

HR/P18-2917

13th January 2021

**Appellant Response to Comments Made on the Environmental Statement
APP/B3030/W/21/3279533 Land to the North of Halloughton, Halloughton,
Southwell, Nottinghamshire**

Two comments have been submitted directly to the Planning Inspectorate in response to the Environmental Statement (ES) from the Southwell Civic Society, and Professor Margaret McCaskill and Professor Robert Usherwood. Both comments were passed onto the Appellant by Leanne Palmer on the 4th January 2022.

This letter sets out the Appellant's response to general themes raised in each letter.

Timescales of the Construction Phase

Industry experience indicates that is the norm that it will take approximately 6 months to construct a solar farm of the proposed scale.

Landscape and Visual Impacts

The Inspector has read and heard the Appellant's evidence on Landscape and Visual Impact matters and the Appellant is content to rely on these earlier submissions.

Flood Risk

The Environment Agency and Nottinghamshire County Council Lead Local Flood Authority raised no objection to the proposed development, subject to the imposition of a condition requiring the provision of a detailed drainage scheme in accordance with the principles established in the Flood Risk Assessment.

Condition 20 focuses on surface water and is agreed between the Appellant and Newark and Sherwood District Council. This draft condition has been agreed with the Lead Local Flood Authority in November 2021.

Independence of the ES

The professional consultants who have been involved in the EIA process work to the EIA Coordination and Management mark that is independently managed by IEMA, who are the Institute for Quality within the specialism of EIA. Therefore, the professional consultants involved in the EIA process at Pegasus Group are professionals in the field of EIA and work in an independent nature to ensure assessments are of a high quality and accuracy. The ES was coordinated by a Chartered Environmentalist and Member of IEMA.

Agricultural Land Classification

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The Inspector has a range of information before him which presents the Appellant's case. It is agreed within the Statement of Common Ground with Newark and Sherwood District Council that the site comprises Grade 3b Agricultural Land and therefore does not comprise Best and Most Versatile Agricultural Land.

Comments were raised about historic yield data and anecdotal evidence. Yield data and evidence of historic cropping and financial assessments of farm businesses are specifically excluded from the ALC assessment methodology. When the guidance on ALC methodology was reviewed in the 1980s such an assessment was considered. The subsequent guidance Agricultural Land Classification of England and Wales MAFF (1988), states the following:

"Technical report 11 included proposals for the development of an economic classification system linked to physical classification. It also identified a number of significant disadvantages for a national system of economic classification, especially the problems associated with the acquisition of objective, up to date, accurate and consistent farm output data. No satisfactory means have been found of overcoming these problems and for this reason economic criteria for grading land have not been adopted. Similarly site specific crop yield data are not regarded as a reliable indication of land quality, because it is not possible to consistently make allowances for variables such as management skill, different levels of input and short term weather factors."

The Appellant therefore is of the opinion that it is correct to rely on the agricultural land assessment work which has been presented to the Inquiry and which is carried out in accordance with well recognised and accepted methodology; there is no justification for a different approach.

Legacy Planning

It should be noted that the site will be required to operate in line with health and safety legislation.

The ES states in Paragraph 1.9.2 that "the EIA focuses on the potentially likely significant effects of the Proposed Development during construction and operational phases only". The decommissioning process has been scoped out of the ES due to the unknowns regarding planning policy and good practice guidance that will be applicable at the time.

It should be noted that Conditions 3 and 4 have been agreed between the Appellant and Newark and Sherwood District Council which requires a scheme for the decommissioning of the solar farm, and that these obligations for decommissioning will continue to run with the land.

Carbon savings

Paragraph 3.4.11 of the ES is not offering a summary on the planning balance, and to do so would be inappropriate for an ES. Rather, the appropriate planning balance and weight to

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afforded to material considerations has been separately covered by planning evidence and cross examination at the Inquiry.

Need for Changes to Statement of Common Ground and Agreed Conditions

The Appellant considers that no changes are required to the Statement of Common Ground or agreed conditions following the production of the ES. It should be noted that the latest conditions were agreed between the Appellant and Newark and Sherwood District Council on the 15th December 2021, post publication of the ES.

Concerns that the ES has not resolved Consultee Objections

The purpose of an EIA is not to resolve objections from consultees; instead, its purpose is to assess the potentially significant environmental effects of a proposed Development which is seeking planning permission. If any significant effects are found, where possible, mitigation is identified to resolve these significant issues. The content of the ES itself was informed by the Screening Direction issued by the Secretary of State dated 9th November 2021.

Ecology – Independent Review of Evidence

It is agreed within the Statement of Common Ground that independent bodies, including Natural England and the Nottinghamshire Wildlife Trust, raised no objection to the proposed development, subject to imposition of appropriate planning conditions.