Flood Risk Sequential Assessment and Exception Test for Old Wood Energy Park

Land West of Wysall, Nottinghamshire.

On behalf of Exagen Development Ltd.

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Document Management.

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Contents.

1. Introduction and Site Location

1.1. This Flood Risk Sequential Assessment and Exception Test report has been written on behalf of Exagen Development Ltd (the 'Appellant') for a proposed renewable energy development (known as 'Old Wood Energy Park') consisting of ground mounted solar photovoltaic ('PV') arrays with associated infrastructure, a Battery Energy Storage System ('BESS') and substation (the 'Development'). The Development is located on two parcels of land to the west of Wysall which will be connected via a buried cable that would be laid in the public highway (the 'Appeal Site') as shown in **Figure 1** below.

Figure 1 - Appeal Site location.

1.2. Both land parcels are proposed to include solar PV arrays (along with associated infrastructure), with the Southern Parcel additionally accommodating the substation and BESS. The proposed substation and BESS are located close to the point of connection into the existing 132kV line that crosses the southern part of the Southern Parcel.

1.3. A planning application for the Development was submitted to Rushcliffe Borough Council in February 2024 under application reference 24/00161/FUL. The Council refused the application in June 2024. An appeal is being submitted against the decision.

1.4. Whilst the planning application was pending consideration no objections from the Environment Agency or Nottinghamshire County Council Lead Local Flood Authority were received. Flood risk and drainage do not form a reason (or part of a reason) for refusal.

1.5. The Site is predominantly located within low-risk Flood Zone 1, with small areas of medium-risk Flood Zones 2 and high-risk Flood Zone 3 situated at the southern end of the Southern Parcel, associated with the Kingston Brook.

1.6. These higher-risk flood zones are generally left undeveloped, except for circa 100 m length of proposed access track and brook crossing to the Southern Parcel. Areas of surface water flood risk are also predicted within the Appeal Site see **Figure 2** below.

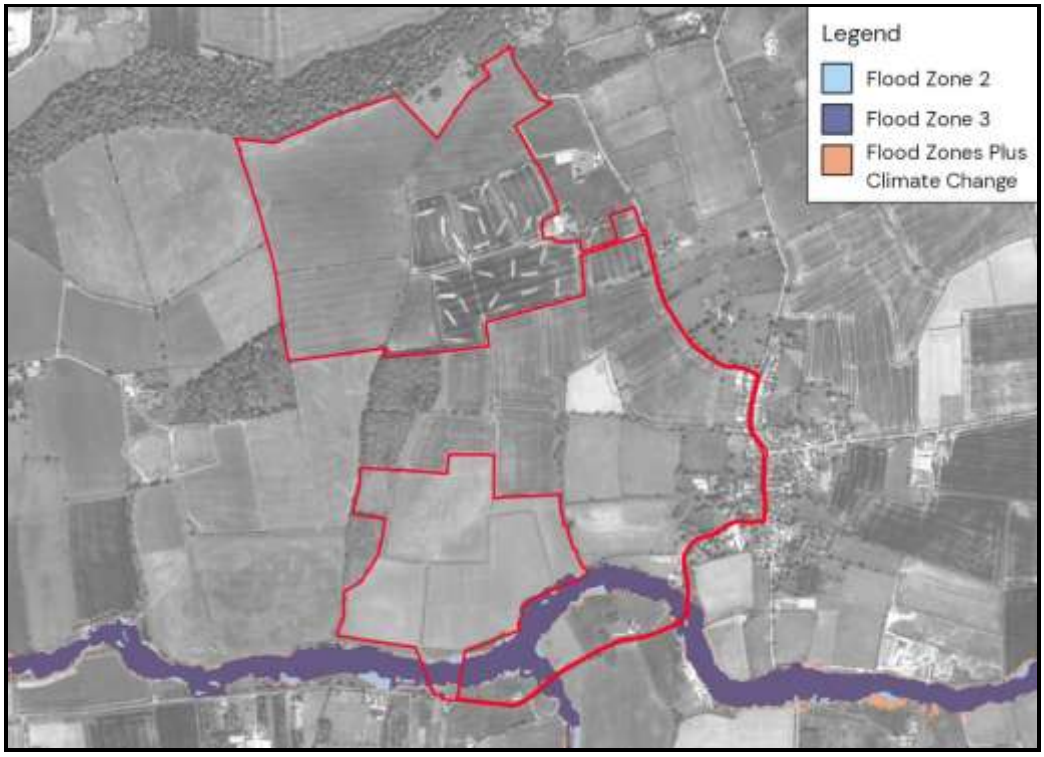

Figure 2 - Flood Zone Map in relation to Appeal Site (CD 3.7).

1.7. The purpose of this report is to provide an assessment of the Development against the requirements of the National Planning Policy Framework ('NPPF') with consideration of the Sequential test and Exceptions test in order to demonstrate the Development is acceptable in relation to flood risk.

1.8. This report should be read in conjunction with the updated Flood Risk Assessment and Surface Water Drainage Strategy ('FRASWDS'), Pegasus, October 2025, also submitted in support of the Appeal.

Site Location

1.9. The Appeal Site is bordered by Bunny Old Wood to the north, Wysall to the east, Costock Road to the south and agricultural land, the A60 and land previously granted consent for a solar development to the west. Kingston Brook runs through the Southern Parcel.

1.10. The Northern Parcel is centred at X: 459472 Y: 328041. The Southern Parcel is centred at X: 459568 Y: 327099. The nearest post code to the Site is NG12 5QR.

1.11. The updated FRASWDS concludes that whilst the Appeal Site is at a low risk of flooding from all sources and the design has ensured that the proposed greater vulnerability infrastructure (sensitive equipment) is located out of areas susceptible to flooding.

1.12. There is a requirement to provide a flood risk sequential assessment, due to the proposed Southern Parcel access being located through a circa 100 m area of medium-risk Flood Zone 2 and high-risk Flood Zone 3 around Kingston Brook. It is noted that this access is used by the landowner to access his land currently used to graze sheep and to get access to and cultivate the fields further north using heavy agricultural machinery. Part of the access includes an existing culvert and bridge over Kingston Brook as shown in **Figure 3.1** below.

Figure 3.1 – Existing culvert and bridge over Kingston Brook to access Southern Parcel.

1.13. The existing culvert and bridge are proposed to be replaced as part of the Development and will be designed to ensure that existing flow patterns, flood storage capacity and flood risk are not adversely impacted. Details of the replacement bridge can be secured by a planning condition should the Planning Inspector consider this to be necessary. An illustration of the proposed replacement bridge is provided in **Figure 3.2** below.

Figure 3.2 - Illustration of the proposed replacement bridge.

2. National Planning Policy Requirements

National Planning Policy Framework

2.1. The National Planning Policy Framework (NPPF) (published March 2012, last updated December 2024) outlines the policy requirements in relation to flood risk when determining planning applications.

2.2. Paragraph 174 of the NPPF states that *"the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source."*

2.3. Paragraph 175 outlines that *"the sequential test should be used in areas known to be at risk now or in the future from any form of flooding"*.

2.4. Paragraph 177 explains that *"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."*

2.5. Paragraph 178 states that *"to pass the Exception Test it should be demonstrated that:*

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

2.6. Paragraph 181 stipulates that:

"When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."

National Planning Practice Guidance

2.7. According to the "Flood risk and coastal change" National Planning Practice Guidance (NPPG), *"the Sequential Test should be applied to 'Major' and 'Non-major development' proposed in areas at risk of flooding"*. The NPPG states that the Sequential Test is intended to *"steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account"*.

2.8. For the development to pass the Sequential Test it must be demonstrated that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

2.9. Following an update in September 2025, the NPPG details that *"where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied."*

2.10. If it is not possible for development to be located in zones 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 test will depend on the potential vulnerability of the site and of the vulnerability of the development proposed.

2.11. The flood risk and coastal change NPPG sets out a matrix indicating the types of development that are acceptable in different Flood Zones (see Table 1). The proposals are for a solar and BESS Development which is classified as 'Essential Infrastructure'.

2.12. The key to 'table 1' explains that the cross symbol means the following – *""†" In Flood Zone 3a, essential infrastructure should be designed and constructed to remain operational and safe in times of flood."* Information of how the proposals have been designed to remain operational in times of a 'design' flood event are set out in the second part of the Exception Test of this report.

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✔	✔	✔	✔	✔
Zone 2	✔	Exception Test required	✔	✔	✔
Zone 3a †	Exception Test required †	X	Exception Test required	✔	✔
Zone 3b *	Exception Test required *	X	X	X	✔ *

Key:

✔ Exception test is not required

Table 1 – From the Flood Risk and Coastal Change Chapter of the NPPG.

3. Local Planning Policy Requirements

The Rushcliffe Borough Council Local Plan Part 1: Core Strategy

3.1. The Rushcliffe Borough Council adopted the Local Plan Part 1: Core Strategy on 22 December 2014.

3.2. Local Plan Policy 2 Climate Change states that:

> *"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.*
>
> *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.*
>
> *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."*

Greater Nottingham Strategic Flood Risk Assessment Addendum

3.3. Greater Nottingham Strategic Flood Risk Assessment Addendum 2017, for the Greater Nottingham area includes the administrative boundaries of Nottingham City Council, Broxtowe Borough Council, Gedling Borough Council, Rushcliffe Borough Council (all in Nottinghamshire), and Erewash Borough Council (Derbyshire).

3.4. The document provides guidance on the sequential approach within development sites. It outlines the following:

> *"Flood risk should be considered at an early stage in deciding the layout and design of a site to provide an opportunity to reduce flood risk within the development and to ensure flood risk is not increased elsewhere. Most large development proposals include a variety of land uses of varying vulnerability to flooding. The sequential approach should be applied within development sites to locate the most vulnerable elements of a development in the lowest risk areas".*

The Rushcliffe Borough Council Local Plan Part 2: Land and Planning Policies

3.5. The Rushcliffe Borough Council adopted the Local Plan Part 2: Land and Planning Policies on 8 October 2019.

3.6. Local Plan Policy 17 Managing Flood Risk states that:

"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."

3.7. Local Plan Policy 18 (Surface Water Management) confirms how surface water will be managed within Rushcliffe Borough. Part 1 of this policy requires developments to 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.

3.8. Part 2 of Policy 18 is clear planning permission will 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.

3.9. Policy 19 of LPP2 states that the Council will support development proposals that provide a minimum 10 metre buffer where physically feasible between 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.

Rushcliffe Borough Councils Solar Farm Development Planning Guidance (November 2022)

3.10. Rushcliffe Borough Council's solar farm development planning guidance document confirms, in line with Policies 17 and 18 of the LPP2, it is recommended that planning applications for major solar farm developments within Flood Zones 2 and 3 or within areas where surface water flooding is known to be a problem should be accompanied by a site specific flood risk assessment that addresses all potential sources of flooding. In addition, the management of surface water needs to be considered carefully and regard had to all of the criteria (where relevant) set out at Policy 18(2) of the LPP2.

4. Sequential Test

4.1. There is no national or local policy or guidance which is prescriptive as to how applicants should approach the selection of sites. However, in this case, solar farms require a point of connection to electricity grid network to enable electricity generated by the solar farm to be distributed to consumers and for electricity to be imported and exported by the BESS.

4.2. NPS EN-3 identifies a number of factors that are likely to influence site selection and design. These include irradiance and site topography; network connection; proximity to dwellings; agricultural land classification and land type; accessibility; public rights of way; and security and lighting. There is no in-principle reason why those factors would be relevant for solar schemes of 50MW but not for schemes just below that level.

4.3. In this case the Appeal Site is undulating and benefits from woodland, trees and field hedgerow boundary treatments. There is an existing 132kV overhead line running through the southern part of the Southern Parcel and an agreement has been secured with National Grid Electricity Distribution (NGED; the Distribution Network Operator) to enable connection to the electricity grid network. A buffer of 100 metres has been provided to the nearest dwellings and 250 m to settlements from the Appeal Site. Best and Most Versatile (BMV) agricultural land has been avoided. The access for the Southern Parcel will utilise an existing vehicular access point on Wysall Road whilst a new access point is proposed for the Northern Parcel just south of the existing access to Lodge Farm to minimise disruption to residents and users of the public footpath which run along the existing track; no objections have been raised by the local highway's authority or National Highways. Public Rights of Way will be safeguarded and no objections raised by the Public Rights of Way Officer. There are no objections from the Councils Public Protection/Environmental Health or ecology teams with regards noise, external lighting or security details such as CCTV. The Council have also not raised highway safety, access, security or public rights of way as issues to be considered by this appeal.

4.4. The only part of the Appeal Site which is located in medium-risk Flood Zone 2 and high-risk Flood Zone 3 is a circa 100 m section around Kingston Brook in the southern part of the Southern Parcel. The only infrastructure located within the flood zone is the access track and crossing of Kingston Brook. The very low threat of flood risk has been managed through careful design of electrically sensitive equipment and the surface water drainage strategy that is proposed.

4.5. There is no prescribed guidance or standard on what constitutes a reasonable search area for renewable energy development when identifying new sites. Since renewable energy schemes require a viable connection to the existing grid network, it is essential that there is a connection point with sufficient capacity. The grid connection point must be able to offer sufficient capacity and must remain viable for the lifetime of the solar farm (i.e. 40 years). Cable trenching costs and thermal power losses limit the distance of a site from a suitable grid connection to 3km. This is an industry standard area of search for most solar projects.

4.6. The methodology for the Sequential Test has sought to identify whether there are any alternative, 'reasonably available sites', within a 3km buffer from the 132kV overhead line which is providing the point of connection for the Development. This 132kV overhead line crosses the Southern Parcel of the Appeal Site and provides a link between substations at Ratcliffe on Soar and Willoughby on the Wolds.

4.7. Additional factors compelling proximity to the overhead line include avoiding reduced power transmission losses, enhanced project viability due to the reduced infrastructure complexity, and the allowance for a simpler design and quicker implementation of the required infrastructure.

4.8. A 2km radius search area was accepted by Inspector Woolcock as part of the Longhedge solar farm appeal in 2024, reference APP/P3040/W/23/3330045, which was located at Thoroton within Rushcliffe Borough Council's administrative boundary. In this instance a larger search area has been considered due to specific requirements of the project and to ensure a robust search area for alternative sites is considered, whilst ensuring the Development remains viable, minimises thermal power loss over distance and lower environmental impact.

4.9. There is no justification for a sequential assessment covering the entire borough with only alternative sites within 3km either side of the overhead line providing the point of connection and within Rushcliffe Borough Council's administrative boundary considered.

Reasonably Available Site Requirements

4.10. In this instance, for a potential site to be reasonably available, there must be scope to accommodate an equivalent scale development of a Solar Farm and BESS proposal, which can connect to the grid at a metered substation, with such a connection to be in place by 2030, to contribute towards meeting the targets in the Clean Power 2030 Action Plan (December 2024). A key point for any alternative sites is there is no guarantee of a grid offer, and if one is made it will likely be substantially further down the queue for connection in comparison to the Appeal Site and the costs of upgrades that may be required to facilitate the grid connection could be prohibitive. Thus, the Appeal Site is better placed than any other potential site to deliver in the timescale proposed using the grid connection secured.

4.11. The original grid offer (dated 6th June 2021) received from Western Power Distribution (who subsequently became National Grid Electricity Distribution - NGED) provided an indicative grid connection date in 2024, confirming that the connection would be into the 132kV line crossing the Southern Parcel.

4.12. Under the old grid application procedure, the initial offer made by the DNO then required a formal review of wider grid works on the transmission network undertaken by National Grid Electricity Transmission (NGET), via a process known as Project Progression or Transmission Impact Assessment (TIA).

4.13. This has the scope to change and often increase grid connection costs and the timescales for interconnection by considering all other proposed connections to the grid in the wider area. Project Progression was received and the original grid offer was updated with a Variation Agreement dated 19th May 2022 to reflect this change. The revised connection date was delayed to October 2028, which remains the case today.

4.14. There are a limited number of projects waiting in the queue with confirmed National Energy System Operator (NESO) energisation dates as the transmission network requires significant reinforcement to facilitate connections and to be able to exercise decentralised energy schemes as it was not designed for intermittent energy generation.

4.15. Thus, a connection reform has been implemented, which indicates that schemes with energisation dates before 2030, such as the Development, will be protected and expedited to accommodate the Government's Action Plan to achieve clean power by 2030.

4.16. The Appeal Site covers an area of approximately **101 hectares** (250 acres). Any alternative site within 3km either side of the 132kV line providing the point of connection within Rushcliffe Borough Council's administrative boundary should be capable of accommodating the Development. In terms of viability, the appellant requires 4-5 acres of land for each MW produced to accommodate the Proposed Development as well as any mitigation including landscaping, biodiversity net gain and skylark (the Appeal Site is at the top end of this range at 250 acres). Therefore a proposal of around 50MW would require a minimum 80.94 hectares (200 acres). Thus, alternative sites below circa **80 hectares** have not been considered because they would be too small to accommodate the Development.

4.17. This approach was accepted by Inspector Woolcock as part of the recent Longhedge solar farm appeal, reference APP/P3040/W/23/3330045, at Thoroton within Rushcliffe Borough Council's administrative boundary. Minimum size of alternative sites is also in accordance with NPS EN-3 that is clear sites may be above the top end guide range of 200 acres (considered on a site by site basis). It is also worth considering that NPS EN-3 is for National Infrastructure projects of solar above 50MW (most significant higher) were economies of scale and viability are different to the Proposed Development that is below 50MW.

4.18. Both paragraph 177 (in respect of the sequential test) and paragraph 179 (in respect of the exception test) of the NPPF are clear that they relate to ascertaining whether a proposed development is acceptable to be permitted. There is no reference to allocation of weight to such tests in the planning balance. The weight to be attributed to the outcome of the sequential and exceptions tests is for the decision maker and the courts to determine.

4.19. This is supported by the Flood Risk and Coastal Change section of the Planning Practice Guidance ('PPG') (Reference ID:7-004-20220825); which provides at paragraph 023, in considering the aim of the sequential approach, that:

> '*...Application of the sequential approach in the plan-making and decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so, and developers do not waste resources promoting proposals which would fail to satisfy the test*' (emphasis added).

4.20. Paragraph 024 of this section of the PPG continues, stating:

> "*Where it is not possible to locate development in low-risk areas, the sequential test should go on to compare reasonably available sites*
>
> - *Within medium risk areas; and*
> - *Then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas*"

4.21. Paragraph 031 of this section of the PPG goes on to provide 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.*" (emphasis added).

4.22. The need to consider wider sustainable development objectives is repeated at paragraph 035 and then under the 'Site-Specific flood risk assessment: Checklist' section at item 3, which relates to the sequential test, it provides as follows:

"*You can use this section to describe how you have applied the sequential test……to the proposed development……*

…….

c. If you have identified an reasonably available, lower risk site(s), appropriate to the proposed development, do you consider there to be any other wider sustainable development objectives that would make steering the development to these other locations inappropriate? If so, please explain and justify this….' (emphasis added).

4.23. The Government produced checklist tool for applicants explicitly directs applicants to identify and justify wider sustainable development objectives that would render any identified alternative sites as inappropriate and it requests that such be done as part of the sequential test assessment.

4.24. According to the PPG and the SFRA, potential sources of information on reasonably available alternative sites can include site allocations in the Development Plan, sites in housing and/or economic land availability assessments, sites currently available on the open market and on the Councils brownfield register.

4.25. Rushcliffe Borough Council's Local Plan does not allocate any sites for energy schemes.

4.26. In addition, alternative sites should be free of major development constraints and available. This can include the following:

- Listed buildings (with a 100 metre buffer);
- Sites of Special Scientific Interest (with a 100 metre buffer);
- Sites of Biological Importance (with a 100 metre buffer);
- Biodiversity Action Sites (with a 100 metre buffer);
- Open Woodland/ Ancient Woodland (with a 30 m buffer);
- Open Space;

- Open Access Land;
- Other sites for renewable and low-carbon schemes within the search area, consented, awaiting determination or having submitted EIA Screening Opinion requests;
- Green Belt Land;
- Agricultural Land Classification Grade 1 and Grade 2;
- Residential plots/gardens and farmsteads;
- Settlements (250 metre buffer);
- OS main roads (with a 5 metre buffer); and
- National Grid overhead lines (with a 5m buffer).

4.27. A consideration for detailed assessment of sites needs to relate to whether a potential site can accommodate the Development at the point in time required related to its grid connection offer, and which also is physically capable of accommodating the Development safely and viably with regard to matters such as topography, aspect and other physical constraint site features.

4.28. To assist in identifying any alternative 'reasonably available sites', a constraints plan of the 132kV overhead line with a 3km buffer has been prepared and is **illustrated at Figure 4**. This plan identifies significant constraints along the overhead line, including medium-risk flood zone 2, high-risk flood zone 3, Green Belt designation, Grade 2 agricultural land, and proximity to main settlements.

4.29. The plan also shows the Appeal Site outlined in red and land also previously considered for the Development outlined in green, to the southeast. It also shows land at Field Farm, Wysall Road where a separate developer has submitted an EIA Screening Request for a solar farm from the local planning authority (ref. 23/01073/SCREIA) that is public to view on the Councils website, outlined in purple, and the consented Highfields solar farm immediately to the west, outlined in brown. As things currently stand it does not appear, from publicly available information, that the Field Farm site has progressed further. Four broad areas of search have also been highlighted with an oval shaped ring, identified as areas A, B, C and D.

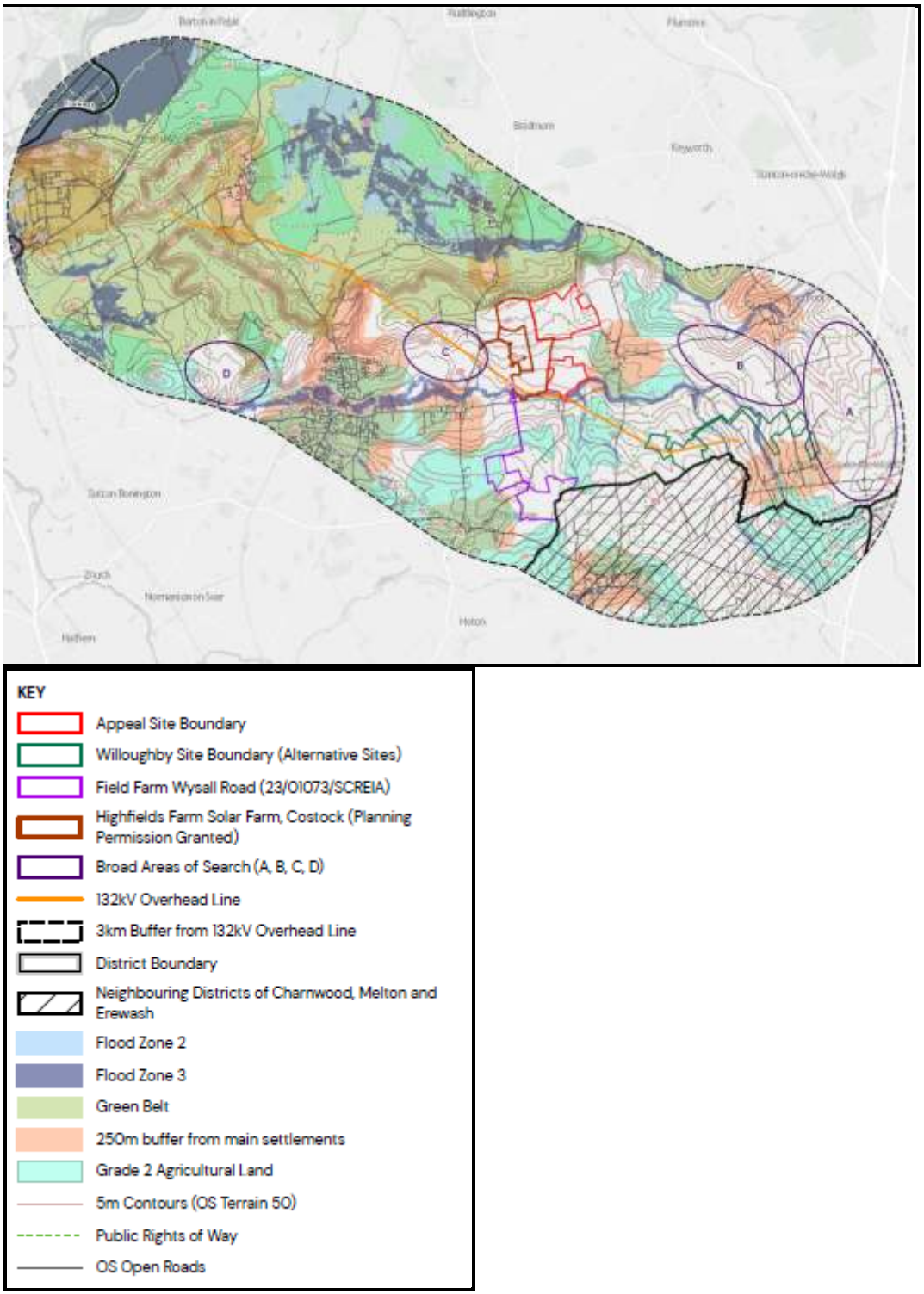

Figure 4 – Constraints and Alternative Site Location Plan with associated Key.

Brownfield Sites

4.30. Rushcliffe Borough Council's brownfield register has been considered but all of the listed brownfield sites are too small, the largest being 35.4 hectares (known as 'Former RAF Newton, Newton' and reference 'SHLAA/NEW/002').

4.31. The brownfield register notes this site also benefits from planning permission for residential development (550 dwellings) that are under construction and as such this is not a potential alternative site for the Development.

Alternative Greenfield Sites Already Considered for Solar Development

4.32. Land within the 3km buffer surrounding the 132kV overhead line has identified significant constraints, particularly to the west of the Appeal Site. These include areas designated as Green Belt, proximity to existing settlements, Best and Most Versatile (BMV) agricultural land, and land subject to flood risk. Nevertheless, the sequential approach has considered 3 alternative sites within the search area which are referred to as Highfields Farm Solar Farm, Willoughby and Field Farm and four more general areas identified as Areas A-D.

4.33. Highfields Farm Solar Farm adjoins the Appeal Site on its western boundary and is outlined in brown in **Figure 4**. It obtained planning permission (22/00303/FUL) in February 2023 and has undertaken some works associated with conditions and is not, therefore, reasonably available.

4.34. 'Willoughby' is located to the south east of the Appeal Site outlined green in **Figure 4**. Part of the alternative site includes the same water course (Kingston Brook) as the Appeal Site. Part also falls within the settlement buffer boundary for Willoughby-on-the-Wolds. The Appellant requested pre application advice (ref. 22/00709/ADVICE) from Rushcliffe Borough Council prior to confirming the Appeal Site and the submission of planning application. The pre-application included both the Appeal Site and Willoughby alternative site. The Council raised concerns regarding landscape and visual amenity, greater impact to the setting of heritage assets and greater visual amenity effects on settlements. As a result the land was not taken forward and the Appellant does not have any interest in this land or agreement with the landowner. Nevertheless the landowner has been willing to consider a solar farm on their land and there is potential for a solar farm on that site in the future if a grid connection from the Distribution Network Operator can be secured (and subject to the necessary planning permission). However it is not sequentially preferable in comparison to the Appeal Site, having areas of Flood Zone 2 and 3.

4.35. 'Field Farm' is located to the south of the Appeal Site outlined purple in **Figure 4**. Connection between the Field Farm and the overhead line would need to either cross Kingston Brook and its associated Flood Zone 2 and 3 areas that affects the Appeal Site or cross an tributary of Kingston Broom which is also in Flood Zone 2 or 3. The Field Farm site also includes Grade 2 BMV agricultural land and a small part falls within the residential buffer zone to Rempstone.

4.36. Four broad areas of search predominantly outside of physical constraints are ringed and identified as areas A, B, C and D in **Figure 4**. All four areas contain undulating landscape, consequently there are limited flat areas of land/ gently sloping land to accommodate the Development. One of the reasons the Appeal Site was selected is due to the fact land levels fall relatively gently from north to south and this topography is favorable for efficient delivery of solar energy. The topographical constraints within the four search areas, which are steeply sloping and or include areas with north facing slopes, are less suitable for solar development and also likely to increase the prospect of landscape and visual effects arising from longer distance views towards the higher ground. In addition, the landscape in and around these areas has less mature woodland and so is naturally more open and visible or less screened than the Appeal Site, again leading to greater landscape and visual effects.

4.37. Area C is also located on slightly rising ground above the village of Costock but in a landscape of much lower hedgerows and therefore much more open, giving rise to visibility from a greater number of sensitive receptors.

4.38. All four alternative areas are also dissected by public roads, that reduces land availability or would require panels on both sides of the road that can result in visual harm. All four alternative areas contain Public Rights of Way at prominent high points. The Appeal Site, in comparison, only contains Public Rights of Way in the northern section and is less prominent due to similar land levels in this part of the Appeal Site, allowing suitable mitigation of effects on the users of the rights of way. The public right of way to the north of the Appeal Site at a slightly lower elevation than the northern part of the Appeal Site and is within an established mature woodland that screens the Development and because of the topography and glimpsed views would be to the north not the south where the Development is located.

4.39. Search Areas A and B are also located in a similar open landscape and demonstrate similar characteristics to the Willoughby Site Boundary, shown with a green line on the constraints plan – **Figure 4**. The Willoughby site was subject of pre-application consultation which concluded that the Appeal Site was a more preferable location with lower landscape and visual and heritage impacts.

4.40. In order for a solar farm in any of the alternative search areas A-D to connect to the grid a point of connection on the overhead line would be needed and the red line boundary would need to include this. This would mean any planning red line boundaries for Areas A and B would include/ require the crossing of areas of Flood Zone 2 and 3. For Area D the cable route using the public highway (as there is no certainty that an easement for a more direct route could be secured, as is the case with the Development) would be prohibitively long, a minimum of 4 km to the closest part of the overhead line and you would also need to cross the railway line close to the Britsh Gypsum facility to the north of East Leake, which is a further constraint. Areas A and B would need to route a cable either west through Wysall or south through Willoughby on the Wolds in order to connect to the overhead line and this would be over a distance of 3.5 km, which would be prohibitively long.

4.41. In comparison to the Appeal Site none of land within these areas currently benefits from a grid connection agreement and if one could be secured it would be queued and unlikely to be deliverable until significantly later than 2030.

4.42. Latest national planning policy is clear that 'reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development, as set out in the PPG.

4.43. In this regard, the crucial issue pertaining to the Development and key to the assessment of whether any potential alternative sites in the area are reasonably available sites relates to the requirement for the Development to connect to the grid by 2030 in order to meet national targets for clean power by 2030, in line with the Clean Power 2030 Action Plan (December 2024). The Action Plan emphasises the importance of flexible capacity in complementing wind and solar power, setting out ambitions for 2030 of 45-47GW of solar power, complimented by flexible capacity, including 23-27GW of battery capacity by 2030.

4.44. Even if a view was taken that an alternative unconstrained area of land which avoided any development in medium-risk Flood Zones 2 or high-risk Flood Zone 3, then not all unconstrained land identified in **Figure 4** would be available as an alternative to the Appeal Site to meet these crucial 2030 targets. If a grid connection application was made for any of the potentially alternative sites then given the above context it would not be possible to connect before 2030 and any grid offers may come back prohibitively expensive and therefore unviable to take forward.

Sequential Approach to the Design within the Appeal Site

4.45. Outside of the access track, the rest of the built form of the Development is not at risk of flooding and would not increase flooding elsewhere. The Surface Water Drainage Strategy would mitigate this risk and should the Development be brought forward, the surface water drainage on the Appeal Site would be delivered through engineering works to be secured via a suitably worded planning condition.

4.46. Consideration was given to alternative access arrangements for the Southern Parcel that would avoid areas of Flood Zone 2 and 3, however no alternatives were available. The land between the Northern Parcel and the Southern Parcel is owned by a 3rd party landowner not involved with the wider project. When contacted with regards to the granting of an easement for both cabling and access tracks between the Northern and Southern Parcels the 3rd party landowner was not interested in granting rights of easement and a commercial agreement was not reached. . Access options from the east are not possible as 3rd party and is required and the access would come from the settlement of Wysall. Any other access options from the south would involve the crossing of Kingston Brook which runs parallel with the southern boundary of the Appeal Site. Access options from the west are not possible as this would need to be via the consented Highfields solar farm.

4.47. The FRASWDS has demonstrated that all electrical aspects of the Development are located within Flood Zone 1 and outside of modelled surface water flood extents. The above demonstrates that there are no alternative access options for the Southern Parcel that do not involve crossing the area of Flood Zone 2/3. Overall this demonstrates a sequential approach to the design.

Summary

4.48. Therefore, it is considered that the Appeal Site meets the requirements of the sequential test in locating in an area of low flood risk. However, in any case, even when alternative sites are considered against the methodology set out above, there are no reasonably available alternative sites for the Development. Taking the above into account, the Sequential Test for flood risk has been passed.

5. Exception Test

5.1. The NPPF states that the exception test may have to be applied if it is not possible for the development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives). The need for the exception test, the NPPF states, will depend on the potential vulnerability of the site and of the development proposed.

5.2. Table 2 of the PPG (Paragraph: 079 Reference ID: 7-079-20220825 Revision date: 25 08 2022) confirms that the exception test is required for essential infrastructure that is located in Flood Zone 3a and 3b. If the development is considered to fall within the less vulnerable, more vulnerable or highly vulnerable categories then the development should not be permitted in Flood Zone 3b. If it is considered to be water compatible development, then the exception test is not required.

5.3. Paragraph 177 of the NPPF explains that *"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."*

5.4. As the Development is classed as essential infrastructure and there are very small areas of medium-risk Flood Zones 2 and high-risk Flood Zone 3 situated at the southern end of the Southern Parcel, associated with Kingston Brook, the exception test is required.

5.5. Paragraph 178 states that:

> *"to pass the Exception Test it should be demonstrated that:*
>
> *a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
>
> *b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."*

5.6. However, in terms of essential infrastructure it should be designed and constructed to remain operational and safe in times of flood.

5.7. Below, sets out how both parts of the Exception Test would be met. Part 1 focuses on the wider sustainable benefits associated with the proposal, then Part 2 sets out how the development has been designed to remain operational and safe in times of flood how the development would not increase the risk of flooding elsewhere through the design of new sustainable drainage measures.

Part 1 of the Exception Test

5.8. The planning application subject of this Appeal seeks planning permission for the construction and operation of a solar farm with an export capacity of not more than 49.9MW and co-located BESS and is expected to generate enough clean renewable electricity to offset the annual electricity usage of more than 24,900 homes. It is anticipated that approximately 31,500 tonnes of CO_2 will be displaced each year.

5.9. A national climate emergency was declared by the UK Parliament in May 2019 and RBC voted to declare a climate emergency in March 2020, committing the Council to becoming a carbon neutral organisation by 2030.

5.10. The Clean Power 2030 Action Plan underlines the objective of urgently delivering clean energy and energy storage to limit our contribution to the damaging effects of climate change. The call to act with urgency adds to the weight which would be afforded to the climate emergency. The Appeal Proposal has an agreed grid connection with immediate capacity and is intended to export power to the grid within approximately 3 years of the grant of planning permission.

5.11. This is echoed in the NPPF, and the vast number of Government Policy and Guidance documents which set out ambitious targets for the acceleration of solar and battery development.

5.12. The latest published version of EN-1 states that the Government has demonstrated that there is an urgent need for low carbon infrastructure (which includes solar as part of the new electricity generating plants needed) to help achieved our energy objectives, together with the national security, economic, commercial, and net zero benefits. In general, this will outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. While that policy applied to NSIPS, it demonstrates the strong Government support for the delivery of low carbon Infrastructure and that it should be progressed as quickly as possible.

5.13. Moreover, the policies in the NPS are capable of being a material consideration in determining this Appeal and, given their direct relevance to the Development which is only just under the current 50MW threshold. The policies carry substantial weight in the determination of this Appeal.

5.14. Through the generation of renewable energy, the Appellant considers that the Development will contribute towards addressing these declarations of climate emergencies.

5.15. The Development will provide a source of renewable energy, comprising secure, distributed and diversified energy generation which fully accords with the Government policy on energy security.

5.16. Overall, the Development would result in an on-site Biodiversity Net Gain of 73.69% for area-based habitat units, a gain of 60.77% for linear-based habitat units and a gain of 14.40% for watercourse habitats, through the implementation of the Development in addition to 10.37ha of Skylark mitigation land. This net gain and skylark mitigation will contribute positively to the ecological value of the site and reflects the Appellant's commitment to delivering measurable environmental enhancements. The site will be significant improved in biodiversity terms as a result of the Development.

5.17. The Appeal Site is entirely lower quality Grade 3b and 4 quality agricultural land, predominantly the latter, which is not classed as 'Best and Most Versatile Agricultural Land'. Further, the use of the land as grassland which is uncultivated for a temporary period of 40 years will increase soil organic matter and hence soil organic carbon will assist in protecting and improving the soil structure and resource. The Appeal site will benefit from a dual use retaining sheep grazing and at the end of its operational life will be fully returned to agricultural land.

5.18. The proposed enhancements to landscape structure will greatly improve green infrastructure, including enhanced connectivity across and within the Appeal Site and contribute to the wider network beyond, whilst incorporating features to address habitat and wildlife creation and secure net gains in green infrastructure. These measures would serve to create a more coherent landscape framework across the Appeal Site which would enhance landscape character both during the operational lifetime of the Proposed Development, and once it is decommissioned. Proposed planting and management of existing vegetation will improve the wider landscape character long term.

5.19. Due to the relatively low income received from agricultural activities, many farmers seek to diversify their income to secure an economically sustainable profit. Income from renewable energy is an important form of farm diversification. Furthermore, the Development represents a significant financial investment, with benefits to the local economy during the construction period including from the temporary jobs created (both direct jobs on-site and indirect/induced roles in the wider economy).

5.20. Business rates would become payable RBC, which are not currently paid as a result of only the agricultural use of the land, and these would be estimated to be some £74,850 per annum[1], equating to £2,994,000 over the 40-year operational period of the Development.

5.21. The Development will help to address energy security and increase low cost and subsidy free energy generation, which is particularly important at a time of a cost-of-living crisis and energy security crisis. This is a clear economic benefit to the households and business owners in the local area, many, if not all of whom, will be experiencing the negative effects of rapidly rising energy costs.

Summary

5.22. In conclusion, the Development is considered to provide wider sustainability benefits to the community that clearly outweigh the limited impact on flood risk. These benefits encompass economic sustainability through job creation and investment, social sustainability by supporting local infrastructure and energy resilience, and environmental sustainability through biodiversity and landscape enhancements and low-carbon energy generation. Accordingly, it is considered that the first part of the exception test is passed.

Part 2 of the Exception Test

Solar Farm

5.23. The majority of the proposed solar farm will comprise of solar panels. The solar panels are proposed to be a 'fixed system', with vertical supports driven directly into the ground and no need for concrete foundations.

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

5.24. There will be a gap of between 2.5 and 6.5m between the rows of solar panels. Generally, the lowest edge of solar panels will be 0.8m above the ground, extending to 3.1m above the ground at their highest point.

5.25. The RoFSW dataset generally predicts surface water flood depths on Site to remain shallow, not predicted to exceed 300mm across the Site. Given the lower edge of the panels would be a minimum of 800mm off the ground there would be no impact of surface water flooding on solar panels. The RoFSW 2025 update (on which this report version is based upon), shows a reduction in surface water depths compared to those shown prior to the update.

5.26. No solar panels, inverters, transformers, control buildings or other electrically sensitive equipment is proposed within the areas in medium-risk Flood Zone 2 or high-risk Flood Zone 3 or within an area of surface water flood risk identified by the RoFSW dataset.

5.27. It is proposed to Site the central inverters dispersed across the Site on concrete plinths or screw piles off the ground with permeable areas beneath. Runoff from the container's roof will therefore be able to discharge into the surrounding ground, as per existing. It is expected that the same approach is taken for auxiliary transformers. To be confirmed at detail design stage.

5.28. The two buildings associated with the solar connection infrastructure have the potential to increase surface water runoff from the Site. As such, these areas have been included in the surface water drainage strategy presented in Section 7 of the updated FRASWDS. The surface water drainage strategy is also proposed to manage the drainage from the proposed BESS and substation at the southern end of the Site (outlined in section 6 and 7 of the updated FRASWDS)

5.29. Based on the above, the proposed central inverters will not be at significant risk of flooding, nor will they significantly impact the existing surface water drainage patterns as the infrastructure is small in area, sited on concrete plinths or screw piles with the permeable areas beneath and are well distributed across the Site whilst also avoiding the areas at greatest flood risk. It is also noted that the majority of ground cover on Site will consist of species rich grassland which will help improve infiltration potential on Site and help manage any minor surface water runoff from the proposed central inverters. The more significant infrastructure will be managed with the proposed surface water drainage strategy.

5.30. Proposed access tracks will be constructed with permeable materials, expected to be type 1 or 2 crushed stone. Surface water runoff will therefore be able to discharge into the crushed stone before soaking into the surrounding ground, as per existing. It is also noted that traffic volumes will be very low during the operational phase of the Development. This will ensure significant compaction is avoided and infiltration is not restricted.

5.31. Where access tracks are proposed to cross Ordinary Watercourses on Site, they will be designed to be clear-span to ensure flows are not impacted. There are currently 3 proposed instances of access roads crossing Ordinary Watercourses on Site, including 1 over Kingston Brook. The exact design of these access crossings will be confirmed during detailed design.

5.32. Access to the Southern Parcel is through medium-risk Flood Zone 2 and high-risk Flood Zone 3. The exact track requirements for this section will be confirmed during detailed design.

5.33. A Flood Emergency Management Plan for the Southern Parcel should also be provided during detailed design that can be secured by a planning condition should the appeal be allowed. Alternative access arrangements to avoid medium-risk flood zone 2 and high-risk flood zone 3 have been considered. However, no alternative can be found due to the access between the north and south parcels being through 3rd party land with landowners not interested in granting right of easement. Access options to the west have been discounted due to this being through a consented solar farm site and access from the east is unavailable due to the existing village. Alternative access from the south would involve crossing the Kingston Brook which runs parallel with the southern boundary and this proposal utilises an existing access and bridge over Kingston Brook. There are no alternative access routes to the southern parcel of the Appeal Site other than utilising the existing access and bridge over Kingston Brook.

5.34. If grazing is undertaken on Appeal Site following Development, the grazing density will be kept low to limit compaction and ensure a varied grassland and sward establishes.

5.35. The Development will result in the cessation of other agricultural activities at the Appeal Site which will in turn, result in a variety of beneficial effects which will serve to reduce soil compaction and runoff rates from the Appeal Site, as listed below:

- The Appeal Site will not be left without vegetation cover during the winter as experienced with arable farming;
- The Appeal Site will not be intensively trodden or over grazed; and
- The Appeal Site will not be regularly traversed by heavy machinery.

5.36. It is also recommended that following installation of the panels, the Appeal Site is chisel-ploughed or similar cultivated and seed with native meadow grass and wildflowers. Chisel-ploughing will reduce soil compaction on the Site and promote seed growth; it has been proven to significantly increase infiltration rates thereby reducing runoff rates from the Appeal Site.

5.37. Additionally, larger meadow type grasses and wildflower vegetation provide high levels of natural attenuation which will serve to reduce the risk of erosion and limit surface water flows across the Site. With the implementation of chisel-ploughing, changing the Appeal Site's primary function to solar power generation will have several potential longer-term benefits regarding surface water runoff rates.

5.38. An Enhanced Landscape Strategy has also been developed for the Appeal Site and is included elsewhere in the appeal submission. The strategy includes woodland areas, new hedgerows, new trees and varied grassland and wildflower meadow. These features will also help to manage surface water runoff from the Appeal Site.

5.39. To ensure maintenance access is not impacted by the Development a 3m easement from the top of bank from all Ordinary Watercourses has been kept clear of all Development, with the exception of where watercourse crossings are proposed. These easements have been based on LiDAR data and an estimated width of 5m for most Ordinary Watercourses and 6m for the Kingston Brook. Development works within the easement (i.e. watercourse crossings), will be subject to Ordinary Watercourse Consent.

5.40. Overall, the solar farm will be safe from fluvial and surface water flooding through embedded design mitigation.

BESS and Substation Compound

5.41. The BESS is located in Flood Zone 1 and the RoFSW dataset also does not predict the BESS area to be at risk of surface water flooding.

5.42. As the proposed BESS compound will comprise rows of battery storage containers and battery inverters which will increase the impermeable area of the Site and have the potential to increase surface water runoff, a surface water drainage strategy will be required to manage surface water runoff from the proposed battery storage container and inverters (this is outlined in section 7 of the FRASWDS).

5.43. Taking a conservative approach, the proposed surface water drainage strategy defined the full BESS compound, including access tracks here, to be impermeable. As a result, proposed SuDS on Site will be designed to manage surface water runoff from the proposed access tracks.

5.44. A substation is proposed at the southern end of the Southern Parcel adjacent to the BESS in an area of Flood Zone 1 and not affected by surface water flooding. There is potential that this infrastructure increases surface water runoff from the Site. A conservative approach has therefore been taken and the entire substation area will be assumed impermeable and managed with suitable SuDS features to ensure surface water runoff from the Site does not increase.

5.45. As discussed above, left unmanaged, the proposed BESS and substation has the potential to increase surface water runoff from the Site and as such, to ensure flood risk downstream does not increase, a surface water drainage strategy will be required for the BESS and Substation. The surface water drainage strategy is discussed in detail in Section 7 of the FRASWDS.

5.46. Overall, the BESS/ substation will be safe from fluvial and surface water flooding through embedded design mitigation.

Summary

5.47. It has been demonstrated that the Development will remain operational and safe during times of flood. No solar panels or associated infrastructure are located within areas designated as medium-risk Flood Zone 2 or high-risk Flood Zone 3. Furthermore, none of the infrastructure classified as having greater vulnerability is positioned within medium-risk Flood Zone 2 or high-risk Flood Zone 3, nor within areas identified as being at risk of surface water flooding according to the RoFSW dataset. In addition, a range of sustainable drainage methods have been incorporated into the design of the Development to manage surface water effectively and reduce flood risk. It is therefore considered that the Development passes part 2 of the exception test, alongside part 1, as previously demonstrated.

5.48. Additionally, paragraph 183 of the NPPF indicates the following:

> *Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in*

the light of this assessment (and the sequential and the exception tests, as applicable) it can be demonstrated that:

a) Within the site, the most vulnerable development is located in areas if lowest flood risk, unless there are overriding reasons to prefer a different location;

b) The development is appropriately flood resistant and resilient such that, in the event of a flood, it can be quickly brought back into use without significant refurbishment;

c) It incorporates sustainable drainage systems, unless there is clear evidence that this would be in appropriate;

d) Any residual risk can be safely managed; and

e) Safe access and escape routes are included where appropriate, as part of an agreed emergency plan

5.49. A Flood Risk Assessment was submitted by the Appellant in support of the refused planning application and has been updated as part of this appeal to take account of recently published updated flood risk data and maps by the Environment Agency. It sets out the more vulnerable parts of the development such as the substation, invertors, site access are located in lowest flood risk areas on site as required by part a). Flood resistant and resilient is built into the proposals design including Finished Floor Levels of vulnerable infrastructure set no lower than 300mm above ground levels as agreed with the Environment Agency, and the lowest edge of solar panels will be 0.8m or more above the ground, ensuring the panels are situated above the predicted surface water flood depths, allowing surface water to flow freely below as required by part b). The proposal incorporates sustainable drainage as agreed by Rushcliffe Borough Council and the Nottingham County Council as Lead Local Flood Authority and required by part c). Residual risk can be managed safely as required by part d). and Safe access and emergency routes (and possible incorporating a safe refuge in the southern parcel should this be necessary) can be secured by a Flood Emergency Management Plan through a condition as required by part e).

5.50. The Appellant considers that limbs a, b, c, d and e of the exception test is passed and that the Development complies with the NPPF, PPG, Core Strategy policy 2 (Climate Change) as well as Local Plan Policy 17 (Managing Flood Risk) and 18 (Surface Water Management) of the development plan on flood matters.

5.51. The Council confirmed within the Planning Committee report (pages 128-143) that both the sequential and exception test were passed. Flood Risk and Drainage were not a reason, or part of a reason, for refusing the planning application subject of this appeal.

6. Conclusion

6.1. This Sequential Assessment and Exception Test has demonstrated that the Appeal Site is suitable for the Development. No alternative 'reasonably available' sites within the 3km buffer of the 132kV overhead line have been identified through the Sequential Test. This is primarily due to significant constraints within the buffer area, particularly to the west. Furthermore, the nature of the proposed infrastructure necessitates existing, suitable access to the highway network to ensure the safe and efficient movement of construction vehicles during the build phase of the Development. These requirements further limit the number of viable alternative sites. Those that do exist, appear to be comparable to the Appeal Site in terms of constraints and development suitability, offering no clear advantage.

6.2. Layout of the appeal site has taken a sequential approach with greater vulnerability infrastructure (sensitive equipment) including inverters, auxiliary transformers, BESS and substation located in low risk flood zone 1 and only cover a small percentage of the site. Whilst the access to the southern parcel involves crossing medium-risk flood zone 2 and high-risk flood zone 3, it will utilise an existing access and bridge used to access this land. Alternative vehicular access points for the Southern Parcel have been considered but are not available.

6.3. It has also been demonstrated that the Development would deliver a range of wider sustainability benefits to the community. These include economic sustainability through job creation and investment; social sustainability by supporting local infrastructure and enhancing energy resilience; and environmental sustainability through biodiversity and landscape improvements, alongside the generation of low-carbon energy.

6.4. Additionally, it has been demonstrated that the Development would remain operational and safe during flood events. This is because none of the infrastructure classified as having greater vulnerability is located within medium-risk Flood Zone 2 or high-risk Flood Zone 3, nor within areas identified as being at risk of surface water flooding according to the RoFSW dataset. Furthermore, a range of sustainable drainage measures has been incorporated into the scheme to effectively manage surface water and reduce flood risk.

6.5. The site would be within 10 metres of the Kingston Brook. However, this relates only to the access arrangements to the southern parcel of the land and connectivity to the existing pylon therein which sits adjacent to the Brook. There are other parts of the Development which fall within a 10m buffer to a watercourse. However, these are small land drainage ditch/streams free of built development and the panels themselves. Further, as the watercourses themselves are free from built form, the proposal for the buffers adjacent to these watercourses include long term landscape provision and ecological management plans that can be secured by a planning condition(s).

6.6. The Appellant has provided information of the consideration to alternative access arrangements to avoid flood zone 2/3 and stated that no alternative could be found due to access between the north and south parcels being through 3rd party land with the owners not interested in granting rights of easement. Access options to the west were discounted due to this being through the consented solar farm site and access from the east unavailable due to the existing village. Alternative access from the south would involve crossing the Kingston Brook which runs parallel with the southern boundary and the Development utilises an existing access and crossing over the Kingston Brook.

6.7. In the Appellants opinion the Development complies with Policy 17, Policy 18 and Policy 19 of the LPP2 as well as the Council's solar farm planning guidance with regards flood risk and drainage.

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

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

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