



Planning Proof of Evidence

CD 8.5

by

Mr Peter Bond JP, BSc (Hons), MA, MRTPI

Acting on behalf of Rushcliffe Borough Council

for

Planning Appeal by Exagen Development Ltd Against the Refusal of a Full Planning Application for the construction, operation and subsequent decommissioning of a renewable energy park comprising ground mounted Solar PV with co located battery energy storage system (BESS) at the point of connection, together with associated infrastructure, access, landscaping and cabling

at

Land West of Bradmore Road and North of Wysall Road, Land West of Wysall, Wysall
Known as: Old Wood Energy Park

Planning Application Reference: 24/00161/FUL

Planning Inspectorate Reference: APP/P3040/W/25/3375110



Heaton's
Planning Environment Design

February 2026

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Heatons Document Management

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1 QUALIFICATIONS AND EXPERIENCE

- 1.1.1 I am Peter Bond and I am a Planning Director at Heaton Planning Limited (Heatons). Heatons is a planning, environment, and design consultancy, with an experienced team of planners, surveyors and ecologists.
- 1.1.2 I have over 20 years' experience within the town planning sector, with experience working for local planning authorities, waste operators and private consultancies. I have provided a range of planning services for sites and clients across the United Kingdom, including submission of applications, Environmental Statements and representing local authorities and appellants at appeal. I hold a Bachelor of Science degree from the University of Huddersfield, a Masters degree from the University of Central England and I have been a chartered Town Planner with the Royal Town Planning Institute since 2008.
- 1.1.3 Heatons was instructed by Rushcliffe Borough Council (the Council) in November 2025 to represent the local planning authority at the Inquiry.
- 1.1.4 The evidence which I have provided for this appeal is true, to the best of my knowledge. I confirm that the opinions given are my true and professional opinion.

2 SCOPE OF MY EVIDENCE

- 2.1.1 My evidence addresses reasons for refusal one – three inclusive in terms of assessing the planning balance between the benefits and the adverse impacts that would arise from the proposed scheme.
- 2.1.2 Separate expert evidence will be provided by Messrs Simon Higson and Adam Partington with regard to the specific impacts of the proposal in terms of landscape and cultural heritage respectively, and by Ms Rhia McBain with regard to ecological impacts. I defer to their evidence with regard to these matters.
- 2.1.3 The Council considers that, after weighing in the benefits of the Appeal Proposal and mitigation measures proposed, the proposed development would result in unacceptable adverse impacts that would be contrary to the provisions of Local Plan Part 1 (LPP1) Policies 10 and 11, Local Plan Part 2 (LPP2) Policies 1, 16, 22, 28, 34 and 38 and the thrust of Chapters 15 and 16 of the National Planning Policy Framework (NPPF).
- 2.1.4 As requested during the Case Management Conference (CMC) on 7th January 2026, I have considered both the original scheme submitted as part of the planning application and the revised scheme submitted as part of this Appeal. The same conclusion is drawn for both schemes.
- 2.1.5 My proof expands upon and provides the detail behind the planning balance between the benefits and harm likely to be generated by the Appeal Proposals raised within the Council's Statement of Case (SoC) (**CD 8.4**).
- 2.1.6 My evidence considers the grounds on which planning permission has been refused. It summarises and weighs the factors that need to be considered in accordance with the Development Plan, NPPF and other material considerations.
- 2.1.7 My evidence is structured as follows:
- Section 3 – The Case for the Local Planning Authority
 - Section 4 – The Planning Balance
 - Section 5 – Conclusion

3 THE CASE FOR THE LOCAL PLANNING AUTHORITY

3.1 Impacts Arising from the Appeal Proposal

- 3.1.1 The Officer's Committee Report (**CD 4.1**) addresses the main material considerations in the determination of the application, although for the purposes of this Appeal the following matters are considered to be most relevant:
- landscape and visual impact including visual impacts;
 - impacts on the historic environment;
 - impacts on skylarks;
 - sustainability and climate change;
 - need for the development; and
 - planning policy considerations and planning balance.
- 3.1.2 As detailed in the Overarching Statement of Common Ground (SoCG) (**CD 8.3a**), the reasons for refusal do not include health and residential amenity; restoration proposals, aircraft safety and airport safeguarding; economic considerations; archaeological mitigation and need for, and scope of, a S106 obligation. These issues will only be dealt with in response to issues raised by third parties or the Inspector.
- 3.1.3 The key issues for consideration relate to landscape and visual impacts (including cumulative impacts of this proposal when considered alongside the adjacent approved solar energy development), amenity impacts on local rights of way users and impacts on the setting of designated heritage assets within the locality (it is noted that there are no designated heritage assets directly affected by this proposal), and the impacts upon, and the nature of mitigation proposed for, the identified skylark populations within the Appeal Site. Detailed evidence in relation to landscape and visual impacts is provided in the Proof of Evidence of Mr Simon Higson (**CD 8.51**), in relation to Heritage, this is provided in the Proof of Evidence of Mr Adam Partington (**CD 8.52**) and in relation to skylarks, the Proof of Evidence of Ms Rhia McBain (**CD 8.53**). My proof is focussed on the planning balance in considering the harm of the proposal against the benefits that would be generated.
- 3.1.4 With regard to the relative weight that I afford to each benefit and harm, I have used the following scale:
- Substantial

- Significant
- Moderate
- Limited
- Very Limited
- Neutral.

3.2 Benefits of The Proposal

- 3.2.1 Notwithstanding the aforementioned impacts that weigh against the granting of planning permission, there are several factors that weigh in favour of the proposed solar farm.
- 3.2.2 The Appellant states that the proposal, as amended and reduced in size, will still generate 49.9MW of renewable energy from the solar farm, with an additional 85MW of BESS storage, which the Appellant states in its Planning Statement to be the equivalent usage of 25,900 dwellings and would save 31,500 tonnes of CO2 per annum (para. 1.26 of their SoC (**CD 8.2**)) being emitted to the atmosphere each annum.
- 3.2.3 The declaration of a Climate Emergency by the UK Government in May 2019 is a material consideration. Given the Government's position on the scale and urgency of this emergency, substantial weight ought to be afforded to this material consideration, including the impact of climate change on food production. A balance therefore is required to be struck to reduce the former to protect the latter. While the Council has also declared a Climate Emergency, it is considered that very little, if any weight can be afforded to this, as the benefits of the scheme would accrue wherever it is proposed and irrespective of whether or not the Local Planning Authority has declared such an emergency.
- 3.2.4 The UK is legally bound through the Climate Change Act (2008) (**CD 5.8**) to reduce UK greenhouse gas emissions by at least 80% by 2050, from a 1990 baseline. The proposal has the potential to generate approximately 49.9MW of electricity to serve the needs of 25,900 homes (as stated by the Appellant) in a manner which would considerably reduce the potential implications of CO2 pollutants generated by equivalent electricity produced from fossil fuels (31,500 tonnes (as stated by the Appellant)). This would, therefore, amount to an environmental benefit and substantial weight ought to be afforded to the proposed development in this regard.

- 3.2.5 The overarching National Policy Statement for Energy (EN-1) (**CD 5.3**) states at paragraph 3.3.23 that 'wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.'
- 3.2.6 The National Policy Statement for Renewable Energy Infrastructure (EN-3) (**CD 5.4**) states that there is an urgent need for new electricity generating capacity to meet our energy objectives and that electricity generation from renewable sources is an essential element of the transition to net zero and meeting our statutory targets for the sixth carbon budget to which significant weight ought to be afforded.
- 3.2.7 The NPPF (**CD 5.1**) is clear that applicants do not need to justify an overall need for renewable energy and that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions.
- 3.2.8 Policy 16 of LPP2 states that 'proposals for renewable energy schemes will be granted planning permission where they are acceptable in terms of...'. This is a positively worded policy seeking to support renewable energy development, but such support is subject to any proposal not having unacceptable impacts on matters such as landscape and visual effects, ecology and biodiversity and the historic environment.
- 3.2.9 The selection of the Appeal Site will reduce electricity grid connection costs emanating from construction work and landowner agreements, although such benefits would be somewhat off-set by the costs of connecting the Northern Parcel to the Southern Parcel by way of the public highway (around 2.4km of proposed cable route). Moreover, the proposal would be connected to the electricity grid via the existing 132kV overhead powerlines crossing the site. It is accepted that the proposal benefits from utilising a location very close to existing infrastructure will reduce its environmental impact when compared with a grid connection of greater distance, although again, this benefit is off-set somewhat by the costs of connecting the two parcels via the public highway. I consider that this would avoid harm from a grid connection located further away and ought to be afforded moderate weight, in line with the Inspector's considerations in the Cawston Solar Farm Appeal Decision (**CD 7.54**).
- 3.2.10 Notwithstanding impacts on skylark, there would be a Biodiversity Net Gain (BNG) through on-site mitigation measures encompassing, *inter alia*, planting of

wildflower and other seed mixes between and underneath arrays to provide a greater diversity of species. The majority of existing trees would be retained and additional trees planted, improving habitat connectivity within the site. Additional hedge planting, including infilling gaps in existing hedgerows with native and woody species, would provide habitat for nesting birds and a foraging resource for a variety of species. The majority of these ecological benefits would be at least throughout the lifetime of the development.

- 3.2.11 LPP2 Policy 38 (1) states that 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. Part 2 of this Policy states that developments that significantly affect a priority habitat or species should avoid, mitigate or as a last resort compensate any loss or effects.
- 3.2.12 In this regard the Appellant states that the Appeal Scheme would generate a BNG gain of 73.69% for habitat units and 60.77% for hedgerow units. However, as per Mr Higson's Proof of Evidence, the Appeal Scheme would include planting that formally blocks public rights of way, and no formal request to divert these footpaths has been submitted. Therefore, while I accept that the Appeal Scheme would generate BNG in principle, the impacts on the PRoW, on longer views from the PRoW and on important skylark populations does temper this benefit. In the light of this, I consider that the environmental benefits associated with BNG would be of moderate weight.
- 3.2.13 The proposed scheme would be operated by the Appellant and not the current farmer and it is debateable as to whether the solar scheme can rightly be considered as farm diversification. I afford this matter limited beneficial weight.
- 3.2.14 The following summarises my consideration of how weight ought to be afforded to the benefits that would arise from this proposal against the weight stated by the Appellant in the table at **paragraph 7.61** of the SoCG (**CD 8.3a**):
- 1. Provision of flexible energy storage to facilitate increased uptake of renewable energy and provide grid balancing services** – I agree with the Appellant's assessment that substantial weight ought to be afforded to this matter in the planning balance;
 - 2. Landscape Impact, including cumulative effects** - the Appellant considers that this should be afforded limited adverse weight, whereas I consider that significant adverse weight should be afforded to this aspect;

3. **Suitable and available Local Grid connection availability** – the Appellant considers that this should be afforded significant weight, and I agree with this position;
4. **Ecological effects** – due to the substantial effects on skylark populations and encroachment on to PROW I disagree with the Appellant in this regard. I consider that both schemes would create limited adverse ecological effects, excluding effects on skylark, which would be substantial adverse.
5. With regard to **wider BNG**, I agree with the Appellant's position on BNG that moderate weight ought to be afforded to BNG.
6. **Historic Environment** – the Appellant considers that there would less than substantial harm at the lower end of the scale, while I agree with Mr Partington that the harm would be less than substantial at the middle of the scale. I afford medium adverse weight to this matter.
7. **Time limited and reversible** – the Appellant considers that this matter should be afforded neutral weight. While the scheme would be temporary, from commencement of the development to final restoration, it would extend over a period close to 42 years and there would be long-term impacts due to the removal of topsoil. I disagree with the Appellant on this matter and consider that limited adverse weight accrues in this regard.
8. **Economic benefits** – I disagree with the Appellant's assessment who affords significant positive weight, while I consider that this matter should be afforded moderate positive weight.
9. **Farm diversification** – I disagree with the Appellant's position that this matter should be afforded moderate positive weight. The proposal would be operated by the appellant and would not be part of an agricultural business. Whilst the landowner(s) would receive an income stream for the use of the land, which may help the viability of their business, I agree with the Inspector in appeal reference APP/P3040/W/23/3329235 (**CD 7.55**) that that this in itself does not represent the diversification of an agricultural or

rural land use based business as supported by the Framework. As such, I give this only limited weight.

10. **Addressing UK energy security** – I agree with the Appellant that this matter should be afforded substantial positive weight.
11. **Addressing the negative impacts of climate change** – I agree with the Appellant that this matter should be afforded significant positive weight.
12. With regard to the following, **Highway Safety / Drainage / Residential Amenity / Trees / BESS Fire Safety / Air Quality**, the Appellant considers that these should be afforded neutral weight. I disagree and consider that these matters, cumulatively, generate very limited adverse weight against the proposal.

3.3 Sequential Test

- 3.3.1 As per the Council's SoC (**CD 8.4**), the Council does not accept the changes made via the Appeal Scheme and considers that the Appellant's Sequential Test is deficient. While the Council does accept that a search for sites of circa 80ha and within 3km of a 132kV line is reasonable, the Sequential Assessment and Exception Test document dated October 2025 (**CD 3.11**) does not assess sites across the whole of the Borough, and discounts the four identified alternative options, particularly Area C, on purely non-flood risk and subjective grounds.
- 3.3.2 The Appellants Flood Risk Sequential Assessment and Exception Test (FRSA) document (**CD 3.11**) acknowledges that the proposed Southern Parcel access is located through a circa 100 m area of medium-risk Flood Zone 2 and high-risk Flood Zone 3. Paragraph 023 of the Flood Risk and Coastal Change NPPG (**CD 5.2**) states that '*the approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding.*' Paragraph 174 of the NPPF (**CD 5.1**) states, '*development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.*'

- 3.3.3 It is clear from the Appellants FRSA that at least four alternative locations (Areas A – D) have been identified within its own limited area of search. Paragraphs 4.32 onwards of the FRSA discuss the nature of these sites and planning constraints considered to affect them.
- 3.3.4 At paragraph 4.36, the FRSA states that, '*All four areas contain undulating landscape, consequently there are limited flat areas of land/ gently sloping land to accommodate the Development*'. It is noted that the LVIA (**CD 1.5**) at paragraph 2.12 states that, '*Due to this undulating landform and presence of well managed and relatively tall hedgerows and blocks of woodland, which are characteristic of this landscape,...*'. From a landscape perspective, it would appear that the Appeal Site shares similar topographical features that led the Appellant to rule out all four identified alternative sites.
- 3.3.5 The key reason identified for discounting Area C appears to be the lower height of hedgerows in this area (para 4.37 of the FRSA). However, with both schemes before us (original scheme and appeal scheme) proposing to increase hedgerow heights to mitigate visual impacts, it is unclear why such a reason would be sufficient to rule Area C out through the Sequential Test.
- 3.3.6 In paragraph 4.38 of the FRSA, the four alternative sites are effectively discounted due to being crossed by roads and PRoW. However, the Appeal Site is crossed by a PRoW, with the public highway to the south offering expansive views northwards across the southern parcel. It is not evidenced that development at any of the four alternative sites would generate substantially greater impacts on local landscape character or visual impact.
- 3.3.7 The Sequential Test's purpose is to guide development to areas of lowest flood risk. The FRSA raises planning concerns regarding other matters that would weigh against such sites being considered as 'reasonable alternatives', but those concerns are consistent with the likely concerns expected from any site extending beyond the minimum site area of 80ha. In fact, many of these planning concerns affect, to varying degrees, the Appeal Site.
- 3.3.8 In Appeal reference APP/P3040/W/23/3329235 (**CD 7.55**), the Inspector considered an alternative site assessment to not be robust as it identified sites that were clearly capable of being considered viable for the development in that case. The PPG on Flood Risk and Coastal Change (**CD 5.2**) states that, '*sites should be considered 'reasonably available' for the purposes of the sequential test if their location is suitable for the type of development proposed, they are able to meet*

the same development needs and they have a reasonable prospect of being developed at the same time as the proposal' (Paragraph 028).

- 3.3.9 The Council considers that, notwithstanding the desire to restrict the search to land within 3km of the 132kv overhead line, the Sequential Test should have included a Borough wide search of sites outside of Flood Zones 2 and 3. This could have included a search within 3km along the route of other high-voltage overhead power lines, and not just the one that crosses the Appeal Site.
- 3.3.10 Paragraph 027a, Reference ID: 7-027a-20220825 of the PPG on Flood Risk and Coastal Change (**CD 5.2**) states that, *'for infrastructure proposals of regional or national importance the area of search may reasonably extend beyond the local planning authority boundary.'* Therefore, it is clear that there is scope for a Sequential Test to include areas beyond Rushcliffe Borough, with the borough boundary with Charnwood Borough located 1.5km south of the Appeal Site.
- 3.3.11 The Council agrees with Paragraph 4.21 of the Appellant's Sequential Assessment and Exception Test (**CD 3.11**) that "The Exception Test is not a tool to justify development in flood risk areas when the Sequential Test has already shown that there are reasonably available, lower risk sites, appropriate for the proposed development. It would only be appropriate to move onto the Exception Test in these cases where, accounting for wider sustainable development objectives, application of relevant local and national policies would provide a clear reason for refusing development in any alternative locations identified."
- 3.3.12 Thus, whilst this is not a reason for refusal, having regard to the Appellant's updated evidence on this point, I regard this to be a main issue in the appeal and the failure to provide a robust sequential test amounts to a strong reason to refuse planning permission.

Mineral Safeguarding

- 3.3.13 Again, while not a reason for refusal, the Appeal Site is located within a Minerals Safeguarding Area for nationally important gypsum, and the Appellant has failed to submit a Minerals Safeguarding Assessment. It is a matter for the Inspector to weigh this in the planning balance.

4 PLANNING BALANCE

- 4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' My assessment of how both schemes accord or otherwise with the Development Plan is tabulated in Appendix 2 to this document.
- 4.1.2 The Development Plan includes LPP2 Policy 16, which provides in-principle support for renewable energy proposals, subject to the proposal not having unacceptable adverse impacts on matters such as landscape and visual effects, ecology and the historic environment and, importantly, cumulative impact with existing and proposed development.
- 4.1.3 LPP1 Policy 10 seeks to ensure that new developments are appropriately designed. It states that development should make a positive contribution to the public realm and sense of place and create an attractive environment that is legible. It goes on to state that, outside of settlements, development should conserve, or where appropriate, enhance landscape character. LPP2 Policy 22 states that the countryside will be conserved and enhanced for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife. This policy reflects the thrust of LPP2 Policy 16 insofar as it provides in-principle support to renewable energy development in the countryside, subject to the appearance and character of the landscape, including its historic character and features such as habitats, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness being conserved and enhanced.
- 4.1.4 LPP2 Policy 28 sets a framework for assessing developments that affect the setting of heritage assets in order that a decision can be made as to whether the merits of the proposal bring public benefits which decisively outweigh any harm arising from the proposals. The NPPF at paragraph 215 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I conclude that there would be less than substantial harm to the setting of heritage assets, which weigh against the proposal. However, I also conclude that, taken in isolation, these heritage impacts are outweighed by the public benefits that would arise.

- 4.1.5 LPP1 Policy 17 and LPP2 Policy 38 seek to increase biodiversity by protecting, expanding and enhancing areas of biodiversity interest, improving existing biodiversity features wherever appropriate and, where harm to biodiversity is unavoidable, development should as a minimum firstly mitigate and if not possible compensate at a level equivalent to the biodiversity value of the habitat loss.
- 4.1.6 Clearly the proposed solar farm will generate much-needed renewable energy, contribute towards reducing the country's CO2 emissions arising from energy production, provide long term BNG (not including the impacts on skylark), and some economic benefits. In summing these benefits up cumulatively, I conclude that they offer significant weight in favour of the proposal.
- 4.1.7 However, the impacts of developing the Appeal Site from arable agricultural land to a 100ha solar farm with ancillary developments will also have significant impacts on the local landscape character, both singularly and in combination with the adjacent approved solar farm. The proposal would also have 'less than substantial harm', at the midpoint of this range, on a heritage asset of the highest importance, namely the Grade 1 listed Holy Trinity Church, along with the Wysall CA and the Grade II listed Highfields and affect how these nationally important assets, which have longstanding historic linkages, are viewed and interpreted from local public vantage points.
- 4.1.8 Proposed mitigation measures such as increasing the height of hedgerows and additional planting may reduce the local visual impact of the solar panels for local rights of way users to some extent, but in doing so this could increase harm to the setting of the heritage assets by further changing the landscape character and obscuring views of the assets and longer distance views.
- 4.1.9 On balance, I consider that the substantial harm to established skylark populations weighs heavily against the granting of permission, and that the totality of the harm to the landscape character and visual impacts and harm to the setting of heritage assets outweigh the benefits that the scheme would provide. Further, I consider that the Sequential Test fails to adequately assess alternative sites and is narrow in its geographical scope and ought to assess sites across the borough.
- 4.1.10 I agree with the decision of the Planning Committee and consider that its decision was reasonable and appropriate in the circumstances. I conclude that the Appeal proposal conflicts with the Development Plan as a whole and that other material considerations do not outweigh this harm.

5 CONCLUSION

- 5.1.1 With regard to visual and landscape character impacts, I agree with the advice of WWA and the conclusions of Mr Higson that there would be adverse harm on local landscape character, which has a greater sensitivity to further large-scale solar farms due to the adjacent approved scheme. This level of harm is largely reflected in paragraph 169 of the Officer's Committee Report (**CD 4.1**). The magnitude of change to landscape character created by the introduction of this 100ha solar farm is considered to be high and there is the potential for the proposed development to create significant cumulative effects on the Landscape Assessment Unit.
- 5.1.2 With regard to impacts on heritage assets, while it is accepted that harm to the setting of these assets would be 'less than substantial', given the size and location of the proposal with reference to heritage, the harm is at the midpoint of the 'less than substantial' range. Notwithstanding this, I consider that taken in isolation, impacts on heritage assets arising from either scheme would be clearly outweighed by the public benefits of the proposal.
- 5.1.3 The proposed mitigation measures of increasing hedgerow heights and additional tree planting will further reduce the opportunity to enjoy and appreciate the Church of Holy Trinity and Highfields heritage assets and their historic landscape and cultural connections. This harm weighs against the proposal.
- 5.1.4 The mitigation strategy for skylark falls well short of good practice guidance and the additional mitigation land offered through the Appeal Scheme is almost entirely not suitable for skylark populations. This will have a substantial negative impact on this protected species which weighs significantly against the proposal.
- 5.1.5 In the light of the above considerations, it is considered that, notwithstanding the public benefit, the proposal conflicts with the Development Plan as a whole and that the benefits of the proposal do not outweigh the harm it would generate. It is requested that the appeal be dismissed.

APPENDICES

Appendix 1 – Planning Policies and Material Considerations

1 PLANNING POLICIES AND MATERIAL CONSIDERATIONS

1.1 Introduction

- 1.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 1.1.2 The Statutory Development Plan covering the Appeal Site comprises:
- Rushcliffe Borough Council Local Plan Part 1: Core Strategy 2014
 - Rushcliffe Borough Council Local Plan Part 2: Land and Planning Policies 2019

1.2 Rushcliffe Borough Council Local Plan Part 1 - Core Strategy

- 1.2.1 The policies referred to in the Decision Notice are set out below, along with other policies that may be relevant to the Inspector's consideration.
- 1.2.2 Policy 1 - Presumption in favour of Sustainable Development; states that:
1. 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.
 2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
 3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:
 - a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
 - b. Specific policies in that Framework indicate that development should be restricted.
- 1.2.3 Policy 2 – Climate Change, states that:
1. All development proposals will be expected to mitigate against and adapt to climate change, and to comply with national and local targets on

reducing carbon emissions and energy use, unless it can be clearly demonstrated that full compliance with the policy is not viable or feasible.

Sustainable Design and Adaptation

2. Development, including refurbishment where it requires planning permission, will be expected to demonstrate the following:
 - a. how it makes effective use of sustainably sourced resources and materials and minimises waste and water use. For residential development, water use should be no more than 105 litres per person per day;
 - b. how it is located, laid out, sited and designed to withstand the long term impacts of climate change, particularly the effect of rising temperatures, sustained periods of high temperatures and periods of intense rain and storms;
 - c. that the building form and its construction allows for adaptation to future changes in climate; and
 - d. that the building form and its construction permits further reduction in the building's carbon footprint where feasible and viable.

Reducing Carbon Dioxide Emissions

3. 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;
 - c. Maximising use of renewable and low carbon energy systems.

4. Further policy on how development should contribute to reducing Carbon Dioxide emissions will be set out in the Local Plan Part 2: Land and Planning Policies Development Plan Document, where appropriate.

Decentralised, Renewable and Low Carbon Energy Generation

5. 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. In line with the energy hierarchy, adjacent

new developments will be expected to utilise such energy wherever it is feasible and viable to do so.

Flood Risk and Sustainable Drainage

6. 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.
7. Where no reasonable site within Flood Zone 1 is available, allocations and other development proposals in Flood Zone 2 and Flood Zone 3 will be considered on a sequential basis in accordance with national planning policy on flood risk and the Strategic Flood Risk Assessment.
8. Areas in Flood Zone 2 and Flood Zone 3 where windfall site development is appropriate in flood risk terms, subject to the application of the Exception Test, will be defined in the Local Plan Part 2 (Land and Planning Policies) in accordance with national planning policy on flood risk and the Strategic Flood Risk Assessment.
9. Where it is necessary to apply the Exception Test the following factors will be taken into account when considering if development has wider sustainability benefits to the community that outweigh flood risk:
 - a. There are exceptional and sustainable circumstances for locating the development within such areas, including the necessary re-use of brownfield sites; and
 - b. The flood risk can be fully and safely mitigated by engineering and design measures.
10. 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.

1.2.4 Policy 3 – Spatial Strategy (relevant sections only) states;

1. The sustainable development of Rushcliffe will be achieved through a strategy that supports a policy of urban concentration with regeneration for the whole of Greater Nottingham to 2028. The settlement hierarchy for Rushcliffe to accommodate this sustainable development is defined on the Key Diagram and consists of:
 - a. the main built up area of Nottingham; and
 - b. Key Settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington. In other settlements (not shown on the Key Diagram), with the exception of

Newton and the redevelopment of the former RAF Newton, development will be for local needs only.

1.2.5 Policy 10 – Design and Enhancing Local Identity, states that:

1. All new development should be designed to make:
 - a. a positive contribution to the public realm and sense of place;
 - b. create an attractive, safe, inclusive and healthy environment;
 - c. reinforce valued local characteristics;
 - d. be adaptable to meet evolving demands and the effects of climate change; and
 - e. reflect the need to reduce the dominance of motor vehicles.
2. Development will be assessed in terms of its treatment of the following elements:
 - a. structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces;
 - b. impact on the amenity of occupiers or nearby residents;
 - c. incorporation of features to reduce opportunities for crime, the fear of crime, disorder and anti-social behaviour, and to promote safer living environments;
 - d. permeability and legibility to provide for clear and easy movement through and within new development areas;
 - e. density and mix;
 - f. massing, scale and proportion;
 - g. materials, architectural style and detailing;
 - h. the potential impact on important views and vistas, including of townscape, landscape, and other individual landmarks, and the potential to create new views; and
 - i. setting of heritage assets.
3. All development proposals, and in particular proposals of 10 or more homes, will be expected to perform highly when assessed against best practice guidance and standards for design, sustainability, and place making, as set out in Local Development Documents.
4. Development must have regard to the local context including valued landscape/ townscape characteristics, and be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their settings.

5. Outside of settlements, new development should conserve or where appropriate, enhance or restore landscape character. Proposals will be assessed with reference to the Greater Nottingham Landscape Character Assessment.

1.2.6 Policy 11 – Historic Environment, states that:

1. 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.
2. The elements of Rushcliffe's historic environment which contribute towards the unique identity of areas and help create a sense of place will be conserved and, where possible, enhanced with further detail set out in later Local Development Documents. Elements of particular importance include:
 - a. industrial and commercial heritage such as the textile heritage and the Grantham Canal;
 - b. Registered Parks and Gardens including the grounds of Flintham Hall, Holme Pierrepont Hall, Kingston Hall and Stanford Hall; and
 - c. prominent listed buildings.
3. A variety of approaches will be used to assist in the protection and enjoyment of the historic environment including:
 - a. the use of appraisals and management plans of existing and potential conservation areas;
 - b. considering the use of Article 4 directions;
 - c. working with partners, owners and developers to identify ways to manage and make better use of historic assets;
 - d. considering improvements to the public realm and the setting of heritage assets within it;
 - e. ensuring that information about the significance of the historic environment is publicly available. Where there is to be a loss in whole or in part to the significance of an identified historic asset then evidence should first be recorded in order to fully understand its importance; and
 - f. considering the need for the preparation of local evidence or plans.
4. Particular attention will be given to heritage assets at risk of harm or loss of significance, or where a number of heritage assets have significance as a group or give context to a wider area.

1.2.7 Policy 16 – Green Infrastructure, Landscape, Parks and Open Space, states that;

1. A strategic approach to the delivery, protection and enhancement of Green Infrastructure will be taken, through the establishment of a network of primary Green Infrastructure corridors and assets (as shown on the Key Diagram), together with corridors and assets of a more local level which will be defined through Local Development Documents. The approach will require that:
 - a. existing and potential Green Infrastructure corridors and assets are protected and enhanced. Priority for the location of new or enhanced strategic Green Infrastructure will be given to locations for major residential development identified in Policy 3, the Strategic River Corridors of the Trent, and Soar rivers, Grantham canal corridor, and Urban Fringe areas;
 - b. 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;
 - c. developments proposed through the Core Strategy should enhance the Strategic Green Infrastructure network (either on-site or off-site or through contributions as appropriate). Non-strategic sites will be assessed through the Local Plan Part 2 (Land and Planning Policies);
 - d. links to and between the Green Infrastructure network will be promoted to increase access, especially in areas of identified deficit, for recreational and non-motorised commuting purposes, and to allow for the migration of species; and
 - e. Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment.
2. Criteria for the assessment of proposals and any areas of locally valued landscape requiring additional protection will be included the Local Plan Part 2 (Land and Planning Policies).
3. New or enhanced Green Infrastructure corridors and assets should be as inclusive as possible, multifunctional and look to make provision for the following, where appropriate:
 - a. access to employment and leisure facilities;
 - b. connections to the wider Green Infrastructure network and the countryside;

- c. physical activity and well-being opportunities for local residents such as informal sports provision;
 - d. educational resource for local residents;
 - e. biodiversity opportunities;
 - f. tackling and adapting to climate change;
 - g. protection and/or enhancement of landscape character;
 - h. protection and/or enhancement of heritage assets; and
 - i. opportunities for sustainable leisure and tourism.
4. Parks and Open Space should be protected from development and identified deficiencies will be addressed through Local Plan Part 2 (Land and Planning Policies). Exceptions may be made if the development is a small part of the Green Infrastructure network and will not be detrimental to its function, or the development is a use associated with parks and open spaces or if none of the above apply the park or open space is shown to be underused or undervalued. Alternative scheme designs that have no or little impact should be considered before mitigation is provided (either on-site or off site or through contributions as appropriate). Where parks or open spaces are under used or undervalued, the reasons for this should be explored and where possible addressed prior to alternative uses being permitted.

1.2.8 Policy 17: Biodiversity, states that;

1. The biodiversity of Rushcliffe will be increased over the Core Strategy period 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.
 2. 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.
 3. 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.
- 1.2.9 Policy 18: Infrastructure, states that:
1. New development must be supported by the required infrastructure at the appropriate stage. Rushcliffe will work in partnership with other Greater Nottingham local authorities, infrastructure providers, grant funders, the development industry and other delivery agencies in seeking the provision of necessary infrastructure to support new development.
 2. Contributions will be sought from development proposals which give rise to the need for new infrastructure.
 3. Critical infrastructure requirements are identified in the Infrastructure Delivery Plan (IDP), and these can be found in Appendix C. For the strategic allocations included in Policy 3, the IDP identifies what, where, when and how critical new infrastructure will be provided;
 4. There are known infrastructure and capacity constraints, in particular related to transport, education, open space and flood risk. Further detailed assessment of these issues will be required through Local Development Documents or masterplans.
 5. The Council, working in partnership with other Greater Nottingham authorities, will seek to secure funding from Government and other sources to support infrastructure requirements.

1.3 Rushcliffe Borough Council Local Plan Part 2 – Land and Planning Policies

- 1.3.1 Policy 1 - Development Requirements; states that planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the following criteria are met:

1. there is no significant adverse effect upon the amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated;
2. a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority;
3. sufficient space is provided within the site to accommodate the proposal together with ancillary amenity and circulation space;
4. the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. It should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy;
5. noise attenuation is achieved and light pollution is minimised;
6. there is no significant adverse effects on important wildlife interests and where possible, the application demonstrates net gains in biodiversity;
7. there is no significant adverse effects on landscape character;
8. the amenity of occupiers or users of the proposed development would not be detrimentally affected by existing nearby uses;
9. there is no significant adverse effect on any historic sites and their settings including listed buildings, buildings of local interest, conservation areas, scheduled ancient monuments, and historic parks and gardens;
10. it can be demonstrated that wherever possible, development is designed to minimise the opportunities for criminal activities;
11. the use of appropriate renewable energy technologies will be encouraged within new development and the design, layout and materials of the proposal should promote a high degree of energy efficiency; and
12. development should have regard to the best and most versatile agricultural classification of the land, with a preference for the use of lower quality over higher quality agricultural land. Development should also aim to minimise soil disturbance as far as possible.

1.3.2 Policy 16 - Renewable Energy, states that:

1. 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;
 - m. odour;
 - n. vehicular access and traffic; and
 - o. proximity of generating plants to the renewable energy source.
2. In addition to the above criteria, wind energy developments will be permitted provided:
 - a. the development site is in an area identified as being suitable for wind turbine development in a Neighbourhood Plan; or
 - b. the development site is in an area identified as being of low or low medium sensitivity to wind turbine development in Appendix C; and
 - c. following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.
- 1.3.3 Policy 17 - Managing Flood Risk; states that:
1. Planning permission will be granted for development in areas where a risk of flooding or problems of surface water disposal exists provided that:
 - a. the sequential test and exception test are applied and satisfied in accordance with the National Planning Policy Framework and National Planning Policy Guidance; or
 - b. where the exception test is not required, for example change of use applications, it has been demonstrated that the development and future occupants will be safe from flood risk over the lifetime of the development; or

- c. the development is for minor development where it has been demonstrated that the Environment Agency's flood risk standing advice has been followed, including:
 - d. an industrial or commercial extension of less than 250 square metres;
 - e. alterations to buildings that do not increase the size of the building;
 - f. householder development including sheds, garages within the curtilage of the dwelling; and
 - g. development does not increase the risk of flooding on the site or elsewhere, including through increased run-off due to areas of hardstanding, or reduction in ground water storage as a result of basements.
2. 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.

1.3.4 Policy 18 - Surface Water Management, states that:

1. 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.
2. Planning permission will be granted for development which:
 - a. is appropriately located, taking account of the level of flood risk and which promotes the incorporation of appropriate mitigation measures into new development, such as sustainable drainage systems;
 - b. reduces the risk to homes and places of work from flooding;
 - c. delivers a range of community benefits including enhancing amenity (ensuring a safe environment) and providing greater resistance to the impact of climate change;
 - d. contributes positively to the appearance of the area;
 - e. accommodates and enhances biodiversity by making connections to existing Green Infrastructure assets; and

- f. retains or enhances existing open drainage ditches.

1.3.5 Policy 19 - Development Affecting Watercourses, states that:

In order to protect, conserve and enhance watercourse corridors, the Council will support development proposals that:

- a. reconnects land to the functional floodplain and restores natural flooding processes;
- b. does not have an adverse impact on the functions and setting of any watercourse and its associated corridor;
- c. seeks to conserve and enhance the biodiversity, landscape and recreational value of the watercourse and its corridor through good design;
- d. pursues opportunities for de-culverting of watercourses. Planning permission will only be granted for proposals which do not involve the culverting of watercourses and which do not prejudice future opportunities for de-culverting (including on sites specifically identified in the Local Plan);
- e. provides a minimum 10 metre buffer where physically feasible between the top of the watercourse and the development site which is free of built development, and includes a long term landscape and ecological management plan for this buffer; and
- f. includes, where appropriate, measures to allow for the natural movement of fish within the watercourse (where barriers to fish movement are present).

1.3.6 Policy 20 - Managing Water Quality, states that:

Where risks to water quality are identified, planning applications should ensure development proposals do not have an adverse effect on water quality through the pollution of surface water bodies or groundwater.

1.3.7 Policy 22 - Development Within the Countryside, states that:

1. Land beyond the Green Belt and the physical edge of settlements is identified as countryside and will be conserved and enhanced for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources, and to ensure it may be enjoyed by all.
2. Within the countryside development for the following uses will be permitted subject to the requirements set out in (3) below:
 - a. agriculture, equestrian, forestry and other uses requiring a rural location, including, where justified, associated workers dwellings;

- b. the re-use and adaptation of buildings for appropriate uses, including housing;
 - c. exception sites for affordable housing;
 - d. extension and replacement of dwellings;
 - e. expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - f. small-scale employment generating development, retail and farm diversification;
 - g. community services and facilities meeting a proven local need;
 - h. recreation, wildlife conservation, leisure, tourism, and sports development which requires and is appropriate in a countryside location; and
 - i. renewable energy in accordance with Policy 16.
3. Developments in accordance with (2) above will be permitted where:
 - a. the appearance and character of the landscape, including its historic character and features such as habitats, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is conserved and enhanced;
 - b. except for replacement dwellings, conversions and changes of use, it does not constitute isolated residential development which is separated from the physical edge of the settlement;
 - c. it does not create or extend ribbon development;
 - d. built development is well integrated with existing buildings, where appropriate; and
 - e. the development will not seriously undermine the vitality and viability of existing district and local centres, and centres of neighbourhood importance.

1.3.8 Policy 28 - Conserving and Enhancing Heritage Assets, states that:

1. 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.

2. Proposals affecting a heritage asset and/or its setting will be considered against the following criteria:
 - a. the significance of the asset;
 - b. whether the proposals would be sympathetic to the character and appearance of the asset and any feature of special historic, architectural, artistic or archaeological interest that it possesses;
 - c. whether the proposals would conserve or enhance the character and appearance of the heritage asset by virtue of siting, scale, building form, massing, height, materials and quality of detail;
 - d. whether the proposals would respect the asset's relationship with the historic street pattern, topography, urban spaces, landscape, views and landmarks;
 - e. whether the proposals would contribute to the long-term maintenance and management of the asset; and
 - f. whether the proposed use is compatible with the asset.

1.3.9 Policy 29: Development Affecting Archaeological Sites, states that:

1. 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.
2. 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.

1.3.10 Policy 37 - Trees and Woodlands, states that:

1. 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'.
 2. Planning permission will not be granted for development which would adversely affect an area of ancient, semi-natural woodland or an ancient or veteran tree, unless the need for, and public benefits of, the development in that location clearly outweigh the loss.
 3. 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.
- 1.3.11 Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network, states that:
1. 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
 2. Developments that significantly affect a priority habitat or species should avoid, mitigate or as a last resort compensate any loss or effects.
 3. In order to ensure Rushcliffe's ecological network is preserved and enhanced, development within Biodiversity Opportunity Areas should:
 - a. retain and sympathetically incorporate locally valued and important habitats, including wildlife corridors and stepping stones; and
 - b. be designed in order to minimise disturbance to habitats and species.
 4. Outside of the Biodiversity Opportunity Areas developments should, where appropriate, seek to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
- 1.3.12 Policy 39 - Health Impacts of Development, states:
1. The potential for achieving positive health outcomes will be taken into account when considering development proposals. Where any significant adverse impacts are identified, the applicant will be expected to demonstrate how these will be addressed and mitigated.
 2. Where applicable, development proposals should promote, support and enhance health by:
 - a. providing the right mix of quality homes to meet people's needs and in locations that promote walking and cycling;

- b. providing employment developments in locations that are accessible by cycling and walking;
 - c. supporting the provision and access to healthcare services;
 - d. retaining and enhancing accessible Green Infrastructure;
 - e. alleviating risks from unhealthy and polluted environments such as air, noise and water pollution and land contamination;
 - f. designing homes that reflect the changes that occur over a lifetime, meet the needs of those with disabilities and reduce the fear of crime; and
 - g. supporting and enhancing community cohesion.
- 1.3.13 Policy 42 - Safeguarding Minerals, states that development will not be permitted which would sterilise mineral resources of economic importance or pose a serious hindrance to future extraction in the vicinity. Where development proposals are located within minerals safeguarding areas, prior extraction of such minerals will be encouraged, subject to whether this is practicable or economically feasible.

2 MATERIAL PLANNING POLICY CONSIDERATIONS

2.1 Planning (Listed Buildings and Conservation Areas) Act 1990

2.1.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

2.2 The National Planning Policy Framework (last amended December 2024) (NPPF)

2.2.1 The Council will demonstrate that, having regard to the Development Plan and proper application of the Framework, the appeal proposal fails to meet the three overarching objectives of sustainable development under Paragraph 8 of the NPPF.

2.2.2 Paragraph 105 states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

2.2.3 Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

2.2.4 Paragraph 135 states (*inter alia*) that planning policies and decisions should ensure that developments:

- a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

2.2.5 Paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and

supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a. development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
 - b. outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 2.2.6 Paragraph 162 states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.
- 2.2.7 Paragraph 163 states that the need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts.
- 2.2.8 Paragraph 165 states that, to help increase the use and supply of renewable and low carbon energy and heat, plans should: *inter alia*
- b. consider identifying suitable areas for renewable and low carbon energy sources and supporting infrastructure, where this would help secure their development.
- 2.2.9 Paragraph 168 states that, when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:
- a. not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;
 - b. recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions;
 - c. in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site.

- 2.2.10 Paragraph 170 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 2.2.11 Paragraph 173 states that a sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding, by following the steps set out below.
- 2.2.12 Paragraph 174 states that within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test.
- 2.2.13 Paragraph 175 states that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).
- 2.2.14 Paragraph 177 states that, having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.
- 2.2.15 Paragraph 180 states that Planning policies and decisions should contribute to and enhance the natural and local environment by: (*inter alia*)
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land,
 - minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to

- current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;
- d. preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans
- 2.2.16 Paragraph 193 states that when determining planning applications, local planning authorities should apply the following principles:
- a. if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - b. development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact 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;
 - c. development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
 - d. development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 2.2.17 Paragraph 202 states that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 2.2.18 Paragraph 207 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets

affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- 2.2.19 Paragraph 208 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 2.2.20 Paragraph 210 states that in determining applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 2.2.21 Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 2.2.22 Paragraph 213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed

buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

- 2.2.23 Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 2.2.24 Paragraph 216 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 2.2.25 Paragraph 222 states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.
- 2.2.26 Paragraph 225 states that local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.

2.3 Planning Practice Guidance (PPG)

- 2.3.1 The section on the Historic Environment states, at Paragraph: 013 Reference ID: 18a-013-20190723, that all heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset's curtilage may not have the same extent.
- 2.3.2 The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.
- 2.3.3 The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.
- 2.3.4 When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative

change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

- 2.3.5 Paragraph: 020 Reference ID: 18a-020-20190723 states that the National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

Sustaining or enhancing the significance of a heritage asset and the contribution of its setting reducing or removing risks to a heritage asset securing the optimum viable use of a heritage asset in support of its long term conservation.

- 2.3.6 The section relating to Climate Change states at Paragraph: 001 Reference ID: 6-001-20140306, that in addition to supporting the delivery of appropriately sited green energy, effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. Planning can also help increase resilience to climate change impact through the location, mix and design of development.

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. To be found sound, Local Plans will need to reflect this principle and enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework. These include the requirements for local authorities to adopt proactive strategies to mitigate and adapt to climate change in line with the provisions and objectives of the Climate Change Act 2008, and co-operate to deliver strategic priorities which include climate change.

- 2.3.7 Paragraph: 001 Reference ID: 5-001-20140306 in the Renewable and Low Carbon Energy section of the PPG suite states that, increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an

important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

2.3.8 Paragraph: 013 Reference ID: 5-013-20150327 states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- 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. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and written ministerial statement on solar energy: protecting the local and global environment made on 25 March 2015.
- 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 (see guidance on landscape assessment) 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;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

2.3.9 The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

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

2.4.1 Paragraph 1.1 of this document states that 'the purpose of the study is to inform the review of Local Plan policies, the content of supplementary planning documents, supplementary plans and guidance notes and to inform the determination of planning applications for solar farm development across the borough. The findings of this study do not determine whether planning applications are appropriate but rather provide an indicator of suitability based on likely effects to the landscape by area.'

2.4.2 The SFLSCS identifies most of the Appeal Site falling within the eastern part of Landscape Assessment Unit (LAU) 'Gotham and West Leake Wooded Hills and Scarps' which is referenced as LAU A in this study. Table 4 of the study sets out the parameter definitions, with the Appeal proposal (irrespective of the changes proposed at the appeal stage) considered to be Large Scale.

2.4.3 Table 6 of the Study assesses the Landscape Capacity for ground-based solar development for LAU A, with it concluding that this LAU has a Low indicative capacity for Large Scale solar development. The Study states that 'the landscape [of LAU A] does contain areas of larger scale modern fields on lower ground and areas influenced by existing large-scale built form which are more appropriate for solar farm development however, future baseline development 22/00303/FUL utilises a substantial area of land to the east of the LAU and this reduces its overall potential for large scale solar farm development.

2.5 Overarching National Planning Policy Statement for Energy (EN-1) (6th January 2026) (CD 5.3)

2.5.1 In England, this NPPS, in combination with any relevant technology specific NPPSs, may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended) (paragraph 1.2.1). It is of note that the Planning (Onshore Wind and Solar Generation) Order

2025 came into force on 31st December 2025, and raised the threshold for onshore wind and solar projects under which they become Nationally Strategic Infrastructure Projects under the Planning Act 2008 from 50MW to 100MW. While transitional provisions are in place such that the 2024 NPS EN-1 remains relevant, paragraph 1.6.3 is clear that the 2025 amendments are capable of being important and relevant considerations in the decision-making process.

- 2.5.2 Paragraph 2.2.1 states that energy underpins almost every aspect of our way of life. It enables us to heat and light our homes; to manufacture goods; to produce and transport food; and to travel to work and for leisure. Our businesses and jobs rely on the use of energy. Energy is essential for the critical services we rely on – from hospitals to traffic lights and mobile devices. It is difficult to overestimate the extent to which our quality of life is dependent on adequate energy supplies. It is an essential foundation of our economy and society.
- 2.5.3 Paragraph 2.2.3 states that in June 2019, the UK became the first major economy to legislate for a 2050 net zero Greenhouse Gases ('GHG') emissions target through the Climate Change Act 2008 (2050 Target Amendment) Order 2019.
- 2.5.4 Paragraph 2.2.4 states that in December 2020, the UK communicated its Nationally Determined Contributions to reduce GHG emissions by at least 68 per cent from 1990 levels by 2030. In April 2021, the government legislated for the sixth carbon budget (CB6), which requires the UK to reduce GHG emissions by 78 per cent by 2035 compared to 1990 levels.
- 2.5.5 Paragraph 2.2.5 states that in October 2021 the government published the Net Zero Strategy. This set out our vision for transitioning to a net zero economy and the policies and proposals for decarbonising all sectors of the UK economy to meet our net zero target by 2050, making the most of new growth and employment opportunities across the UK.
- 2.5.6 Paragraph 2.2.6 states that in December 2024 the government published the Clean Power 2030 Action Plan. The plan sets out infrastructure deployment pathways and generation capacity ranges that will ensure by 2030 clean sources produce at least 95% of Great Britain's generation, meeting the sixth Carbon Budget advice and pushing the country towards net zero 2050.
- 2.5.7 Paragraph 2.3.4 states that meeting the Clean Power 2030 Mission objectives necessitates a significant investment in new energy infrastructure, both large nationally significant developments and smaller-scale developments determined at a local level. This requirement for new energy infrastructure will present opportunities for the UK and contributes towards the creation of secure, well paid jobs in the UK's clean energy industry and building domestic supply chains.
- 2.5.8 Paragraph 2.5.3 states that the principle of sustainable development will also ensure that energy infrastructure is deployed in areas with the local

- environmental capacity to enable those developments. This in turn will unlock economic growth, restore nature and provide critical services to communities.
- 2.5.9 Paragraph 3.3.6 states that storage and interconnection can provide flexibility, meaning that less of the output of plant is wasted as it can either be stored or exported when there is excess production. They can also supply electricity when domestic demand is higher than generation, supporting security of supply. This means that the total amount of generating plant capacity required to meet peak demand is reduced, bringing significant system savings alongside consumer led flexibility (up to £12bn per year by 2050). Storage can also reduce the need for new network infrastructure. However, neither of these technologies, as with consumer led flexibility, are sufficient to meet the anticipated increase in total demand, and so cannot fully replace the need for new generating capacity.
- 2.5.10 Paragraph 3.3.23 notes that wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.
- 2.6 National Policy Statement for Renewable Energy Infrastructure (EN-3) (2025) (CD 5.4)**
- 2.6.1 Section 1 of this document states that there is an urgent need for new electricity generating capacity to meet our energy objectives and that electricity generation from renewable sources is an essential element of the transition to net zero and meeting our statutory targets for the sixth carbon budget. Analysis suggests that demand for electricity is likely to increase significantly over the coming years and could more than double by 2050. This could require a fourfold increase in low carbon electricity generation, with most of this likely to come from renewables.
- 2.6.2 However, as per the recent changes to EN-1, paragraph 1.6.1 is clear that this document does not cover solar developments that would provide less than 100MW. It is, however, capable of being a material consideration in the planning process.
- 2.6.3 Paragraph 2.5.2 states that proposals for renewable energy infrastructure should demonstrate good design, particularly in respect of landscape and visual amenity, opportunities for co-existence/co-location with other marine and terrestrial uses, and in the design of the project to mitigate impacts such as noise and effects on ecology and heritage.
- 2.6.4 Section 2.10 states that the UK has huge potential for solar power and that solar energy is at the heart of the Clean Power 2030 Mission, which sets out a deployment range of between 45 – 75GW of solar power generation by 2030.

- 2.6.5 Paragraph 2.10.21 states that while land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible.
- 2.6.6 Paragraph 2.10.35 states that applicants are encouraged where possible to minimise the visual impacts of the development for those using existing public rights of way, considering the impacts this may have on any other visual amenities in the surrounding landscape.
- 2.6.7 Paragraph 2.10.86 states that the approach to assessing cumulative landscape and visual impact of large-scale solar farms is likely to be the same as assessing other onshore energy infrastructure. Solar farms are likely to be in low lying areas of good exposure and as such may have a wider zone of visual influence than other types of onshore energy infrastructure.
- 2.6.8 Paragraph 2.10.100 states that above ground impacts may include the effects on the setting of Listed Buildings and other designated heritage assets as well as on Historic Landscape Character.
- 2.6.9 Paragraph 2.10.110 states that, 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 which depending on their scale, design, and prominence, may cause substantial harm to the significance of the asset.

2.7 Energy White Paper - Powering our Net Zero Future, December 2020 (CD 5.12)

- 2.7.1 This document states that onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind.

2.8 Clean Power 2030 Action Plan: A new era of clean electricity (Dec 2024) (CD 5.25)

- 2.8.1 This document states that, Clean Power means that by 2030, Great Britain will generate enough clean power to meet our total annual electricity demand, backed up by unabated gas supply to be used only when essential. Successful delivery of clean power will require rapid deployment of new clean energy capacity across the whole of the UK, with a target of 45-47 GW of solar power by 2030, complemented by flexible capacity, including 23-27 GW of battery capacity.

2.9 Planning (Listed Buildings and Conservation Areas) Act 1990

- 2.9.1 S66 of this Act states:

- 1) in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

2.10 Consultation Draft Replacement National Planning Policy Framework (December 2025)

- 2.10.1 On 18th December 2025, the Government issued a draft revised NPPF for consultation. Of most relevance to this Appeal is Chapter 10, 'Securing Clean Energy and Water'. It is considered that the proposed text is not substantially different from the extant NPPF in this regard. Limited weight can be afforded to the consultation draft.

Appendix 2 – Summary of Conformity with Relevant Development Plan Policies

Rushcliffe Borough Council Local Plan Part 1 – Core Strategy

Policy Number	Assessment of Conformity
Policy 1 – Presumption in Favour of Sustainable Development	Positively worded policy, stating that planning applications that accord with the policies in the Local Plan will be approved, unless material considerations indicate otherwise. It is considered that there is conflict with several Local Plan Policies, and that the benefits of the proposal do not outweigh this conflict. The proposal fails to meet the three tests of sustainable development in Para 8 of the NPPF. Therefore, both schemes conflict with the thrust of this policy.
Policy 2 – Climate Change	Provides general in-principle support to renewable energy projects, subject to these being compatible with environmental, heritage, landscape and other planning considerations. It is considered that the identified harm to the setting of heritage assets, landscape and visual harm and harm to skylarks means that, on balance, there is conflict with this policy.
Policy 3 – Spatial Strategy	No conflict
Policy 10 – Design and Enhancing Local Identity	The design of the solar panels and plant are generic in nature and in themselves are not unacceptable in terms of design. However, the scale and location will not reinforce valued local landscape characteristics and it will impact on important views and vistas, including views of townscape, landscape, and other individual landmarks and the setting of heritage assets. Therefore, on balance it is considered that both schemes conflict with Policy 10.
Policy 11 – Historic Environment	Policy 11 is supportive of proposals that ensure heritage assets and their settings are conserved and/or enhanced in line with their interest and significance. On balance, the proposal will not enhance the setting of local heritage assets and given the less than substantial harm, there would be conflict with the thrust of this policy.
Policy 16 – Green Infrastructure, Landscape, Parks and Open Space	No conflict with this policy.
Policy 17 – Biodiversity	While there would be net biodiversity gain, the proposal would generate substantial negative impacts on skylark, without adequate mitigation proposed. I consider that the impacts on skylark outweigh any wider biodiversity gains and that subsequently both schemes conflict with Policy 17.
Policy 18 – Infrastructure	No conflict with this policy.

Rushcliffe Borough Council Local Plan Part 2 – Land & Planning Policies

Policy 1 – Development Requirements	In the light of the evidence from Mr Higson and Ms McBain, there is clear conflict with parts 4, 6 and 7 of this policy.
Policy 16 – Renewable Energy	A positively worded policy seeking to approve proposals for renewable energy where there would be no unacceptable impacts by way of (<i>inter alia</i>) landscape and visual effects, the historic environment and ecology matters. It is considered that, on balance, the identified harm via landscape and visual impacts and to skylark, and the less than substantial harm to heritage assets, means that both schemes conflict with this policy.
Policy 17 – Managing Flood Risk	The Council considers that the Sequential Test has not been applied correctly and therefore on this basis there is conflict with this policy.
Policy 18 – Surface Water Management	Notwithstanding the failure to apply the Sequential Test appropriately, it is considered that, on balance, there is no conflict with the thrust of this policy.
Policy 19 – Development Affecting Watercourses	No conflict with this policy.
Policy 20 – Managing Water Quality	No conflict with this policy.
Policy 22 – Development in the Countryside	Part 2 of this policy considers renewable energy developments to be acceptable in principle in the countryside. Part 3 requires that development should <u>conserve and enhance</u> the (<i>inter alia</i>) appearance and character of the landscape, including its historic character and features such as habitats, views. It is considered that, on balance, both schemes conflict with this policy due to the identified landscape and visual harm, less than substantial harm to the setting of heritage assets and the substantial harm to skylarks.
Policy 28 – Conserving and Enhancing Heritage Assets	This policy requires an applicant to demonstrate the likely harm to heritage assets (and their setting) and to then weigh this harm against any public benefits. While individually this harm would not be sufficient to justify a refusal on heritage impact grounds, the adverse impacts do add weight to the Council's decision.
Policy 29 – Development Affecting Archaeological Sites	No conflict with this policy.
Policy 37 – Trees and Woodlands	No conflict with this policy.
Policy 42 – Safeguarding Minerals	No minerals safeguarding assessment has been submitted so it is not possible to ascertain whether either proposal will sterilise nationally important

mineral reserves of gypsum.

Appendix 3 – Summary Schedule of Proposed Development

Summary Schedule of Solar Farm Equipment and Infrastructure at Appeal Site	
Measured Area or distance (where applicable)	Elements of the Application Scheme (taken from Design and Access Statement (CD 1.3)) (Appeal Scheme Amendments in bold)
69 ha	<p>Fenced off area for:</p> <ul style="list-style-type: none"> • Solar Panels Modules, which are made from photovoltaics which are blue, grey or black placed on galvanised steel frame mounting system (3m maximum height) • 70no. Battery Units as containers 3m high, painted dark green, sited atop individual concrete plinth foundations; • 35no. MV inverter units as containers 3m high, painted dark green, sited atop individual concrete plinth foundations (6m x 2.5m); • 4no. Auxiliary Transformers will be functional in appearance and 2.1m in height, sited on a 3m x 3m concrete foundation; • Substation/HV Switchgear building of brick construction. 13.2 m long by 3.9 m wide and 4.1 m high. • The transformer measures approximately 5m long by 4.5m wide by 3.9m high. • The Control Room and Cable Connection building will measure 15m long by 5m wide and 4.3m high. • 132kV Substation Compound will be positioned on the western side of the BESS compound and will form the point of connection into the existing 132kV overhead pylon / transmission line, with a DNO control room, 132kV HV Switchgear 6.3m high and one 132kV Transformer 6.1m high and associated equipment. • 4m wide permeable access tracks and vehicle parking within fenced and gated compounds. The tracks will be made to withstand the loads of HGVs and plant and reduce the propensity of debris being taken on to the adjacent highway. • During the construction phase, separate construction compounds will be set up within each of the two site parcels to

	<p>serve the Development. The compounds will be suitable for an articulated vehicle to enter, turn and exit in a forward gear. A temporary car parking area (including spaces for minibuses) will be provided within the compounds. The compounds will also include areas for the storage of plant and equipment, where necessary.</p> <ul style="list-style-type: none"> • 2no. tanks for emergency fire fighting water in the southern parcel.
10.3km	<ul style="list-style-type: none"> • Fencing around the solar farm will comprise 2.5m high deer fencing (wooden post and wire mesh appearance)
0.67km	<ul style="list-style-type: none"> • Fencing around the BESS and POC compounds would comprise painted dark green palisade fence to a height of 2.4 m
75 no.	<ul style="list-style-type: none"> • Pole mounted infrared CCTV cameras will be installed at a height of 4m around the perimeter of the solar farm enclosures facing inwards, whilst columns circa 4m in height will also be installed within the inside edge of the BESS and substation compounds within the Southern Parcel;
4.67km	<ul style="list-style-type: none"> • Internal Access Tracks (4m wide)
	<ul style="list-style-type: none"> • Vehicular access to Northern Parcel of the site is proposed to be served by a new access track that will extend west from Bradmore Road parallel to the existing Lodge Farm access through the field to its south, retaining the existing farm access for continued farm and residential operation and use as a PRoW. The proposed new access has been designed to be able to accommodate the largest vehicle expected to access the site, a 16.5m articulated lorry. A passing place is provided after the junction and a turning area is also shown on the plans on the eastern extent of the solar development
	<ul style="list-style-type: none"> • Vehicular access to the Southern Parcel of the site is currently achieved via an existing gated agricultural field entrance on Wysall Road on the parcel's southern boundary. From the field entrance an existing agricultural track and bridge provide vehicular access over Kingston Brook to enable access into the main field enclosures within the Southern Parcel. It is proposed to use the existing gated field entrance off Wysall Road for both construction and operational traffic which will be appropriately widened to the east to accommodate the largest vehicles

expected to access the site during construction, a 16.5m articulated lorry.