

Summary Planning Proof Of Evidence.

Evidence of Nigel Cussen.

In Respect of Section 78 Appeal: Land West of Bradmore Road
and North of Wysall Road, Land West of Wysall, Wysall.

On behalf of Exagen Development Ltd.

Date: February 2026 | Pegasus Ref: P25-1631

Appeal Ref: APP/P3040/W/25/3375110 | LPA Ref: 24/00161/FUL

Author: Nigel Cussen





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1. Personal Background

- 1.1. This Proof of Evidence has been prepared by Mr Nigel Cussen. I hold a BSC(Hons) in Geography with Economics and a Diploma in Town and Regional Planning.

2. Introduction

- 2.1. My Planning Proof of Evidence has been prepared on behalf of Exagen Development Ltd ('The Appellant') and relates to a planning appeal submitted pursuant to Section 78 of the Town and Country Planning Act 1990, concerning Land West of Bradmore Road and North of Wysall Road, Land West of Wysall, Wysall ('the Appeal Site').
- 2.2. The appeal follows the decision of Rushcliffe Borough Council ("RBC") (CD 4.2) to refuse the application for full planning permission (ref. 24/00161/FUL) ("the Planning Application") on the 19th June 2025. The Planning Application relates to a proposed development ("the Appeal Scheme") comprising the following:

"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."

- 2.3. The RBC Planning Committee resolved to refuse the planning application at a meeting held 12th June 2025 against the advice and the recommendation of the Officer's Report to Committee (CD 4.1), which was that planning permission should be granted subject to the imposition of 23no. planning conditions. The Decision Notice (CD 4.2) was issued by RBC dated 19th June 2025.

- 2.4. There are four reasons for refusal ('RfR') attached to RBC's Decision Notice which are as follows:

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.*

- 2.5. I note that a main Statement of Common Ground (SoCG) has been agreed between the Appellant and the LPA on 30th January 2026 (CD8.3A). That statement, along with the Council's Statement of Case (CD 8.4) confirms 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.
- 2.6. Additionally, it is confirmed that the Council is offering no additional 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 associated with BESS can be mitigated to an acceptable level. This reason for refusal is therefore withdrawn by the Council. Notwithstanding, I have addressed the matter of fire safety in my evidence and include updated NFCC Compliance reports in respect of the Application Scheme and Appeal Scheme at Appendices 1.1 and 1.2 respectively.
- 2.7. Further to the main SoCG (CD 8.3A), separate Landscape (CD 8.3.1A), Heritage (CD 8.3.2A) and Ecology SoCGs (CD 8.3.3) have all been agreed, thereby reducing the scope of matters to be addressed at the inquiry.
- 2.8. Notwithstanding the common position of the parties in regard to the reasons for refusal, I set out in my evidence my considerations in respect of the main issues which I consider to arise from the original reasons for refusal and in doing so I also address matters which are raised by 3rd parties' comments on the appeal.
- 2.9. The Inspector held a Case Management Conference (CMC) on the 7th January 2026. I note that the main matters to be considered arising from the appeal, as confirmed in the inspector's post CMC note, are:
 - Impact on the landscape character and appearance of the area, including nearby public footpaths, having regard to other renewable energy developments nearby.

- Impact on heritage assets.
- Impact on skylark.
- Benefits / planning policy, sequential test & overall planning balance.

- 2.10. Reason for refusal 3 referenced impact on “..protected species including Skylarks”. During the CMC and as outlined in the Ecology SoCG (CD 8.3.3), both parties confirmed that skylarks were the only species potentially affected. I comment further on this at the section on main issues below.
- 2.11. I address the issues referenced above in Section 9 of my evidence below.
- 2.12. My Planning Proof of Evidence addresses the Planning Policy matters raised in the Reasons for Refusal in Section 9. I address the relevant other policies in the development plan in my consideration of the topics which I consider to be other material considerations in Section 10. I address matters raised by third parties at Section 11 of my evidence, with reference to the summary of responses to those issues which I provide as Appendix 5. The overall planning balance is set out along with my conclusions in Section 12.

3. The Appeal Site and its Surroundings, Appeal Proposal And Planning History

- 3.1. An agreed description of the Appeal Site and its surroundings is set out in the Statement of Common Ground with the LPA (CD 8.3A).
- 3.2. I note and refer to Mr Chanas’ evidence, where he provides comment on the Appeal Site and surrounding, as context to the landscape considerations.
- 3.3. Additionally, I note and refer to Mrs Garcia’s evidence, where she provides comment on heritage assets surrounding the Appeal Site, as context to heritage considerations.
- 3.4. Section 4 of my evidence confirms the appeal proposals and notes these are to form the basis of the scheme for determination.
- 3.5. I note that the Appellant’s Full Statement of Case submitted with the appeal provided a detailed description of the Appeal Proposals, which I rely on and do not repeat in this proof of evidence.

Amendments made as part of the Appeals

- 3.6. Following the refusal of the application by RBC, further minor changes have been made to the design of the Appeal Proposal to accompany the appeal submission. The proposed changes have been made to address changes to the EA Flood Risk mapping published in March 2025 and to provide additional NFCC compliance for the BESS proposal.
- 3.7. A summary of the proposed changes submitted under cover of this appeal is provided below. For full details of the changes and revised documentation, please refer to the Summary of Changes Document submitted in support of the appeal (CD 3.4).
- 3.8. The proposed amendments include:

- Some micro siting of electrically sensitive equipment in four locations to take account of latest surface water flood data published by the Environment Agency.
- Inclusion of 2 above ground fire water storage tanks to supplement the previous fire water provisions, to seek further compliance with National Fire Chief Council Guidance.
- Minor track changes to the south of fields 5 and 6 to allow for extra hedgerow planting to the north of the public right of way, alongside some extra hedgerow tree planting to the south of field 3 and other minor hedgerow gapping up as illustrated on the Enhanced Landscape Strategy (CD 3.6).
- Provision of additional Skylark mitigation land

- 3.9. A comparison plan illustrating the changes was provided with the appeal submission (CD 3.5).
- 3.10. I note that the details of the amendments proposed as the Appeal Scheme were set out in Section 3 of the Appellant's statement of case (CD 8.2).
- 3.11. The parties agree that the consultation process meets the consultation test created by second aspect of the Holborn principle, as confirmed at paragraph 7.6 of the SoCG (CD 8.3a)..
- 3.12. I note that the LPA, within their Statement of Case (CD 8.4), asserts that these changes fundamentally alter the nature of the development under consideration at this appeal. This view relates particularly to the introduction of two above-ground fire water storage tanks and the proposed relocation of electrically sensitive solar farm components in four locations. I disagree with this position and maintain that the changes are minor in nature.
- 3.13. In light of the limited degree of change proposed by the amended scheme, I conclude that the proposed changes are minor in nature and do not result in a development which is substantially different from that applied for. The amendments to the proposal are minor and go towards addressing the reasons for refusal. This is similar to the finding in the *Bramley Solar Farm Residents Group Vs SoS DLGC* ([2023] EWHC 2842 (Admin) CD 7.36). I also consider that the consultation undertaken ensured that no party is prejudiced by the consideration of the amendment as the Appeal Proposal.
- 3.14. Nevertheless, for completeness, the original scheme which I will refer to as the "*Application Scheme*" will continue to be referenced in my evidence and considered alongside the amended scheme, which I will refer to as the "*Appeal Scheme*", to ensure both scenarios for development are comprehensively addressed, should the appeal be allowed.
- 3.15. I consider that the principal benefits of the Appeal Proposal arise from both the Application and Appeal Schemes and io summarise these at section 4 of my evidence.:

Planning history

- 3.16. A review of RBC's online planning records identifies the following planning history for the Appeal Site (excluding applications subject to this Appeal):

- 16/01432/CMA – British Gypsum Works Gotham Road East Leake Nottinghamshire LE12 6JX | Vary condition 2 of planning permission 00/01321/CMA to extend operation of mine until 22 February 2042 | No Objection 15th Jul 2016
- 16/01430/CMA – British Gypsum Works Gotham Road East Leake Nottinghamshire LE12 6JX | Periodic review of mineral permissions pursuant to Section 96 of Environment Act 1995 | No Objection 15 Jul 2016
- 98/01279/CMA – Land From Gotham To East Leake South Of Borough East Leake | Determination of conditions on planning permissions:- S/19/2, S/9/1, S/21/56, S/24/2, S/21/5, S/19/595, G1/83/D/1153, 21/82/D/158, 75/D/532, S/21/2, S/21/3, S/18/179, J1/78/D/464 and S/18/276 |

3.17. The planning history outlined above is reflective of the Appeal Site's status as being safeguarded for future mineral (gypsum) extraction. I note that the Council's SOC (CD 8.4) refers to this at paragraph 3.5.5 and I consider this further in my policy analysis and consideration of other material considerations.

3.18. I also note that details regarding planning applications for the land surrounding the Appeal Site are summarised within the submitted Planning Statement (CD 2.4 – CD 2.4.1).

4. Planning Policy Framework

4.1. In this section of my evidence, I identify the planning policies and guidance that will be of most relevance to the determination of this Appeal.

The Development Plan and National Policy

4.2. Rushcliffe Borough Council Local Plan Part 1: Core Strategy (CD 6.1) was adopted in December 2014. Part 2 to this Local Plan (Land and Planning Policies) (CD 6.3) was adopted in October 2019.

4.3. the policies applicable to the Appeal Proposal, as referenced within the Planning Officers Committee report (CD 4.1), and the Reasons for Refusal stated in the Decision Notice (CD 4.2) are set out in my proof and at section 6 of the SoCG (Cd 8.3a)

5. Need for the Appeal Proposal

5.1. I rely on the outline of the urgent and substantial need for the Appeal Proposal provided at Section 7 of the Appellant's Full Statement of Case (CD 8.2).

5.2. I note that paragraph 168a of the NPPF (CD 4.2) confirms that local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy. Notwithstanding, the need for solar power and BESS is both established and compelling. In my evidence I refer to the key national policy setting the context for the urgent need for new renewable energy development..

- 5.3. I note that national policy emphasises the immediate and pressing need for deployment of both renewable energy generation and energy storage infrastructure in the UK, to assist with meeting the challenging, legally binding, obligations to reach "net zero" by 2050. It is clear that the continued deployment of Solar PV, and low carbon technologies more generally, are and have been consistently recognised by the Government as a key part of the UK's transition to achieving a low carbon economy and tackling Climate Change.
- 5.4. Having regard to the above, the Application and Appeal Proposals make an appreciable contribution to meeting the amended Climate Change 2008 targets. It is clear that in order for the UK to meet the ambitious target of reducing greenhouse gas emissions by 100% or "net zero" compared to 1990 levels by 2050, a presumption in favour of increasing the number and output of low carbon energy sources, such as solar farms, is entirely appropriate and necessary.
- 5.5. The application of the Government's energy policy framework is a highly significant material consideration to this Appeal and is further considered in the balance of material considerations at Section 9 of my Evidence. This is complemented by national planning policy in the NPPF (CD 5.1), the NPPG (CD 5.2) and the NPS documents EN-1 (CD 5.55) and EN-3 (CD 5.56).

6. Case for the Appellant

- 6.1. 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.
- 6.2. I have noted that the RBC Planning Committee resolved to refuse the planning application at a meeting held on the 12th June 2025 against the advice and the recommendation of the Officer's Report to Committee (CD 4.1), which was that planning permission should be granted subject to the imposition of 23no. planning conditions. The advice of the LPA's Officer to the Planning Committee outlines *"the proposed development would be inline with guidance within the NPPF and the Council's own local planning policies"* and therefore planning permission is recommended.
- 6.3. The Decision Notice (CD 4.2) was issued by RBC on the 19th June 2025. There are four reasons for refusal ('RfR') attached to RBC's Decision Notice which are set out at Section 2 above.
- 6.4. As previously I have noted 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, as confirmed in the SoCG (CD 8.3A).
- 6.5. Additionally, the Council is offering no additional 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 from the BESS can be mitigated to an acceptable level. This reason for refusal is therefore withdrawn by the Council, as confirmed in the SoCG (CD 8.3A).

6.6. I set out my evidence for the case for the Appellant in this section which responds to the Main Issues identified in the Inspector's CMC note.

6.7. These main issues are:

Issue 1 – Impact on the landscape character and appearance of the area, including nearby public footpaths, having regard to other renewable energy developments nearby.

Issue 2 – Impact on heritage assets.

Issue 3 – Impact on skylark.

Issue 4 – Benefits / planning policy, sequential test & overall planning balance.

6.8. In considering these issues, I draw on the detailed Proofs of Evidence on Landscape Matters, Heritage Matters and Ecology Matters.

Main Issues

Issue 1 – Impact Upon Landscape Character and Appearance

6.9. The Appeal Site does not fall within any statutory landscape designations. The Appeal Site is not constrained by any landscape designations that relate to its value or scenic beauty.

6.10. The RBC Officer's Committee Report stipulates that ***"the undisputed urgent need for this form of development to assist in national and local targets for moving towards a low carbon future, would clearly outweigh the identified harm in terms of landscape character"*** (CD 4.1).

6.11. Landscape mitigation for both the Application Scheme and the Appeal Scheme has been fully established with measures such as offset from the site boundaries and a considerable amount of woodland and tree planting which assist in reducing the adverse effects and allowing the development to be assimilated into the receiving environment without any residual undue harm.

6.12. I note that in relation to the effects on landscape features, Mr Chanas identifies beneficial effects on land cover, trees and hedges and comments that these beneficial effects will mature and provide beneficial legacy as advocated by the Landscape Character Assessments.

6.13. The Council's first reason for refusal states that the Application Scheme would have an industrialising effect and the Council's SOC states that the development would result in a

"large-scale and complex industrial facility, with reduced openness and tranquillity".

6.14. Contrary to this I would agree with Mr Chanas who comments that the change in landscape character of the Appeal Site would be:

"from a series of arable fields to one of a solar farm set within pastoral grassland and structural vegetation with BESS and substation compound also set within pastoral grassland and structural vegetation. However, the elements that currently contribute

to defining the character of the Appeal Site, namely trees and hedgerows would be retained and enhanced to form a more robust collection of landscape elements.”

- 6.15. My view that the proposal does not introduce an industrial form of development into the countryside is also supported by Government policy and other appeal decisions, which I refer to in my evidence.
- 6.16. Overall Mr Chanas considers the effects on landscape character to be minor adverse as it applies to the host Draft Policy Zone NWO1 ‘Gotham and West Leake Wooded Hills and Scarps’ only. The identified effects would be temporary and reversible and only the positive effects of the landscape enhancements could remain beyond the decommissioning of the Appeal Scheme. The level of limited effects identified accord with the requirements of the local plan policy 10 of LLP1, and policies 1, 16 and 22 of LPP2, therefore I consider the Appeal Scheme is in accordance with the development plan and the NPPF in this regard.
- 6.17. When considering the Application Scheme, I still considered that the level of limited effects identified accord with the requirements of the local plan policy 10 of LLP1, and policies 1, 16 and 22 of LPP2, therefore I consider the Application Scheme is also in accordance with the development plan and the NPPF in this regard.

Cumulative Landscape Impact with the Consented Highfields Solar Farm to the West

- 6.18. Consideration of the cumulative effects of the Appeal scheme and the Highfield Solar Farm is provided within the Landscape Proof of Evidence. This has concluded that there are very limited opportunities to appreciate either scheme in their entirety which acts to reduce the cumulative effects. The degree of cumulative change anticipated is judged to be low and the effects are minor adverse. It is also noted that the underlying agricultural character of the local landscape would prevail.
- 6.19. These findings equally apply to the Application Scheme, given that the amendments represent only minor changes.

Impact upon users of nearby PRowS

- 6.20. The first reason for refusal as outlined in the Decision Notice (CD 4.2) outlines how ***“the proposal would result in major adverse effects upon users of the Public Right 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”.***
- 6.21. This is contrary to the view of the Nottinghamshire County Council Rights of Way Officer who raised no objection, as the development has maintained Rights of Way in current location to ‘acceptable terms’.
- 6.22. In addition, there are sections of PRowS where the existing vegetation screens views out and none of the two solar farms are visible – for example along a section c. 280 m long on PRow Costock FP9, which leads north west from Wysall Road.
- 6.23. Ultimately, simultaneous cumulative views would occur only along the elevated section of Costock FP4 and views would be interrupted by the intervening vegetation.

- 6.24. Taking the PRoWs in the round, it is judged that the degree of cumulative change would vary from negligible to low with effects at Year 1 negligible to moderate adverse – assuming that the Land To North East Of Highfields Farm, Bunny Hill, Costock (22/00303/FUL) scheme becomes operational.

Effects on Residential Receptors

- 6.25. Mr Chanas' evidence considers the effects on residential properties, concluding that only 2 properties would have views affected in the first year of the development and that these views would be distant and filtered by intervening trees, resulting in at worst moderate adverse effects in winter. As the mitigation planting matures over the early years of the operation of the development, Mr Chanas assesses that these effects would reduce to negligible residual effects at year 15. In light of the acceptable level of effects on landscape matters, including cumulative effects, I conclude that the Appeal Scheme accords with the requirements of Policy 10 of LLP1 and Policies 1, 16, 22 and 34 of LPP2 and national policy in the NPPF.
- 6.26. When considering the Application Scheme, I still consider that it accords with the requirements of Policy 10 of LLP1 and Policies 1, 16, 22 and 34 of LPP2 and national policy in the NPPF.

Issue 2 – Impact on Heritage Assets

- 6.27. The second reason for refusal outlined in the Decision Notice outlines how 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”*** (CD 4.2).
- 6.28. In my consideration of this issue I refer to the evidence of Ms Garcia.
- 6.29. With regard to the heritage assets identified in the reason for refusal, the Ms Garcia's Heritage Proof of Evidence addresses the listed buildings identified in the locality, including the Grade I listed Holy Trinity Church, the Grade II listed Highfields and the Grade II listed Manor Farmhouse. The Heritage Proof of Evidence considers the buildings' setting, approaches and views, provides a statement of significance and the impact of the scheme on that significance. It is Ms Garcia's conclusion that there would be no harm to the significance of these assets.
- 6.30. The further asset considered in the Heritage Proof of Evidence is the Wysall Conservation Area. Ms Garcia's evidence provides consideration of the character and appearance of the Conservation Area, its setting, approaches, views and significance. In respect of the Appeal Site, it is concluded that this makes only a very small contribution to the overall significance of the Wysall Conservation Area through setting. The assessment concludes that the Appeal Scheme would result in a minor level of harm to the significance of the Wysall Conservation Area, noting this harm derives from the temporary change in character within the land at the southern end of the Appeal Scheme which forms part of the content of a Significant View. The change will result in a very slight reduction in the ability to appreciate the surrounding agricultural landscape of Wysall. The level of harm to significance is assessed as being *“less than substantial at the lower end of the scale”*.

6.31. In accordance with the policy requirements in Policy 10 of LPP1 and Policy 28 of LPP2, the Appeal Scheme has demonstrated a clear understanding of the significance of the affected heritage assets and their settings, identified the potential impacts of the Appeal Proposal, and provided a robust justification. In light of the absence of harm to the identified listed buildings and the less than substantial harm at the lower end found to the Conservation Area, it is demonstrated that this harm does not meet the threshold of significant harm referenced in the Local Plan Policies 1 and 16 of LPP2. The low level of heritage harm is considered to be outweighed by the substantial public benefits arising from the Appeal Scheme. This justification is grounded in the urgent need for the proposed renewable energy infrastructure, which will contribute directly to achieving climate change objectives and national net zero targets, thereby delivering substantial public benefits that decisively outweigh any identified harm.

6.32. The second reasons for refusal outlines conflict with Chapter 16 of the NPPF. Paragraph 215 of the Chapter 16 outlines the following:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

6.33. In line with Paragraph 215 of the NPPF, the Appeal Scheme would result in less than substantial harm to the significance of a designated heritage asset. The substantial public benefits I have identified are considered to decisively outweigh the limited heritage harm identified.

6.34. Given that the proposed appeal amendments are minor, I consider that the findings remain unchanged for the Application Scheme. Accordingly, the Application Scheme would also only result in less than substantial harm (at the lower end of the scale) to the significance of the conservation area, and no harm to the other listed heritage assets, and the substantial public benefits are deemed to decisively outweigh the limited heritage harm identified.

Issue 3 – Impact upon Skylark

6.35. Reason for Refusal three outlined within the decision notice outlines the following:

“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” (CD 4.2).

6.36. I note it is agreed in the SoCG (CD 8.3a – paragraph 7.33) that the effect of the proposals on protected species other than Skylarks are acceptable.

6.37. I refer to the detailed response to this reason for refusal is provided within the Skylark Proof of Evidence of Mr Fox.

6.38. Skylarks are not protected in the same way as Bats or Great Crested Newts which are European Protected Species under the Conservation of Habitats and Species Regulations 2017, as with all birds species they are protected under the Wildlife and Countryside Act 1981.

- 6.39. In light of the effect of the proposals a range of mitigation measures were included in the Application Scheme by providing approximately 3.62ha of arable land with a set-aside or spring-sown crop within the south eastern corner of the Northern Parcel (field 10). This land is to be retained as an open unpanelled area to provide enhanced nesting habitat for skylarks. Displacement of an estimated remaining 4-5 skylark territories into suitable neighbouring habitats is further partially mitigated for through the proposed grassland enhancement within the panelled fields which will increase their suitability as a skylark foraging source above that of previously arable land.
- 6.40. In order to further address the reason for refusal the Appellant has considered opportunities for additional Skylark mitigation through the Appeal Scheme. These are set out in my prof and that of Mr Fox.
- 6.41. With reference to Mr Fox's evidence, I consider that, with the implementation of mitigation and reasonable avoidance measures secured by condition, the impact on skylarks would be less than significant. As such, the Application and Appeal Schemes would be in accordance with Policy 16 and 38 of the LPP2 and the NPPF.

Issue 4 – Benefits / Planning Policy, Sequential Test & Overall Planning Balance

Benefits

- 6.42. I have set out a summary of what I see to be the key benefits of the Appeal Scheme at Section 4 of my evidence above. I further discuss the benefits and the weight I have accorded to each aspect in the planning balance section of my evidence in Section 10 below.

Flood Risk and the Sequential Test

- 6.43. I note that Flood risk is not a reason for refusal but has been raised latterly by RBC as part of the appeal process in respect of compliance with the sequential test for flood risk.
- 6.44. I note that agreed flood risk matters are considered from paragraph 7.34 of the SoCG (CD 8.3a) and it is confirmed at paragraph 7.39 that:

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

- 6.45. I understand this to be the Council's position in relation to both the Application Scheme and the Appeal Scheme.
- 6.46. As part of this appeal a sequential test and exception test has been undertaken and submitted as evidence based on amendments proposed as part of the Appeal Scheme (CD 3.11). In conclusion, the Sequential Assessment and Exception Test demonstrates the Appeal Site is suitable for the Proposed Development. No alternative 'reasonably available' sites within the 3km buffer of the 132kV overhead line have been identified through the Sequential Test.
- 6.47. I note that whilst the Sequential Assessment and Exception Test submitted as part of the appeal related to the amended Appeal Scheme, the conclusions of the assessment set out in Section 4 of the report (CD 3.11) apply equally to the Application Scheme. Irrespective of the scheme considered, given the similarity of the proposals:

- There are no suitable or available brownfield sites to accommodate the proposal.
- Three greenfield sites and four broad areas of search identified on Figure 4 of the Sequential Test report (CD 3.11) do not represent sequentially preferable locations.
- There are no other suitable and available sites to accommodate the proposal in sequentially preferable locations.

6.48. I consider that the Development complies with Policy 17, Policy 18 and Policy 19 of the LPP2 as well as the Council's solar farm planning guidance with regards flood risk and drainage.

6.49. Ultimately, it can be concluded that the Development has passed both the Sequential and Exception Tests and therefore the Development is acceptable in relation to flood risk.

6.50. Notwithstanding the agreement of the Council that flood risk and drainage matters other than the sequential test are acceptable, I have nevertheless considered flood risk and drainage against the most up-to-date flood risk evidence from the Environment Agency, relevant policies from the local plan as well as national policy and guidance. I refer to the updated FRA and Surface Water Drainage Strategy submitted with the Appeal (CD 3.7). That document was prepared in light of publication of revised EA Flood Mapping in March 2025 and it is concluded in respect of the Appeal Scheme that

"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."

6.51. In the event that the Inspector is minded to consider the Application Scheme rather than the Appeal Scheme, I attach at Appendix 3 a further FRA addendum note which has been prepared to consider the Application Scheme in light of the revised EA Flood Mapping. It is similarly confirmed in this note that the Application Scheme is suitable in respect of flood risk, will suitably address drainage from the development and will not result in an increase in flood risk elsewhere, subject to the mitigation suggested at paragraph 3,3 of Appendix 3. .

Fire Safety

6.52. I note that RBC have withdrawn the 4th reason for refusal referring to fire safety, as confirmed in the SoCG para 7.44 (CD 8.3a). it is confirmed by the Council that the matter can be satisfactorily addressed through planning conditions.

6.53. Nevertheless, I reaffirm that the Proposed Development is safe. Paragraph 31 of RBC's committee report (CD 4.1) confirms there were no objections from Nottinghamshire Fire and Rescue Service and suggested pre-commencement condition for a Risk Management Plan and Emergency Response Plan. Paragraphs 143 to 148 of RBC's Committee report sets out that fire safety is satisfactorily addressed. I agree with this conclusion and can that confirm the requested Risk Management Plan and Emergency Response Plan pre-commencement condition is still acceptable to the Appellant, which will provide further fire safety safeguards.

6.54. I provide further consideration of the Fire Safety matters at Section 9: Other Material Planning Considerations and an updated Fire Safety NFCC compliance statements in respect of the Application Scheme and the Appeal Scheme, at Appendix 1.1 and 1.2 respectively.

Development Plan Policy

- 6.55. I provide commentary on the Development Plan Policies referred to in the reasons for refusal under the main issues for the landscape, heritage and skylark matters considered above. However I also provide below comment on the Policy 2 of LPP1 and Policy 16 of LPP2, which I consider to be the key policies for determination of the application. Following this, I also provide below additional summary comments on those policies referred to in the reasons for refusal. I also refer to the Supplementary Planning Guidance (SPG) with specific reference to Solar Farm Development (CD 6.5).
- 6.56. I consider the main development plan policy for the determination of Policy 16 of the Local Plan Part 2 (LPP2). I note that the criteria of this policy reflect the majority of the considerations set out in the SPG. The policy confirms the Council's positive approach to Renewable Energy development, stating that planning permission would be granted where the proposal is acceptable in terms of a range of matters.
- 6.57. The supporting text to the policy outlines the basis for the policy, acknowledging that Core Strategy Policy 2 states that decentralised renewable and low carbon energy scheme will be promoted and encouraged where they are compatible with environmental, heritage, landscape and other planning considerations. Such considerations are covered by LPP2 Policy 16.
- 6.58. When considering compliance with **Policy 16**, I note that the policy is positively worded to confirm that proposals will be granted planning permission where each element of the policy can be addressed. I comment on these matters with reference to the Application and Appeal Schemes within my evidence.
- 6.59. In light of my assessment of the criteria of policy 16, I conclude that the Appeal Scheme would not result in any unacceptable impacts and accords with Policy 16.
- 6.60. In my evidence I consider the Appeal Scheme and Application Scheme against the following policies:
- LPP1 Policy 10 – DESIGN AND ENHANCING LOCAL IDENTITY
 - LPP1 Policy 11 – HISTORIC ENVIRONMENT
 - LPP1 – Policy 17: BIODIVERSITY
 - LPP2 – Policy 1: DEVELOPMENT REQUIREMENTS
 - LPP2 – Policy 22 – DEVELOPMENT WITHIN THE COUNTRYSIDE
 - LPP2 Policy 28 – CONSERVING AND ENHANCING HERITAGE ASSETS
 - LPP2 Policy 34 – GREEN INFRASTRUCTURE AND OPEN SPACE ASSETS
 - LPP2 Policy 38 – NON-DESIGNATED BIODIVERSITY ASSETS AND THE WIDER ECOLOGICAL NETWORK
- 6.61. For the reasons set out under the main issues I have concluded that the Appeal and Application Schemes meet these policies.

- 6.62. Other policies within the development plan are considered in my evidence, where they are pertinent to the matters considered as other material considerations.
- 6.63. Overall, I conclude that the Application Scheme and the Appeal Scheme accords with the development plan policy when read as it should be as a whole.

7. Other Material Planning Considerations

- 7.1. Within Section 7 of my evidence I consider other material considerations, which I list as follows

- Renewable Energy and Flexible Energy Storage
- Residential Amenity
- Fire Safety
- Safety
- Highways
- Biodiversity & Ecology
- Flood Risk and Drainage
- Agricultural Land
- Decommissioning
- Minerals

- 7.2. In respect of these matters I note that these form no part of the Councils reasons for refusal. A number of aspects are considered benefits of the scheme, not least being the delivery of renewable energy generation and biodiversity net gain. I conclude that the proposals accord with the relevant development plan policies in respect of each of these matters.

8. Third Party Representations

- 8.1. A number of matters have been variously raised in representations on the Planning Application.
- 8.2. The representations made at the planning application stage were also summarised in the Officer's Report to the planning committee (CD 4.1, paragraph 48).
- 8.3. The material planning considerations raised in the comments do not raise any matters not covered in the points contained in other sections of my statement and the associated appendices and do not raise issues which should lead to the dismissal of the appeal.

9. The Overall Planning Balance, Summary and Conclusions

- 9.1. In this section I explain how I believe the decision maker should approach the determination of this Appeal, before going on to identify any material considerations that need to be weighed in the overall planning balance.

The Decision-Making Framework

- 9.2. The starting point for the determination of this appeal is the Development Plan. The planning system is “plan led” and planning law required that applications for planning permission must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 9.3. Before reaching a conclusion on this matter I turn to consider whether there are material planning considerations which clearly outweigh any potential harm resulting from the Appeal Scheme.

Material Considerations and Weight

- 9.4. In considering the weight that should be afforded to each consideration in the overall planning balance, I have applied the following scale ranging from high to low:
- Substantial
 - Significant
 - Moderate
 - Limited
- 9.5. Such weight may be ‘positive’ as a benefit, ‘adverse’ as a harm, or of ‘neutral’ effect.
- 9.6. In the following subsection I provide an assessment of each of these material considerations followed by a conclusion on whether the benefits outweigh any adverse impacts identified when taken as a whole.
- 9.7. In considering the weight to the benefits and harms of proposals for renewable energy generation, I am conscious of the policy of the NPS at paragraphs 4.2.29 and 4.2.30, in relation to Critical National Priority infrastructure. The Government’s policy states that the ***“the Secretary of State will take as the starting point for decision-making that such infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances”***.
- 9.8. It is clarified at paragraph 4.2.30 that the starting point for such proposals is that they would meet policy tests, such as in Green Belt or national landscapes where exceptional circumstances need to be demonstrated or in the instance where substantial harm or loss of significance of a heritage asset should be exceptional or wholly exceptional.

- 9.9. Whilst I acknowledge that the CNP policy applies to NSIP development which the Appeal Proposal is not, the scheme is for large scale renewable energy generation which at the time of submission was very close to the threshold for NSIP development. In addition I note that the site is not within any designated national landscape or Green Belt and the impacts of the proposal do not have a significantly adverse effect on any material considerations, including heritage assets, habitats or species.
- 9.10. My assessment of each material consideration has been undertaken primarily with reference to the Appeal Scheme. However, given that the changes from the Application Scheme are minor in nature, I consider that the conclusions reached and the weight attributed to these considerations would remain the same for the Application Scheme.

Material Considerations weighting in favour of the Appeal Scheme

- 9.11. I consider that the following material considerations are benefits which are positive:

Increasing Renewable Energy Generation

- 9.12. The Appeal Scheme is for the construction of a solar farm and BESS with an export capacity of not more than 49.9MW and is expected to generate enough clean renewable electricity to offset the annual electricity usage of more than 24,900 homes. It is anticipated that approximately 31,500 tonnes of CO₂ will be displaced each year.
- 9.13. As explained above, there is an urgent and compelling need for this type of development and very strong policy support for solar development to help increase the supply of domestic renewable energy.
- 9.14. The NPPF says that local plans should provide a positive strategy for energy that maximises the potential for suitable development and that plans should consider identifying suitable areas for renewable energy schemes.
- 9.15. The Clean Power 2030 Action Plan (CD 5.25) and the more recent Solar Roadmap (CD5.38) are the latest statement of policy from the current Government. These include an objective of creating essential new energy industries as a key aspect of the overall economic growth plan, targeting specifically 45–47 GW of solar power and introducing flexible capacity including 23–27 GW of battery capacity.
- 9.16. It is also relevant to consider the weight that the Secretary of State and Inspectors have given to the benefit of renewable energy generation in determining recent appeals for utility scale ground mounted solar PV schemes. I review relevant decision in my evidence.
- 9.17. Taking all the above into account, I consider that, due to imperative to deliver renewable energy schemes which can assist in decarbonising the UK's electricity supply, that the benefit of a 49.9 MW solar farm's renewable energy generation, alongside a BESS with a capacity of 85MW should be afforded **substantial weight** in determining this Appeal.

Battery Storage

- 9.18. I note that the proposal incorporates battery storage. This element of the scheme provides additional benefits.

- 9.19. I note that there is an urgent and compelling need for this development and very strong policy support Battery Storage Schemes to help increase the supply of renewable energy.
- 9.20. The NPPF says that local plans should provide a positive strategy for energy that maximises the potential for suitable development and that plans should consider identifying suitable areas for infrastructure relating to renewable energy schemes.
- 9.21. In reviewing appeal decisions, I note that there is very clearly a consistent approach from the Secretary of State and appointed Inspectors in determining BESS appeals over the last 2 years that either 'substantial' or 'significant' weight should be given to this benefit. This approach accords with the range of information stressing the urgent and significant need for additional renewable energy generation which I have set out in section 9 above.
- 9.22. As I have identified above, The Clean Power 2030 Action plan is the latest statement of policy from the new Government, published in December 2024. This includes an objective of creation of essential new energy industries as a key aspect of the overall economic growth
- 9.23. Taking all the above into account, I am of the opinion that, due to the imperative to deliver renewable energy schemes and associated infrastructure, which includes BESS, which can assist in decarbonising the UK's electricity supply, the benefits should be afforded **substantial** weight in determining this appeal.

Climate Emergency at a National and a Local Level

- 9.24. A national climate emergency was declared by the UK Parliament in May 2019 (CD 4.11) and BC voted to declare a climate emergency in March 2020, committing the Council to becoming a carbon-neutral organisation by 2030.
- 9.25. The Clean Power 2030 Action Plan (CD 5.25) underlines the objective of urgently delivering clean energy to limit our contribution to the damaging effects of climate change.
- 9.26. Through the generation of renewable energy, I consider that the Appeal Scheme will contribute towards addressing these declarations of climate emergencies.
- 9.27. By providing a positive, deliverable action on these statements of intent, I consider that the declaration of climate emergencies at both the national and local level is a material consideration which should be afforded **significant weight** in the planning balance.

Energy Security

- 9.28. The Appeal Scheme will provide a source of renewable energy, comprising secure, distributed and diversified energy generation which fully accords with the Government policy on energy security.
- 9.29. Given the above recent policy statements and appeal decisions, I consider that delivering energy security is both 'urgent' and of 'critical importance' to the country (Southlands Appeal decision CD 7.25, page 38), and as such should be afforded **substantial weight** in the planning balance.

Availability of Grid Connection

- 9.30. A critical aspect of any renewable energy generation project is the ability for the energy which is to be generated to be transmitted into the electricity grid.
- 9.31. It is well established that grid-connections are a scarce resource in the UK and represents a major barrier to the transition to net zero.
- 9.32. The opportunity which the Appeal Proposal presents to utilise an early grid connection and that this will assist in fulfilling the objectives of the Clean Power 2030 Action Plan (Core Document 5.25) are referred to above.
- 9.33. I accord **significant positive weight** to this consideration as a benefit of the Appeal Scheme, and this is the same also for the Application Scheme.

Biodiversity Net Gain

- 9.34. The Ecological Impact Assessment report submitted as part of the Planning Application and updated in advance of the appeal, set out the measures which would be included in the scheme to provide enhanced biodiversity (CD 2.17).
- 9.35. Overall, the Appeal Scheme would result in an on-site Biodiversity Net Gain of 73.69% for area-based habitat units, a gain of 60.77% for linear-based habitat units and a gain of 14.40% for watercourse habitats, primarily achieved through change of land-use. It is acknowledged in the planning committee report that the Statutory 10% net gain requirement is not applicable in the case of the appeal application due to the date of submission of the application. The committee report states that the proposal accords with the relevant planning policy 38 of the LPP2.
- 9.36. It is common Ground (CD 8.3a. paragraph 7.29) that the Application Scheme also provided a Biodiversity Net Gain, a 168.44 unit (81.94%) gain in area habitats and a 45.65 unit (66.24%) gain in hedgerow habitats, and is agreed to be in accordance with the aims of Policy 38 of the LPP2.
- 9.37. I note that in recent solar farm appeals, either 'substantial weight' or 'significant weight' has been afforded to BNG enhancements.
- 9.38. Given the precedents of biodiversity net gain for solar farms, I consider that the in BNG should also be afforded **significant weight** in the planning balance.

Soil Regeneration

- 9.39. The Appeal Site is lower quality Grade 3b and 4 quality agricultural land, predominantly the latter, which is not classed as 'Best and Most Versatile Agricultural Land'.
- 9.40. Further, the use of the land as grassland which is uncultivated for a period in excess of 12 years will increase soil organic matter and hence soil organic carbon will assist in protecting and improving the soil structure and resource. The duration of the development of 40 years would exceed the 12 years suggested for soil improvement to occur.
- 9.41. Recent empirical evidence on the soil-health benefits of converting arable land to pasture has been provided by the laboratory used by Reading Agricultural Consultants for

soil-sample analysis (CD 5.59). This laboratory is the UK's leading provider of agronomic analysis, with its most recent annual soil summary drawing on data from more than 25,000 soil samples collected between June 2023 and May 2024.

9.42. The 2023–2024 soil summary confirms that:

“Analysing soil for organic matter is essential as it helps determine soil health and productivity. Soil organic matter (SOM) enhances nutrient cycling, improves soil structure, and boosts water retention, all of which are vital for sustainable agriculture production”

9.43. The soil summary reported significant contrasts in SOM levels between arable and grassland soils. Arable soils, which are frequently subject to intensive cultivation, showed an average SOM of 5.4%, with values ranging from 1.7% to 10.4%. In contrast, grassland soils had an average SOM of 10.5% and displayed wider variability.

9.44. I therefore attach **moderate weight** to this consideration as a benefit of the Appeal Scheme which would be the same for the Application Scheme.

Green Infrastructure Enhancements

9.45. The proposed enhancements to landscape structure will greatly improve green infrastructure, including enhanced connectivity across and within the Appeal Site and contribute to the wider network beyond, whilst incorporating features to address habitat and wildlife creation and secure net gains in green infrastructure.

9.46. These measures would serve to create a more coherent landscape framework across the Appeal Site which would enhance landscape character both during the operational lifetime of the Proposed Development, and once it is decommissioned.

9.47. I therefore attach **moderate weight** to this consideration as a benefit of the Appeal Scheme which would be the same for the Application Scheme.

Economic Benefits

9.48. The Appeal Scheme also represents a significant financial investment, with benefits to the local economy during the construction period including from the temporary jobs created (both direct jobs on-site and indirect/induced roles in the wider economy).

9.49. Business rates would become payable RBC, which are not currently paid as a result of only the agricultural use of the land, and these would be estimated to be some £74,850 per annum¹, equating to £2,994,000 over the 40-year operational period of the Appeal Scheme.

9.50. The Clean Power 2030 Action Plan (Core Document 5.25, pages 20, 43 and 44) identifies significant beneficial impact for businesses from clean power, including price stability,

¹ Based on a maximum installed solar generating capacity of 71.67 MWp, a rateable value of £2,040 / MWp for unsubsidised sites and a Universal Business Rate of £0.512. Rates are subject to inflationary rises in line with the Consumer Price Index. (National Valuation Unit and Gerald Eve LLP (2023) Revaluation 2023 Photovoltaics. Memorandum of Agreement. Accessed online at: 2023–Solar-PV–Memorandum-of-Agreement-signed-by-SEUK-GE-VOA.pdf for full details.

market certainty encouraging investment and job opportunity. The Action Plan places the clean energy industries as a priority growth sector as part of the Government's Industrial Strategy. Clean energy is noted as creating employment and delivering price stability with is crucial for businesses.

- 9.51. The Solar Roadmap 2025 (CD 5.38) states that *"ramping up deployment is crucial for creating new, good quality jobs and promoting stable and consistent economic growth. Solar has the potential to drive a surge in job opportunities across various sectors, from manufacturing and installation to maintenance and research. We estimate that solar could support up to 35,000 direct and indirect jobs in Great Britain by 2030."*

I therefore attach **moderate weight** to this consideration as a benefit of the Appeal Scheme, which would be the same for the Application Scheme.

Farm Diversification

- 9.52. The NPPF at paragraph 88 acknowledges that the diversification of agricultural businesses should be enabled.
- 9.53. Due to the relatively low income received from agricultural activities, many farmers seek to diversify their income to secure an economically sustainable profit. Income from renewable energy is an important form of farm diversification.
- 9.54. I therefore attach **limited weight** to this consideration as a benefit of the Appeal Scheme which would be the same for the Application Scheme.

Other Considerations which are Neutral

- 9.55. With reference to the Planning Officer's committee report, a number of material considerations were assessed upon which it was considered the Appeal Scheme was not held to have an adverse impact upon.
- 9.56. These matters are set out above and included the effects on:
- Sustainable drainage (subject to appropriate conditions);
 - Impact on archaeology (subject to appropriate conditions);
 - Residential amenity, including Glint and Glare (subject to appropriate conditions);
 - Highways safety and traffic (subject to appropriate conditions);
 - Minerals;
 - Fire Safety (subject to appropriate conditions); and
 - Noise (subject to appropriate conditions).

- 9.57. In respect of these material considerations, I consider that these should be afforded **neutral weight** in the planning balance for both the Appeal and Application Schemes.

Material Considerations which are Adverse

Effect on Landscape Character and Visual Amenity

- 9.58. The matters outlined above and in the Landscape proof of Evidence conclude that whilst there would be some limited adverse effects on landscape character and visual amenity, including cumulatively with other consented solar farms, these would be localised. I have noted that the effects are localised and would reduce with time as the mitigation planting establishes. The adverse effects are also time limited and reversible, whereas the beneficial aspects of new planting could remain following decommissioning.
- 9.59. Therefore, it is considered there are no substantive landscape character, visual amenity reasons from a landscape planning perspective, for refusing planning permission for the Appeal Scheme.
- 9.60. I therefore consider that these limited landscape effects should be given **limited adverse weight** in the planning balance for the Appeal Scheme, which would be the same for the Application Scheme.

Effects on Heritage Assets

- 9.61. As set out in relation to the heritage reason for refusal, the Appeal Scheme has been assessed on behalf of the Appellant as having no harm to the significance of listed buildings and a less than substantial harm at the lower end of the scale to the significance of the Wysall Conservation Area. In the heritage balance and with reference to the policies of the Local Plan and NPPF, it is concluded that the public benefits of the Appeal Scheme would clearly outweigh the heritage harm.
- 9.62. Whilst I consider that “great weight” should be given to the conservation of heritage assets, the steps taken to minimise that harm in the iterative reversible scheme design and that the harm identified is at the lowermost end of the spectrum, it means that this matter should be given **limited adverse weight** in the overall planning balance for the Appeal Scheme, which would be the same for the Application Scheme. It is noted that case law explains that duty to accord considerable weight to the desirability of avoiding harm does not mean that any harm, however slight, must outweigh any benefit, however great, or that all harms must be treated as having equal weight. As clarified in the Court of Appeal in the case of Palmer (CD 7.39), whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused.
- 9.63. My approach on the weight to be accorded to the less than substantial harm at the lowest end of the spectrum accords with that of the Inspectors at Burcot (CD 7.16) and Chimmens (CD 7.31), where low less than substantial harm to heritage assets were found to be outweighed by the public benefits of the schemes and carried low levels of weight in the planning balance.

Effect on Skylarks

- 9.64. It is concluded above that the low number of skylark territories (6) anticipated to be displaced by the Application Proposal resulted in the potential significance of residual effects being low. The inclusion of the additional mitigation within the Appeal Scheme would bring the residually displaced to a level of residual impact which is considered ‘not significant’ and well within an expected margin of annual population fluctuations the Appeal Site is likely to experience. I have found that this accords with the relevant local plan policy.

- 9.65. Accordingly, the effect on Skylarks is given **limited adverse weight** in the planning balance for the Appeal Scheme, which would be the same for the Application Scheme.

Overall Conclusion

- 9.66. I have assessed the proposals reasons for refusal, relevant planning policy and other material considerations. Having examined the benefits outlined above, and also the limited harm to Landscape character and appearance of the wider area, the effect on heritage assets, and effect on Skylarks, I consider that substantial benefits arise from the Appeal Scheme that outweigh the limited harm identified.
- 9.67. I have assessed the relevant policy and have concluded that the Appeal Scheme accords with both Local and National planning policy. I have also identified that there are material considerations that weigh in favour of granting planning permission, and that there are no material considerations which indicate planning permission should be refused. This is the same for both the Appeal Scheme and the Application Scheme.
- 9.68. In light of the above assessment, is it my firm view that this Appeal should be allowed, on the basis of the changes made under the cover of the appeal, and planning permission granted. The following table summarises the weight attached to the material considerations.

Planning Balance Summary Table

Material Considerations which are Benefits	Weight (Positive)
Generation of renewable energy (49.9MW of solar capacity and 85MW of BESS capacity) and subsequent reduction in carbon emissions	Substantial positive weight
Provision of flexible energy storage to facilitate increased uptake of renewable energy and provide grid balancing services	Substantial positive weight
Climate Emergency	Significant positive weight
Energy Security	Substantial positive weight
Availability of Grid Connection	Significant positive weight
Biodiversity Net Gain	Significant positive weight
Soil Regeneration	Moderate positive weight
Green Infrastructure Enhancements	Moderate positive weight
Economic Benefits	Moderate positive weight
Farm Diversification	Limited positive weight

Material Considerations which are Neutral	Weight (Neutral)
Sustainable drainage	Neutral weight
Archaeology	
Residential Amenity	
Glint and Glare	
Highway safety and traffic	
Minerals	
Fire Safety	
Noise	
Material Considerations which are Adverse	Weight (Adverse)
Effect on Landscape Character and Visual Amenity, including cumulative effects	Limited adverse weight
Effect on Heritage Assets	Limited adverse weight
Effect on Skylarks	Limited adverse weight

10. Planning Conditions

- 10.1. I am of the opinion that appropriate control over the form of the proposed development can be achieved through the imposition of planning conditions.
- 10.2. A set of conditions on a without prejudice basis is being agreed with LPA.

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

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