

# **Planning Summary Proof of Evidence**

**CD 8.5A**

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**



**H e a t o n s**  
Planning Environment Design

**February 2026**

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## **1 INTRODUCTION**

### **1.1 Qualifications and experience**

- 1.1.1 I am Peter Bond and I am a Planning Director at Heaton Planning Limited (Heatons). 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.

### **1.2 Scope of my Evidence**

- 1.2.1 My evidence addresses reasons for refusal one – three inclusive as set out the Council's Decision Notice (CD 4.2).

## 2 THE CASE FOR THE LOCAL PLANNING AUTHORITY

- 2.1.1 Members refused the application for the reasons as detailed in paragraph 6.3 of my main Proof (CD 8.5).
- 2.1.2 The key issues for consideration relate to landscape and visual impacts including impacts on local rights of way and their users, impacts on the setting of heritage assets and the harm to skylark populations. These impacts need then to be weighed against the benefits that would arise from the proposal. Separate Proofs of Evidence have been provided regarding landscape (CD 8.51), heritage (CD 8.5.2) and ecology (CD 8.5.3).
- 2.1.3 LPP2 Policy 16 provides in-principle support for renewable energy proposals, while LPP2 Policy 22 relates to development in the countryside and considers renewable energy developments to be acceptable in principle in the Appeal location, subject to the proposal not having unacceptable adverse impacts on matters such as landscape and visual effects, ecology and the historic environment and, importantly, with regard to Policy 16, cumulative impact with existing and proposed development.
- 2.1.4 LPP1 Policy 10 seeks to ensure that new developments are appropriately designed and that they should make a positive contribution to the public realm and sense of place and create an attractive environment that is legible. In the light of the identified substantial harm to skylark and landscape and visual impacts, it is considered that there is conflict with Policies LPP1 10 and LPP2 16 and 22.
- 2.1.5 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 does weigh against the proposal. However, I also conclude that, taken in isolation, these heritage impacts are outweighed by the public benefits that would arise.
- 2.1.6 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. While the BNG assessment may demonstrate an increase in wider BNG, there would be substantial impacts on Skylark, which are a Species of Principal Importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 and are also 'red-listed' on Birds of Conservation Concern. The mitigation strategy is not considered to be acceptable and therefore there is conflict with Policies LPP1 17 and LPP2 38.

- 2.1.7 Clearly the proposed solar farm will generate much-needed renewable energy and energy security, 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.
- 2.1.8 However, the impacts of developing the Appeal Site from arable agricultural land to a ~100ha solar farm and BESS 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.
- 2.1.9 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 including longer distance views.
- 2.1.10 It is also considered that the Appellant has failed to apply the Sequential Test (ST) appropriately. The ST that was undertaken failed to assess sites across the wider borough (and beyond if the proposal is considered to be of regional or national importance) and discounted areas within the borough for reasons that largely apply to the Appeal Site.

- 2.1.11 A summary of the scheme's conformity with relevant policies contained within Part 1 and Part 2 of RBC's Local Plan is set out in Appendix 2 of my Main Proof (CD 8.5).

### **3 PLANING BALANCE**

- 3.1.1 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.
- 3.1.2 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.