

ON BEHALF OF RUSHCLIFFE BOROUGH COUNCIL

Town and Country Planning Act 1990, Section 78 Appeal

PROOF OF EVIDENCE

PUBLIC INQUIRY

PINS Appeal ref: APP/P3040/W/23/3329235

LPA ref: 22/00319/FUL

Location: Land to the West Of Wood Lane and Stocking Lane, Kingston Estate, Gotham

Appellant: Renewable Energy Systems (RES) Ltd

Description: Installation of 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

Date: April 2024

All documents referred to within this statement and originally submitted with the planning application can be viewed on the Council's website.

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[Executive Director and Founder](#) | ET Planning

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## 1. INTRODUCTION

1.1 This is my Proof of Evidence in respect of an appeal by Renewable Energy Systems (RES) Ltd against the Local Planning Authority's refusal of Full planning application reference 22/00319/FUL for the Installation of 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.

1.2 I, Emily Temple, have been appointed by Rushcliffe Borough Council to give evidence in support of their case in this appeal. I hold over 19 years of professional planning experience, both in the public and private sector. I am the Founding Director at ET Planning Ltd, an independent planning consultancy established in March 2017 which is registered with the RTPI. I have held this position for over 6 years. Prior to this, I was for five years a Principal Planner and later Associate Director for national planning consultancy Pegasus Group. I also hold seven years' experience working for two different Local Planning Authorities, up to Senior Planning Officer level. I have appeared as a professional expert witness in numerous Public Inquiries for both private and public sector clients. I hold a Bachelor of Science Honours degree in Environmental Protection awarded by Surrey University, a Master's Degree in Spatial Planning awarded by Oxford Brookes University, and am a Chartered Member of the Royal Town Planning Institute. I am familiar with the appeal site and the surrounding area and have made myself aware of the planning policy background and relevant issues to this appeal. The evidence provided is my true and professional opinion.

### Statement of Common Ground and conditions

1.3 A statement of common and uncommon ground has been agreed with the Appellant, along with a list of conditions. These have been submitted separately as part of the appeal proceedings.

### Core Documents

1.4 A schedule of core documents has also been agreed within the Statement of Common Ground.

## 2. THE SITE AND SURROUNDS

2.1 Please refer to section 2 of the Council's statement of case.

## 3. PLANNING HISTORY

3.1 Please refer to section 3 of the Council's statement of case.

## 4. DESCRIPTION OF THE PROPOSAL

4.1 Please refer to section 4 of the Council's statement of case.

## 5. NATIONAL AND LOCAL PLANNING POLICY AND LEGISLATION

5.1 Please refer to section 5 of the Council's statement of case. Of note since the planning decision was issued is the update to the National Planning Policy Framework in December 2023 (CD3.1) and the National Policy Statements for renewable energy published in November 2023 (CD3.3 and 3.4) which came into effect on 17/01/24.

## 6. THE CASE ON BEHALF OF THE LOCAL PLANNING AUTHORITY

6.1 The planning application subject to this appeal was refused by planning committee on 9th March 2023 with the Decision Notice issued on 13<sup>th</sup> March 2023. A copy of the Decision Notice is attached at Appendix 1 of the Council's Statement of Case and CD2.2. The application was refused for the following reason:

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

6.2 The following main issues are identified for assessment;

- Principle of Development in the Green Belt
- Effect on Green Belt Openness
- Effect on Landscape Character and Appearance
- Effect on the amenity of users of the ProW and Bridle Way
- Assessment of Alternative Sites
- Planning balance and whether Very Special Circumstances exist

Principle of Development in the Green Belt

6.3 The Framework (CD3.1) paragraphs 154 and 155 identify a closed list of exceptions to inappropriate development in the Green Belt. The appeal proposal contains operational development which does not fall into any of the listed exceptions. Paragraph 156 of the Framework further clarifies that "elements of many renewable energy projects will comprise inappropriate development".

Inappropriate development should "not be approved except in Very Special Circumstances" (paragraph 152 and 156). Very Special Circumstances are defined in paragraph 153 which states "Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

- 6.4 In summary, the appeal development is inappropriate and should not be approved unless Very Special Circumstances exist.

#### Effect on the Green Belt - Purpose

- 6.5 The Framework sets out five Green Belt purposes at paragraph 143. Purpose C seeks to assist in safeguarding the countryside from encroachment. With the appeal site being located wholly within the countryside and comprising a development area of 55.65ha in a 80.65Ha site across 15 of 16 fields, conflict is found with this purpose. The Appellant states in their Green Belt review paragraph 7.56 that they disagree due to the low-lying development within a single landholding and being well screened. I do not agree with this reasoning; the development is located in the Green Belt countryside and therefore represents encroachment. The development height or single landholding does not overcome conflict with this purpose.

#### Effect on the Green belt - Openness

- 6.6 The appeal site is located across two areas of open, elevated and gently undulating land; a wholly rural countryside character. Noting the above development site area of which 55.65Ha would be developed (69% of area), the appeal scheme comprising extensive ground-mounted photovoltaic solar arrays of some 3.1m high, together with the height and number of substation compounds, inverters, equipment containers, perimeter fencing, CCTV and engineering works for internal access tracks, would demonstrably erode the sense of openness in the Green Belt through the introduction of urbanising infrastructure and unacceptably detract from the Green Belt's existing open quality; being presently free of built development. As a result, the appeal scheme would constitute a significant encroachment into the countryside, diminishing the sense of openness between Gotham and East Leake and undermining the purposes of including land in the Green Belt. The appeal scheme does not preserve the openness of the Green Belt.

6.7 Finally, in relation to the Green Belt harm is the period of 40 years for the appeal proposal. It is noted that some infrastructure would remain after this time. Despite much of the development being proposed for decommissioning and removal after 40 years, the time period is extensive and represents a generation of individuals using the area. As such the ability for the temporary nature of the appeal development and reversion to open land to be appreciated by local residents and users of the area is very limited. Consequently, the appeal development is contrary to Policies 16(1a) and 21 of the Local Plan Part 2 (CD4.2), which requires Green Belt development to be in accordance with the Framework.

#### Effect on the Landscape Character and Appearance of the Area

6.8 As referenced in the Council's Statement of case, it is expected that the Council will publish a Landscape Sensitivity Study; an independently prepared study of the landscape across the Borough. Publication is due after the date of Proof exchange. For clarity, I have not seen this document at the time of writing and it has not therefore informed any of the evidence set out in this proof. Commentary on the Sensitivity Study and any implications on the Council's case will be expressed at the Proof rebuttal stage. A copy will be provided at CD4.7.

6.9 Policy 10 of the Core Strategy (CD4.1) requires "new development to conserve or where appropriate, enhance or restore landscape character. Proposals will be assessed with reference to the Greater Nottingham Landscape Character Assessment." Policy 16(2e) confirms the same; "Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment".

6.10 The appeal site is located between the settlements of Gotham to the northwest and the larger East Leake to the southeast. The Rushcliffe golf course presents a transitional area of more 'managed' countryside to the very northeast end of the appeal site, beyond which lies the British Gypsum Head Office. The majority of the appeal site is however bordered by agricultural land and wooded pockets. The Appellant in their appeal statement paragraph 3.5 describe the surrounding area as 'semi-rural' whereas my assessment is rural; rural does not mean devoid of any development but is about the overall character presented.

- 6.11 The appeal site lies within the Nottinghamshire Wolds Regional Character Area. (CD3.28). Appendix 9 of the GNLCA identifies certain Draft Policy Zones ('DPZ') within the Regional Character Areas and identifies the site as being within the DPZ known as the NW01 - Gotham and West Leake Hills and Scarps (CD3.35). Key characteristics include a mixture of woodland, arable and pasture; modern field patterns and hedgerow field boundaries; rides and areas of open land are interspersed between plantation woodland. The Character Area is identified as having a strong landscape character which is in good condition and therefore the landscape actions are to conserve. This strength of character comes from the distinctive series of prominent hills that provide expansive views of low lying farmland and Nottingham. Landscape conservation actions include conserving the distinctive pattern of hills and fields, including the balance of arable (on lower slopes) and pasture farming (on steeper and higher slopes); conserving field patterns; ensure any new industrial development is nestled on low ground and has well wooded boundaries with integrate with woodland on higher ground to reduce its visibility.
- 6.12 I consider the appeal site reflects the characteristic of the landscape area character type. The 16 inclusive agricultural fields span a long and linear pattern between Gotham and East Leake. Furthermore, fields 5, 6, 11, 15 and 16 notably feed either physically and/or visually into the non-wooded open countryside beyond. I note the development has been revised to remove panels from field 16 and part of field 15 in response to concerns raised at the application stage, so that 15 fields are now to be developed.
- 6.13 To assist the Inspector, I accept the Appellant's baseline and their assessment of landscape sensitivity and assessment of predicted effects. My evidence seeks to look at the interpretation of the predicted effects – particularly visual effects upon recreational users – at each viewpoint and then an assessment of the site as a whole. For ease, the Appellant's visual effect conclusions are summarised in the table overleaf:



Viewpoint Location	Appellant visual effect conclusion at Year 10	Document reference
1	Negligible (adverse)	Technical Appendix 1: LVA Dated 007/02/2022 Page 41
2 / Also A – BW12	Moderate (adverse)	Technical Appendix 1: LVA Dated 007/02/2022 Page 44
	Minor significant	Appendix B Landscape and Visual Appeal report Dated 08/09/2023 Page 19 Figure 6 Appendix B1
3	Moderate (adverse)	Technical Appendix 1: LVA Dated 007/02/2022 Page 46
4	Moderate (adverse)	Technical Appendix 1: LVA Dated 007/02/2022 Page 48
5	Minor-moderate (adverse)	Technical Appendix 1: LVA Dated 007/02/2022 Page 50
6	Moderate (adverse)	Technical Appendix 1: LVA Dated 007/02/2022 Page 52
7	Moderate (adverse)	Technical Appendix 1: LVA Dated 007/02/2022

		Page 54
8 / Also E	Moderate (adverse)	Technical Appendix 1: LVA Dated 07/02/2022 Page 56 CD1.22
	Slight (adverse)	Appendix B Landscape and Visual Appeal report Dated 08/09/2023 Page 23 Figure 10, Appendix B1
9	No visibility	Technical Appendix 1: LVA Dated 07/02/2022 Page 38 and Figure 1.10 CD1.22
10	No visibility	Technical Appendix 1: LVA Dated 07/02/2022 Page 38 and Figure 1.10 CD1.22
B – BW12	No change	Appendix B Landscape and Visual Appeal report Dated 08/09/2023 Page 20
C – BW11	Slight Adverse	Appendix B Landscape and Visual Appeal report Dated 08/09/2023 Page 21 Figure 8 Appendix B1
D – BW10	No change	Appendix B Landscape and Visual Appeal report Dated 08/09/2023 Page 22

- 6.14 On the Appellant's own evidence, at every viewpoint the visual effect of the appeal development is adverse in some way, and this adverse effect continues to Year 10 in the majority of viewpoints. I accept that the proposed landscaping and biodiversity enhancements would have a minor beneficial landscape effect following decommissioning of the appeal development, however bearing in mind the Landscape Strategy for the Character Area and DPZ is to conserve, along with the requirement to ensure industrial forms of development are nestled on lower ground, I can only conclude that the long term scale of effect during the 40 year time horizon of the development's lifetime is adverse.
- 6.15 Specifically, I consider the most harmful visual effects of the development to be viewpoints 3, 4 and 6, all identified by the Appellant as Moderate Adverse, to which I concur. The impact from these viewpoints are influenced by the view across the depth of the development, especially at viewpoint 3 across fields 3, 4, 5 and 6, where at present the view is open and expansive. Also, the loss of the existing sense of openness and views across fields 7 – 11 which currently provides a pleasing contrast to the woodland copse adjacent to the north of BW11. Along this stretch of BW11 the sense of openness is afforded only by the fields given the woodland to the north and beyond the fields to the south, shortening views in this location at present. The development would thus affect viewpoint 4, but also the experience along the full length of fields 7-11. This sense of openness along fields 7-11 would be wholly eroded by the development and the proposed fencing, vegetation and tree planting to the south of BW11, despite the width of the route maintained. The Inspector is referred to section AA on plan reference NEO00763\_041I\_D Figure 14 (CD1.18) and LEMP plan NEO00763\_048I\_D Figure 1.13b and viewpoint 4 at Figure 1.11 showing years 0 and 10 (CD122.15B).
- 6.16 There is no viewpoint provided directly south of viewpoint 4 but the effect looking north from BW10 when emerging from the West Leake Hills woodland at BW3 also requires specific consideration. This is particularly because where at present the PROW continues across the grassed field alongside the hedge, the new route across field 11 will be a corridor between the existing hedge and the new boundary fencing. There is also a new access track proposed in this location and an inverter and hardstanding would be located in the centre of field 11. The Inspector is referred to plan reference NEO00763\_051I\_B Figure 17 (CD1.21) and section BB

on plan NEO00763\_041I\_D Figure 14 (CD1.18). The Appellant's Technical Appendix 11 PROW management plan (CD1.32) states at paragraph 1.14 that the proposals "ensure the openness of the route is not compromised, and the potential for adverse visual impacts is reduced". I disagree with this conclusion.

6.17 The location of viewpoint 6 is atop a ridge with expansive views in all directions. Whilst north of BW13 is the golf course, all the land to the south is woodland or open agricultural. The solar development and introduction of a new hedgerow at field 15 will curtail the expansive view in this direction and bisect the visual experience of otherwise large agricultural fields in this location. The Inspector is referred to Figure 1.12 of Viewpoint 6 and years 0 and 10.

6.18 Finally, a location where no viewpoints are provided is the access junction of the site between Kegworth Road and Wood Lane. The Construction Traffic Management plan (CD1.26) visibility splay plan reference NEO00763\_001I\_A Figure 5.3 Revision A highlights that 152m of hedgerow is to be realigned. Whilst this replacement hedge will regrow over a 10 year period, there will be adverse visual after-effects of the construction stage in this location. I assess the visual effect here as minor adverse.

#### Overall

6.19 The proposed development would alter the landscape with the introduction of operational development across a relatively broad area. Therefore, this would result in localised landscape harm. As a consequence, the scheme would result in a moderate adverse impact on the area's landscape visual effects over the operational period. Of particular relevance is the 40 year time horizon of the development, meaning 25% of the development's lifetime will be affected by the lengthy 10 year timeframe for new landscape growth, such that the development will have even greater adverse visual effect during the initial years following completion.

#### Cumulative Effect

6.20 With reference to Cumulative Map Plan reference number NEO00763/050I/A (CD1.37), I accept the conclusions of both the Appellant's evidence and the independent Council's review that there would be no adverse cumulative

landscape harm as there is no intervisibility between sites. However, the following local distinctions to the other listed solar developments are made as follows:

Glebe Farm, Gotham, NG11 OHF. No application yet submitted. Within Landscape Character Area South Notts Farmland.

Land at Church Farm, Gotham Road, NG11 ODE. No application yet submitted. Within Landscape Character Area Trent Valley.

Lands East and West of Nottingham; Approved allocated urban extension development currently under construction; up to 3,000 dwellings plus commercial and leisure located on the southeast edge of Clifton, in Landscape Character Area South Notts Farmland.

Highfield Farm, north of Wysall. Application 24/00161/FUL for 49.9MW solar farm pending consideration. Within Landscape Character Area DPZ East Leake Rolling Farmlands.

Sharpley Solar Farm, East Leake. Approved application 21/00703/FUL for a 35 year, 4MW solar farm covering a 10Ha site 200m north of East Leake and east of the British Gypsum Head Office. Within Landscape Character Area DPZ East Leake Rolling Farmlands.

- 6.21 Of relevance, in addition to the above sites identified by the Appellant is a screening opinion for a Solar Farm and battery energy storage development on a site to the north east of the appeal site at Land North of Leake Road, reference 22/01856/SCREIA. This development would likely have cumulative effects in combination with the appeal site, but as it has not yet been proposed/submitted to the Council it is not a present material consideration for the appeal scheme as this time.

#### Conclusions

- 6.22 In summary, the appeal site forms an important landscape and visual element in the locality and there is harm upon it. The appeal site adds positively to the rural character of the area, representing the key characteristics for which the landscape character area is so defined, and contributing to the separation of nearby settlements. Moreover, it is an attractive area of countryside as part of a wider region that is enjoyed by many users of the vast network of PRow and Bridleways in the locality. The scale and broad spread of development together with the heights, number and engineering works of the substation compound, inverters,

equipment containers, perimeter fencing, CCTV and internal access tracks would result in an urbanising form of development which does not achieve the policy requirements to conserve the landscape character of the area; the harm is material and significant. Proposed landscaping measures exist to mitigate harm resulting from the visual effect of development yet would not totally screen the development and will take 10 years (25%) of the lifespan of the development to mature, and would provide less screening during winter months even as the vegetation grows. The 40-year temporary timeframe of the of the development does not diminish the landscape harm during its operation and is considered lengthy enough in time to provide little in mitigation on landscape effects.

- 6.23 The proposed scheme would have a significant depth of development which would be readily apparent, especially in views from viewpoints 3, 4, 6, and C, E, given the change in levels, across the site and elevated landform. On this basis the appeal scheme would result in a material adverse visual effect on the landscape character and appearance of the area. Consequently, the appeal development is contrary to policy 10 and 16(1b and 1i) of the Core Strategy Part 2, the Greater Nottingham Landscape Character Assessment DPZ NW01 and the Framework paragraph 135c and 180b.

The Effect on the amenity of Public Rights of Way (PRoW) and Bridleway (BW) users

- 6.24 The site and surrounding local landscape accommodate a well-connected network of recreational routes, including a number of Bridleways which cross or lie adjacent to the site. These include Gotham BW No. 10, 11 and 12 and West Leake BW's No. 1, 3, 5 and 13. West Leake BW No. 5, also known as the Midshires Way, is also a Long-Distance Walking Association (LDWA) Route bordering the boundary of the southern part of the site (Fields 15 and 16). These are indicated on the Appellant's PRoW plan reference NEO00763/0111/A (CD1.32).
- 6.25 Third party comments have been submitted with the Council's questionnaire. Attention is specifically drawn to the comments of the CPRE (CD6.23) and the Ramblers (CD6.9). Their concerns are echoed in the response by the British Horse

Society (CD6.24) who confirm there is a strong equestrian community in the area, and the extensive network of bridleways are well used by riders.

- 6.26 It is accepted that construction/decommissioning disturbance impacts would be short term and could be mitigated through the use of planning conditions in accordance with the Framework paragraph 55. However, the extensive span of the appeal development plus introduction of urban features including the ancillary infrastructure and the 2.4m high deer fencing and treed planting, which would be located adjoining multiple sections of BW1, BW5, BW11, BW12, BW13, would diminish the sense of openness, tranquillity and undisturbed enjoyment of the wholly rural surrounds experienced by users of these routes due to its significant intrusion into the countryside.
- 6.27 By way of example, at 6.17 above the transition from the West Leake Hills woodland to field 11 is explored. At the time of my visit (8<sup>th</sup> April 2024) the PROW was also extremely muddy as evidence of high usage – see image below of the transition between field 11 leading into the West Leake Hills:





- 6.28 The Appellant proposes an enclosed corridor between the existing hedge and proposed fencing. The experienced muddy situation is likely to be present for extended periods after rainfall and the forced concentration of 'traffic' between the hedge and fencing would exacerbate underfoot conditions by concentrating traffic along the route. Combined with the fencing and perception of infrastructure in the form of the panels and centrally sited inverter would further erode the enjoyment of the countryside than what currently exists.
- 6.29 Likewise, along BW11 and fields 7-11 the proposed new fencing and planting to the south would also introduce a sense of enclosure for users of the route.
- 6.30 Thus, the appeal site development thus represents a readily apparent material change to the visual qualities of the area enjoyed by riders and walkers alike, exacerbated by the number of Bridleways affected, the span of introduced fencing, the depth of view across the proposed panel arrays and the supporting infrastructure. The appeal scheme would result in a material adverse visual effect along the Bridleways adjacent to the appeal site. From these locations, there is no disguising the fact there is an elongated introduction of development parallel with BW11, BW12 and BW13, and spanning the majority of the gap along this route between Gotham and East Leake. The appeal development is therefore contrary to Policy 16(1b and 1g) of the Core Strategy Part 2.

#### Assessment of Alternative sites

- 6.31 The PPG (CD3.2) on renewable energy, paragraph 13 requires that when a proposal involves Greenfield Land, that the Appellant show "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".
- 6.32 The Appellant has provided an assessment of sites within 2km of a grid point connection within their Green Belt Assessment document, stating anything beyond this would not be economically feasible. The Appellant also states that 96.3% of their study zone thus fell within the Green Belt, that 39.7% of Rushcliffe Borough falls within the Green Belt and that there was 'no option' to develop outside the Green Belt.



- 6.33 The Council disputes the Appellant's assessment. Firstly, there is no evidence to substantiate why a 2km limit to a grid point connection is necessary, where that limit has been derived from, nor any viability evidence as to why anything beyond 2km would not be economically feasible, as claimed.
- 6.34 Second, the Framework paragraph 156 was by definition, clearly written acknowledging renewable energy developments may be proposed in Green Belt locations and that whilst the renewable energy benefits may be significant, this does not mean that such proposals should be outside of the general direction and requirements of Green Belt policy. Very Special Circumstances are required. That there was 'no option' to develop outside the Green Belt is clearly inaccurate; that statement only applies to the narrow 'study zone' the Appellant has selected. In the absence of such justification being advanced, the Council is not satisfied a full assessment of alternative sites has been evidenced in accordance with the PPG. The development is therefore contrary to Policy 16(1h) of the Core Strategy Part 2.

7. PLANNING BALANCE AND CONCLUSION

7.1 In accordance with paragraph 12 of the Framework, the statutory status of the Development Plan is the starting point for decision-taking. Paragraph 12 advises that “where a planning application conflicts with an up-to-date development plan permission should not usually be granted”. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise’.

7.2 When assessing all relevant material considerations, it is necessary to weigh the different benefits of the proposal. For ease, I have adopted the following weighting descriptions as follows in order of significance:

- Substantial
- Significant
- Moderate
- Limited
- Neutral

7.3 These weightings are summarised in the following tables:

Harm	Substantial	Significant	Moderate	Limited	Neutral
Inappropriateness	x				
Purpose C	x				
Openness	x				
Visual effects on Landscape character and appearance		x			
Amenity of PRoW/BW users		x			

Benefit	Substantial	Significant	Moderate	Limited	Neutral
Renewable Energy Generation		x			
Economic benefit				x	
Biodiversity net gain		x			
Policy compliant aspects (see 7.11)					x
Temporary length of operation				x	

Harms

- 7.4 Substantial weight must be given against any harm to the Green Belt (Framework paragraph 153). Substantial negative weight is afforded to harm by reason of inappropriateness.
- 7.5 Substantial negative weight is afforded to the impact on openness of the Green Belt and the conflict with Green Belt purpose C identified in the Framework paragraph 143 which seeks to safeguard the countryside from encroachment.
- 7.6 Significant negative weight is afforded to the harmful effect of the appeal development on the landscape character and appearance of the area, specifically the conflict with the key characteristics and strategy to conserve in the Landscape Character Area DPZ NW01.
- 7.7 Significant negative weight is afforded to the visual impact of the development on the amenity of users of the public rights of way and bridleways which surround the appeal site.

Benefits

- 7.8 Significant positive weight is afforded to the renewable energy generating benefits of the appeal development. The Appellant’s appeal statement clarifies their case is ‘premised predominantly on the sustainability credentials’ of the development.

I note the Framework paragraph 156 states Very Special Circumstances 'may include' such benefits but that this does not mean 'will' or 'always' and that a planning balance is still required against each development proposal on its own merits as to whether Very Special Circumstances are evidenced.

- 7.9 Significant positive weight is given to Biodiversity Net Gain, noting that above 10% will be provided and that such benefits would be retained after the development is decommissioned.
- 7.10 Limited positive weight is given to the economic benefits of the development as benefits are limited for the duration of the temporary time periods of construction and decommissioning. Ongoing business rates contribute toward local services rendered by the Council and are afforded neutral weight.
- 7.11 Limited positive weight is afforded to the temporary nature of the appeal proposal as at 40 years, the ability for the temporary nature of the appeal development and reversion to open land to be appreciated by local residents and users of the area is slim. A 40 year timeframe represents a generation of local occupants, and for many local occupants and users of the PROWs, the appeal development would be present for their entire residence in the area.
- 7.12 The policy compliant aspects of the development against Council policies relating to sustainability, drainage, highway safety etc are considered to be neutral effects rather than benefits. Mitigation measures such as landscaping also seek to neutralise harm. Individually these aspects are afforded neutral weight.
- 7.13 For reasons set out in this statement, the appeal development is contrary to relevant up to date Development Plan policies in relation to the harm on the Green Belt, the landscape character and appearance and visual amenity. Dismissal is further supported by national guidance in the form of The Framework, the PPG and GLIVIA 3<sup>rd</sup> Edition. The Appellant has failed to produce an assessment of viability for the lack of alternative site assessment, and the 2km to grid restriction area appears to be self-imposed rather than dictated by any external parameters or standards. As such, without a proven alternative this cannot be a Very Special circumstance. In light of the above planning balance, Very Special Circumstances

advanced through the material considerations in favour of the appeal development do not clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal. In accordance with paragraph 12 of The Framework, the Council therefore respectfully requests that the Inspector dismiss the appeal.