



Appeal – Statement of Case

Kingston Solar Farm

Planning Authority Reference Number: 22/00319/FUL

09/09/2023



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1. INTRODUCTION

1.1. This Statement of Case (SoC) has been produced by Neo Environmental on behalf of the Appellants, Renewable Energy Systems (RES) Ltd, and is supported by the following appendices:

Appendix A: Rushcliffe Borough Council – Notice of Refusal

Appendix B: Landscape and Visual Appeal Report

Appendix C: Green Belt Assessment

Appendix D: Pre-application Advice

Appendix E: Grid Capacity Analysis

Appendix F: Field Numbers

1.2. This planning appeal is being made following the refusal under the Town and Country Planning Act 1990 (as amended) of an application for full planning permission for the installation of a renewable energy generating solar farm comprising, ground-mounted photovoltaic solar arrays, together with substation, inverter stations, security measures, site access, internal access tracks and other ancillary infrastructure, including landscaping and biodiversity enhancements (Planning Reference 22/00319/FUL, hereinafter referred to as the ‘Proposed Development’).

1.3. The SoC should be read in conjunction with the supporting evidence submitted with the planning application.

1.4. Initial pre-application advice was received from the Local Planning Authority (LPA) on the 13th of May 2021 (21/00551/ADVICE) (see Appendix D) and the project was validated on the 18th February 2022. A negative screening direction was issued by the LPA on the 26th April 2021. The LPA undertook consultation and considered the application, during which time the Proposed Development was amended on two separate occasions with solar panels removed from Fields 15 and 16. The application was subsequently refused at Planning Committee on the 9th March 2023 against Officer recommendation for approval.

1.5. A notice of refusal of planning permission was issued by the LPA on the 13th March 2023 (Appendix A). There was one ‘Reason for Refusal’:

“The proposals would result in substantial harm to the Green Belt by reason of adverse impact on openness, visual amenity and impact on amenity of users of the well-connected nearby Public Rights of Ways and Bridleways which cross or lie adjacent to the application site. The proposed Very Special Circumstances of the wider benefits of renewable energy generation associated with the application (and other wider environmental benefits) do not outweigh the

harm to the Green Belt contrary to paragraph 149 of NPPF which requires substantial weight to be given to any harm to the green belt. In these circumstances, the proposed development is therefore considered to be contrary to Policy 16 - Renewable Energy and Policy 21 - Green Belt of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies together with paragraphs 147, 148 and 149 of the NPPF.”

- 1.6. This SoC sets out in detail the case for the Proposed Development having regard specifically to the above Reason for Refusal.

The Appellant

- 1.7. RES Ltd is at the forefront of the renewable energy industry and has been for over 40 years and have delivered over 23GW of renewable energy projects across the globe.
- 1.8. RES Ltd has developed a rigorous site selection process (see paragraph 5.2 below and expanded further in the Grid Capacity Analysis at Appendix E) to ensure that projects are able to be sensitively integrated into the wider landscape, encouraging the protection and enhancement of the environment.

2. PLANNING APPEAL PROCESS SOUGHT

- 2.1. RES Ltd strongly disagrees with the Reason for Refusal for the application and believes that the alleged impacts are unfounded based upon the site selection process, assessments undertaken, and suite of information submitted with the planning application, which included a Public Rights of Way Management Plan and a standalone Green Belt Assessment (GBA). This view is supported by the application having been recommended for approval by the Planning Officer.
- 2.2. Section 319A of the Town and Country Planning Act 1990 (as amended) gives the Secretary of State the duty to determine the procedure for dealing with various appeals. Paragraph 2.7.1 of the Planning Inspectorate's Procedural Guide: Planning appeals - England¹ requires an appellant to identify which appeal process they consider most appropriate in the circumstances.
- 2.3. The written representation procedure is RES Ltd's preferred mechanism for the Inspector to consider this appeal given that the issues that have been raised in the Reasons for Refusal on the Proposed Development raise relatively narrow issues that will be readily apparent to the Inspector on visiting the site, which together with the written assessment material prepared to date and now supplemented as referred to below should provide sufficient material for a properly informed decision on the appeal to be made. If in consideration of this appeal the Inspector requires any further information or explanation from the expert team supporting this appeal then RES is, of course, willing to respond accordingly.

¹ <https://www.gov.uk/government/publications/planning-appeals-procedural-guide/procedural-guide-planning-appeals-england>

3. THE APPEAL SITE

- 3.1. The Appeal Site is located approximately 1.3km south of Gotham and 0.75km northwest of East Leake, Nottinghamshire; the approximate centre point of which is Grid Reference E453185, N328739. Comprising 16 agricultural fields and additional ancillary areas, the Appeal Site measures an approximate total of 80.65 hectares (ha), with approximately 55.65 under panel (see Figure 1 of Volume 2: Planning Application Drawings - Planning Reference 22/00319/FUL).
- 3.2. The Appeal Site is split into two sections, north and south, by Leake New Wood. Both sections lie on elevated, gently undulating land ranging between 87 – 96m AOD. The northern section extends across several rectilinear agricultural fields largely contained by existing mixed woodland providing good screening for the wider area. These include Gotham Wood to the north, Cuckoo Bush to the east, Leake New Wood to the south and Crownend Wood to the west. The southern section is also surrounded by pockets of woodland including Oak Wood, Crow Wood and Ash Spinney.
- 3.3. The Appeal Site is in an area with an existing presence of development with a telecoms mast located on the southwestern boundary of Field 7, a wood pole line along the boundary between Fields 7 and 8 and within the southern section of Fields 4 and 5 and overhead lines located along the southern boundary of Field 16 and the eastern boundary of Field 15 (see Figure 3 of Volume 2: Planning Application Drawings - Planning Reference 22/00319/FUL or Appendix F of this SoC for field numbers).
- 3.4. The Appeal Site will be accessed from Wood Lane, which is an unadopted road. Construction vehicles will exit the M1 at junction 24, signposted A453 Nottingham (S), onto the A453 and travel in a northeast direction for approximately 4.3km, before taking the exit onto West Leake Lane. This road will be travelled on in a southern direction for approximately 1.5km, before turning left onto Kegworth Road. Vehicles will travel northeast along this road for approximately 1.3km before turning right into Wood Lane and the Appeal Site (see Statement of Community Involvement (SCI) of Volume 1 Planning Reference 22/00319/FUL for further information on consultation with the LPA's Right of Way (RoW) Officer and the local community). The junction of Kegworth Road and Wood Lane will require widening with a temporary surface area to ensure the largest construction vehicle can access the site. To facilitate this, 11m of hedgerow will need to be trimmed.
- 3.5. The surrounding area is semi-rural in nature punctuated by individual farmsteads and Rushcliffe Golf Club on the eastern boundary of Field 15 in the southern section of the Appeal Site. There are also various industrial brownfield sites within the locality, including Charnwood Truck Services, located directly southwest of Field 4. Additionally, there is a soon to be decommissioned large-scale power station (Ratcliffe on Soar) located beyond the A453, approximately 1.58km north of the Appeal Site; views of which can be achieved from along Gotham Bridleway 12 as it passes Field 5.

- 3.6. Recreational routes include several Bridleways which cross or abut the Appeal Site, providing connectivity to the wider Kingston Estate. These include Gotham Bridleways No. 10, 11 and 12 and West Leake Bridleways No. 5 and 13.
- 3.7. West Leake Bridleways No. 5 is also known as the Midshires Way and is a Long-Distance Walking Association Route bordering the southern boundary of Fields 15 and 16. While there are several field drains throughout the Appeal Site, it lies entirely within Flood Zone 1, an area described as having a “Low probability” of flooding.

4. THE APPEAL PROJECT DESCRIPTION

- 4.1. The Proposed Development will consist of the construction of a 49.9MW solar farm. It will involve the construction of bifacial ground mounted solar photovoltaic (PV) panels, new access tracks, underground cabling, perimeter fencing with CCTV cameras and access gates, 2x temporary construction compounds, substation and all ancillary grid infrastructure and associated works.
- 4.2. Bifacial solar panels are two-sided panels and therefore are able to generate power from both direct light (top of panel) and diffuse light (underside) reflected from the ground below (such as grass). This allows for optimum light absorption and more efficient panels.
- 4.3. The solar panels and main infrastructure will occupy 15 agricultural fields with Field 16 no longer being under panel (see Figure 3 of Volume 2: Planning Application Drawings - Planning Reference 22/00319/FUL or Appendix F of this SoC for field numbers and Figures 4 and 5 of Volume 2 - Planning Reference 22/00319/FUL for the infrastructure layout).
- 4.4. Following the latest amendment to the design and the reduction of module racks from 4,421 to 3,536, the number of modules from 114,946 to 91,936 and the amount of pile driven poles from 35,368 to 28,288, the Proposed Development comprises:

1 x Grid Substation - (62m(L) x 49.5m(W)) = 3069.0m²

2 x Equipment Containers (2.4m(L) x 12.2m(W)) = 58.6m²

17 x Inverter Substations (16.0m(L) x 6.0m(W)) = 1,920.0m²

13 (reduced from 15) Inverter Substation Hardstanding Areas ((16.00m(L) x 16.0m(W)) = 3,328m²)

7.88km (reduced from 9.88km) of Deer Fencing, with the number of posts reduced from 3,294 to 2,627 at 3m spacing, c. 0.03m² footprint each: 78.9m². The fence is 2.4m high with a 0.1m gap at ground-level.

84 (reduced from 106) CCTV Cameras. The CCTV Posts are 3.5m in height and 0.56m² width (0.75 x 0.75m concrete foundations). Total area = 50.4m²

The construction of an access track (approximately 3,726.3m (16,768.4m²) of 4m wide with a 0.25m buffer either side will involve the removal of approximately 300mm depth of soil and local widening of streets. Where possible, the Proposed Development will use a geosynthetic reinforcement or soil stability to reduce the depth of soil removed.

Buried cables running from the Proposed Development to the substation, which will contain communications cabling for the SCADA control and monitoring system consisting of multicore copper or fibre optic cables. Cable trenches will be excavated to 1m deep and up to 1m wide, approximately 6,000m length and estimated at 6,000m² during construction and the land will be reinstated.

2 temporary construction compounds at c. 50m x 60m: 6,000m²

Structural landscape planting and ecological enhancement measures (see Figure 1.14 of Technical Appendix 1 (LVA) within Volume 3: Technical Appendices - Planning Reference 22/00319/FUL).

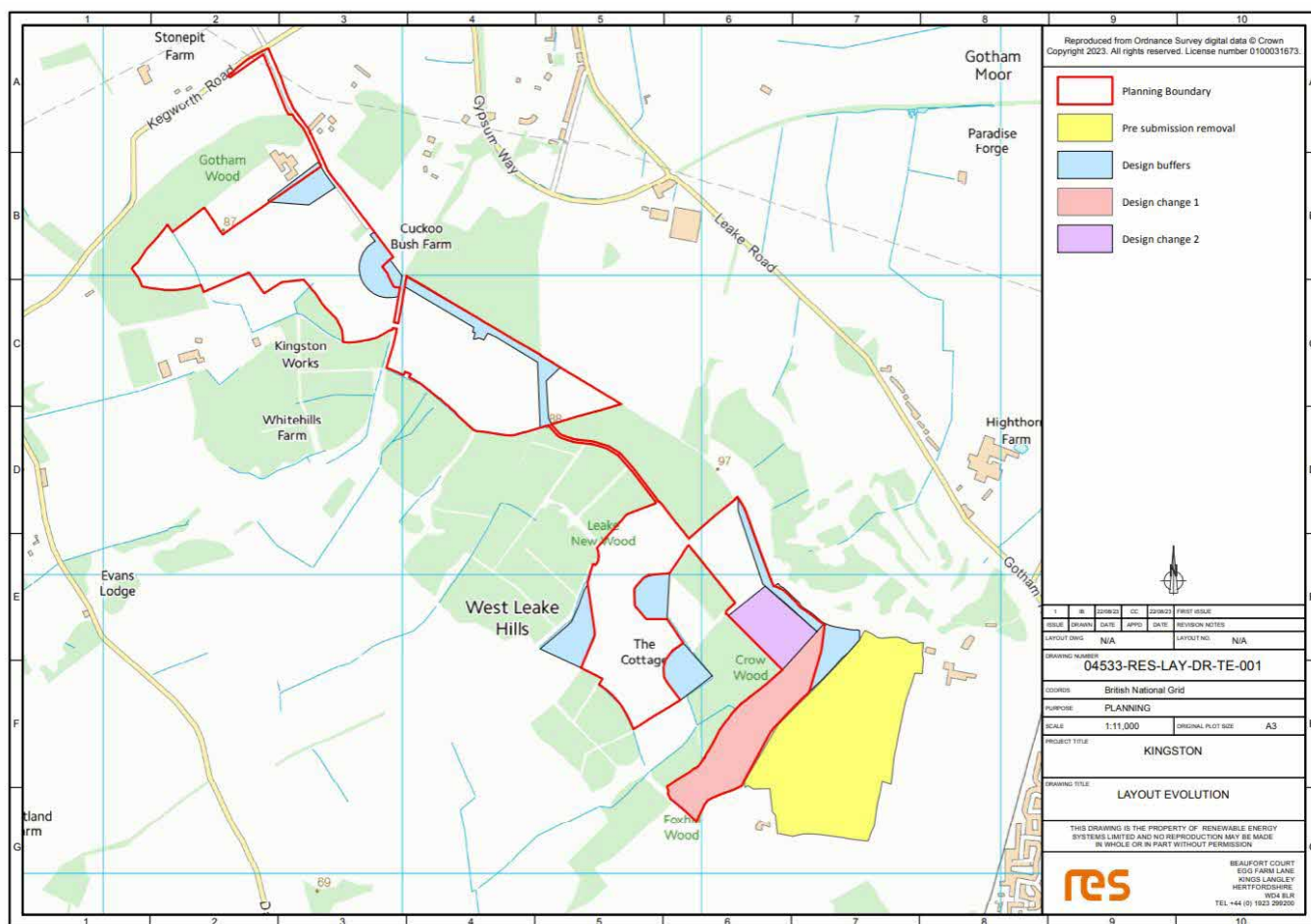
1 Sustainable Drainage Systems (SuDS) Pond of a size yet to be determined.

4.5. Overall, the footprint of the Proposed Development constitutes a relatively small percentage of the total area of the Appeal Site (80.65ha):

29,406.4m² for infrastructure (approximately 3.7% of the Appeal Site, which is a reduction of 5.28% from the previous design (see Figure 1 below for design iterations)); and

304.9m² for piling (approximately 0.04% of the Appeal Site, which is a reduction from 0.05% in the previous design).

Figure 1 – Design Iterations



- 4.6. The total ground disturbance resulting from the Proposed Development has been reduced from 42,950.39m² to 29,711.3m² (3.74%) of the Appeal Site.
- 4.7. Not including the panel frames and modules the overall module area would then be approximately 204,465.66m², and adding the infrastructure disturbance areas to this (29,406.4m²) becomes 233,872.06m² or 29% of the overall red line area (80.65ha). Furthermore, the area under the panel coverage amounts to 238,149.4m² which is 29.5% of 80.65ha.
- 4.8. In devising the proposed design and layout, RES Ltd has employed specialist consultants to review their operational requirements and advise on any resulting environmental effects and/or necessary mitigation measures. On this basis, and as this SoC and the associated Technical Appendices confirm, the proposed layout and design is considered to strike an appropriate balance between energy production from renewable resources and all environmental and technical considerations.

5. PROJECT DESIGN AND SITE SELECTION

- 5.1. This section outlines the design evolution of the Proposed Development including the most recent design that was submitted on the 14th of February 2023 under planning application reference 22/00319/FUL and presents the benefits of the Proposed Development.

Design

- 5.2. The chosen Appeal Site has been sensitively sited within the local landscape and is assessed as being a good location for solar development principally for the following reasons:

the closest settlement area lies 0.75km southeast, with few residences within close proximity;

the Appeal Site has good solar irradiation levels with fields located on a gentle south facing slope;

the Appeal Site lies outside of any ecology, archaeology and landscape designations;

the Appeal Site is generally well screened due to existing boundary vegetation and woodland;

the Appeal Site lies entirely within Flood Zone 1 (at little to no risk of fluvial or tidal flooding) where solar farm developments are considered appropriate; and

the Appeal Site is located close to a viable grid connection point.

- 5.3. Throughout the design iteration process and in response to consultation responses received, the following changes have been made. These can be seen above in Figure 1 and are summarised below:

Pre-Planning Submission the field shown in yellow was removed. This field is to the southeast of the Midshires Way and was removed to protect long-distance views looking southeast;

There were various large areas in the original Planning Application that were left without solar to allow setbacks and reduce potential views from various visual receptors (north, northeast, south, southeast and southwest) these can be seen in blue;

Field 16 was removed following the feedback from the local community and the Council's third-party landscape review whilst the project was still in Planning. This area can be seen to the south of the redline boundary in red;

Half of Field 15 to the northeast of Crow Wood was then also removed (shown in purple), following further feedback regarding the third-party landscape assessment, prior to determination.

- 5.4. The Appeal Site has also been designed to take account of the Green Belt designation by adding carefully considered planting, which not only works to mitigate views of the Proposed Development, but also fits congruously with the green infrastructure already present. Additionally buffer zones have been implemented to reduce the potential for adverse visual effects and enhancements have been proposed to key features such as the PRoW network and hedgerows (see Technical Appendix 1: LVA of Volume 3).
- 5.5. The Proposed Development has been sited and designed to integrate into the surrounding area as seamlessly as possible and there will no permanent loss of greenfield land or the Green Belt as the Proposed Development is entirely reversible following the 40-year operational phase and can be returned to its former state. Furthermore, as outlined in Section 8 below, a consideration of alternative sites was conducted which assessed various options within the surrounding area for the Proposed Development (based on available grid capacity) and there were no obvious alternatives that would have resulted in lesser planning and environmental impacts.
- 5.6. Being located close to a viable grid connection point means the Proposed Development is able to maximise existing grid infrastructure, minimise disruption to the local community and biodiversity and reduce energy losses and overall costs.

Consideration of Alternative Sites

- 5.7. Although not required by the NPPF or other policy outlined above, a consideration of alternative sites was undertaken to provide additional material on VSC and to identify sites for developing a solar farm within 2km of the Grid Point of Connection (study zone), anything beyond this would not be economically feasible (See Green Belt Assessment Appendix C). This Green Belt Assessment document was submitted in December 2022 and identified that 96.3% of the land within the study zone (a 2km radius of the PoC) is Green Belt, with the remaining area under development.
- 5.8. The assessment also highlighted that 39.7% of the land within the LPA's administrative area is Green Belt. Taking account of constraints including noise and visual buffers for houses, landscape and visual, as well as opportunities for screening, and ecological mitigation measures, there is very limited land available for clean energy development.

- 5.9. Being located close to a viable grid connection point means the Proposed Development is able to maximise existing grid infrastructure, minimise disruption to the local community and biodiversity and reduce energy losses and overall costs.
- 5.10. A further Grid Capacity Analysis Appendix E submitted with this Appeal has provided additional assessment along the whole length of the grid line where capacity has been identified and concludes that no other sites exist that provide the same renewable energy generation benefits at the same or lesser amenity or other impacts.
- 5.11. The overall land available for development was initially assessed for suitability and through the iterative design process the current layout was deemed most appropriate. The planning and assessments undertaken confirmed that there are no significant impacts from the Proposed Development at the Appeal Site (see Appendix B).
- 5.12. The Committee Report (in relation to the Appeal Site (PA Ref: 22/00319/FUL)) compliments the above by stating;

“In summary, it is considered that the public benefits of the proposal are of sufficient magnitude to clearly outweigh the substantial harm found to the Green Belt by reason of inappropriateness and harm to the openness of the green belt considered above. These benefits identified attract very substantial weight in favour of the scheme. In this context, the harm to the Green Belt and any other harms would be clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development exist. Accordingly, it is considered that the proposal would satisfy the local and national Green Belt policies.” Emphasis added.

Paragraph 246

6. RELEVANT PLANNING HISTORY

- 6.1. This section provides a summary of the relevant planning history both within the Appeal Site and the immediate surrounding area.
- 6.2. An EIA Screening Opinion was received from the LPA on the 26th April 2021, confirming that the Proposed Development would not constitute EIA development. The Screening Opinion was based on a site area of 89.1ha within 17 agricultural fields. In providing its response the LPA stated in the EIA Screening Opinion that: “It is not considered that the sites are located within a sensitive area for the purposes of Environmental Assessment as set out in the Regulations.”
- 6.3. There is no other planning history of relevance to the Proposed Development.

7. PLANNING POLICY CONTEXT & ASSESSMENT

7.1. The aim of this section is to determine the land use implications of the Proposed Development, consider its compliance with the relevant planning legislation, policy and guidance and identify other material considerations to be considered during the determination process.

7.2. The key planning legislation, policy and guidance considered relevant to the Proposed Development are:

Rushcliffe Local Plan Part 1: Core Strategy²;

Rushcliffe Local Plan Part 2: Land and Planning Policies³;

The Gotham Neighbourhood Plan⁴;

The East Leake Neighbourhood Plan;

Planning and Compulsory Purchase Act 2004⁵;

National Planning Policy Framework (2023)⁶;

National Planning Practice Guidance (NPPG) (2014)⁷;

Climate Change Act 2008⁸;

Overarching National Policy Statement for Energy EN-1 (2011)⁹;

² <https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/planningpolicy/corestrategyexamination/9%20Local%20Plan%20Part%201%20Rushcliffe%20Core%20Strategy.pdf>

³ https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/planningpolicy/lapp/adoption/Rushcliffe%20LP%20Part%202_Adoption%20version.pdf

⁴ <https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/gotham/Gotham%20Adopted%20NP.pdf>

⁵ <https://www.legislation.gov.uk/ukpga/2004/5/contents>

⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182577/NPPF_Sept_23.pdf

⁷ <https://www.gov.uk/government/collections/planning-practice-guidance>

⁸ <https://www.legislation.gov.uk/ukpga/2008/27/contents>

⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf

Clean Growth Strategy (2017)¹⁰;

Department for Business, Energy and Industrial Strategy (BEIS) Outcome Delivery Plan (2021)¹¹;

The Sixth Carbon Budget: The UK's path to Net Zero (2020)¹²;

The Ten Point Plan for a Green Industrial Revolution (2020)¹³;

Energy White Paper (2020)¹⁴;

Industrial Decarbonisation Strategy (2021)¹⁵;

Net Zero Strategy (2021)¹⁶; and

British Energy Security Strategy (2022).¹⁷

Rushcliffe Local Plan

7.3. At a local level, as discussed below, the Rushcliffe Local Plan clearly provides support for renewable energy generation in appropriate locations. Policy 1 of the Local Plan: Core Strategy reflects the NPPF's stance on sustainable development, whilst Policy 2 references the challenges presented by climate change. Policy 16 of the Core Strategy offers specific support for the energy sector, providing significant adverse impacts are addressed satisfactorily, and that any residual harm is outweighed by the wider benefits associated with such a proposal. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

7.4. For the purposes of this Appeal, the 'Development Plan' comprises the Rushcliffe Local Plan Part 1: Core Strategy (Core Strategy) and the Local Plan Part 2: Land and Planning Policies (LPP).

¹⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700496/clean-growth-strategy-correction-april-2018.pdf

¹¹ <https://www.gov.uk/government/publications/department-for-business-energy-and-industrial-strategy-outcome-delivery-plan/beis-outcome-delivery-plan-2021-to-2022>

¹² <https://www.theccc.org.uk/publication/sixth-carbon-budget/>

¹³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936567/10_POINT_PLAN_BOOKLET.pdf

¹⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945899/201216_BEIS_EWP_Command_Paper_Accessible.pdf

¹⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970229/Industrial-Decarbonisation-Strategy-March-2021.pdf

¹⁶ <https://www.gov.uk/government/publications/net-zero-strategy>

¹⁷ <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy>

- 7.5. Due to the location of the Proposed Development Site, the Gotham Neighbourhood Plan, adopted January 2020¹⁸ and the East Leake Neighbourhood Plan, adopted November 2015¹⁹, are also material considerations.
- 7.6. The Core Strategy was adopted in December 2014 and is a long-term plan to regenerate Rushcliffe by establishing the strategic approach to new development and identifying the main strategic allocations in the area. In support of the Core Strategy, the LPP was adopted in October 2019 and identifies non-strategic allocations and designations and sets out more detailed policies for use in determining planning applications.
- 7.7. The following policies are of particular relevance to the Proposed Development:
- Core Strategy Policy 1: Presumption in Favour of Sustainable Development
 - Core Strategy Policy 2: Climate Change
 - Core Strategy Policy 4: Nottingham-Derby Green Belt
 - Core Strategy Policy 11: Historic Environment
 - Core Strategy Policy 16: Green Infrastructure, Landscape, Parks and Open Spaces
 - Core Strategy Policy 17: Biodiversity
 - LPP Policy 16: Renewable Energy
 - LPP Policy 17: Managing Flood Risk
 - LPP Policy 18: Surface Water Management
 - LPP Policy 21: Green Belt
 - LPP Policy 28: Conserving and Enhancing Heritage Assets
 - LPP Policy 29: Development affecting Archaeological Sites
 - LPP Policy 34: Green Infrastructure and Open Space Assets
 - LPP Policy 36: Designated Nature Conservation Sites
 - LPP Policy 37: Trees and Woodland

¹⁸ <https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/gotham/Gotham%20Adopted%20NP.pdf>

¹⁹ <https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/ELNP-Final%20version.pdf>

LPP Policy 38: Non-Designated Biodiversity Assets and the Wider Ecological Network.

LPP Policy 42: Safeguarding Minerals (see below under “Mining Risk”)

Core Strategy Policy 1: Presumption in Favour of Sustainable Development

- 7.8. Policy 1 states “When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Core Strategy Policy 2: Climate Change

- 7.9. Policy 2 stresses the importance of all proposals mitigating against and adapting to climate change, as well as complying with national and local targets on reducing carbon emissions and energy use. It goes on to state “Development should demonstrate how carbon dioxide emissions have been minimised in accordance with the following energy hierarchy:
- a) Using less energy through energy efficient building design and construction, including thermal insulation, passive ventilation and cooling;
 - b) Utilising energy efficient supplies, including connection to available heat and power networks; [and]
 - c) Maximising use of renewable and low carbon energy systems...”
- 7.10. While this does not specifically reference solar farms, it does advocate the transition to a low carbon future.
- 7.11. Subsection 5 of Policy 2 notes “The extension of existing or development of new decentralised, renewable and low-carbon energy schemes appropriate for Rushcliffe will be promoted and encouraged, including biomass power generation, combined heat and power, wind, solar and micro generation systems, where these are compatible with environmental, heritage, landscape and other planning considerations.”
- 7.12. The Proposed Development aligns with Core Strategy Policies 1 and 2 as it would play a key role in helping to secure radical reductions in greenhouse gas emissions, minimise vulnerability and provide resilience to the impacts of climate change. This is considered central to economic, social, and environmental dimensions of sustainable development.
- 7.13. Subsections 6 – 10 of Policy 2 relate to Flood Risk and Sustainable Drainage and Subsection 6 states, “Development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere and where possible reduce flood risk, adopting the precautionary principle to development, will be supported. Subsection 10 further outlines “All new development should incorporate measures to reduce surface water run-off, and the

implementation of Sustainable Drainage Systems into all new development will be sought unless it can be demonstrated that such measures are not viable or technically feasible”.

- 7.14. The Proposed Development aligns with these subsections as it avoids areas of current and future flood risk, being located entirely within Flood Zone 1, and has incorporated SuDS into the drainage design, which not only adequately mitigates the increase in flow rates (through filter drains / soakaways and swales) as a result of the minor increase in impermeable area of the Proposed Development, but provides significant improvement. In total, the proposed drainage strategy will provide a storage volume of approximately 408.5m³. This is significantly greater than the volume of additional runoff generated as a result of the impermeable buildings (114.0m³). It is therefore considered that this not only adequately mitigates the increase in flow rates as a result of the minor increase in impermeable area, but provides significant improvement in terms of water attenuation and flood risk. (see Technical Appendix 4: Flood Risk Assessment – Drainage Impact Assessment).

Core Strategy Policy 4: Nottingham-Derby Green Belt

- 7.15. Policy 4 notes “The principle of the Nottingham Derby Green Belt within Rushcliffe will be retained and it will only be altered where it is demonstrated that exceptional circumstances exist... When reviewing Green Belt boundaries, consideration will be given to whether there are any non-Green Belt sites that are equally, or more, sustainably located to cater for development needs within the Borough before making alterations to the Green Belt”.
- 7.16. The Appeal Site is located entirely within an area of the Nottingham Derby Green Belt. In compliance with Core Strategy Policy 4 and the NPPF, a case for Very Special Circumstances (VSC) is made in Section 8, which includes reference to the renewable energy benefit of the Proposed Development as well as the biodiversity benefits that are anticipated.

Core Strategy Policy 11: Historic Environment

- 7.17. Policy 11 states “Proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance. Planning decisions will have regard to the contribution heritage assets can make to the delivery of wider social, cultural, economic and environmental objectives.”
- 7.18. A Cultural Heritage Impact Assessment (CHIA) has been undertaken as part of the planning application and can be found in Technical Appendix 3 of Volume 3. There are no designated heritage assets within the Appeal Site, however there are two Historic Environment Record (HER) sites, which have been excluded from the design of the Proposed Development in order to conserve them in line with Policy 11.

Core Strategy Policy 16: Green Infrastructure, Landscape, Parks and Open Spaces

- 7.19. Policy 16 stresses the importance of green infrastructure and open space in Rushcliffe. It notes that developments will only be approved where “existing and potential Green Infrastructure corridors and assets are protected and enhanced”.
- 7.20. It also notes “where new development has an adverse impact on Green Infrastructure corridors or assets, alternative scheme designs that have no or little impact should be considered before mitigation is provided (either on site or off site as appropriate). The need for and benefit of the development will be weighed against the harm caused” and states that development proposals should ensure that “Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment.”
- 7.21. A Landscape and Visual Assessment (LVA) was undertaken as part of the planning application and a supporting Addendum is submitted with this Appeal, which determines that there will be no significant impacts on the Landscape Character of the site, in line with the Greater Nottingham Landscape Character Assessment (see Technical Appendix 1 of Volume 3). Green Infrastructure is enhanced and protected across the Appeal Site as far as is practicable (see the Landscape and Ecology Management Plan (LEMP); Figure 1.14 of Technical Appendix 1, Vol 3). The Appeal Site has PRoW enhancement measures including hedgerow planting, wildflower meadow areas and a new permissive path. The removal of half of field 15 and all of field 16 from the development as part of the iterative design process ensured that an alternative design was considered and adopted to reduce landscape and visual impacts further.

Core Strategy Policy 17: Biodiversity

- 7.22. Policy 17 has been put in place with the aim of achieving biodiversity net-gain over the Core Strategy period. The LPA aims to do this by:
- “a) protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including areas and networks of priority habitats and species listed in the UK and Nottinghamshire Local Biodiversity Action Plans;
 - b) ensuring that fragmentation of the Green Infrastructure network is avoided wherever possible and improvements to the network benefit biodiversity, including at a landscape scale, through the incorporation of existing habitats and the creation of new habitats;
 - c) seeking to ensure new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate;
 - d) supporting the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreements; and

- e) ensuring that where harm to biodiversity is unavoidable, and it has been demonstrated that no alternative sites or scheme designs are suitable, development should as a minimum firstly mitigate and if not possible compensate at a level equivalent to the biodiversity value of the habitat lost.
- 7.23. The policy also stipulates that “Designated national and local sites of biological or geological importance for nature conservation will be protected in line with the established national hierarchy of designations and the designation of further protected sites will be pursued... [and] Development on or affecting other, non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.”
- 7.24. There are no designated or non-designated sites within the Appeal Site, however; there are five Sites of Special Scientific Interest (SSSIs) and seven Local Nature Reserves (LNRs) within 5km. These are assessed within the Ecological Assessment submitted as part of the planning application (see Technical Appendix 2: Volume 3) and it is determined that there will be no adverse effects on the integrity of these sites as a result of the Proposed Development. A Biodiversity Management Plan (BMP) and a Net Gain Assessment (NGA) have also been undertaken and can be found as Appendix 2.2 and 2.3 of Technical Appendix 2, Volume 3, respectively. The BMP and NGA show that the development will result in the enhancement of existing habitats and creation of new habitat features across the site. There will be a significant net gain for biodiversity of 44.88% with the implementation of the BMP and LEMP measures.

LPP Policy 16: Renewable Energy

- 7.25. This policy claims “Proposals for renewable energy schemes will be granted planning permission where they are acceptable in terms of:
- a) compliance with Green Belt policy;
 - b) landscape and visual effects;
 - c) ecology and biodiversity;
 - d) best and most versatile agricultural land;
 - e) the historic environment;
 - f) open space and other recreational uses;
 - g) amenity of nearby properties;
 - h) grid connection;
 - i) form and siting;

- j) mitigation;
- k) the decommissioning and reinstatement of land at the end of the operational life of the development;
- l) cumulative impact with existing and proposed development;
- m) emissions to ground, water courses and/or air;
- n) odour;
- o) vehicular access and traffic; and
- p) proximity of generating plants to the renewable energy source”

7.26. The Proposed Development is considered to align with Policy 16 because:

it is considered that VSC for the construction of the Proposed Development exists;

visual effects of the Proposed Development are very localised due to existing and proposed screening (see Technical Appendix 1 of Volume 3);

there are no designated or non-designated ecology sites within the Appeal Site and no significant adverse effects on any sites are anticipated as a result of the Proposed Development (see Technical Appendix 2 of Volume 3), but a significant net gain in biodiversity (c. 44.88%) will occur with the implementation of the BMP and LEMP measures (see Appendix 2.3 of Technical Appendix 2, Volume 3);

the Appeal Site is Grade 3b land and therefore not Best and Most Versatile (see Technical Appendix 9 of Volume 3);

there will be no direct effects on features of archaeological interest as a result of the Proposed Development and there will be no significant effects on heritage assets in the surrounding landscape (see Technical Appendix 3 of Volume 3);

green infrastructure across the site is retained, protected and enhanced where practicable and PROWs will remain open and fully functional during all stages of the Proposed Development (see Technical Appendix 11, Vol 3). An additional Permissive Path has been proposed as part of the development;

there are no significant impacts on the amenity (noise and glint and glare) of nearby properties once mitigation is taken into account;

as the Proposed Development is temporary, at the end of the 40-year operational period, the land comprising the Appeal Site will be reinstated;

there is limited potential for cumulative effects (see Technical Appendix 1: Volume 3); and

access to the Proposed Development has been carefully considered and agreed with the local highways authority and the LPA and safety measures have been proposed (see Technical Appendix 5 of Volume 3).

- 7.27. The Appeal Site is considered to be well located for the Proposed Development principally for the reasons outlined in Section 5 above.
- 7.28. Technical Assessments for a range of environmental disciplines have been undertaken which determine the potential for any significant impacts as a result of the Proposed Development, which can be found in Volume 3.

LPP Policy 17: Managing Flood Risk

- 7.29. Policy 17 claims “Development proposals in areas of flood risk will only be considered when accompanied by a site specific flood risk assessment. Proposals will be expected to include mitigation measures which protect the site and manage any residual flood risk, such as flood resistance/resilience measures and the provision of safe access and escape routes.”
- 7.30. The Environment Agency (EA) Flood Map for Planning shows that the Appeal Site is wholly located in Flood Zone 1, an area described as “Low probability”. The Proposed Development is classed as ‘Essential Infrastructure’ and therefore development in Flood Zone 1 is deemed appropriate. A Flood Risk Assessment and Drainage Impact Assessment has been produced for the Application Site (see Technical Appendix 4: Volume 3) which demonstrates that the Proposed Development will not increase flood risk away from the Appeal Site during the construction, operation and decommissioning phases, but actually reduce it. Please see paragraph 7.14 above for more details.

LPP Policy 18: Surface Water Management

- 7.31. Policy 18 states “To increase the levels of water attenuation, storage and water quality, and where appropriate, development must, at an early stage in the design process, identify opportunities to incorporate a range of deliverable Sustainable Drainage Systems, appropriate to the size and type of development. The choice of drainage systems should comply with the drainage hierarchy.”
- 7.32. The Drainage Impact Assessment included in Technical Appendix 4: Volume 3 details the various elements of SuDS incorporated into the design. Infiltration testing was undertaken on site and the soakage rates obtained determined that infiltration drainage would not be

suitable across the Appeal Site. As a result, it is proposed to construct multiple filter drains and swales on the downward slope, near to the existing watercourse which runs through the Appeal Site. The idea is to capture any overland flow in the SuDS device, prior to releasing into the natural surface water system. It is considered that with the implementation of the proposed SuDS that there was be a significant improvement in terms of water attenuation on site. Please see paragraph 7.14 for more detail.

LPP Policy 21: Green Belt

- 7.33. Policy 21 simply states “Applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework.”
- 7.34. Paragraph 147 of the NPPF²⁰ states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances” (see Section 8 for further detail).
- 7.35. It is anticipated that the benefits of renewable energy production and net biodiversity gain (See Technical Appendix 2C of Volume 3: Net Gain Assessment for further information) from the Proposed Development will outweigh any potential negative impacts on the Green Belt. With the UK Government declaring an Environment and Climate Emergency in May 2019, projects of this nature are essential to combat rising temperatures and CO₂ emissions. Further, as the Proposed Development is temporary, the Appeal Site can be reinstated back to its current greenfield state following the operational period.
- 7.36. Further information on VSC can be found in Section 8 below.

LPP Policy 28: Conserving and Enhancing Heritage Assets and Policy 29: Development affecting Archaeological Sites

- 7.37. Policy 28 states “Proposals that affect heritage assets will be required to demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development in order that a decision can be made as to whether the merits of the proposals for the site bring public benefits which decisively outweigh any harm arising from the proposals.”
- 7.38. Policy 29 stipulates that “Where development proposals affect sites of known or potential archaeological interest, an appropriate archaeological assessment and evaluation will be required to be submitted as part of the planning application. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them” and goes

²⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182577/NPPF_Sept_23.pdf

on to say “Where archaeological remains of significance are identified permission will only be granted where:

a) The archaeological remains will be preserved in situ through careful design, layout and siting of the proposed development; or

b) When in-situ preservation is not justified or feasible, appropriate provision is made by the developer for excavation, recording and for the post-excavation analysis, publication, and archive deposition of any findings (to be undertaken by a suitably qualified party), provided that it can be clearly demonstrated that there are wider public benefits of the development proposal which outweigh harm to heritage assets of archaeological interest in line with NPPF requirements.”

7.39. There are no designated heritage sites and two non-designated sites within the local HER with the Appeal Site. Exclusion zones were implemented around these features during the design of the Proposed Development.

7.40. There are also several designated assets in the surrounding areas, including Listed Buildings, Scheduled Monuments and Historic Parks and Gardens. A CHIA has been undertaken for the Proposed Development and concludes that there will be no significant direct or indirect effects on archaeology and heritage assets, aligning with Policies 28 and 29 (see Technical Appendix 3 of Volume 3). Effects upon archaeology and heritage were not outlined within the refusal reasons, and given that no significant effects were identified within the assessments, it is considered that the project is compliant with this policy.

LPP Policy 34: Green Infrastructure and Open Space Assets

7.41. Policy 34 states “Where a proposal would result in the loss of Green Infrastructure which is needed or will be needed in the future, this loss should be replaced by equivalent or better provision in terms of its usefulness, attractiveness, quantity and quality in a suitable location. Replacement Green Infrastructure should, where possible, improve the performance of the network and widen its function.”

7.42. A detailed LVA has been undertaken as part of the assessment of the Proposed Development (Technical Appendix 1 of Volume 3) and a PRoW Management Plan has also been produced (Technical Appendix 11 of Volume 3). These documents, in addition to the BMP (Technical Appendix 2B of Volume 3) and LEMP (Figure 1.14 of Technical Appendix 1, Volume 3), detail the minimal loss of Green Infrastructure across the site and describe the mitigation and enhancements put in place as part of the development design to improve the performance of the network and widen its function. This includes woodland (1.3 ha of additional planting), hedgerow (77% increase in hedgerow) and wildflower meadow planting, the introduction of a new Permissive Path and improvements to the current PRoW network.

LPP Policy 36: Designated Nature Conservation Sites

- 7.43. Policy 36 notes that “Development likely to have an adverse effect on a Site of Special Scientific Interest (either directly or indirectly, or individually or in combination with other developments) will not normally be permitted... Where an adverse effect on the site’s notified features is likely, an exception should only be made where the benefits of the development’s location, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest.”
- 7.44. In terms of locally designated sites, the policy states “Development likely to have a significant adverse effect on a site of local nature conservation value will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the essential nature conservation value of the site.”
- 7.45. The Appeal Site itself is free of any statutory designations, with no Internationally Designated Sites within 15km. There are however five SSSI within 5km; the nearest being Rushcliffe Golf Course which is approximately 220m southeast of the Appeal Site. An Extended UK Habitat Survey (including Habitat Condition for NGA) was undertaken at the Appeal Site and an Ecological Assessment (EcA) (see Technical Appendix 2: Volume 3) was produced. The EcA concludes that with suitable mitigation and the enhancement measures proposed, the Proposed Development will not significantly impact upon any ecological features.

LPP Policy 37: Trees and Woodland

- 7.46. Policy 37 states “Adverse impacts on mature tree(s) must be avoided, mitigated or, if removal of the tree(s) is justified, it should be replaced. Any replacement must follow the principle of the ‘right tree in the right place’... wherever tree planting would provide the most appropriate net-gains in biodiversity, the planting of additional locally native trees should be included in new developments. To ensure tree planting is resilient to climate change and diseases a wide range of species should be included on each site.”
- 7.47. A pre-development tree constraints survey was undertaken to inform the design of the Proposed Development, in line with British Standard 5837:2012 Trees in relation to design, demolition and construction. Subsequently, an Arboricultural Impact Assessment (Technical Appendix 10: Volume 3) was undertaken to determine any potential impacts on trees or hedgerows as a result of the Proposed Development. This concludes that the Proposed Development can be undertaken without detriment to the health and longevity of the retained trees or the amenity of the area, additionally the Proposed Development will include the creation of 1.3ha of woodland and will therefore result in a significant net gain of woodland.
- 7.48. A LEMP (Figure 14 of Technical Appendix 1: Volume 3) has been produced to minimise any potential negative effects arising from the Proposed Development, while increasing habitat

diversity by way of mitigation and enhancement planting, including native trees and hedgerows.

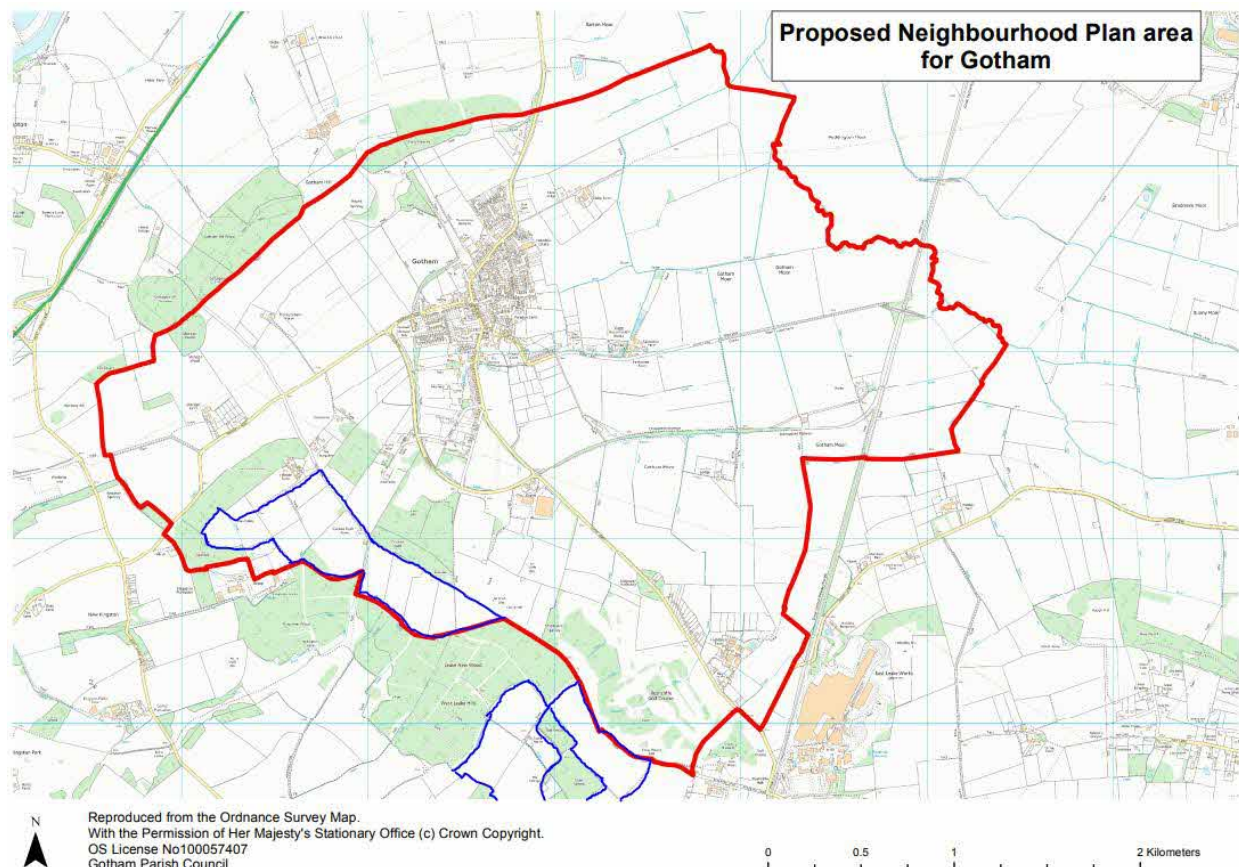
LPP Policy 38: Non-Designated Biodiversity Assets and the Wider Ecological Network.

- 7.49. Policy 38 states “Where appropriate, all developments will be expected to preserve, restore and re-create priority habitats and the protection and recovery of priority species in order to achieve net gains in biodiversity”.
- 7.50. The Applicant’s NGA anticipates that the introduction of the Proposed Development will increase the Appeal Site’s current capability for supporting wildlife through the generation of renewable energy. A net gain in biodiversity of 44.88% is anticipated to be achieved (Appendix 2.3 of TA2: Ecological Assessment Volume 2).

Local Plan Policy Maps

- 7.51. A review of the LPA’s adopted policy maps and Gotham and East Leake Neighbourhood Plans areas show that only the northern section of the Appeal Site is located within the defined settlement of Gotham (see Extract A below).

Extract A: Proposed Neighbourhood Plan area for Gotham (red) with the Proposed Development Boundary applied (blue).



Gotham Neighbourhood Plan

7.52. Gotham’s Neighbourhood Plan (GNP) adopted January 2020, forms part of the context for planning decisions in Rushcliffe.

7.53. The following policies of the GNP are considered relevant to the Proposed Development:

Policy GS1: Protective and Enhancement Measures for a Green Network; and

Policy T1: Traffic Calming, Congestion and Parking.

7.54. Policy GS1 states “footpaths and bridleways will be given a high priority for maintenance and enhancement. The biodiversity of hedges and woodlands adjacent to sustainable route-ways will be conserved. Planning applications which will result in closure and diversion of a public right of way will not be permitted unless it can be demonstrated that satisfactory alternative provision can be made.”

7.55. As outlined in the PRoW Management Plan (Technical Appendix 11, Volume 3), footpaths and bridleways across the Appeal Site, and their users are given a high priority, with safety measures in place such as:

Banksmen to ensure safe crossing of all PRoW and priority given to users;

Ensuring all PRoWs remain open and fully functional during construction and operation;

Having a community liaison officer available for users;

Ensuring no furniture or other structures are erected on or across a PRoW; and

Putting fences and gates around equipment and infrastructure.

PRoW enhancement measures including, the additional of hedgerows, wildflower meadows and a new Permissive Path. The biodiversity of the hedgerows and woodlands along the PRoWs will be maintained and enhanced in line with the BMP and LEMP.

7.56. Policy GS1 also notes:

“Other developments which include provision for, or contribute to, the establishment and retention of a network of green infrastructure within the parish will be looked on favourably. Proposals which contribute towards new links and/or enhancement of the existing green infrastructure network will be supported. Proposals should consider opportunities to retain, enhance and incorporate features which are beneficial for wildlife and habitat creation through their landscape proposals and design.”

7.57. The biodiversity of hedges and woodlands throughout the appeal site will be conserved where practicable. Outlined in the Arboricultural Impact Assessment (Technical Appendix 10 of

- Volume 3), “a number of hedge sections, one woodland edge and two trees need to be removed / pruned in order to enable installation of new / widening of access roads and tracks for build and maintenance”, however it is considered that these items can be removed / pruned without detriment to the amenity of the area, keeping in line with Policy 16 of the Rushcliffe Core Strategy.
- 7.58. This level of removal is minimal when compared to the additional planting proposed in the LEMP (Figure 1.14 of Technical Appendix 1: LVA (Volume 3)). As a result of the enhancements proposed, which include woodland, grassland and hedgerow planting, the introduction of wildflower meadows and habitat creation i.e bird / bat boxes and hibernaculum, it is anticipated that the Proposed Development will achieve a 44.88% net-gain in biodiversity and an additional 1.3 ha of woodland. This is in keeping with Policy GS 1 of the GNP and further information can be found in Appendix 2.3 of Technical Appendix 2: Ecological Assessment (Volume 3).
- 7.59. Policy T1 of the GNP states “The priority within the village is the safety and convenience of residents..... The amount of traffic passing through the village and the existing issues with parking will be a consideration in assessing development proposals and will take into account wider cumulative impacts.”
- 7.60. The safety and convenience of residents and users of the PRoW network is a matter of paramount importance to RES Ltd. This is demonstrated through the safety measures to be implemented and the design iterations undertaken throughout the pre-application phase of the Proposed Development. An additional Permissive Path has been proposed for use by residents.
- 7.61. It should be noted that at the early stages of project design, it was anticipated that Stocking Lane would be used for some level of site access, however during pre-application discussions with the PRoW Officer and the local community, it was recommended avoiding Stocking Lane as far as is practically possible and make use of Kegworth Road due to the busy nature of Bridleway 16 (Stocking Lane) to the southeast of the Appeal Site.
- 7.62. RES Ltd proposes some realignment and trimming of hedgerow to achieve a full visibility splay at the Kegworth Road/Wood Lane junction and to widen Wood Lane to a maximum of 4.5m which will allow for the delivery of all components of the Proposed Development and associated infrastructure. As the vehicles used to construct the Proposed Development are approximately 2.5m wide, there is sufficient space to cordon off an area for users of the PRoW to continue use. This will allow construction vehicles to access the Appeal Site from a quieter section of the PRoW network (Bridleway 12) and therefore reduce potential safety issues. Therefore, this would provide a benefit to the local community given that the visibility at the Kegworth Road/Wood Lane junction will be significantly better and as a result, the occurrence of serious road accidents decreased.
- 7.63. The GNP also acknowledges that Gotham “has a very limited number of sites that are Brownfield (previously used land)” and that “All of the surrounding countryside is protected by

the Green Belt.” Locational constraints are discussed further below under “Very Special Circumstances”.

- 7.64. While the GNP makes reference to the Green Belt, this is primarily in relation to identifying areas which should be made available for new homes. It notes “Green Belt boundaries should be amended only in exceptional circumstances when local authorities can demonstrate that they have fully examined all other reasonable options for meeting their identified housing requirements”. Although this is not related to solar farm development, a similar principle is applied to the Appeal Site and a case for VSC has been made in Section 8 below.

East Leake Neighbourhood Plan

- 7.65. The area covered by the East Leake Neighbourhood Plan (ELNP)²¹ is approximately 0.3km southeast of the Proposed Development. Due to its proximity, the ELNP has been considered as part of the planning process.

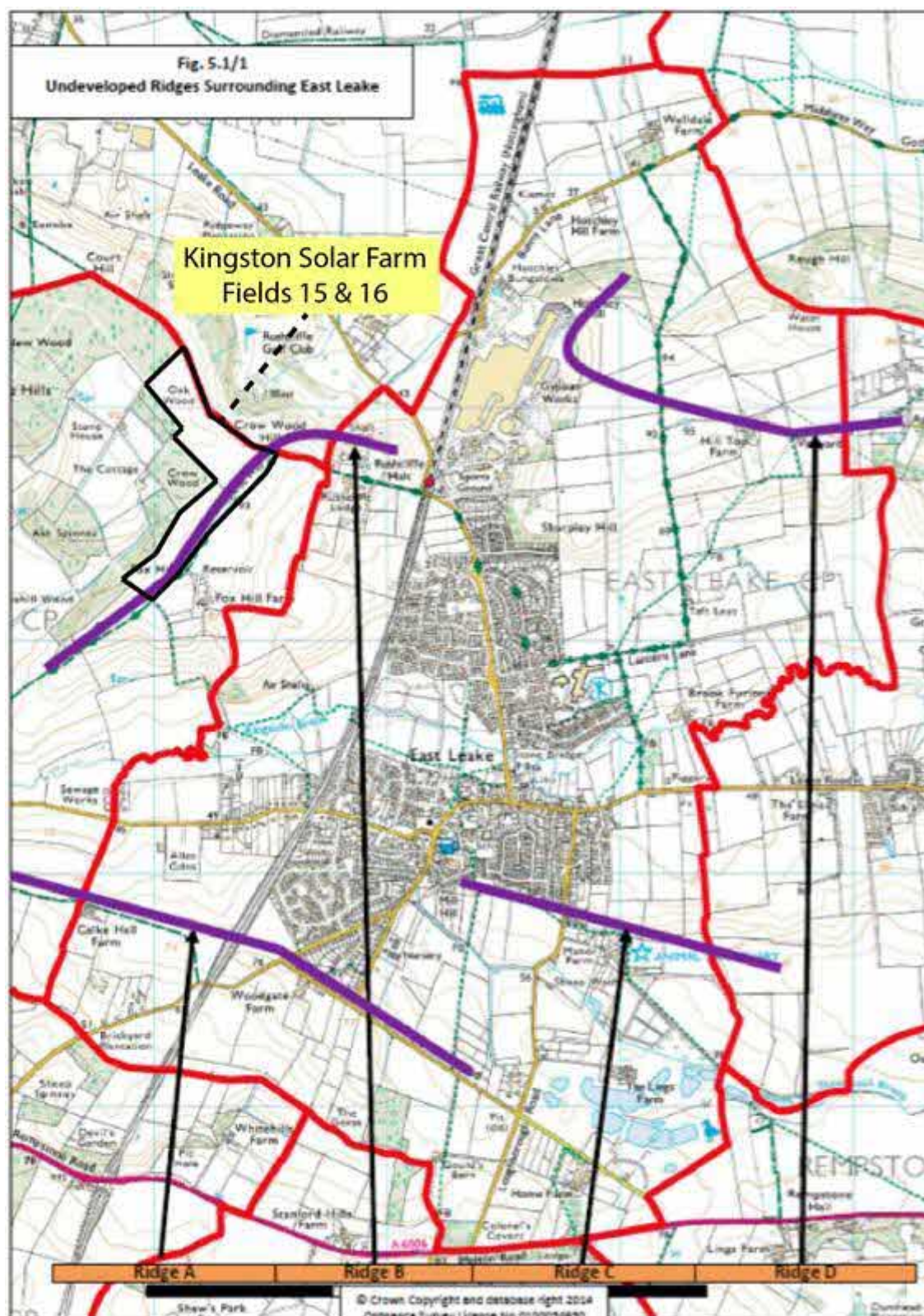
- 7.66. Policy E1: Containment of the Built Environment is considered relevant to the Proposed Development, stating:

“The ridges within the Parish boundary marked on the map at Fig 5.1/1 will remain undeveloped, in order to maintain the rural character of the village and to provide a visual link between the settlement and the countryside. The heights of any buildings within the Parish boundary on the slopes up to the ridges will be limited so as to leave a green rim clearly visible from the village and to screen sight of the village from outside.”

- 7.67. An extract of Fig 5.1/1 of the ELNP is shown below.

²¹ <https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/ELNP-Final%20version.pdf>

Extract B: Extract of Fig 5.1/1 in the ELNP



7.68. Ridge B as shown in the extract is located on the southern border of Fields 15 and 16 of the Appeal Site. A previous iteration of the design of the Proposed Development included arrays in Fields 15 and 16 and in the field east of Ridge B i.e either side of Bridleway 5/Midshires Way. Following consultation of the Neighbourhood Plans (East Leake and Gotham

Neighbourhood Plans), the field to the east of Ridge B was removed to ensure a visual link between East Leake and the surrounding countryside was maintained. Furthermore, panels have been removed from fields 15 and 16 to reduce the visual impact. Views towards East Leake have been assessed in the Landscape and Visual Assessment (LVA) (Technical Appendix 1: Volume 3). Viewpoint (VP) 9 (Figure 1.4 and 1.10 of Technical Appendix 1, Volume 3) taken from within East Leake looking towards the Proposed Development is assessed as experiencing no visual effects of the Proposed Development due to the topography of the surrounding land and the intervening distance between the site and the VP location. Table 1-12 of the LVA assesses the effect that the Proposed Development will have on East Leake in general and other settlements in the area, including Gotham, as being Negligible – none.

National Planning Policy Framework (2023)²²

- 7.69. The NPPF is the current national planning document in England and was first published on 27th March 2012 and subsequently updated on 24th July 2018, 19th February 2019, 20th July 2021 and 5th September 2023. The NPPF sets out the UK Government’s planning policies for England and how these are expected to be applied and supported by the NPPG, with Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF in particular recognising the need to meet the challenge of climate change and offering support to renewable energy development.
- 7.70. Chapter 2 (Achieving Sustainable Development), paragraphs 7, 8c and 10 of the NPPF sets out a strong presumption in favour of sustainable development (See Paragraphs 7.54-7.58 for further detail). In addition, Paragraph 8c of the NPPF notes that a key part of achieving sustainable development is “mitigating and adapting to climate change, including moving to a low carbon economy”.
- 7.71. Chapter 13 (protecting Green Belt Land) of the NPPF also bears significant weight to consultations in regard to this Proposed Development, due to its location within the Green Belt, see paragraphs 7.55-7.58 for further detail.
- 7.72. Adhering to the NPPF, a case for VSC has been made as part of the planning application and can be found in the Planning Assessment (Section 8) below. Following the UK Government’s declaration of an Environment and Climate Emergency in May 2019, this should be given significant weight in the determination of this appeal.
- 7.73. Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF recognises that planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon

²² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182577/NPPF_Sept_23.pdf

energy and associated infrastructure. This is considered central to economic, social, and environmental dimensions of sustainable development.

- 7.74. The generation of this level of renewable energy therefore represents a substantial benefit which would be experienced if planning permission were to be granted.
- 7.75. Additionally, the Proposed Development will provide economic benefits to Rushcliffe as set out in paragraph 8.36 below.
- 7.76. With regards to low carbon and renewable energy, the NPPF states at paragraph 152 that the planning system should help;
- “...support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”
- 7.77. Paragraph 158 states that applicants are not required to demonstrate the overall need for renewable or low carbon energy and that local planning authorities should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Local planning authorities are directed to approve applications if impacts are (or can be made) acceptable.
- 7.78. The NPPF also contains policies on several environmental issues relating to sustainable development within Chapters 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment). Paragraphs 174 to 208 emphasise the importance of preservation and enhancement of the built and natural environment. They set out detailed requirements for the assessment of the impact on the landscape value, biodiversity and habitats, and the historic environment. These requirements have been considered in the relevant Technical Appendices (Volume 3) accompanying the planning application and have been addressed, to demonstrate compliance of the Proposed Development in the Planning Assessment (Section 8) section below.

National Planning Practice Guidance

- 7.79. The NPPG was published in March 2014 and contains guidance on the planning system and should be read alongside the NPPF. The NPPG is a material consideration in the consideration of planning applications.
- 7.80. With specific regard to solar farm development, the NPPG on Renewable and Low Carbon Energy provides the following points of consideration for the decision maker at Paragraph 013.

“Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used

in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays;

That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;

The proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;

The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;

The need for, and impact of, security measures such as lights and fencing;

Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;

The potential to mitigate landscape and visual impacts through, for example, screening with native hedges; and

The energy generating potential, which can vary for a number of reasons including, latitude and aspect.”

- 7.81. Although the Proposed Development is located on greenfield land it is designed in such a way to avoid significant losses of agricultural land during the operational stage, with a 3.74% ground level footprint. This means that the Appeal Site can retain a dual use of agriculture in the form of low intensity sheep grazing on the remaining circa 96% ground level footprint alongside the renewable energy generation.
- 7.82. The planning application is also supported by an Agricultural Land Classification (ALC) Report (see Volume 3: Technical Appendix 9), which demonstrates that the site consists entirely of Grade 3b agricultural land, which is not considered Best and Most Versatile.

ENERGY LEGISLATION AND POLICY CONTEXT

International Energy Policy

- 7.83. International energy policy is based on the demand to battle climate change and reduce carbon dioxide (CO₂) emissions and is therefore relevant to the Proposed Development.
- 7.84. As set out in section 6 above, the UNFCCC implemented by the United Nations in May 1992, determined a long-term objective to lessen greenhouse gases in the atmosphere, with the purpose of preventing anthropogenic interference with the climatic system. Subsequently, the Kyoto Protocol was implemented in 1997 committing party nations to reduce their greenhouse gas emissions.
- 7.85. The Paris Agreement marks the latest step in the development of the UN regime on climate change. Its central objective is to boost global response to climate change, keep global temperature rise low and strengthen efforts to support this and nationally came into force on the 18th December 2016. In accordance with Article 4 of the Paris Agreement, a Nationally Determined Contribution (NDC)²³ was drawn up which commits the UK to reduce economy-wide greenhouse gas emissions by at least 68% by 2030, compared to 1990 levels.
- 7.86. European and national energy policy has been established from the Kyoto Protocol and Paris Agreement requirements and will continue to be framed by emerging guidance and scientific information.

UK Energy Legislation, Policy and Guidance

Climate Change Act 2008

- 7.87. The Act legislated the UK's approach to tackling and responding to climate change. It introduced the UK's long-term legally binding 2050 target to reduce greenhouse gas emissions by at least 80% relative to 1990 levels. In June 2019, the UK Government amended this headline target to a 100% reduction (compared to 1990 levels) by 2050 (otherwise known as Net Zero). Since 1990, the UK has cut greenhouse gas emissions by 40%.
- 7.88. Since 1990, the UK has reduced emissions by 44% whilst increasing GDP by 78%, the fastest decarbonisation rate in the G7²⁴ and in June 2019, the UK became the first major economy to set a legally binding target to reach net zero greenhouse gas emissions by 2050, in recognition of the transformative change needed to tackle global climate change.
- 7.89. Although significant progress towards this goal has already been made, the UK has far to go. The Climate Change Committee (CCC) published the Sixth Carbon Budget: The UK's Path to

²³ [The United Kingdom's Nationally Determined Contributions \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814212/uk_nationally_determined_contribution.pdf)

²⁴ [BEIS Outcome Delivery Plan: 2021 to 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/814212/beis_outcome_delivery_plan_2021_to_2022.pdf)

Net Zero²⁵ on 9th December 2020, which sets out the actions needed to achieve net zero emissions. The CCC's recommended pathway, the Balanced Net Zero Pathway requires a 78% reduction in UK territorial emissions by 2035, a 63% reduction from 2019. Similarly, the International Energy Agency (IEA) recently released a roadmap to a global net-zero²⁶ energy system by 2050 stating that advanced economies such as the UK should target net-zero electricity generation by 2035, with Canada and the USA having already implemented such targets.

- 7.90. The UK is a member of the United Nations Framework Convention on Climate Change (UNFCCC). The UNFCCC is the key forum which oversees international action to tackle climate change and led the development and adoption of the Paris Agreement in 2015. A total of 160 countries have pledged to cut their emissions as part of this process, although more action is needed in order to meet the Paris Agreement's aims of holding the increase in global average temperature rise to well below 2°C above pre-industrial levels and to pursue efforts to limit warming to 1.5°C.
- 7.91. Through the Climate Change Act 2008 (the Act), the UK was the first country to introduce long term, legally binding national legislation to tackle climate change. The Act provides the UK with a legal framework including a 2050 target for emissions reductions, five-yearly 'carbon budgets' (limits on emissions over a set period, which act as steppingstones towards the 2050 target), and the development of a climate change adaptation plan. On the 1st of May 2019, the UK Government became the first in the world to declare a climate emergency and to acknowledge the challenges faced.
- 7.92. According to the Committee on Climate Change (CCC), the UK's exit the European Union (EU) does not change the need to cut greenhouse gas emissions, the level of carbon budgets (which are set out in UK law), or the duty on the UK Government to act to tackle climate change.
- 7.93. A review of the UK's 2050 target (previously set at 80% reduction) by the CCC prompted the UK Government to set a target of zero net emissions by 2050, which was legislated in 2019. To reach this milestone, the annual rate of emissions reduction must be 50% higher than the previous 2050 target – indicating the substantial increase in action needed if the UK is to have a chance in meeting this ambitious, legally binding, target.
- 7.94. Reports have shown that to achieve net zero by 2050 the UK will need to quadruple its low carbon electricity generation.
- 7.95. Solar energy has an important part to play in helping reach these targets, as well as providing a balanced energy mix, and it is estimated that 40GW²⁷ of solar will be needed by 2030 to

²⁵ [The-Sixth-Carbon-Budget-The-UKs-path-to-Net-Zero.pdf](#)

²⁶ <https://www.iea.org/reports/net-zero-by-2050>

²⁷ [Accelerated electrification and the GB electricity system \(theccc.org.uk\)](#)

stay on track with net zero ambitions, with 63% (or 25GW²⁸) of this coming from large scale ground mounted solar farms, such as the Proposed Development.

Overarching National Policy Statement for Energy EN-1 (DECC, July 2011)

- 7.96. The overarching NPS for Energy (EN-1) was adopted in July 2011 and sets out the overall national energy policy for delivering major energy infrastructure. Part 1 advises that within the context of the planning system the NPS is likely to be a material consideration.
- 7.97. Part 2 of NPS EN-1 sets out the UK Government policy context for major energy infrastructure. It comprises the need to meet legally binding targets to cut greenhouse gas emissions; transition to a low carbon economy; decarbonise the power sector; reform the electricity market; secure energy supplies; replace outdated energy infrastructure; and widen objectives of sustainable development. In particular, paragraph 2.2.16 identifies that approximately a quarter of the UK's generating capacity was due to close by 2018 and that new low-carbon generation is required which is reliable, secure and affordable. As a result, the Proposed Development is considered consistent with the aims of NPS EN-1.
- 7.98. It is worth noting that this document, along with NPS for Renewable Energy Infrastructure (EN-3)²⁹, has recently undergone a period of consultation run by BEIS (30 March 2023 to 11:45pm on 23 June 2023) with outcomes expected imminently.

The Clean Growth Strategy 2017

- 7.99. In October 2017, the UK Government published its Clean Growth Strategy (CGS) setting out ambitious policies and proposals, through to 2032 and beyond, to reduce emissions across the economy and promote clean growth.
- 7.100. The CGS outlines the ambition of delivering a: “diverse electricity system that supplies our homes and businesses with secure, affordable and clean power” and identifies one possible clean growth pathway (to 2032) that “could see power emissions fall by 80 percent compared to today, to around 16 Mt.” It states that “This could be achieved by:

Growing low carbon sources such as renewables and nuclear to over 80 per cent of electricity generation and phasing out unabated coal power;

Enabling a smarter, more flexible system, unlocking significant expansion of interconnection, electricity storage, and demand side response, the first steps of which are set out in the Smart Systems and Flexibility Plan...”

²⁸ [Lighting the way: Making net zero a reality with solar energy • Solar Energy UK](#)

²⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147382/NPS_EN-3.pdf

- 7.101. The Proposed Development would contribute to the generation of electricity from clean sources and a move to a low carbon economy as envisaged by the CGS (see ‘Renewable Energy Statement’ below).
- 7.102. In November 2017, the UK Government published its modern Industrial Strategy, which includes a Clean Growth Grand Challenge, which aims to put the UK at the forefront of industries of the future, by maximising the advantages for UK industry from the global shift to low carbon.

BEIS Outcome Delivery Plan: 2021 – 2022

- 7.103. The Outcome Delivery Plan sets four priority outcomes including tackling climate change, noting:

“Making sure the UK ends its contribution to global warming by 2050 is a core part of the Department’s work. Following the publication of the Prime Minister’s Ten Point Plan, the Energy White Paper and the Industrial Decarbonisation Strategy, we will work across government to drive the Green Industrial Revolution. Our ambitious domestic action plan will create growth and jobs in clean technologies, infrastructure and energy in the 4 nations of the UK...”

The Sixth Carbon Budget: The UK’s Path to Net Zero

- 7.104. The CCC’s Sixth Carbon Budget, referred to already, sets out, for the first time, what actions the UK will need to take to achieve net zero emissions by 2050.
- 7.105. The CCC’s Balanced Net Zero Pathway aims to decarbonise electricity generation by 2035, with action thereafter focused on meeting new demands in a low-carbon way. The pathway requires a 78% reduction in UK territorial emissions by 2035, a 63% reduction from 2019.
- 7.106. The key features of the scenario are an increasing demand for electricity, decreasing carbon intensity of generation, and a more flexible system. The Proposed Development aligns with the Sixth Carbon Budget by contributing to the decarbonisation of electricity generation.
- 7.107. The Proposed Development will have an export capacity of up to 49.9MW; a solar farm of this size will generate a significant amount of electricity from renewable sources and mean a substantial reduction of CO₂ emissions annually.

Energy Security Strategy

- 7.108. The Energy Security Strategy³⁰ released in April 2022 calls for a major acceleration of new homegrown power generation for greater energy independence and security for the UK. Solar

³⁰ <https://www.gov.uk/government/news/major-acceleration-of-homegrown-power-in-britains-plan-for-greater-energy-independence>

has a huge part to play in this required acceleration, with the strategy setting a target for a five-fold increase in solar deployment by 2035.

- 7.109. The Proposed Development will contribute to this target through the generation of 49.9MW of clean green electricity to the grid, the equivalent of supplying the energy required to power approximately 13,500 homes per year.

The Ten Point Plan for a Green Industrial Revolution

- 7.110. In November 2020, the Prime Minister announced his Ten Point Plan³¹ for the UK to lead the world into a new Green Industrial Revolution. This innovative programme sets out ambitious policies and significant new public investment to support green job creation, accelerate our path to reaching net zero by 2050 and lay the foundations for building back greener. Spanning clean energy, buildings, transport, nature and innovative technologies, the Ten Point Plan will mobilise £12 billion of government investment to unlock 3 times as much private sector investment by 2030; level up regions across the UK; and support up to 250,000 highly skilled green jobs. This project will aid in meeting these ambitions and will result in significant private investment as well as supporting a number of jobs during all stages of development (construction, operation and decommissioning). The Proposed Development will aid the UK reaching Net Zero by 2050 and other goals outlined above.

Energy White Paper: Powering our Net Zero Future and the Industrial Decarbonisation Strategy

- 7.111. The Energy White Paper³² (EWP), published in December 2020, and the Industrial Decarbonisation Strategy³³, published in March 2021, set out complementary plans for the transformation of the UK's energy system and industries, including actions to fully decarbonise electricity generation by 2050. This will help to meet the ambitious Nationally Determined Contribution (NDC) and Sixth Carbon Budget.
- 7.112. This domestic ambition is matched internationally, through the Prime Minister's pledge in September 2019 to double the UK's International Climate Finance for developing countries to £11.6 billion for the 5-year period from 2021 to 2025, as part of our Paris Agreement commitments.
- 7.113. These commitments lay the steps to build back greener from the pandemic and reach net zero and the Proposed Development will aid the UK in achieving the targets outlined above.

³¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936567/10_POINT_PLAN_BOOKLET.pdf

³² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945899/201216_BEIS_EWP_Command_Paper_Accessible.pdf

³³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970229/Industrial_Decarbonisation_Strategy_March_2021.pdf

Net Zero Strategy: Build Back Greener

- 7.114. The Net Zero Strategy (NZS), was published in October 2021, setting out a delivery pathway for the Sixth Carbon Budget.
- 7.115. It sets out the policies and proposals needed to meet the ambitious target of net zero by 2050, including an aim that the UK will be powered entirely by clean electricity by 2035.
- 7.116. The NZS also confirmed that solar and wind will be the backbone to achieving a secure, affordable and low carbon energy supply, which means that as part of the energy mix, large scale solar projects, such as the Proposed Development, have an important role to play. As the Proposed Development is renewable in nature it will help accelerate the UK's position in achieving Net Zero by 2050.

Local Energy Policy

- 7.117. The CCC states that local planning authorities have a crucial role in contributing to emissions reductions and helping the UK meet its carbon budgets targets. Local authorities are well placed to drive and influence emissions reductions in their wider areas through the services they deliver, their role as social landlords, trusted community leaders and major employers, and their regulatory and strategic functions.
- 7.118. The LPA produced a Climate Change Strategy in 2009 which was later updated in 2013³⁴ and states;
- “As a Local Authority we are working to reduce Rushcliffe’s carbon footprint, by using planning and other policy levers to ensure that buildings and local infrastructure are energy efficient and resilient to increased risk of flooding, water stress and overheating. We will provide green spaces to keep Rushcliffe cool and to absorb heavy rain. We will ensure an effective emergency response after extreme weather events. We will also continue to look at our own estate and reduce the emissions from our operation.”
- 7.119. Since the production of this document the LPA has made a commitment to work towards becoming carbon neutral by 2030 for its own operations. The LPA is also committed to supporting local residents and businesses reduce their own carbon footprint. In 2020, the LPA released its Council Carbon Management Plan³⁵, which details various actions to be taken towards its neutrality goal, with timescales and estimated CO₂ savings attached.

³⁴ https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/environmentandwaste/environment/climatechange/Climate_change_strategy_2013.pdf

³⁵ <https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/environmentandwaste/environment/climatechange/Carbon%20Management%20Action%20Plan%202020%20Final.pdf>

- 7.120. The LPA has recently updated its climate strategy for the next nine years (2021-2030)³⁶. This is part of its plans to make Rushcliffe a carbon neutral borough by 2050 and to make the LPA operational services carbon neutral by 2030. The Proposed Development will facilitate the LPA achieving the three key areas outlined in the Climate Change strategy; the LPA reducing emissions, supporting the community and enabling conservation.
- 7.121. It is clear from the above that the LPA strongly advocates a transition to a low carbon future.

GREEN BELT CONTEXT

National Planning Policy Framework (2023)³⁷

- 7.122. Chapter 2, paragraphs 7 and 10, contain a strong presumption in favour of sustainable development within the NPPF. In addition, Paragraph 8c of the NPPF notes that a key part of achieving sustainable development is “mitigating and adapting to climate change, including moving to a low carbon economy”.
- 7.123. Chapter 13 of the NPPF is particularly relevant regarding this Proposed Development, due to its location within the Green Belt. Paragraphs 147 and 148 of the NPPF state that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”
- 7.124. The NPPF 2023 also states that:
- “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”
- 7.125. The NPPF states that the Green Belt serves five purposes:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;

³⁶ <https://www.rushcliffe.gov.uk/aboutus/aboutthecouncil/documentsstrategiesandpolicies/accessiblepoliciesandotherdocuments/climatechangestrategy20212030/>

³⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182577/NPPF_Sept_23.pdf

To assist in safeguarding the countryside from encroachment;

To preserve the setting and special character of historic towns; and

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.126. Chapter 14 of the NPPF, ‘Meeting the challenge of climate change, flooding and coastal change’, recognises that planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is considered central to economic, social, and environmental dimensions of sustainable development.

7.127. Paragraph 158 states that;

“Applicants are not required to demonstrate the overall need for renewable or low carbon energy and that Local Planning Authorities (LPAs) should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.”

7.128. It is worth noting the National Planning Policy Statement (NPS) (EN-1) states the following in relation to Green Belt;

“...there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved except in very special circumstances.

When located in the Green Belt, energy infrastructure projects are likely to comprise ‘inappropriate development’. Inappropriate development is by definition harmful to the Green Belt and the general planning policy presumption against it applies with equal force in relation to major energy infrastructure projects. The IPC will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is outweighed by other considerations. In view of the presumption against inappropriate development, the IPC will attach substantial weight to the harm to the Green Belt when considering any application for such development while taking account, in relation to renewable and linear infrastructure, of the extent to which its physical characteristics are such that it has limited or no impact on the fundamental purposes of Green Belt designation.

Although in the case of much energy infrastructure there may be little that can be done to mitigate the direct effects of an energy project on the existing use of the proposed site (assuming that some at least of that use can still be retained post project construction) applicants should nevertheless seek to minimise these effects and the effects on existing or planned uses near the site by the application of good design principles, including the layout of the project.”

NPS EN-1 Paragraph 5.10.1 – 5.10.19

- 7.129. The emerging NPS on Energy (EN-3) complements the statements from EN-1 above by outlining the following:
- “Solar farms are one of the most established renewable energy technologies in the UK and the cheapest form of electricity generation worldwide. Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large scale solar is now viable in some cases to deploy subsidy free and little to no extra cost to the consumer.”
- 7.130. Both the existing and emerging NPSs state that the documents can be a material consideration in determining applications that both exceed or sit under the thresholds for nationally significant infrastructure projects.
- 7.131. In designing the Proposed Development, a GBA was undertaken that concluded any harm caused by the Proposed Development will be outweighed by its benefits that will help tackle climate change, meet the energy needs for approximately 13,500 homes within the UK, provide biodiversity enhancement measures and contribute to the UK reaching its net zero targets.
- 7.132. From the review above, it is clear that the international, national and local policy message on clean and secure energy is strong and unambiguous. There is a clear need to ensure long-term security of supply as non-renewable sources diminish, through the development of a diverse energy generation system, and renewable energy projects such as solar farms, to support international and nationally binding climate change targets.
- 7.133. Additional commentary on VSC applicable in this case can be found in the following section (Section 8) addressing the Reasons for Refusal.

8. THE APPELLANT'S RESPONSE TO THE REASON FOR REFUSAL

- 8.1. In response to the LPA's Reason for Refusal, a Landscape and Visual Appeal Report has been produced (see Appendix B).
- 8.2. A LVA was submitted as part of the planning application, which detailed the potential impacts of the Proposed Development on landscape and visual receptors within the study area. An external review of the LVA was undertaken by Wynne Williams Associates (on behalf of the LPA (the WWA Review), which found the LVA to be fit for purpose and agreed with the vast majority of the assessment findings.
- 8.3. The findings of the LVA demonstrate that the Proposed Development:
- is sensitively sited with a design and layout that positively integrates with its local context;
 - conserves and enhances local landscape character;
 - protects and enhances Green Infrastructure;
 - protects the landscape setting of listed cultural features (e.g. Listed Buildings, Historic Parks & Gardens);
 - protects the openness and characteristics of the Green Belt; and
 - is not visually intrusive, whilst protecting the visual amenity of any residents and users of public rights of way.
- 8.4. Design changes were made in response to concerns raised by WWA on the adverse nature of visual impact at two viewpoint locations, Stone House and Cuckoo Bush Farm. To reduce the nature of adverse visual effects on the residents at these viewpoints, a 10m buffer of native woodland and scrub alongside nearby visible edges has also been incorporated into the Proposed Development.
- 8.5. While the Landscape and Visual Appeal Report (LVAR; Appendix B) examined the effects upon the landscape and visual receptors within the 5km study radius, it also looks specifically at the openness of the receiving landscape, the visual effects of the Proposed Development upon the visual receptors and upon the amenity qualities of the PRoW network. Building on the LVA assessment, Appendix B aims to provide a finer level of detail within the core impact zone. Additionally, a detailed GBA was undertaken to provide further evidence that effects on the Green Belt would not be detrimental to its purposes.
- 8.6. 10 viewpoints were included within the LVA, as agreed with the LPA, to illustrate the Proposed Development from representative vantage points within the 5km study area. The assessment

- of these viewpoints concluded that short term significant visual effects are only predicted during the early operational phase (i.e. year 0) of the Proposed Development for viewpoint 3 and viewpoint 5 of the original applications viewpoints.
- 8.7. Both viewpoints are located on recreational routes within or within very close proximity to the Appeal Site, nearby views of the arrays and associated infrastructure would tend to remain highly visible until mitigation planting matures. By year 10 of operation however, no significant effects are predicted at any of the assessed viewpoints, or on the users of any recreational routes in the locality.
- 8.8. Given this finding, visibility and/or influence of the Proposed Development on the receiving landscape and visual receptors beyond the immediate study area can be ruled out. This is also supported by the exploratory Zones of Theoretical Visibility (ZTVs) included within Appendix B and Appendix B1 and the 10 verified viewpoints submitted with the LVA. Visibility beyond 500m is extremely limited and is not of any significance to either the landscape or visual receptor.
- 8.9. 5 additional viewpoints, Viewpoints (VPs) A – E, have been included in Appendix B and Appendix B1, which provide further evidence that only glimpses of the Proposed Development (from all viewpoints) are achieved. More specifically, when experienced from approximately 50m away, moving towards the Appeal Site, VP C and VP E show that there are only glimpses visible. Mitigation measures proposed, such as panel offsets and proposed vegetation quickly avoids effects from this area by screening potential visibility. It can be concluded that the impacts upon the visual amenity of the visual receptors, even within close proximity to the site, are not significant.
- 8.10. Users of sections of Gotham Bridleway 11 will experience some visual effects. However, the magnitude of visual effects ranges from low-medium before the establishment of the mitigation vegetation. The views of the panels in this area are also fleeting as the Proposed Development and the PRoW user only interact for approximately 100m, as shown as the user travels from VP D to VP C and onto VP B. These viewpoints are located approximately 200m apart along the PRoW network and through the photomontage. Therefore, the effects are considered Low upon the amenity user.
- 8.11. Viewpoints C and D, as shown in Figures 8 and 9 of Appendix B – Landscape and Visual Appeal Report, also display how quickly views are screened within this landscape, by moving 100 meters along Bridleway 11 as it joins with Bridleway 10. At the intersection of Bridleways 10 and 11 we see to the northeast an open view of the landscape below, with the Proposed Development screened from view by existing vegetation. While a couple of metres away to Viewpoint C, we see a direct view towards the Proposed Development. Mitigation measures have been thoroughly explored here, with offsets, panel reduction and screen planting introduced to screen views towards the Proposed Development for the PRoW user such that visual effects upon the PRoW user for this section are Low.

- 8.12. Visibility of the Proposed Development from the remainder of the PRoW network will be mainly screened by the thick vegetation in the immediate surroundings of the Appeal Site, with the exception of glimpsed views previously assessed within the LVA and LVAR (Appendix B). Due to this feature within the landscape, the existing views are enclosed and short in distance. Views beyond the field boundaries are not achieved, as seen throughout the verified views within this SoC and within the LVA. Visual effects are considered to be Very Low, with only a chance of a glimpse through winter vegetation throughout the remainder of the PRoW network.
- 8.13. The LPA's Reason for Refusal considered the Openness associated with the Green Belt designation.
- 8.14. While the Green Belt is not fundamentally a landscape designation, the NPPF states: "The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence." Within this context therefore, the LVA provided assessment concerning the 'essential characteristics of Green Belts are their openness'.
- 8.15. Evidence provided within the main LVA and further investigations on the core study area within the LVAR concludes a common narrative that the visibility of the surrounding landscape is extremely limited due to the nature of the Appeal Site.
- 8.16. The Appeal Site sits within an area which is bounded by a large coniferous forest which limits and encloses views and therefore acts as a screen for wider study area views towards the Proposed Development. As previously stated, the LVA assessment concluded that the majority of achievable views of the Proposed Development will be experienced within the core study area where open or partial views of the development are possible, particularly in views from close proximity and at elevation, up to an approximate 200m radius.
- 8.17. Viewpoint D shows an example of the setting of the Proposed Development in relation to a view where a sense of 'openness' is achieved. This viewpoint is captured along Gotham Bridleway 10, at this location, as shown in section 5 of Appendix B. When the viewer looks to the east, the sense of openness as described within the Green Belt characteristics are achievable. However, the Appeal Site sits to the south of this viewpoint, in a separate field, bounded by a well-established hedge, and cannot be experienced within this open view. The Proposed Development therefore has no influence upon the openness or visual amenity of this viewpoint. This is the case across the study area and can be closely examined through the 10 viewpoints submitted with the LVA along with 5 additional viewpoints undertaken for the LVAR.
- 8.18. Furthermore, there would be a long-term enhancement of the Green Belt since the existing and proposed green infrastructure across the Appeal Site would be retained and enhanced, which in turn would reinforce the landscape character and would remain after decommissioning as a positive legacy of the scheme in the long term. In fact, with the

continued growth of the vegetation, together with the proposed landscape, recreational and ecological enhancement measures (see the BMP and LEMP submitted with the planning application), the green infrastructure and the Green Belt in the longer term would be significantly enhanced.

- 8.19. Public access would facilitate the inclusion of interpretation boards. The enhanced green infrastructure will result in the creation and enhancement of habitats across the site, which will have a beneficial effect in terms of biodiversity net gain. The addition of the Permissive Path proposed as part of this project, will provide additional amenity opportunities.
- 8.20. In summary, while there is a change in character at the immediate Appeal Site, this change is imperceptible from beyond the immediate Appeal Site boundary due to the levels of screening already provided by existing mature vegetation.
- 8.21. The Planning Officer, in recommending approval for the Proposed Development, agreed with the VSC case put forward by RES Ltd at the time of submission. This conclusion was further supported by the WWA Review, which concluded that impacts were acceptable. The Proposed Development was also not considered EIA development as its impacts were not considered significant in EIA terms.

VERY SPECIAL CIRCUMSTANCES

- 8.22. This section details the benefits of the Proposed Development and demonstrates the VSC satisfied to permit its development in the Green Belt.
- 8.23. The VSC case is premised predominantly on the sustainability credentials of the Proposed Development and its wider associated environmental, social and economic benefits.
- 8.24. Paragraph 151 of the NPPF notes that “when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate Very Special Circumstances if projects are to proceed. Such Very Special Circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”
- 8.25. Paragraphs 147 and 148 of the NPPF state that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”
- 8.26. Although the Proposed Development is therefore by definition ‘inappropriate development in the Green Belt’, RES Ltd has demonstrated that VSC exist.

Environmental and Ecological Benefits

- 8.27. With regards to low carbon and renewable energy, the NPPF states in paragraph 152 that the planning system should;

“...support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

- 8.28. The Proposed Development aligns with the NPPF by contributing to the decarbonisation of electricity generation (reduction of 25,000t³ of CO₂ emissions annually) and, based on the average domestic household consumption per year of 3,578kWh³⁸, the Proposed Development can meet the energy needs of approximately 13,500³⁹ homes. The generation of this level of renewable energy therefore represents a substantial benefit and VSC. As previously outlined throughout this report, the Proposed Development has been designed in cognisance of the Green Belt, with impacts minimised insofar as possible. The overall impacts are not considered to be significant and are outweighed by the positive effects of the Proposed Development in terms of renewable energy generation and combatting climate change. The proposal will result in a net gain in biodiversity of 44.88% and increase woodland by 1.3ha. These will therefore result in some positive effects for the Green Belt and those experiencing this from within the site along PRoWs and the new proposed Permissive Path.

Economic Benefits

- 8.29. Additionally, the Proposed Development will provide economic benefits as set out in paragraph 8.36 below.

Ecological Benefits

- 8.30. Furthermore, NGA undertaken for the Proposed Development has confirmed that with the implementation of the ecology measures outlined in the BMP (outlined below), there will be an increase in biodiversity units significantly above the legal requirement of 10%.
- 8.31. Current activities within the Appeal Site include intensive farming, which will be ceased should the application be granted permission, allowing for the site to benefit from a reduction in the use of heavy machinery and pesticides. As a result of this, it is anticipated that the ability for the Appeal Site to host a range of biodiversity will be increased.

³⁸ [Sub national electricity and gas consumption summary report 2019 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/781112/sub-national-electricity-and-gas-consumption-summary-report-2019.pdf)

³⁹ 50MW x load factor of 0.118 (11.8%) x 8760 / 3578

Benefits

- 8.32. The most notable benefit of the Proposed Development is the support it will provide towards the UK Government's commitments to reduce emissions of greenhouse gas emissions to combat the effects of climate change. References to that UK Government commitment can be found in the policy analysis above in Section 7.
- 8.33. The Proposed Development will have an export capacity of up to 49.9MW and will generate a significant amount of electricity from renewable sources (the Proposed Development can meet the energy needs of approximately 13,500⁴⁰ homes), therefore offsetting the need for power generation from the combustion of fossil fuels including coal and oil. The UK Energy Security Strategy⁴¹ published in April 2022 commits to look to increase the UK's current 14GW of solar capacity fivefold by 2035. If the Government meets this target, ground-mounted solar would cover just 0.3% of the UK's land surface but those areas will need to be close to available grid capacity. Consequently, during its operational lifespan (40 years), the Proposed Development has the potential to displace electricity generated from fossil fuels and consequently represents carbon savings and helps to tackle the climate emergency.
- 8.34. The GBA submitted as part of the planning application outlines the Proposed Development's compliance with the National Planning Policy Framework (NPPF). The Proposed Development will be temporary in nature and will allow for agricultural grazing to take place alongside the electricity generation.
- 8.35. All the buildings within the Proposed Development are at or below single storey level such that when viewed from nearby public vantage points, the scale of the Proposed Development will not be overbearing due to its limited height and relatively benign appearance (i.e. its lack of movement and external illumination etc).
- 8.36. Additionally, the Proposed Development will provide economic benefits to Rushcliffe and the wider Nottinghamshire area in the form of direct impacts relating to the use of local contractors where reasonably practical, the use of local materials where possible and indirect effects where specialist contractors from outside of the local area are working on the construction/decommissioning of the Proposed Development and utilise local businesses such as hotels, B&B's and restaurants. The project will also result in the payment of c. £164,000 in annual business rates.
- 8.37. The following factors are considered to provide the greatest weight in terms of allowing the appeal:

⁴⁰ 50MW x load factor of 0.118 (11.8%) x 8760 / 3578

⁴¹ <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy>

Generation of renewable energy and national policy and legislative support for the UK's transition to a low carbon economy, addressing the climate emergency whilst providing energy security and resilience; and

Provision of significant landscape and ecology enhancement measures, which would result in net gains for green infrastructure and biodiversity.

- 8.38. The additional planting associated with the Proposed Development will result in additional landscape benefits as compared to the existing site and a more sympathetic development. Furthermore, a Biodiversity Management Plan (“BMP”) has been produced. This encompasses enhancement and compensatory measures to ensure the proposed solar farm will lead to a net gain for local wildlife. A Biodiversity Net Gain of 44.88% is expected for habitats within the Application Site Boundary, in addition to a 76.21% Biodiversity Net Gain for hedgerows within the Application Site (See Technical Appendix 2, Volume 3). An additional 1.3 ha of woodland will be planted as part of the Proposed Development.
- 8.39. All existing Public Rights of Ways (ProW) will be protected and enhanced where possible and PRoW widths will remain as, or be wider than, stated in the Definitive Map supplied by Nottinghamshire County Council (see PA Ref: 22/00319/FUL Technical Appendix 11 of Volume 3: PRoW Management Plan and Figures 14 and 16 of Volume 2: Planning Application Drawings). Furthermore, the Proposed Development will introduce a new Permissive Path to the area enhancing public access.
- 8.40. The Proposed Development will represent commercial diversification that will assist with the ongoing viability and stability of a rural business, as supported by both local and national policy. Given that solar power generation does not require a feedstock other than sunlight, the Proposed Development represents an opportunity to provide dual use of the Appeal Site by harvesting the sun's rays to generate electricity and continued low intensity agricultural use through alternative means such as livestock grazing.

RELEVANT APPEAL DECISIONS

- 8.41. This section outlines key renewable energy and other energy infrastructure appeal decisions and cases that support the Proposed Development.

PA Ref: 21/00394/FUL, Appeal Ref: APP/W1525/W/22/3300222

- 8.42. Planning permission was granted on appeal on the 6th February 2023 for a solar photovoltaic park and battery storage generating up to 49.9MW located at Land east & west of A130 and north & south Of Canon Barns Road, East Hanningfield, Chelmsford, Essex CM3 8BD, subject to conditions.

- 8.43. The reasons for refusal included green belt openness and purposes and landscape and visual impact, which are similar to the LPA's Reason for Refusal. The Inspector's reasoning on VSC taking into account what were in that case greater levels of impacts weighed against similar benefits, and taking account of siting constraints resulting from grid availability make this appeal decision particularly pertinent to the present appeal.

- 8.44. On appeal, the Inspector noted;

"The [NPPF] explains that when dealing with planning applications, planning authorities should not require a developer to demonstrate a need for low carbon or renewable energy projects, and should recognise that even smallscale projects can help reduce greenhouse gas emissions. Paragraph 158(b) also explains that such schemes should be approved if any impacts are, or can be made, acceptable. Furthermore, it identifies once areas have been identified for such projects, by local authorities in local plans, any subsequent applications should demonstrate how they would meet the criteria used in identifying suitable locations.

...

I have concluded that the appeal scheme would result in harm to the Green Belt from inappropriateness and loss of openness, to which I afford substantial weight. Furthermore, the proposal would also result in moderate harm to the landscape character and convey moderate visual harm to the area....

Conversely, the proposal would deliver a renewable energy facility that would create up to 49.9MW of power. This would provide power for around 16,581 households, result in a carbon dioxide displacement of around 11,210 tonnes per annum and therefore help combat climate change. The appeal site, whilst large is relatively unobtrusive, within a depression of land that prevents most wide views of the site to be experienced. The surrounding landscape also includes a range of man-made interventions. These features enable the area to accommodate a degree of change where other locally approved solar farms would contribute to the visual evolution of the appearance of the area.

The benefits of renewable energy raise substantial benefits in favour of the proposal... It is also clearly identified, in Section 14 of the [NPPF], where it seeks to increase the use and supply of renewable and low-cost energy and to maximise the potential for suitable such development. The delivery of suitable renewable energy projects is fundamental to facilitate the country's transition to a low carbon future in a changing climate.

Also, a solar farm requires grid capacity and a viable connection to operate. As such, this requirement places a locational restriction on site selection that limits the number of appropriate sites for such a facility. The Appellant explains that the national grid suffers capacity difficulties and limits suitable points of connection. The Appellant proposes to connect to the adjacent electrical pylons placing the site in an advantageous location satisfying the connection constraints that exist. The Appellant has therefore demonstrated that a rational approach was taken to site selection lending support for the selected site.

Accordingly, the public benefits of the proposal are of sufficient magnitude to outweigh the substantial harm found to the Green Belt and all other harm identified above." Emphasis added.

Paragraphs 83-93

- 8.45. The Proposed Development was refused on the same grounds as PA Ref: 21/00394/FUL and the Inspector's conclusions on the VSC for that scheme can be applied to this appeal.
- 8.46. Together with the legally-binding national and EU targets relating to the reduction of CO₂ to be met, which require a greater provision of renewable energy,⁴² the GBA submitted as part of the planning application sets out that the Proposed Development aligns with the NPPF by contributing to the decarbonisation of electricity generation and will lead to a substantial reduction of 25,000t³ of CO₂ emissions annually. This represents a significant contribution to the legally binding national and international requirement and associated targets to increase renewable energy generation and reduce CO₂ emissions.

PA Ref: 21/00440/FUL, Appeal Case No. APP/C3430/W/22/3292837

- 8.47. Planning permission was granted on appeal on the 16th August 2022 for a battery storage facility and ancillary development located at Land west of Wolverhampton West Primary Substation, South Staffordshire, Railway Walk, Wolverhampton, WV4 4XX, subject to conditions.
- 8.48. The main reasons why the local planning authority refused the application were in relation to Green Belt and;

whether the development would be inappropriate development in the Green Belt;

⁴² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R1119&from=EN>

the effect of the development on the openness of the Green Belt; and

whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

8.49. The Proposed Development was refused upon the same grounds in relation to its potential harm on the Green Belt and this SoC has set out the VSC that weigh in favour of the scheme.

8.50. It was concluded that the development would cause harm to the openness of the green belt and the character and appearance of the area, however the Inspector outlined the “pressing need to address the energy strategy issues facing the country” stating;

“In addition to this the proposal has been supported by a considerable level of technical data and justification for the proposal as to why it needs to be located in the Green Belt.

These considerations, collectively, carry great weight and I conclude that they amount to very special circumstances, sufficient to outweigh the harm to the Green Belt, by reason of inappropriateness and the effect on openness.”

9. CONCLUSIONS

- 9.1. There is an urgent need for renewable energy in the UK, to which solar schemes contribute significantly. This SoC presents the need for the Proposed Development at the Appeal Site, the steps taken to identify the site as a suitable location, the sympathetic design that has evolved through consultation that together reduce adverse impacts to acceptable levels and the additional benefits from development. Together these factors combine to make this an appeal that is well within the Inspector's discretion to approve and RES submits should be approved.
- 9.2. Whilst RES employ site suitability criteria from the outset, in addition to the material submitted with the application it has undertaken a further site availability exercise to assist the Inspector in the determination of this appeal (See Appendix E: Grid Capacity Analysis). The level of new renewable capacity still needed in the UK and the urgency with which it is needed in practice makes grid availability a, if not the, key constraint. For that reason the additional assessment has focussed on the section of grid within which capacity exists on which RES has secured its grid connection offer, (the 22km of overhead line and 5km of underground cable) of 132kV overhead line between Ratcliffe on Soar and Willoughby.
- 9.3. That assessment shows there are no obviously available alternative development opportunities that would provide greater or even the same benefits with the prospect of meaningfully less planning impacts, including in relation to the site's Green Belt status.
- 9.4. RES has addressed fully the reasons for refusal that cover adverse impact on openness, adverse visual amenity and adverse amenity of users of adjacent rights of way. This demonstrates very special circumstances for the Proposed Development in the Green Belt, outweighing any harm by reason of inappropriateness, in that:
 - 9.5. visual impacts and effects on openness have been shown by detailed expert assessment to be low in any event due to the accommodating landform in and around the Appeal Site;
 - 9.6. those impacts have been reduced further by design changes that have been made in light of consultation responses to the point now that further reductions in developed area would not achieve any proportionate reduction in impacts;
 - 9.7. no alternative site exists that can make use of the available grid capacity with any less planning impact;
 - 9.8. the Proposed Development achieves high levels of compliance with all relevant policies in the NPPF, Core Strategy, Local Plan and Neighbourhood Plans;

the Proposed Development would have a renewable energy generating capacity of up to 49.9 MW, which would meet the needs of approximately 13,500 homes annually saving approximately 25,000 tonnes of CO₂ annually;

the Proposed Development would contribute to reducing the UK's reliance on fossil fuels and, in turn, contribute to the climate change agenda and the Net Zero by 2050 target;

these energy generation benefits bring compliance with a wide range of national and international policy and legal obligations;

the diversification of the agricultural farmland increases the profitability of the landowner's farming business with the ability to continue a reduced level of agricultural use on the Appeal Site;

the rural economy will be supported by reduced energy bills;

the Proposed Development will provide a Biodiversity Net Gain of 44.88%;

the Proposed Development is temporary and fully reversible such that the Appeal Site can be reinstated to allow full agricultural use on decommissioning;

the Proposed Development will provide a range of community benefits, including the protection and enhancement of PRowS and a new Permissive Path; and

significant support for granting permission in this appeal comes from recent appeal decisions on renewables in the Green Belt (especially the solar development at Hanningfield) in which the Inspector found very special circumstances warranting permission in a Green Belt location for very similar reasons to the above in terms of benefits achieved, impacts reduced as far as possible and responsible approach by the developer to consideration of alternatives in relation to grid availability.

APPENDICES

Appendix A: Rushcliffe Borough Council – Notice of Refusal

Appendix B: Landscape and Visual Appeal Report

Appendix C: Green Belt Assessment

Appendix D: Planners Report

Appendix E: Grid Capacity Analysis

Appendix F: Field Numbers



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