



MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

REF: APP/B3030/W/21/3279533

NEWARK AND SHERWOOD DISTRICT COUNCIL REF: 20/01242/FULM

TOWN AND COUNTRY PLANNING ACT 1990 (AMENDED)

SECTION 78

APPEAL

By JBM Solar Projects 6 Ltd

AGAINST

the decision of the Local Planning Authority (LPA) Newark and Sherwood District Council to refuse
permission for the

*“Construction of a solar farm and battery stations together with all associated works, equipment and
necessary infrastructure”*

At

Land North of Halloughton, Southwell

STATEMENT OF CASE

by Newark and Sherwood District Council

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Chapter 1: Introduction

1.0 Introduction

1.1 This Statement is provided by Newark & Sherwood District Council in relation to the appeal against the refusal to grant full planning permission for the construction of a solar farm and battery stations together with all associated works, equipment and necessary infrastructure at land north of Halloughton, Southwell.

1.2 The application was refused by Members in accordance with the officer recommendation at the Planning Committee of Newark and Sherwood District Council on 2nd March 2021 (in a decision notice dated 4th March 2021). The reason for refusal states:

“In the opinion of the District Council the proposed development, by virtue of its sheer scale, siting and close proximity to Halloughton Conservation Area and designated heritage assets therein would have a long-term detrimental impact on the landscape character and visual amenity of the area. The proposal would result in a moderate adverse landscape impact on land cover and a major adverse scale of effects on the local landscape character (Mid Nottinghamshire Farmlands Policy Zones 37, 38 and 39) for the forty-year lifetime of the scheme. There would also be long-term visual impacts on well used public rights of way (PRoW Southwell 74 and PRoW Southwell 43) which would last at least until Year 10 of the development and likely longer. The proposal would also fail to conserve and enhance landscape character and visual amenity and therefore would be harmful to the character, appearance and visual perception of the area. The proposed development would also result in less than substantial harm on the setting and experience of Halloughton Conservation Area, as well as to the setting of listed buildings within the Conservation Area, notably the Church of St James (Grade II) and the Manor House (Grade II) in addition to resulting in less than substantial harm to the setting of designated heritage assets within the Brackenhurst complex (Grade II) and South Hill House (Grade II). This level of harm would result in loss of significance to these designated heritage assets.*

Although the proposal would undoubtedly bring meaningful environmental and economic benefits to the District, in the context of paragraph 196 of the NPPF and in the overall planning balance, these are not considered sufficient to outweigh the harm identified on the setting of the abovementioned designated heritage assets or the landscape character and visual amenity of the area by the sheer scale and siting of the proposal. The proposal would therefore be contrary to the objective of preservation required under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in conflict with the development plan with particular reference to policies CP9, 10, 13, 14 of the Amended Core Strategy (2019), policies DM4, 5, 9 and 12 of the Allocations and Development Management DPD (2013) in addition to the provisions of the Southwell Neighbourhood Plan (2016), Landscape Character Assessment SPD (2013) and the NPPF (2019) when read as a whole.”

- 1.3 A copy of the Decision Notice can be found at Appendix A and a copy of the Committee Report can be found at Appendix B. A schedule of late items presented to the Planning Committee can be found in Appendix C and the Committee Meeting Minutes can be found in Appendix D.
- 1.4 The Appellant has split the reason for refusal into a number of distinct considerations:
- i. The Landscape Character and Visual Impact of the Proposed Development (including impacts Public Rights of Way Southwell 74 and Southwell 43);
 - ii. The Heritage Impact of the Proposed Development (including the impact on the setting and experience of Halloughton Conservation area and the setting of the Church of St James (Grade II), the Manor House (Grade II*), the Brackenhurst complex (Grade II) and South Hill House (Grade II)); and
 - iii. The Planning Balance – whether the public benefits arising from the Proposed Development outweigh the Landscape Character and Visual Impact and Heritage harm identified in respect of points i and ii above.

Amendments to the Appeal Scheme

1.5 The Appellant notified the Council prior to the submission of the appeal that they intended to submit amended plans with the appeal which proposed the following amendments to the scheme:

- Amendment 1: Removal of panels and associated infrastructure from a central field;
- Amendment 2: Belt of new trees proposed within an existing hedgerow which encloses a section of the Site boundary to the southwest;
- Amendment 3: Additional native hedgerow with semi-mature hedgerow trees proposed between the northern extent of the site and PRoW FP43; and
- Amendment 4: Removal of panels and associated infrastructure from the north-eastern corner of the northern most field to facilitate the 're-wilding' of this area.

These amendments are shown on the Site Layout and Planting Proposal Plan reference P18-2917_12 Rev. M.

1.6 The Appellant undertook consultation with local residents and consultees that were consulted and/or commented on the original planning application (which expired 31.08.2021). The Appellant asked for responses to be sent to the Council for compiling to ensure openness and transparency – the responses of this consultation can be found in Appendices E and F. Following this consultation process the Council presented an update report to its Planning Committee on 7th September 2021 to notify the Committee of these amendments, relay any comments received during the consultation process and provide an Officer assessment to allow Members to consider whether the amendments materially altered their previous assessment of the proposal. The update committee report can be found in Appendix E, a schedule of late items presented to the Planning Committee can be found in Appendix F. The Committee Meeting Minutes have yet to be agreed however Members concluded at their meeting on 7th September 2021 that their decision (and the reason for refusal) would not have been different had the amended plans been submitted to them for consideration.

- 1.7 It is also of note that a revision to the NPPF was published in July 2021 following the determination of the Appeal Scheme. Whilst the Council acknowledges the revisions made to the NPPF it is of the view that the amendments do not materially alter the Council's previous assessment of the application.
- 1.8 The Council's view of these amendments is therefore that, in the context of the overall planning balance and conclusion reported in the March 2021 Committee Report, the changes made by the Appellant remain relatively minor when considering the scheme as a whole and overall do not fundamentally avoid or minimise the conflict that was identified in the original committee report. The Council therefore maintains the reason for refusal set out at paragraph 1.2.

Chapter 2: Appeal Site and Surroundings

2.0 Appeal Site and Surroundings

- 2.1 The appeal site comprises 13 agricultural fields north of the village of Halloughton. Collectively all parcels of land are c.107.81Ha and given the isolated nature of the site it falls as Open Countryside. The site is gently undulating and rounded, resulting in views being medium to long distance throughout most of the area with frequent wooded skylines.
- 2.2 The southern portion of the appeal site is located to the north of, and within the parish of Halloughton. This section of the site comprises five large linear fields with boundaries at their edge, including copses at the western and part of the southern boundary. Overhead electricity lines and pylons cross this parcel in an east-west direction. Halloughton village lies close to the southern boundary of the parcel and the A612 lies to the east of the eastern boundary. Agricultural land surrounds the parcel in other directions.
- 2.3 The northern section of the appeal site is located further from Halloughton and largely lies within the parish of Southwell, comprising seven separate fields of various sizes. The parcel includes buildings associated with New Radley Farm, which has its own access track from the north. There are two Public Right of Ways (PRoW) within the Site boundary, footpath 209/43/1 (Southwell 43) is located in the far northern extent of the Site, situated adjacent to the northern boundary. Bridleway 209/74/1 (Bridleway Southwell 74) runs from the north-eastern edge of Halloughton Wood in a broadly east to west direction through the central portion of the site terminating at Stubbins Farm in the east. Footpath 209/42/1 (Southwell 42) also runs adjacent to the western boundary of the site and adjoins to Southwell 43 broadly centrally along the northern boundary. Southwell Byway No.80 which becomes Halloughton Byway No. 9 at the parish boundary is also adjacent to the south-west corner of the site. An overhead electricity line runs east to west through the southern section of the site and the Westhorpe Dumble crosses the site in the same direction just to the north of this.

- 2.4 Land around the Westhorpe Dumble (a characteristic dialect word meaning “wooded valley”) is defined as a Local Wildlife Site (LWS) ‘Westhorpe Dumble 2/524 – a characteristic dumble’. A number of other LWS’s surround the appeal site such as: Westhorpe Dumble Head Drain – 2/724 ‘An unlikely association of uncommon grassland species on the banks of a drain’, Radley House Scrub – 5/3390 ‘woodland’, Cotmoor Lane – 2/719 ‘Broad wooded trackside verges’, and Cotmoor Plantation – 2/723 ‘ A damp deciduous woodland with a diverse flora’. An area of Ancient Woodland 'Halloughton Wood' is located c.150m to the west of this site at its closest point.
- 2.5 The south-west parcel of the appeal site lies close (between approx. 70 - 250 m) to the boundary of Halloughton Conservation Area (CA), however only the proposed access lies within the CA boundary. The northernmost portion of the site lies c.0.9km from the boundary of Southwell CA. With regard to other nearby historic designations there are a number of Grade II and II* listed buildings within Halloughton and Southwell along with the internationally significant Grade I listed Southwell Minster Church.

Planning History of the Appeal Site

- 2.6 There are no previous planning applications relevant the Appeal Site.
- 2.7 Proposed history relates only to the Screening Opinion request pursuant to the appeal proposal (reference: 19/SCR/00016) in which the Council confirmed that the proposed development was not considered to constitute EIA Development on the 28th August 2019.

Chapter 3: The Development Plan

3.0 The Development Plan for Newark and Sherwood

3.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) and section 70(2) of the Town and Country Planning Act 1990, as amended, sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. At the time of the preparation of this Statement, the Development Plan for Newark & Sherwood comprises:

Amended Core Strategy DPD

3.2 The Amended Core Strategy was adopted in March 2019. The original Core Strategy was adopted in March 2011. The Plan review was carried out to ensure that the Core Strategy was in compliance with the NPPF and that the allocations, policies and targets continue to be up to date and relevant. The amended Core Strategy also amended the plan period to 2013 - 2033.

3.3 The Amended Core Strategy sets the development framework for the whole of Newark & Sherwood. Whilst the document must be read as a whole, the following policies are considered most relevant to the appeal:

- Spatial Policy 1: Settlement Hierarchy
- Spatial Policy 2: Spatial Distribution of Growth
- Spatial Policy 3: Rural Areas
- Spatial Policy 6: Infrastructure for Growth
- Spatial Policy 7: Sustainable Transport
- Core Policy 9: Sustainable Design
- Core Policy 10: Climate Change
- Core Policy 12: Biodiversity and Green Infrastructure
- Core Policy 13: Landscape Character
- Core Policy 14: Historic Environment

Allocations and Development Management DPD

- 3.4 The Allocations & Development Management DPD was adopted in July 2013. It should be read in conjunction with the Amended Core Strategy. It sets out a number of allocations to meet the housing and employment needs of the District. It also includes a suite of Development Management policies to provide greater direction, help deliver specific allocations and assist in the day-to-day assessment of planning applications.
- 3.5 Whilst the document must be read as a whole, the following policies are considered most relevant to the appeal:
- DM4: Renewable and Low Carbon Energy Generation
 - DM5: Design
 - DM7: Biodiversity and Green Infrastructure
 - DM8: Development in the Open Countryside
 - DM9: Protecting and Enhancing the Historic Environment
 - DM12: Presumption in Favour of Sustainable Development
- 3.6 The Council is currently progressing a review of the Allocations & Development Management DPD. An Options Report has been published and is currently open for consultation (27th July – 21st September 2021). Any updates in the progress of this document will be put in the Council's evidence and brought to the attention of parties at the Inquiry.

Southwell Neighbourhood Plan

- 3.7 The Southwell Neighbourhood Plan was adopted in October 2016. It should be read in conjunction with the Amended Core Strategy and the Allocations & Development Management DPD.

3.8 The Southwell Neighbourhood Plan sets the development framework for Southwell. Whilst the document must be read as a whole, the following policies are considered most relevant to the appeal:

- Policy SD1 - Delivering Sustainable Development
- Policy E1 - Flood Risk Assessments and Mitigation
- Policy E2 - Flood Resilient Design
- Policy E3 – Green Infrastructure and Biodiversity
- Policy E4 – Public Rights of Way
- Policy E6 – Climate Change and Carbon Emissions
- Policy DH1 – Sense of Place
- Policy DH3 – Historic Environment
- Policy TA3 - Highways Impact

Other Material Planning Considerations

NPPF (2021) and NPPG

3.9 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. Whilst the document must be read as a whole, the following sections are considered most relevant to the appeal:

- Section 2: Achieving sustainable development
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

3.10 The National Planning Practice Guidance (NPPG) adds further central government guidance in relation to development management decisions. The following categories are considered to be of most relevance to the appeal:

- Climate change
- Natural environment

- Renewable and low carbon energy
- Historic environment

EN-1: Overarching National Policy Statement for Energy (July 2011)

- 3.11 This Overarching National Policy Statement for Energy (EN-1) is part of a suite of National Policy Statements (NPS) issued by the Secretary of State for Energy and Climate Change. Its primary purpose is to set out the Government's policy for delivery of major energy infrastructure which is applied to decisions for Nationally Significant Infrastructure Projects. However, it is confirmed that this document can be a material consideration in the determination of planning applications.

EN-3: National Policy Statement for Renewable Energy Infrastructure (July 2011)

- 3.12 This NPS sets out the national policy specific to renewable energy projects. EN-3 should be read in conjunction with EN-1 and provides the primary basis for decisions for Nationally Significant Infrastructure Projects.

UK Government Solar Strategy 2014

- 3.13 In 2014, the Government published its Solar PV Roadmap. This sets out its ambition for the technology as an important part of the country's energy mix. In doing so, the strategy underlines the importance of focusing growth on domestic and commercial roof space and previously developed land. It also makes clear that new solar installations need to be sensitively placed.

Written Ministerial Statement on Solar Energy: protecting the local and global environment (March 2015)

- 3.14 This Ministerial statement, amongst other things, discusses solar energy and protecting the local and global environment following the publication of the UK Government Solar Strategy.

**Commercial Renewable Energy Development and the Historic Environment Historic England
Advice Note 15 (February 2021)**

- 3.15 This Historic England Advice Note sets out the potential impacts on the historic environment of commercial renewable energy proposals, which could occupy large areas of land or sea. It is written to support the implementation of historic environment legislation, national policy and related guidance and to assist those involved in commercial renewable energy development to enable them to give appropriate consideration to heritage issues.

Newark and Sherwood Landscape Character Assessment SPD (2013)

- 3.16 The District Council has undertaken a Landscape Character Assessment (LCA) to assist decision makers in understanding the potential impact of proposed developments on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District. The appeal site is within the Mid-Nottinghamshire Farmlands area and spans three policy zones:
- MN 37: Halam Village Farmlands with Ancient Woodlands (approx. 50% of the site area)
 - MN 38: Halloughton Village Farmlands (approx. 40% of the site area)
 - MN 39: Thurgarton Village Farmlands with Ancient Woodland (approx. 10% of the site area)

Planning (Listed Buildings and Conservation Areas) Act 1990

- 3.17 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area (CA). In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Managing Significance in Decision-Taking in the Historic Environment Historic England Good Practice Advice in Planning 2 (March 2015)

- 3.18 This Historic England Advice Note contains useful information on assessing the significance of heritage assets.

The Setting of Heritage Assets Historic England Good Practice Advice in Planning 3 (December 2017)

- 3.19 This Historic England Advice Note sets out guidance, against the background of the NPPF and the related guidance given in the NPPG on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes. It gives general advice on understanding setting, and how it may contribute to the significance of heritage assets and allow that significance to be appreciated, as well as advice on how views contribute to setting.

Institute for Historic Building Conservation Principles of Cultural Heritage Impact Assessment in the UK (April 2021)

- 3.20 This document provides guidance for cultural heritage practitioners in regard to the principles of Cultural Heritage Impact Assessment which include understanding cultural heritage assets and evaluating the consequences of change.

Chapter 4: The Case for the Local Planning Authority

Introduction

- 4.1 In its evidence the Council will describe the site and relevant planning history, the character of the surrounding area and the background to the appeal including consultation responses and representations received.
- 4.2 The Council will describe the relevant planning policies that relate to the site and Appeal Scheme as set out in the development plan. References will be made to the NPPF and NPPG.
- 4.3 The Council will focus its case on the matters identified below and will format its proofs of evidence accordingly. The Statement of Common Ground will agree all technical matters, not relevant to the identified reasons for refusal. The Council will seek to agree appropriate conditions, without prejudice, which may be attached to the planning permission if the appeal is upheld and planning permission granted.

Reason for Refusal

- 4.4 Whilst the Council asserts that the reason for refusal detailed at 1.2 should be read as a whole, three main issues arise:
- i. The Landscape Character and Visual Impact of the Proposed Development (including impacts Public Rights of Way);
 - ii. The Heritage Impact of the Proposed Development (including the impact on the setting and experience of Halloughton Conservation area and the setting of assets such as the Church of St James (Grade II), the Manor House (Grade II*), the Brackenhurst complex (Grade II) and South Hill House (Grade II)); and
 - iii. The Planning Balance – whether the public benefits arising from the Proposed Development outweigh the Landscape Character and Visual Impact and Heritage harm identified in respect of points i and ii above.

4.5 The Council will present an assessment of all matters that weigh in the planning balance.

Accordance with the Development Plan

4.6 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 this Appeal must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

4.7 The Council's case is that the proposed development does not accord with the Development Plan as set out in the reason for refusal. The Council does not consider that material considerations overcome that failure to accord with the Development Plan such that a decision should be taken otherwise.

The Landscape Character and Visual Impact of the Proposed Development

4.8 The Council will describe the Landscape Character and Visual Amenity of the appeal site. The Council will also identify the sensitive visual receptors in and around the appeal site, notably:

- PRow Footpath 209/43/1 (Southwell 43);
- PRow Footpath 209/42/1 (Southwell 42);
- PRow Bridleway 209/74/1 (Southwell 74);
- Halloughton Bridleway 186/3/1 (Halloughton Bridleway 3);
- Southwell Byway 209/80/2 (Southwell Byway 80);
- Halloughton Byway 186/9/1 (Halloughton Byway 9).

4.9 Whilst the reason for refusal set out at paragraph 1.2 only explicitly references PRow Southwell 74 and Southwell 43, it is evident from the Committee Report (Appendix B) when read as a whole that the impact of the development on all of the above mentioned receptors was considered in reaching the conclusion regarding the overall visual effect of the scheme.

4.10 The Council will present evidence that there would be long term impacts on the 'land cover' element of the landscape, and long term impacts on the 'landscape character' of the site area

as a result of the development. The Council will argue that there would be a moderate adverse scale of landscape effect on land cover as a result of the development for the 40-year lifetime of the scheme. The Council will also argue that there would be a major adverse scale of landscape effect on the character of Policy Zones 37, 38 and 39 as a result of the development for the 40-year lifetime of the scheme. This is accepted by the appellant in the LVIA addendum (reference P18-2917, dated December 2020).

Visual Effects

- 4.11 In terms of visual effects, the council will argue that there could potentially be medium term effects on PRow Southwell Footpath 74, particularly for Viewpoints 1 and 2 (from the LVIA) which would last until at least year 1 and possibly longer dependant on the success of vegetation establishment. The Council will contend that this scale of effect will be in a range between a major and a moderate adverse scale of effect until at least year 1 of the proposed development and possibly longer. The Council will explain that this is similar at construction stage for Viewpoint 3 and again will depend upon establishment of vegetation to achieve negligible scale of effect from year 1. The appellant contends that this will be a moderate adverse scale of visual effect until year 1.
- 4.12 The Council will also argue that there could potentially be long term effects on PRow Southwell 74, for Viewpoint 4 (from the LVIA) which would last until at least year 1 (and could continue until year 10 dependant on the success of vegetation establishment). The Council will contend that this scale of effect will be a major to moderate adverse scale of effect until at least year 1 of the proposed development and a moderate adverse scale of effect to negligible until year 10. The appellant and the Council are in agreement about the scale of effects.
- 4.13 The Council will draw attention to Viewpoint 10 where there are views of the proposed development in association with the built area of Halloughton Village. These views develop with increasing height travelling to the south west along PRow Halloughton Bridleway 3 before the bridleway changes direction. The Council will contend that in order to achieve a negligible scale of effect from this view point by year 10 (as proposed by the Appellant)

vegetation will need to be carefully managed to provide screening. However, the Council will also contend that this vegetation will remove the view of fields to the north of Halloughton village for walkers in this location, which in itself would also impact the setting and experience of the village.

4.14 The Council will argue that there will be medium term effects on PRoW Halloughton Byway 9, for Viewpoint 12 (from the LVIA) which would last until at least year 1 and possibly longer dependant on the success of vegetation management. The Council will contend that this scale of effect will be moderate adverse until year 1 (and a major adverse scale of effect at the construction stage). However, having regard to the amendments advanced throughout the appeal, the Council will explain that they accept that the amendments 1 - 4 shown on Drawing reference P18-2917-12 Revision M could lead to some reduction in the scale of visual effect of the proposed development at Viewpoint 12. No update on the scale of visual effect has been provided by the Appellant, but the Council anticipates that there would be some reduction.

4.15 The Council will argue that there will be long term effects on PRoW Southwell footpath 43, for viewpoints 14 and 15 (from the LVIA) which would last until at least year 1 and possibly longer dependant on the success of vegetation establishment (and year 10 in the case of Viewpoint 15). The Council will contend that this scale of effect will be major adverse scale of effect and would continue until at least year 1 (and year 10 in the case of Viewpoint 15). Again however, having regard to the amendments advanced throughout the appeal, the Council will explain that they accept the amendments 1 - 4 shown on Drawing reference P18-2917-12 Revision M could lead to some reduction in the scale of visual effect of the proposed development at Viewpoints 14 and 15. No update on the scale of visual effect has been provided by the Appellant, but the Council anticipates that there would be some reduction. This will alter the nature of the view available for walkers in this locality.

4.16 The Council will explain that the representative viewpoints affect recreational receptors which have a high sensitivity, since their view is focussed on their surroundings. The Council will also explain that these footpaths are well used, particularly PRoW Southwell 74 which

links Southwell and Halloughton, and conclude that the visual amenity of these routes would be reduced as views would change from open farmland to views of solar farm infrastructure, including the surrounding protective fencing and enclosing planting, which would affect the visual perception of the village of Halloughton.

Landscape Effects

- 4.17 Concerning landscape effects, the council will agree with the appellant that there would be a moderate adverse scale of effect on land cover of the site area, derived from a low landscape sensitivity combined a high magnitude of change.

The Council will agree with the Appellant that there would be a major scale of landscape effect on the landscape character of Policy Zone 37 (approx. 50% of the site area), derived from a high landscape sensitivity combined with a high magnitude of change.

The Council will explain that there would be a major/moderate scale of landscape effect on the landscape character of Policy Zone 38 (approx. 40% of the site area), derived from a moderate landscape sensitivity combined with a high magnitude of change.

Due to the scale of visual effects identified by the Appellant, and the continued scale of landscape effect identified, which would remain significant for landscape character, the Council will argue that despite the reduction of panels and reinforcement of landscape elements, the development would continue to result in long term adverse impacts on the 'land cover' element of the landscape and long term adverse impacts on the 'landscape character' of the site area. Long term in this context will extend for the 40 year life of the scheme because the original agricultural landscape character will be lost.

- 4.18 Overall, the Council will present that in the context of the identified Landscape Character and Visual Impacts and harm, the appeal proposal would continue to be contrary to Core Policies 9 and 13 of the ACS and the policy actions identified within the corresponding Landscape Character Assessment in addition to policy E6 of the SNP. Despite the amendments the Council will argue that the landscape and visual impacts of the scheme should not to be taken lightly and the harm identified must continue to be weighed in the overall planning balance.

Therefore, referring to the original planning balance and conclusion, in the context of landscape impacts, The Council will conclude that in summarising the overall level of harm, the degree to which the amended scheme would have an adverse impact on the character and appearance of the countryside would continue to merit significant negative weight.

The Heritage Impact of the Proposed Development

4.19 The Council will assess the nature, level and extent of the significance of Halloughton Conservation Area (CA). The Council will describe, including in relation to the Site, the setting of Halloughton CA and how this contributes to the significance of the designated heritage asset.

4.20 The Council will identify that the following listed buildings would be adversely affected by the development:

- Halloughton Manor Farmhouse (Grade II*, List ID: 1178664)
- Church of St James (Grade II, List ID: 1045555)
- Barn at Halloughton Manor Farm (Grade II, List ID: 1045556)
- Pigeoncote, Granary and Stable Block at Manor Farm (Grade II, List ID: 1370180)
- Barn at Bridle Road Farm (Grade II, List ID: 1178708)
- South Hill House (Grade II, List ID: 1213124)
- Brackenhurst Hall and Associated Estate Elements such as:
 - Brackenhurst Hall and Attached Coach House, Orangery and Garden Wall (Grade II, List ID 1369927)
 - Gateway and Railings at Brackenhurst Hall (Grade II, List ID: 1289246)
 - Lodge to Brackenhurst Hall (Grade II, List ID: 1213102)

- Garden Walls and Potting Sheds 100 Metres North East of Brakenhurst Hall
(Grade II, List ID: 1046108)

- 4.21 The Council will present that the landscape setting of Halloughton village is intrinsically linked to the appreciation of the special character and appearance of Halloughton CA as well as to the architectural and historic interest of those listed buildings set out above. The Council will demonstrate that the scale of industrialisation of the landscape will diminish the experiential qualities of Halloughton CA and the historic buildings therein. The Council will assess the impact of the proposed development on the setting and significance of Halloughton CA, and conclude that the development would harm its setting and significance, and would lead to harm at the upper end of the less than substantial harm scale. The Council will demonstrate that the setting of the listed buildings within the CA would also be adversely affected, and that the harm is similarly substantive due to the importance of their rural landscape setting. The Council will recognise that whilst views to and from individual heritage assets within the CA vary, it is the cumulative magnitude and broad extent of the proposed development in close proximity to the settlement that is adverse, resulting in a dominating landscape feature.
- 4.22 With regards to heritage assets within the Brackenhurst complex and to the east of the proposed development, notably South Hill House (Grade II), the Council will explain the nature, level and extent of their significance and the contribution made by their landscape setting, concluding that the development would cause a less than substantial degree of harm, at the lower end of the scale.
- 4.23 The Council will conclude that the proposed development would result in alien and dominating feature to this attractive rural landscape, which is fundamental to the ability to appreciate the significance of Halloughton CA and the listed buildings therein. The Council will argue that the enjoyment and experience of the designated assets within their landscape setting would be greatly diminished as a result of the development. Having special regard to the harm identified above, both individually and cumulatively, the Council will conclude that the public benefits arising from this development would not outweigh this harm.
- 4.24 Having regard to the amendments advanced throughout this appeal, the Council will explain that whilst the removal of a whole field of panels close to the village would proportionately

reduce the level of harm arising from the development, the Council still considers the overall degree of harm to the setting of Halloughton Conservation Area and the listed buildings therein (notably the Church of St James (Grade II) and the Manor House (Grade II*)) would remain at the upper end of the 'less than substantial harm' scale. The Council will also explain that the amended development would continue to result in a less than substantial degree of harm to the setting of designated heritage assets within the Brackenhurst complex (Grade II), notably South Hill House (Grade II). The Council will therefore conclude that the development would continue be contrary to the objective of preservation required under Sections 66 and 72 of the Act, heritage advice contained within CP14 of the ACS and DM9 of the ADMDPD and the provisions of the SNP (specifically policy DH3), in addition to Chapter 16 of the NPPF. Therefore, referring to the original planning balance and conclusion in the context of heritage impacts and having regard to the statutory presumption in favour of preservation, the Council will conclude that the harm resulting from the amended development would continue to carry significant negative weight in the overall planning balance.

The Planning Balance - Whether the public benefits of the Proposed Development outweigh the harm identified

4.25 The Appellant accepts at paragraph 9.11 of their SOC that the appeal scheme will result in harm in respect of the historic environment and landscape. The Council will demonstrate that as a result of the harm identified there is a conflict with the development plan (policies CP9, 10, 13, 14 of the ACS, policies DM4, 5, 9 and 12 of the ADMDPD, in addition to policies E6 and DH3 of the Southwell NP) and in its planning balance, will consider the extent of the abovementioned landscape character and visual impact in addition to the heritage impacts identified, against the need to secure reductions in greenhouse gas emissions and meet energy targets set nationally and internationally.

4.26 Having expressed the Council's concerns with regard to appeal scheme, evidence will be presented as to the balance of harm against benefits. Amongst other things, the Council will consider the extensive raft of relevant energy policy and the appeal scheme's beneficial contribution to the generation of renewable energy. The Council's evidence will show that

the balance weighs against allowing the appeal scheme (and/or the amended scheme presented). Evidence will demonstrate that there is conflict with the Development Plan and that the proposed development therefore does not represent sustainable development.

4.27 The Council accepts that the proposal would give rise to certain benefits, notably in terms of renewable energy generation but more generally in terms of ecological and economic benefits. However, it considers such benefits could also arise from other schemes in the District. The benefits of landscape/ecological enhancements and economic benefits are standard and attributable to any renewable energy development schemes.

4.28 The appellant sets out at paragraph 9.13 of their SOC a list of matters they consider to be neutral in the planning balance:

- Agricultural Land
- Residential Amenity and Noise (subject to appropriate planning conditions)
- Highways and Transport (subject to appropriate planning conditions)

The council agrees that these matters are neutral in the planning balance.

4.29 The Appellant also sets out at paragraph 9.12 of their SOC a list of suggested material benefits:

- Generation of renewable energy and the national planning policy and energy policy support for the UK's transition to a low carbon economy
- Provision of landscape enhancements
- Provision of ecological enhancements
- Economic benefits of construction and business rate
- Flooding and Drainage (subject to appropriate planning conditions)

4.30 The Council addresses each of these briefly below:

- Generation of renewable energy and the national planning policy and energy policy support for the UK's transition to a low carbon economy

Both national and local planning policy place great emphasis on the creation of energy through renewable schemes where the impacts of the development are (or can be made)

acceptable. Whilst renewable energy production is supported in principle, this is only provided developments are appropriately sited and proper weight is given to environmental considerations such as landscape and visual impact, heritage and local amenity which enables the achievement of sustainable development in the round. The Council accepts that the generation of renewable energy carries significant weight through the provisions of the NPPF.

- Provision of landscape enhancements

The Council notes the proposal includes additional landscape planting as part of the mitigation strategy for the development. This reflects common practice in the development of solar farms and must be balanced against the impacts identified on the landscape character and visual amenity of the landscape from the development as a whole. Furthermore the Council notes that additional planting can in itself result in uncharacteristic and adverse impacts on landscape character and visual amenity.

- Provision of ecological enhancements

The proposed ecological mitigation, management and enhancement reflects common practice in the development of solar farms. It also accords with the expectations of local and national planning policy for developments to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains where possible. Whilst not seeking to discredit this benefit, the Council also notes that the land owner chose to plant approx. 7,989 trees in January 2021 along the southern boundary of the site (which was reported during the course of the application in the Note on Additional Planting ref P18-2917 dated 21.01.2021 – see Appendix G) which formed part of the overall planting strategy. This planting was undertaken by the land owner of their own accord and the Council's view is that this should not be counted as a direct benefit that would be brought about by the appeal scheme itself, given it has already been undertaken outside of any permission. Consideration of the ecological benefits and enhancements overall must therefore be considered in the context of the planting that has already been undertaken outside of the planning process, the impact of the

development itself and the expectation for developments to minimise impacts on biodiversity and provide net gains where possible.

- Economic benefits of construction and business rates

It is accepted that the construction of a solar farm of this scale will give rise to economic benefits in terms of capital investment in renewable energy infrastructure, employment during the construction phase and thereafter in the management and maintenance of the site (in addition to the creation of jobs within the supply chain) and in business rates contributions. Whilst these are recognised, they would apply to any similar development anywhere in the Council's area including development that can adequately mitigate the detrimental impacts the Council has identified.

- Flooding and Drainage (subject to appropriate planning conditions)

The Council notes the intention is for the development to provide for 'net betterment' to downstream flood risk (with a particular focus on the rate of discharge into the Westhorpe Dumble watercourse). The Flood Risk Assessment submitted with the application did not evidence the precise extent of the betterment proposed, as such the Council considers it difficult to fully quantify this alleged benefit. Nevertheless, it is accepted that some downstream betterment could arise from the proposed scheme. However equally the Council notes that the use of a sustainable drainage strategy is common practice in the development of solar farms to mitigate and offset the impermeable areas associated with the substation and infrastructure required.

4.31 For all these reasons, therefore, while the Appeal development would give rise to certain measurable benefits, the Council does not consider they are of sufficient substance to outweigh the harms.

5.0 Conclusion

5.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that this Appeal be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.2 The appeal proposal does not comply with the Development Plan when read as whole, with particular reference to policies CP9, 10, 13, 14 of the Amended Core Strategy (2019), policies DM4, 5, 9 and 12 of the Allocations and Development Management DPD (2013) in addition to policies E6 and DH3 of the Southwell Neighbourhood Plan (2016), the provisions of the Landscape Character Assessment SPD (2013) and the NPPF (2021) when read as a whole. The appeal proposal would also be contrary to the objective of preservation required under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.3 The question then is whether there are other material considerations of sufficient weight to indicate that the appeal ought to be determined other than in accordance with the Development Plan. Whilst the Council acknowledges the benefits and importance of sustainable energy production, when considering the overall planning balance (as set out in the final section of the Committee Report at Appendix B) the Council does not consider that there are, and the following witnesses will present evidence on behalf of the local authority to defend the reason for refusal:

- Landscape Character and Visual Impact Witness: Helen Jones BSc (Hons), MALD, CMLI, Landscape Architect Environmental Management and Design of Via East Midlands Ltd
- Heritage Witness
- Planning Policy Witness: Honor Whitfield MRTPI MSc, Planning Officer of Newark and Sherwood District Council

However, the LPA reserves the right to introduce additional witnesses as necessary to address any other issues that may be raised by the Appellant and/or any Third Parties.

5.4 A list of draft conditions will be agreed with the appellant as part of the Statement of Common Ground.

Chapter 6: List of Documents to Be Referred to

- 6.1 The following documents may be referred to or put in evidence by the Council at the inquiry:
- All application documentation and additional supporting information submitted by the Appellant;
 - All consultation responses received in relation to the application and amendments advanced through the appeal;
 - Local Documents:
 - Newark & Sherwood Amended Core Strategy (2019);
 - Newark & Sherwood Allocations & Development Management DPD (2013);
 - Southwell Neighbourhood Plan (2016);
 - East Midland’s Regional Landscape Character Assessment (2010);
 - Newark & Sherwood Landscape Character Assessment SPD (2013);
 - Newark and Sherwood District Council’s declaration of a Climate Emergency in July 2019
 - Newark and Sherwood District Council’s Carbon Reduction Action Plan (September 2020)
 - Relevant local historical documents in relation to the heritage assets cited in the Reason for Refusal
 - National Documents:
 - The National Planning Policy Framework (NPPF, 2021);
 - National Planning Practice Guidance (NPPG);
 - Overarching National Policy Statement for Energy (EN-1) (July 2011);
 - National Policy Statement for Renewable Energy Infrastructure (EN-3) (July 2011);
 - UK Government Solar Strategy 2014;
 - Written Ministerial Statement on Solar Energy: protecting the local and global environment made on 25 March 2015;
 - Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15 (February 2021);
 - Climate Change Act 2008;
 - Climate Change Act (2050 target amendment) Order 2019;

- Clean Growth Strategy published by the Department for Business, Energy and Industrial Strategy (BEIS) in October 2017;
 - UK Parliament's declaration of an Environmental and Climate Change Emergency in May 2019;
 - Energy White Paper: Powering our Net Zero Future published in December 2020;
 - UK Government's press release of acceleration of carbon reduction to 2035, dated April 2021;
 - The latest version of the 'Digest of United Kingdom Energy Statistics;
 - 'Achieving Net Zero' published by the National Audit Office in December 2020;
 - Guidelines for Landscape and Visual Impact Assessment 3rd Edition;
 - Landscape Institute guidance on representative viewpoints and visualisations;
 - National Character Area Profile 48 – Trent and Belvoir Vales;
 - Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment;
 - Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition);
 - Institute for Historic Building Conservation Principles of Cultural Heritage Impact Assessment in the UK;
 - Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment;
 - Statements of Heritage Significance, Analysing Significance in Heritage Assets, Historic England Advice Note 12;
- Relevant appeal and High court decisions.

Appendix A – Decision Notice A1

Appendix B – Committee Report B1

Appendix C – Late Items presented to Planning Committee C1

Appendix D – Committee Meeting Minutes D1

Appendix E – Report to Planning Committee: Wheatcroft Amendments E1

Appendix F – Late Items presented to Planning Committee: Wheatcroft Amendments F1

Appendix G - Cotmoor Solar Farm Note on Additional Planting at Manor Farm, ref. P18-2917

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