

ON BEHALF OF RUSHCLIFFE BOROUGH COUNCIL**Town and Country Planning Act 1990, Section 78 Appeal****SUMMARY PROOF OF EVIDENCE****PUBLIC INQUIRY**

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

LPA ref: 22/00319/FUL

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

Appellant: Renewable Energy Systems (RES) Ltd

Description: Installation of renewable energy generating solar farm comprising ground-mounted photovoltaic solar arrays, together with substation, inverter stations, security measures, site access, internal access tracks and other ancillary infrastructure, including landscaping and biodiversity enhancements

Date: April 2024

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

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1. INTRODUCTION

- 1.1 This is my summary Proof of Evidence in respect of an appeal by Renewable Energy Systems (RES) Ltd against the Local Planning Authority's refusal on 13/03/23 of Full planning permission.

2. THE CASE ON BEHALF OF THE LOCAL PLANNING AUTHORITY

Principle of Development in the Green Belt

- 2.1 In accordance with the Framework, the appeal development is inappropriate and should not be approved unless Very Special Circumstances exist.

Effect on the Green Belt - Purpose

- 2.2 Conflict is found with Purpose C of the Green Belt purposes set out in the Framework.

Effect on the Green belt - Openness

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

Effect on the Landscape Character and Appearance of the Area

- 2.4 The appeal site lies within the Nottinghamshire Wolds Regional Character Area. The Character Area is identified as having a **strong** landscape character which is in good condition and therefore the landscape actions are to **conserve**.
- 2.5 On the Appellant's own evidence, at every viewpoint the visual effect of the appeal development is adverse, and this adverse effect continues to Year 10 in the majority of viewpoints. I can therefore also only conclude that the long term scale of effect during the 40 year time horizon of the development's lifetime is adverse.

Conclusions

- 2.6 In summary, the appeal site forms an important landscape and visual element in the locality and there is harm upon it. The appeal site adds positively to the rural character of the area, representing the key characteristics for which the landscape character area is so defined, and contributing to the separation of nearby settlements. Moreover, it is an attractive area of countryside as part of a wider region that is enjoyed by many users of the vast network of PRoW and Bridleways in the locality. The scale and broad spread of development together with the heights, number and substation compound, inverters, equipment containers, perimeter fencing, CCTV and engineering works for internal access tracks would result in an urbanising form of development which does not achieve the policy requirements to conserve the landscape character of the area; the harm is material and significant. Proposed landscaping measures exist to mitigate harm resulting from the visual effect of development yet would not totally screen the development and will take 10 years (25%) of the lifespan of the development to mature, and would provide less screening during winter months even as the vegetation grows. The 40-year temporary timeframe of the of the development does not diminish the landscape harm during its operation and is considered lengthy enough in time to provide little in mitigation on landscape effects.
- 2.7 The proposed scheme would have a significant depth of development which would be readily apparent, especially in views from viewpoints 3, 4, 6, and C, E, given the change in levels, across the site and elevated landform. On this basis the appeal scheme would result in a material adverse visual effect on the landscape character and appearance of the area. Consequently, the appeal development is

contrary to policy 10 and 16(1b and 1i) of the Core Strategy Part 2, the Greater Nottingham Landscape Character Assessment DPZ NW01 and the Framework paragraph 135c and 180b.

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

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

Assessment of Alternative sites

- 2.11 The Council disputes the Appellant's Alternative Assessment. Firstly, there is no evidence to substantiate why a 2km limit to a grid point connection is necessary, where that limit has been derived from, nor any viability evidence as to why anything beyond 2km would not be economically feasible, as claimed.
- 2.12 Second, the Framework paragraph 156 was by definition, clearly written acknowledging renewable energy developments may be proposed in Green Belt

locations and that whilst the renewable energy benefits may be significant, this does not mean that such proposals should be outside of the general direction and requirements of Green Belt policy. Very Special Circumstances are required. That there was 'no option' to develop outside the Green Belt is clearly inaccurate; that statement only applies to the narrow 'study zone' the Appellant has selected. In the absence of such justification being advanced, the Council is not satisfied a full assessment of alternative sites has been evidenced in accordance with the PPG. The development is therefore contrary to Policy 16(1h) of the Core Strategy Part 2.

3. PLANNING BALANCE AND CONCLUSION

3.1 Planning balance weightings are summarised in the following tables:

Harm	Substantial	Significant	Moderate	Limited	Neutral
Inappropriateness	x				
Purpose C	x				
Openness	x				
Visual effects on Landscape		x			

character and appearance					
Amenity of PRow/BW users		x			

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

3.2 For reasons set out in this statement, the appeal development is contrary to relevant up to date Development Plan policies in relation to the harm on the Green Belt, the landscape character and appearance and visual amenity. Dismissal is further supported by national guidance in the form of The Framework, the PPG and GLIVIA 3rd Edition. The Appellant has failed to produce an assessment of viability for the lack of alternative site assessment, and the 2km to grid restriction area appears to be self-imposed rather than dictated by any external parameters or standards. As such, without a proven alternative this cannot be a Very Special circumstance. In light of the above planning balance, Very Special Circumstances advanced through the material considerations in favour of the appeal development do not clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal. In accordance with paragraph 12 of The Framework, the Council therefore respectfully requests that the Inspector dismiss the appeal.