
OPENING SUBMISSIONS
ON BEHALF OF THE COUNCIL

Introduction

1. That the proposed development would make a significant positive contribution towards achieving the Council's commitment to tackling the causes and impacts of climate change is not in dispute. It is a factor which the Council had at the forefront of its mind when considering this application, as it does in relation to all applications for renewable and low carbon energy schemes.
2. The climate emergency cannot however obscure the significant long-term adverse impacts that the development would have on landscape character and visual amenity (including impacts on well used public rights of way) as well as the setting of designated heritage assets including Halloughton Conservation Area, the Manor Farm House (Grade II*) and other Grade II listed assets.
3. The Council's case on the three main issues – landscape and visual impact; impact on heritage assets; and planning policy and balance – is outlined below.

Landscape and Visual Impact

4. It is common ground that the development will result in a major adverse scale of effect on the local landscape character within the appeal site itself. The Council's case is that this major adverse effect on landscape character will also be felt beyond the site by reference to Policy Zones 37 and 38 of the Newark and Sherwood Landscape Character Assessment. In respect of Policy Zone 39, there will be minor adverse effect on landscape character beyond the site.
5. This is because the appeal scheme, covering over 100 hectares of land with solar panels on the majority of its 13 fields, will introduce massed modern elements and infrastructure that will physically and fundamentally alter the predominant land use and the longstanding rural and agricultural character of this area. It is also agreed between the parties that the

development will result in a moderate adverse scale of effect on land cover for the forty-year lifetime of the scheme, which the Council maintains is long-term.

6. As for visual impacts, there is common ground that the proposals will cause some adverse visual impacts, although the Council identifies greater visual impacts than those accepted by the Appellant, including in respect of well-used public rights of way. Moreover, while it is accepted that mitigation planting, once matured, will effectively screen some views of the development, the proposed planting itself will bring about a significant change in terms of views of the wider landscape – by closing down middle-distance views that are currently enjoyed along public rights of way and thereby changing the spatial perception of its users.

Impact on Heritage Assets

7. The Council submits that the development will result in ‘less than substantial’ harm:
 - (1) At the higher end of the scale to –
 - (a) Halloughton Conservation Area;
 - (b) Halloughton Manor Farm House (Grade II*);
 - (c) Church of St James (Grade II); and
 - (d) Barn at Bridle Road Farm (Grade II).
 - (2) At the lower end of the scale of to –
 - (a) Pigeoncote, Granary and Stable Block at Manor Farm (Grade II);
 - (b) Barn at Manor Farm (Grade II);
 - (c) Brackenhurst Hall and associated structures (Grade II); and
 - (d) South Hill House (Grade II).
8. In essence, the appeal site comprises a significant proportion of these assets’ rural settings, which has retained a remarkable degree of integrity both in its physical character and its enduring ability to illustrate longstanding historic relationships. The character and qualities of the landscape in which the appeal site lies are critical to appreciating the significance of these heritage assets.
9. As for the five listed buildings in the Halloughton Conservation Area, and the Conservation Area itself, the appeal site is intrinsically associated with these assets, the southern half having been included within the endowment of the Halloughton Prebend which remained for some 700 years.

Planning Policies and Balance

10. As a result of the harms identified above, the scheme fails to comply with a number of the development plan policies, namely: CP9, 10, 13 and 14 of the Amended Core Strategy; DM4, 5, 9 and 12 of the Allocations Development Management DPD; and E6 of the Southwell Neighbourhood Plan. When considered in the round, the proposals do not comply with the development plan as a whole and the appeal should therefore be refused unless material considerations indicate otherwise.
11. Further, in light of the heritage harms identified, s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires considerable importance and weight to be afforded to the desirability of preserving the setting of the listed buildings identified above.
12. In terms of the benefits of the development, the Council attributes significant positive weight to its contribution to renewable energy generation. The remaining benefits of the scheme – namely, landscape and ecological enhancements, flood risk improvements and socio-economic benefits – should be given moderate positive weight. The landscape and ecological enhancements in particular reflect common practice in solar farm schemes, while the socio-economic benefits are a usual consequence of all such development.
13. When all of these matters are weighed in the planning balance, the identified benefits do not outweigh the adverse impacts of the scheme, nor do they overcome the conflict with the Development Plan and the statutory objective of preservation in respect of listed buildings.
14. Accordingly, the Council will invite the Inspector to dismiss this appeal.

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CORNERSTONE BARRISTERS
7 DECEMBER 2021