity storage.

Rushcliffe Borough Council Solar Farm Development Planning Guidance (November 2022) (CD 6.5)

- 6.9. In November 2022, RBC published a planning guidance document specifically aimed at providing guidance on:
- the planning policy context in respect of major, stand-alone ground mounted solar photovoltaic panel developments (that do not exceed 50MW) generating capacity;
 - the key material planning considerations likely to be relevant to the determination of planning applications for major solar farm developments within the Borough; and
 - examples of the information/documents that the Council expects should be submitted with planning applications for major solar farm developments.

Rushcliffe Borough Council Solar Farm Landscape Sensitivity and Capacity Study (May 2024) (CD 6.6)

- 6.10. Rushcliffe Borough Council commissioned the study to determine the sensitivity of the landscape to solar farm development across the Borough and to provide an indication of the capacity of the landscape for such development. The purpose of the study is to inform the review of Local Plan policies, the content of supplementary planning documents, supplementary plans and guidance notes and to inform the determination of planning applications for solar farm development across the borough.
- 6.11. The study states that the main aims of the study are to:
- Provide an assessment of landscape sensitivity of each landscape character area, specific to solar farm development;
 - Provide a summary of indicative capacity for solar farm development;
 - Visually illustrate the sensitivity and capacity of the landscape spatially through mapping;
 - Provide guidance for the siting of solar farm development and set principles for appropriate design, mitigation and enhancement measures.

Other Material Considerations

- 6.12. The following other material considerations are considered relevant to this appeal:
- National Planning Policy Framework (December 2024) (CD 5.1)

- National Planning Practice Guidance (CD 5.2)
- Overarching National Policy Statement for Energy (EN-1) (November 2023) (CD 5.3)
- National Policy Statement for Renewable Energy Infrastructure (EN-3) (November 2023 (CD 5.3)
- UK Government Solar Strategy 2014 (CD 5.5)
- Written Ministerial Statement on Solar Energy: protecting the local and global environment (25th March 2015) (CD 5.6)
- Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15 (February 2021) (CD 5.7)
- Climate Change Act 2008 (CD 5.8)
- Climate Change Act 2008 (2050 Target Amendment) Order 2019 (CD 5.9)
- Clean Growth Strategy published by the Department for Business, Energy and Industrial Strategy (BEIS) (October 2017)(CD 5.10)
- UK Parliament declaration of an Environmental and Climate Change Emergency (May 2019) (CD 5.11)
- Energy White Paper: Powering our Net Zero Future (December 2020) (CD 5.12)
- UK Government press release of acceleration of carbon reduction to 2035 (April 2021) (CD 5.13)
- Extracts from 'Digest of United Kingdom Energy Statistics' (July 2023 Edition) CD 5.14B)
- Extracts from 'Digest of United Kingdom Energy Statistics' (July 2024 Edition) (CD 5.14C)
- UK Energy Statistics Press Release published by the Department for Business, Energy & Industrial Strategy (June 2020) (CD 5.15)
- 'Achieving Net Zero' published by the National Audit Office (December 2020) (CD 5.16)
- Net Zero Strategy: Build Back Greener (October 2021) (CD 5.17)
- British Energy Security Strategy (April 2022) (CD 5.18))
- The Government Food Strategy (June 2022) (CD 5.19)
- Powering Up Britain Energy Security Strategy (March 2023) (CD 5.20)
- Connections Action Plan (November 2023) (CD 5.25)

- Written Ministerial Statement by the Secretary of State for Energy Security and Net Zero on 'Solar and Protecting our Food Security and Best and Most Versatile (BMV) Land' (15th May 2024) (CD 5.21)
- National Grid ESO Future Energy Scenarios (July 2024) (CD 5.22)
- Achieve Net Zero – Farming's 2040 goal, published by the NFU, dated September 2019 (CD 5.23)
- Natural Capital Best Practice Guidance – Increasing biodiversity at all stages of a solar farm's lifecycle (2022) (CD 5.24)
- Clean Power 2030: Advice on achieving clean power for Great Britain by 2030 – NESO (2024) (CD 5.48)
- Clean Power 2030 Action Plan – Department for Energy Security and Net Zero (DESNZ) (2024) (CD 5.25)
- Solar Road Map (DESNZ, June 2025) (CD 5.38)
- UK Clean Energy Industrial Strategy (June 2025) (CD 5.49)
- Progress in Reducing Emissions – Climate Change Committee report to Parliament (June 2023) (CD 5.50)

7. Matters Agreed

- 7.1. This section sets out the matters that the Appellant and RBC agree on and so which are not disputed for the purposes of this Appeal.

Environmental Impact Assessment

- 7.2. An Environmental Impact Assessment (EIA) Screening Opinion Request (ref. 23/O1010/SCREIA) (CD 4.4) was submitted to the Local Planning Authority (LPA) for consideration in May 2023. The LPA provided their opinion in June 2023 which confirmed the Development was not EIA Development and the planning application did not need to be accompanied by an Environmental Statement. The EIA Screening Opinion considered that:

- As the site is not located within a sensitive area (for the purposes of EIA as set out in the Regulations), the potential environmental effects would be limited;
- The nature of the proposals was temporary and reversible;
- That specific matters can be further considered as part of detailed assessments of the application; and
- Further mitigation could be provided as part of the application.

- 7.3. Following submission of the planning application, a further screening assessment was undertaken by the LPA prior to determination of the planning application as the extent of the site boundary had changed (decreased around the solar areas but increased to include the cable route beneath the public highway). In the second EIA Screening Opinion, dated June 2025, (CD 4.5.1) was considered that, given the same considerations, that the proposal still did not constitute EIA development.

- 7.4. There has been no further EIA Screening Opinion in respect to the revised scheme.

Amendments and Consultation on New Materials

- 7.5. The appellant has undertaken a circa 5 week consultation of the amendments and new information submitted as part of the appeal. The consultation has included:

- Issuing a consultation letter to neighbouring residents, interested parties and consultation respondents on the original planning application,
- Publication of a press notice, advising of the appeal, the proposed amendments and opportunity to comment
- Updates to the Appellant's project website, advising of the appeal, the proposed amendments and opportunity to comment
- Provision of site notices, advising of the appeal, the proposed amendments and opportunity to comment

- 7.6. It is agreed that adequate consultation has been undertaken regarding the new plans and documents that form part of the appeal proposal. That consultation is sufficient to avoid

any prejudice to any party who would want to comment on the amendments to the scheme. Moreover, neighbours and interested parties have been notified of the appeal by RBC. The consultation undertaken has ensured that the amendments have not resulted in procedural unfairness to anyone involved in the scheme.

Principle of Development and Renewable Energy Generation and Flexible Energy Storage

- 7.7. It is agreed that there are benefits associated with low-carbon renewable generation and that there is (by virtue of the NPPF and National Policy Statements) no requirement for the Applicant/Appellant to demonstrate the overall need for renewable or low carbon energy. The Appellant considers the renewable energy benefits to be substantial. The energy generation from the proposed development (which has capacity of up to 49.9MW AC, measured by the output of the inverters) would provide electricity that is sufficient to meet the needs of approximately 25,900 homes¹. This figure is higher than then 17,500 homes quoted in the planning application however, is based on specific yield analysis undertaken based on the latest average household electricity consumption published by Ofgem.
- 7.8. It is agreed that the benefits associated with renewable energy generation arising from the proposed development will contribute to national obligations to achieve Net Zero by 2050.
- 7.9. It is agreed that the renewable energy generation arising from the Appeal Proposal could (if approved) make a beneficial contribution to meeting the national targets set out within the Clean Power 2030 Action Plan (CD 5.25). These targets include that clean sources will produce at least 95% of Great Britain's energy generation by 2030, and that to achieve this there is a need for an additional 45-47GW of solar power generation by 2030.
- 7.10. Rushcliffe Borough Council has outlined their approach to tackling climate change and supporting the transition to renewable energy through a series of strategic documents and planning measures. Central to this is the Carbon Management Plan 2020 (Core Document 6.7), which sets out the key actions the Council will undertake to implement its broader Climate Change Strategy (Core Document 6.4). Among its priorities is the development of supplementary planning documents aimed at encouraging renewable energy developments. This initiative supports the wider ambitions of the D2N2 Energy Strategy (Core Document 6.8), a regional framework for Derbyshire and Nottinghamshire focused on clean growth. The D2N2 strategy sets ambitious targets, including achieving a 100% low carbon energy supply by 2030, with 60% renewable energy generation output generated by local low carbon sources and an increase of 180MW of electricity storage capacity to be introduced.
- 7.11. The Development is for the construction, operation, maintenance and decommissioning of a renewable energy park comprising ground mounted Solar PV with co-located Battery Energy Storage System (BESS) at the point of connection, together with associated infrastructure, access and landscaping. The main element of the Development comprises the construction and operation of a solar farm with an export capacity of up to 49.9 MW. The solar farm will be connected to the grid via a new DNO substation and transformer in the Southern Parcel. The connection is into the existing 132kV overhead electricity line

¹ Based on an annual electricity generation of 70GWh per year and an average household electricity consumption of 2,700kWh per year (Ofgem)

which extends east to west across the southern part of the Southern Parcel. Adjacent to the new DNO substation will be a BESS facility with a capacity of approximately 85 MW.

- 7.12. It is agreed that renewable energy proposals need to be considered favourably within the context that even if a proposal provides no local benefits, the energy produced should be considered a national benefit that can be shared by all communities and therefore this national benefit is a material consideration which should be given significant weight.
- 7.13. It is agreed that the current reforms being progressed in respect of the electricity grid by the National Energy System Operator “NESO” will give increased prioritisation (for accelerated grid connections) to projects that are suitably progressed, having regard to evidence of land agreements and progression through the planning process. On this basis it is agreed that should planning permission be granted for the proposed development at the Appeal Site, then this renewable energy project would be in an improved position to secure an accelerated grid connection.

Landscape/Visual Impact

- 7.14. The Appellant and RBC have agreed a separate topic based Landscape Statement of Common Ground (CD 8.3.1) which supplements this overarching statement.

Residential Amenity

- 7.15. As outlined above the Committee Report (CD 4.1) acknowledges the conclusion of Pegasus’ LVIA (CD 2.16–CD2.16.1) but does not state that residential visual amenity would be affected or would be materially harmed. Therefore, it follows that the Appeal Proposal is unlikely to adversely impact on the visual amenity of existing residential dwellings.
- 7.16. It is agreed that rating levels due to noise from the Appeal Proposal, either in isolation or in combination with the consented Highfields Solar Farm would be below the level of adverse impact and given the submitted noise impact assessment report (CD 1.20) asserts a worst-case scenario then it is not considered that there would be significant adverse impacts with respect to noise.
- 7.17. It is agreed that there would be no unacceptable impact from glint and glare (CD 1.18). A glint and glare assessment was undertaken to evaluate potential effects on the 44 dwellings closest to the site.
- 7.18. Following a review of the assessment, Environmental Health raised no objections to the proposals, subject to a condition.
- 7.19. It is agreed that the Appeal Proposal would accord with the aims of Policies 1 and 39 of the LPP2 (CD 6.3) and comply with criteria g), f) and j) of Policy 16. Additionally, with a condition attached in relation to an updated noise survey based on precise details of the equipment to be installed, lighting assessment and construction method statement the Appeal Proposal is considered to accord with Policy 40.
- 7.20. It is agreed that due to the nature of the Appeal Proposal that no odour or harmful emissions to air would be generated during the operational stage. Air Quality effects during construction would be temporary and reversible and solely associated with delivery of materials and components to Appeal Site and any HGV traffic across the Appeal Site.

Therefore, the Appeal Proposal is aligned with Policy 41 of the LPP2 (CD 6.3) regarding air quality.

Airport Safety

- 7.21. It is agreed that East Midlands Airport Safeguarding Team has been consulted on the Appeal Proposal at both the pre-application stage and also during determination of the planning application and, having reviewed the submitted Glint and Glare Assessment (CD 1.18), they raised no objection to the planning application, subject to the inclusion of appropriate informatives to ensure ongoing compliance with aerodrome safeguarding requirements.
- 7.22. Therefore, it is agreed that there would be no unacceptable impact on the safe operation of East Midlands Airport.

Heritage including Archaeology

- 7.23. The Appellant and RBC have agreed a separate topic based Heritage Statement of Common Ground (CD 8.3.2) which supplements this overarching statement.

Highways Safety and Rights of Way

- 7.24. It is agreed that the Appeal Proposal has been reviewed by both Nottinghamshire County Council (the Local Highway Authority) (CD 4.61) and National Highways (CD 4.43), who raised no objection on highway safety grounds.
- 7.25. It agreed that with the inclusion of recommended conditions the Appeal Proposal would be acceptable from a highways safety perspective and accord with policies 1 and policy 16 part o) of the Local Plan Part 2 (CD 6.3) and guidance contained within the NPPF (CD 5.1).
- 7.26. No objection is raised by the Nottinghamshire County Council Rights of Way Officer (CD 4.59), who has recommended that a suitably worded condition be included to ensure that appropriate protection and management measures are implemented during construction in relation to the public rights of way crossing the Appeal Site.

Ecology and Biodiversity

- 7.27. It is agreed that no nationally designated ecological sites are likely to be affected by the Appeal Proposal and that the local wildlife sites close to the Appeal Site would have a negligible impact which could be mitigated with reasonable avoidance measures in place.
- 7.28. It is agreed that the Appeal Proposal is exempt from mandatory Biodiversity Net Gain as the planning application predates the enactment of that requirement, however Biodiversity Net gain is still required under planning policy.
- 7.29. The planning application scheme provides a net gain of 168.44 habitat units, a net gain of 81.94% and a gain of 45.65 hedgerow units, a 66.24% net gain.
- 7.30. The appeal proposal makes minor changes to these figures, proposing a net gain of 159.14 habitat units, a net gain of 73.69% and a gain of 43.93 hedgerow units, a 60.77% net gain.

- 7.31. Due to the addition of a prefabricated bridge over the Kingston Brook in order to accommodate heavy goods vehicles throughout construction and within the operational life of the solar site, there would be a slight loss of river units. However, the reduction of agricultural cultivation adjacent to the ditches and complete removal of grazing along the Brook is due to support a gain of 0.34 watercourse units, leading to an overall gain of 14.40% within the BNG metric, in line with previous calculations under the Metric calculation v2.0.
- 7.32. It is agreed that the proposed Biodiversity Net Gain that will be achieved on the Appeal Site is considered to be in accordance with the aims of Policy 38 of the LPP2.
- 7.33. It is agreed that the effect of the proposals on protected species other than Skylarks are acceptable. The Appellant and RBC have agreed a separate topic based Skylark Statement of Common Ground (CD 8.3.3) which supplements this overarching statement.

Flood Risk and Drainage

- 7.34. No objection is raised by both the Environment Agency (CD 4.45) and the Lead Local Flood Authority (LLFA) (CD 4.50).
- 7.35. It is agreed that while the site lies within 10 metres of the Kingston Brook, this is limited to the access arrangements for the Southern Parcel and the connection to the existing pylon located adjacent to the Brook. Due to the nature and location of these specific works, it is not considered physically feasible to maintain a full 10-metre buffer in this area. It is further agreed that the solar panels and the remainder of the proposed infrastructure would be located outside the 10-metre buffer zone.
- 7.36. It is agreed that the sequential test in flood risk terms needs to be applied. It is a matter of disagreement between the parties as to whether it is passed.
- 7.37. It is agreed that the proposals are considered acceptable in relation to surface water management and flood risk and would accord with policies 17, 18 and 19 LPP2 (CD 6.3), subject to a condition to secure the recommendations detailed in the submitted reports.
- 7.38. The Appeal Scheme amendments referred to above include micro-siting in 4 isolated areas, made to remove infrastructure from areas shown to be at risk of surface water flooding using the EAs latest data. The implications of the revised EA mapping is considered in the revised FRA and Drainage Strategy (CD 3.7) submitted with the revised Appeal Scheme. That document concludes that:
- Surface water runoff from the solar connection infrastructure buildings, BESS and substation will be managed with the proposed surface water drainage strategy to ensure surface water runoff rates and associated flood risk does not increase as a result of the development
 - With mitigation measures and the proposed surface water drainage strategy in place, the Development will not increase flood risk on site or elsewhere, and
 - The Development is considered to accord with the requirements of the National Planning Policy Framework (NPPF) with residual risk to the Site fully mitigated, and as such considered low risk.

- 7.39. It is agreed that the Council's concerns in relation to flood risk and drainage relate solely to the application of the sequential test.

Fire Safety

- 7.40. It is agreed that subject to a condition which requires the submission of a Risk Management Plan and Emergency Response Plan (developed in conjunction with the Nottinghamshire Fire and Rescue Service) the issue of fire safety would be satisfactorily addressed.
- 7.41. The Appeal Scheme amendments include the inclusion of 2 above ground fire water storage tanks to supplement the previous fire water provisions, to seek compliance with National Fire Chief Council Guidance. An updated NFCC compliance statement has been submitted by the Appellant with the Appeal Scheme (CD 3.9).
- 7.42. Pending the Inspector's determination as to whether to determine the appeal on the basis of the application proposal or the amended appeal scheme, the schemes present two alternative Emergency Water Supply (EWS) design options suitable for the site; an above ground water tanks (Appeal scheme) or a subterranean water tank Application scheme). Both schemes are compliant with the recommendations contained in NFCC Planning Guidance.
- 7.43. The scheme details for these two options are:
1. Above Ground Water Tanks Scheme – in the event of a fire the above ground EWS tanks will have a volume commensuration with the NFCC Planning Guidance. The tanks each have the following dimensions – 8 m x 5 m x 3 m (h) with a small adjoining housing for a pump of 2 m x 2 m x 2 m. Each tank would have a capacity of circa 120,000 litres a total water capacity of 240,000 litres. The NFCC guidance requires a minimum of 1,900 litres per minute for 2 hours, totalling 228,000 litres. The design allows for water to be pumped into and out of the tanks. Details on the operation of the pump will be contained in the Site Information Box positioned at the entrance to the site.
 2. Subterranean Water Tank Scheme – EWS provision is made through an underground chamber which will have a capacity commensurate with that recommended in NFCC Planning Guidance, 228,000 litres. The FRS will be able to access this EWS using submersible pumps, carried by the FRS on a standard FRS Appliance, via a sump, the location of which will be contained in the Site Information Box positioned at the entrance to the site. The depth of the sump will not exceed 10m and the level of the water within the underground chamber will be remotely monitored.
- 7.44. It is agreed that the proposal is acceptable in respect of fire safety and the Council's 4th reason for refusal is withdrawn.

Use of Agricultural Land

- 7.45. It is agreed based on an independent site specific survey that has been carried out that the majority of the site is Grade 3b and the remaining Grade 4, and that Natural England were consulted on the planning application raised no concerns on this topic.
- 7.46. It is therefore agreed that the Appeal Proposal would not result in the loss of any best and most versatile agricultural land, in accordance with the aims of Policy 1 and Policy 16 of LPP2.

- 7.47. It is agreed that the Appeal Proposal would occupy the Appeal Site for a time-limited period, then the land could revert to wholly agricultural use following the decommissioning of the development and the removal of the associated infrastructure.
- 7.48. It is agreed that some agricultural use of the land would be able to continue during the period when it is operated as a solar farm (via the grazing of livestock as part of the management regime).

Arboricultural Effects

- 7.49. The planning application documents included an Arboricultural Impact Assessment (CD 2.35) which concluded that the potential for significant negative arboricultural impacts to office from implementation of the proposed development is very low.
- 7.50. None of the statutory consultee responses raised objection in relation to arboricultural matters.
- 7.51. Arboricultural impact forms no part of RBC's reasons for refusal of the planning application.

Economic Impacts

- 7.52. It is agreed that overall, there are economic benefits associated with the Appeal Proposal in terms of the contribution to domestic energy generation (and energy security) as well as the direct and indirect employment that would be supported by the construction and operation of the Appeal Proposal.
- 7.53. During the construction stage of the Appeal Proposal (estimated to be around 6 months) the Appeal Proposal would support some 50 FTE jobs. During the operational phase the proposed development would support the equivalent of 0.3 FTE jobs (based on approximately 625 hours per year). With additional economic activity attributable to the wider supply chain and energy sector within the UK. Business rates would be collected by Rushcliffe Borough Council to be pooled by central Government, and which are not currently paid as a result of only the agricultural use of the land.
- 7.54. The Appeal Proposal provides an alternative guaranteed income stream for the landowners arising from the lease of the land for the solar farm, which enables the landowners to have greater financial security around their wider farming operations. The landowners will continue to farm other land which forms part of their holding within the local area. Given the significant challenges facing the agricultural sector this farm diversification provides a more sustainable financial future for the landowner and is a benefit of the Appeal Proposal.

Decommissioning

- 7.55. It is agreed that that the Appeal Proposal would generate and export renewable energy to the grid for up to 40 years, and the BESS element would import and export electricity from and to the grid also for a period of up to 40 years, and following this operational period, all solar panels, BESS units, inverters, security fence and associated infrastructure will be decommissioned, and all plant and machinery will be removed from the Site. The extant use of the land would then be restored thereafter.

- 7.56. A condition would be secured to ensure the decommissioning and restoration of the site. With such a condition in place, it is agreed that the Appeal Proposal is in accordance with Policy 16 in this regard.

Tilted Balance

- 7.57. The Appellant does not argue that the development plan is out of date. The issue in the appeal is whether the proposal conforms with the development plan. If it does, paragraph 11(c) of the NPPF applies and the development should be approved without delay.
- 7.58. It is also the Appellant's case that in the event of there being found to be conflict with the development plan, the benefits and other material considerations indicate that, in accordance with Section 38(6) Planning and Compulsory Purchase Act 2004, planning permission should be granted.

Benefits of the Appeal Proposal

- 7.59. The benefits of the Appeal Proposal include:
- The Development would provide a clean, renewable and sustainable form of electricity generation directly into the local electricity network and would be equipped with ancillary carbon zero energy storage to provide both ancillary storage to the solar farm but also energy balancing services to the National Grid.
 - The Development would add to RBC's progress in meeting its renewable energy targets and would also assist in meeting national targets for both energy supply and low carbon energy development.
 - The solar farm component of the Appeal Proposal would have an export capacity of up to 49.9MW of renewable energy per year, which could provide approximately enough energy to power up to 24,900 homes and displace approximately 31,500 tonnes of CO₂ per annum².
 - Adjacent to the new DNO substation will be a BESS facility with a capacity of approximately 85 MW. The batteries will be available to charge energy and discharge energy directly from the existing 132kV electricity line which runs from east to west across the Southern Parcel.
 - Contribution to Energy Security through generating energy from a domestic renewable source to reduce reliance upon fossil fuels.
 - Biodiversity Net Gain across the Appeal Site through the provision of new hedgerows, trees and woodland, the retention of field margins, and creation of wildflower meadow and wet meadow grassland habitats. These measures will provide dispersal, breeding, foraging and overwintering habitat for a variety of wildlife including invertebrates, birds, small mammals, amphibians and reptiles if

² Based upon BEIS's "all fossil fuels" emissions statistic of 450 tonnes of carbon dioxide per GWh of electricity supplied in the Digest of UK Energy Statistics (published July 2019, p96) and an estimate of 70GWh of generation per year.

present. The grassland creation will include the provision of a new wildflower meadow and enhanced meadowland and field margins sown with species rich seed mixes. The extensive areas of continuous new grassland habitat within and around the proposed compound, linked to the wildflower meadows and species-rich field margins and habitats in the wider area, will provide improved connectivity and opportunities for a range of wildlife to forage, shelter and freely disperse across the Site. Some of these are temporary benefits for the life of the development as the Site is proposed to be returned to agriculture upon decommissioning, and other aspects including trees and hedgerows may endure beyond decommissioning. Hedgerows which have been established for 30 years would benefit from protection under the Hedgerow Regulations 1997.

- No permanent lighting will be required on the Appeal Site with infrared CCTV cameras being deployed around the perimeter of the solar farm to enable the security company to have a visual at night. Motion activated downlights would be installed at the BESS and substation compound and would only be triggered in the event of maintenance works being carried out at night, which would be very infrequent.
- Retention of the Appeal Site's future use as agricultural land with a time restricted, temporary and reversible development (approximately 40-years).
- Rural diversification;
- Increased temporary employment opportunities created through the construction, operation and decommissioning phases of the development, thus further increasing the provision of skilled 'green' job opportunities;
- Business opportunities created for suppliers involved in grid connection, transport and logistics of the project;
- Economic investment in the location of development;
- Indirect contribution towards energy security.

7.60. The following table summarises RBC and the Appellants position with regards the weight attached to material planning considerations of the Appeal Proposal.

7.61. In considering the weight that should be afforded to each consideration in the overall planning balance, the parties agree to apply the following scale ranging from high to low:

Substantial weight	- The highest degree of weight
Significant weight	
Moderate weight	
Minor weight	
Limited weight	
Neutral weight	- The lowest degree of weight

Planning Consideration	Impact	Council Position	Appellant's Position
Environmental	Provision of flexible energy storage to facilitate increased uptake of renewable energy and provide grid balancing services	Substantial Positive Weight	Substantial Positive Weight
	Landscape Impact, including cumulative effects	Significant adverse impact	Limited adverse impact reduced to neutral weight with mitigation measures proposed
	Suitable and Available Grid Connection	Significant Positive Weight	Significant Positive Weight
	Ecological effects	Limited adverse effects, excluding effects on Skylark, which will be substantial adverse.	Adverse effects on ecology are negligible, excluding effects on Skylarks which are limited and acceptable with the proposed mitigation
	Biodiversity Net Gain	Moderate Positive Weight	Significant Positive Weight
	Historic Environment	Less than substantial harm at the middle of the scale	Less than substantial harm at the lower end of the scale, with clear public benefits outweighing this harm.
	Time limited and reversible	Minor adverse due to length of development	Neutral Weight
Economic	Economic Benefits	Moderate Positive Weight	Significant Positive Weight
	Farm Diversification	Minor positive weight.	Moderate positive weight should be granted to farm diversification in its own right

Planning Consideration	Impact	Council Position	Appellant's Position
Social	Addressing UK energy security	Substantial Positive Weight	Substantial Positive Weight
	Addressing the negative impacts of climate change	Significant Positive Weight	Significant Positive Weight
Other Matters	Highway Safety/ Drainage / Residential Amenity / Trees / BESS Fire Safety / Air Quality	Minor adverse	Neutral Weight
	Use of the Sequential Test	Significant adverse weight	Neutral Weight

8. Matters Not Agreed Between Parties

8.1. The issues that remain in dispute between the Appellant and RBC are narrowed to: –

Issue 1 – The scale of the impact on landscape, both within the Appeal Site and when the impacts are considered cumulatively with the consented solar farm immediately to the west of the Appeal Site at Highfield Solar Farm, Costock (planning application ref 22/00303/FUL).

Issue 2 – The scale of the impact to visual amenity and views from the Public Right of Way network which runs through and near to the Appeal Site, including in the southern study area.

Issue 3 – Whether there would be harm to the significance of the Grade I listed Holy Trinity Church and Highfields and the Wysall Conservation Area through changes to their setting and if so, what level that harm within the less than substantial scale that would be.

Issue 4 – The scale of the impact upon Skylarks.

Issue 5 – Whether the sequential test in respect to flood risk is passed.

Issue 6 – Whether the amendments to the Appeal Proposal made during the appeal, and additional supporting evidence that has been submitted, can be accepted.

Issue 7 – The Overall Planning Balance.

8.2. The above issues, in particular issues 1 to 4, should be read in the light of further detail provided within the topic specific SoCGs relating to Landscape Matters, Heritage Matters and Skylarks.

9. Planning Conditions:

- 9.1. An agreed set of conditions will be prepared by the Appellant and the Council prior to the Inquiry.
- 9.2. The conditions presented in the Committee Report will be taken as a starting point for the draft and the draft conditions are to be provided to PINS by 10th February, as suggested at the CMC.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

Leeds

5th Floor (East), Capitol, Russell Street,
Leeds. LS1 5SP
T 0113 2878200
E Leeds@pegasusgroup.co.uk
Offices throughout the UK

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