The Planning Inspectorate

Appeal Decision

Inquiry held on 10-14 June and 1 August 2024

Site visit made on 17 June 2024

by J Woolcock BNatRes MURP DipLaw MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2024

Appeal Ref: APP/P3040/W/23/3330045
Land East of Hawksworth and Northwest of Thoroton, Thoroton, Nottinghamshire, NG13 9DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990, as amended (the 1990 Act), against a refusal to grant planning permission.
- The appeal is made by Mrs Claire Chamberlain (Renewable Energy Systems (RES) Ltd) against the decision of Rushcliffe Borough Council (RBC).
- The application Ref is 22/02241/FUL.
- The development proposed is the installation of a renewable energy 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.

Decision

1. The appeal is allowed and planning permission is granted for the installation of a renewable energy 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 at Land East of Hawksworth and Northwest of Thoroton, Thoroton, NG13 9DB, in accordance with the terms of the application, Ref 22/02241/FUL, and the plans submitted with it, as amended, subject to the conditions in the attached Schedule of Conditions.

Application for costs

2. Hawksworth and Thoroton Action Group (HTAG) submitted an application for a full award of costs if my decision concluded that the appeal proposal would exceed the threshold for a Nationally Significant Infrastructure Project (NSIP). The costs application is in writing and so is the response by the appellant.[1]

Preliminary matters

Location

3. The 94.24 ha appeal site is located about 0.1 km to the north-east and east of Hawksworth, and about 0.2 km to the north-west of Thoroton. The historic cores of these villages are designated Conservation Areas. The appeal site comprises nine arable fields (Fields 1-9), along with several wooded areas and watercourses. Longhedge Lane is to the north of the appeal site and the appeal scheme is known as Longhedge Solar Farm. The site is also bounded by Shelton Road to the east, Thoroton Road to the south, and Main Road to the

[1] ID48.1, ID48.2 and ID48.3.

west. Bridleways BW1 and BW6 traverse the northern part of the appeal site in an east/west direction linking Main Road with Shelton Road. This part of Shelton Road forms the eastern boundary of the appeal site and is part of National Cycle Network Route 64. A 132 kV overhead line on 29 m high pylons passes north-east/south-west through Fields 5, 6 and 8. There is an 11 kV overhead line crossing the appeal site from north-west/south-east. The highest part of the appeal site is towards its north-eastern corner at 25 m above Ordnance Datum (AOD) and the lowest ground is about 17 m AOD. The appeal site lies in Flood Zones 1, 2 and 3. When flooding from the nearby River Smite overtops Shelton Road, flood water flows west and north through parts of the appeal site.

Reasons for refusal

4. RBC refused the application for two reasons: (1) Landscape character and visual amenity, and (2) Preservation or enhancement of the setting of Hawksworth and Thoroton Conservation Areas, and preservation of the setting of listed buildings within these areas. On 9 April 2024 [2] RBC advised that the appellant's assessment of Best and Most Versatile (BMV) agricultural land was not wholly aligned with the guidance contained in the Planning Practice Guidance (PPG); and that the conclusion expressed in the Officer's Report as to compliance with the flood risk Sequential Test was incorrect. Subsequently RBC's Statement of Case (SoC), dated 16 April, indicated that it wished to expand its case to include both the loss of BMV and the lack of a flooding Sequential Test assessment for the location of this development.

HTAG Rule 6 Party

5. HTAG was granted Rule 6(6) status on 2 April pursuant to The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000. HTAG is formed of the Parish Councils and Parish Meetings of Hawksworth, Thoroton, Orston, Car Colston, Flintham, Sibthorpe, and Flawborough, and represents residents from the area around the appeal site. HTAG attended the Case Management Conference (CMC) held on 23 April and participated in the Inquiry opposing the proposed development.

6. The appeal scheme proposes the construction of a 49.9 megawatt (MW) solar farm. HTAG asked the Planning Inspectorate on 6 April to review this case and advise whether the planning application and section 78 appeal is appropriate or whether the proposal should be determined as a NSIP. HTAG was concerned, if it was found that the proposed development was an NSIP, that the parties would incur significant costs in preparing for an Inquiry that may not take place. On 10 April I requested that the appellant prepare a technical note on the proposed capacity of the scheme.[3] This was copied to RBC and HTAG on 16 April. It was made clear at the CMC that whether the scheme was a NSIP would need to be examined at the Inquiry.[4]

Amended appeal scheme

7. The appellant proposed amendments to the scheme that was determined by RBC. This was discussed at the CMC, and it was determined that evidence for

[2] All dates in this decision are 2024 unless stated otherwise.
[3] CD7.5.7 referred to as the Capacity Note.
[4] CD7.2.

the appeal should be based on the amended scheme.[5] I subsequently asked for an Amended Scheme Statement setting out details about the differences between Scheme A (original) and Scheme B (amended), along with the consultation exercise undertaken by the appellant about the proposed amendments.[6] The appellant's SoC included an amendment to remove panels from part of Field 1, which is located to the north of Hawksworth, with resultant alterations to the alignment of the proposed permissive path and adjoining hedgerow. A second amendment was included in the consultation letter dated 28 March. RBC was advised of this proposed alteration at the CMC. This change sought to realign the hedgerow proposed in the north-eastern part of the appeal site further to the south of Bridleway BW6.

8. There was an opportunity at the opening of the Inquiry for anyone who was not represented at the CMC to comment on accepting these amendments at the appeal stage. No objections were raised and there are no grounds for reviewing the determination made at the CMC. I am satisfied that the amendments to the scheme would not result in a substantially different proposal, and that no one would be prejudiced by dealing with the appeal on the basis of Scheme B. I have, therefore, determined the appeal on the basis of the revised drawings for the Infrastructure Layout [7] and Landscape Masterplan [8].

Proposed development

9. Both the Infrastructure Layout and Landscape Masterplan revised drawings identify areas within the appeal site for an "Indicative Solar PV Array". However, the layout of other features of the proposed development, such as access tracks, inverters and associated hardstanding, substation and construction compounds, fence line, and permissive paths are not indicative. Siting for these elements of the proposal is a matter for determination. The scheme proposes 26 inverter substations and 95 CCTV posts, along with two temporary construction compounds. A new vehicular entrance to the site is proposed off Thoroton Road by removing 17 m of existing hedgerow.[9] Two options are shown for grid connection to the 132 kV overhead line within the appeal site.[10] Option 1 Fig12A provides for a lattice tower 23 m high, whereas Option 2 Fig12B depicts wooden poles 9 m high.

10. The application drawings indicate typical details for panels, inverters, security CCTV, fencing and access tracks. These indicate bi-facial panels 2.8 m high at the top and 0.8 m above the ground at the bottom, inverter substation units 3 m high, substation electrical equipment 3.85 m high, with a 15 m high communications tower. Palisade fencing around the substation is shown as 3 m high, with deer fencing 2.4 m high around the site and the bridleway, and CCTV towers 3.5 m high. These details are illustrative. However, the appellant's landscape evidence is based upon panels with a maximum height of 2.8 m. Inverters and the substation would be sited on raised ground for flood risk reasons. The Statement of Common Ground (SoCG) submitted in May records that the proposed development would include 150,304 modules or PV

[5] CD7.2.
[6] CD7.5.
[7] CD7.6D1-7 Drawing No.04668-RES-LAY-DR-PT-004 and 005 rev7.
[8] CD7.5.3 Drawing No.P24-0105_EN_02_E.
[9] CD7.11 paragraph 3.14. The SoCG at CD7.9 paragraph 7.1 (fff) refers to 13.3 m of hedgerow removal.
[10] CD1.16 FIGURE 12A CLIENT/DNO SUBSTATION PLAN AND ELEVATION OPTION 1 (Fig12A) and CD1.17 FIGURE 12B CLIENT/DNO SUBSTATION PLAN AND ELEVATION OPTION 2 (Fig12B).

panels.[11] Throughout the Inquiry the appellant referred to the appeal scheme with an indicative number of 128,752 panels sitting across a buildable area of 157 acres (63.5 ha).[12] I have dealt with the appeal on the basis that no specific details about the number, power rating, size and spacing of panels, or specification for the inverters, are included in the application. However, the "Indicative Solar PV Array" would be sited within the defined fence line on the Infrastructure Layout. I am satisfied that there is sufficient evidence about the appeal scheme to properly assess the proposal on a worst-case basis.

11. The appellant's Capacity Note for Scheme B dated 16 April is based upon an example of indicative panels with a power rating of 610 watts (W).[13] With 128,752 panels occupying a buildable area of 63.5 ha, this example would result in a dc capacity of 78.54 MWdc. This example, with a maximum inverter capacity of 49.9 MWac, would have a ratio of 1.57 for MWdc Capacity / Maximum Export Capacity (MECac).[14]

Grid connection

12. The appellant's evidence in the lead up to the Inquiry referred to a grid connection solution that has been agreed with the distribution network operator National Grid Electricity Distribution East Midlands (NGEDEM). This would 'loop' the proposed solar farm into the existing 132 kV overhead line that passes through the appeal site by the construction of two new terminal towers that would drop the 132 kV line into the substation that is part of the proposed development.[15] HTAG noted on 29 May that the application plan Fig12A for Option 1 did not show this and added that none of the assessments made reference to these towers.

13. The appellant responded on 5 June that although it is currently anticipated that the grid connection would be secured by these new towers this would be a matter for NGEDEM and that planning consent was not sought for these towers as part of this appeal. RBC expressed concern about this response in its email dated 7 June. I therefore asked the appellant to submit a note at the Inquiry providing more details about what would be required for the appeal scheme to connect to the grid and for clarification about the details shown on Fig12A and Fig12B.

14. The appellant's note reiterated its 5 June response and stated that the drawings are illustrative only of the tower designs.[16] At the Inquiry the appellant proposed adding a note to Fig12A and Fig12B to state "132kV tower structure shown for illustrative purposes and not for approval. To be consented by National Grid Electricity Distribution". Without prejudice to the question of whether connection infrastructure forms part of the appeal scheme, I adjourned the Inquiry on 14 June to enable the parties to assess the effects of the grid connection infrastructure shown on Fig12A and Fig12B. The Inquiry resumed online on 1 August to consider this and other outstanding matters.

[11] CD7.9 paragraph 5.2 (a).
[12] ID52 paragraph 29. Overall the land utilised for panels, inverters, hardstanding, substation and access tracks would occupy 66.2 ha of the 94.24 ha appeal site (ID7.9 paragraph 5.3 (d)).
[13] CD7.5.7.
[14] Solar panels generate electricity in direct current (dc) with inverters converting this to alternating current (ac) for transmission to the grid.
[15] Proof of Evidence of Mr Smart CD7.10.2 Appendix 3.
[16] ID4.

15. I requested further information about the grid connection agreement but was advised that NGEDEM would not grant permission to provide further documentation. The documentary evidence adduced about the agreement comprises reference to a Connection Offer dated 8 July 2020 and to an Alternative Connection Offer dated 7 September 2020. This does not include details about Specific Conditions for Connection Works.[17] The only other documentary evidence before the Inquiry is a redacted extract from a Novation Agreement, dated 18 December 2020, that refers to Western Power Distribution East Midlands plc, KL Beeby & Son (existing customer) and Renewable Energy Systems Limited (new customer).[18] At the resumed Inquiry on 1 August the appellant stated that the connection date in the offer is 2024.

Inspector's requests for additional information

16. During the adjournment the parties were requested to consider my without-prejudice questions about overplanting.[19] National Policy Statement for Renewable Energy Infrastructure (EN-3) defines 'overplanting' as the situation in which the installed generating capacity or nameplate capacity of the facility is larger than the generator's grid connection. Given that proofs of evidence were drafted prior to publication of the Written Ministerial Statement (WMS) entitled *Solar and protecting our Food Security and Best and Most Versatile (BMV) Land,* which was made on 15 May, I invited the appellant, RBC and HTAG to each submit a written statement setting out how the WMS applies to this appeal.

17. It was apparent on my accompanied site visit on 17 June that I would need additional information to assess the effects of the proposed development. The parties were invited to submit evidence about the height of the existing pylons on the appeal site, visualisations from viewpoints VP1 and VP2, ownership of boundary hedgerows, and the height of infrastructure above ground having regard to flood levels.[20] Additional information was submitted about the effects of the grid connection infrastructure shown on Fig12A and Fig12B.[21]

18. Reference was made at the Inquiry to crops from the appeal site contributing to feedstock for a local anaerobic digester and so a note was requested to provide further details.[22] A note was also provided regarding Staythorpe Grid Supply point.[23] In addition, I asked for further details about the degree of overplanting required to compensate for the degradation of panels during the lifetime of the proposed development, and for the difference between the plated capacity of the panels and their likely actual output here.[24]

19. The position of the parties on these and other matters is set out in the series of documents at ID43 for the appellant, ID44 for RBC and ID45 for HTAG. The written responses were considered during the round table discussion at the

[17] ID22. The heading for this letter is "Alternative Connection Offer for an active constrained electricity connection works by Western Power Distribution (East Midlands) plc ("WPD") at Thoroton Solar Plant, Longhedge Lane, Thoroton, Nottingham, NG13 9DS".
[18] CD7.10.2 Mr Urbani's evidence Appendix B. KL Beeby & Son are listed as landowners in the Certificate of Ownership on the Planning Application Form.
[19] ID35.1.
[20] ID35.2. Correspondence about landownership is at ID47.
[21] ID38 provides ZTVs for the existing pylon, Option 1 and Option 2. ID39 provides visualisations from VP6 for Option 1 and Option 2.
[22] ID36.
[23] ID37.
[24] ID40.

resumed Inquiry.[25] Closing submissions from the main parties were made in writing.[26] The Inquiry was closed in writing on 7 August.

Proof of evidence and SoCG

20. HTAG submitted a rebuttal proof concerning capacity, but this was not attributed to either of its witnesses and so was admitted to the Inquiry as a written statement from HTAG.[27] The appendices to Mr Cussen's proof of evidence included written statements by Mr Smart, Mr Urbani, Mr Kernon and Mr Hill, who were subsequently called as witnesses for the appellant. Their respective written statements were taken as their proofs of evidence.[28]

21. The appellant submitted a SoCG with both RBC and HTAG.[29] Landscape SoCGs were also prepared, including a Summary Schedule of Visual Effects.[30] This was discussed at the Round Table Discussion about landscape and visual amenity.[31] A Heritage SoCG was also submitted by the parties.[32]

Listed buildings

22. The Church of St Helena at Thoroton is a grade I listed building. In Hawksworth the Church of St Mary and All Saints is listed as grade II*. Also in Hawksworth are the grade II listed Hawksworth Manor and Adjoining Pigeoncote, and Model Farm Buildings at Top Farm. I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed building.

Local and national planning policy

23. The development plan includes Rushcliffe Local Plan Part 1: Core Strategy 2014 (LPP1) and Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 (LPP2). RBC's Solar Farm Development Planning Guidance was published in November 2022. This provides broad guidance and identifies likely key material planning considerations.[33] RBC adopted Conservation Area Appraisals for Thoroton and Hawksworth in 2022.[34] The Climate Change Strategy for RBC published in 2021, states that climate change is a global issue that requires dramatic action on a local level.[35] RBC published a Solar Farm Landscape Sensitivity and Capacity Study on 4 July.[36] Written submissions about the relevance of the study to this appeal were submitted by the appellant, RBC and HTAG.

24. I have had regard to the National Planning Policy Framework (NPPF) and the PPG. The NPPF states that the planning system should support the transition to a low carbon future in a changing climate, shape places in ways that contribute to radical reductions in greenhouse gas emissions and support renewable energy and associated infrastructure. It also provides that planning

[25] ID35.4 Agenda for Resumption.
[26] HTAG ID50, RBC ID51, Appellant ID52.
[27] CD10.2.
[28] CD7.10.2 Appendices 3, 4, 1 and 6.
[29] CD7.9 and CD7.9B.
[30] CD7.9C/1 and CD7.9D/1.
[31] CD0.1.
[32] CD7.9E.
[33] CD4.4.
[34] CD8.1 and CD8.2.
[35] CD4.3.
[36] ID41.

decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside. The PPG includes guidance about renewable and low carbon energy.[37]

25. On 30 July the Ministry of Housing, Communities and Local Government published a Written Ministerial Statement (ID46.1), an Open Consultation for Proposed Reforms to the NPPF and other changes to the planning system (ID46.2) and NPPF Draft Text for Consultation (ID46.3). These were discussed at the resumed Inquiry on 1 August.

26. Overarching National Policy Statement for Energy (EN-1) and EN-3 were approved on 17 January. Given that the capacity of the proposed solar farm in this appeal would be so close to the 50 MW threshold for a NSIP, I consider that EN-1 and EN-3 are material considerations in determining this appeal.[38]

Main issues

27. The main issues in this appeal are:

(a) The effect of the proposed development on the character and appearance of the area.

(b) The effect on heritage assets.

(c) The effect on agricultural land and food production.

(d) Flood risk and flood policy.

(e) Consideration of local and national planning policy and whether the benefits of the proposal would outweigh any harm.

HTAG questions whether the capacity of the appeal scheme would mean that it was a NSIP, and I deal with this first. It is also necessary to clarify, procedurally, how the appeal should deal with matters concerning a grid connection.

Reasons

Capacity

28. The Planning Act 2008 specifies that if a generating station is (when constructed) expected to be a generating station whose capacity is more than 50 MW then it is defined as a NSIP.[39] EN-3 states that the maximum combined capacity of the installed inverters, measured in ac, should be used for the purposes of determining solar site capacity.[40] The imposition of a suitably worded planning condition could ensure that the capacity of the proposed solar farm did not exceed the NSIP threshold. However, there is a dispute about the likely degree of overplanting.

[37] The PPG includes reference to a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and written ministerial statement on Solar energy: protecting the local and global environment made on 25 March 2015. The latter notes that the use of BMV land would need to be justified by the most compelling evidence, but adds that proposals would need to be considered in the light of relevant material considerations.
[38] EN-1 paragraphs 1.2.1 and 1.2.2.
[39] Sections 14(1)(a) and 15(2)(c) of the Planning Act 2008.
[40] EN-3 paragraph 2.10.53.

29. The installed generating capacity of the solar farm would decline over time in correlation with the reduction in panel array efficiency. EN-3 notes that there is a range of sources of degradation that developers need to consider when deciding on a solar panel technology to be used and that account for this can be made by overplanting solar panel arrays.[41] Footnote 92 adds that; "…this allows developers to take account of degradation in panel array efficiency over time, thereby enabling the grid connection to be maximised across the lifetime of the site. Such reasonable overplanting should be considered acceptable in a planning context so long as it can be justified and the electricity export does not exceed the relevant NSIP installed capacity threshold throughout the operational lifetime of the site and the proposed development and its impacts are assessed through the planning process on the basis of its full extent, including any overplanting".

30. If overplanting is acceptable to address degradation to enable the grid connection to be maximised for the duration of the development, there would seem to be similar advantage in permitting additional overplanting to maximise utilisation of the available grid connection by exporting at the maximum export capacity permitted for the optimal proportion of time for that particular scheme. I do not read Footnote 92 as a policy limitation restricting overplanting solely to compensation for the degradation of panels over time. Such an interpretation would be at odds with the overall policy support for the generation of renewable energy. The Government has committed to sustained growth in solar capacity to ensure that it is on a pathway to meeting net zero emissions by 2050, and solar is a key part of the Government's strategy for low-cost decarbonisation of the energy sector.[42] The letter to HTAG from the then Minister of State for Energy Security and Net Zero, dated 22 May, cannot be considered determinative of policy interpretation, which is ultimately a matter for the Courts.[43]

31. In respect of overplanting I asked the appellant to provide further details about the contribution of the dc elements of the proposed solar farm regarding; (a) the difference between the output power defined under the Standard Test Conditions and the actual meteorological conditions of the site, (b) performance degradation of the panels over time, and (c) the maximisation of energy production from inverters with a combined capacity of 49.9 MWac.[44] In summary, this note identified 8% of the panel area for (a), 16-22% of the panel area for (b), with 8-14% of the panel area for (c).[45] HTAG challenges these estimates.[46] ID40 is based on a number of assumptions, but it does indicate the likelihood that a significant proportion of the overplanting would be intended to maximise electricity output from the proposed solar farm. HTAG argues that taking this into account would conflict with EN-3. However, I concur with the appellant that there is nothing in EN-3 or any other policy statement that precludes the design of a scheme to maximise energy generation to account for the factors set out in (a), (b) and (c) above.[47]

[41] EN-3 paragraph 2.10.55.
[42] EN-3 paragraph 2.10.9. There is an urgent need for new electricity infrastructure (EN-1 paragraph 3.3.58). Solar also has an important role in delivering the government's goals for greater energy independence (EN-3 paragraph 2.10.10).
[43] CD10.2A. The Minister stated that in EN-3 overplanting is countenanced where reasonable to address panel degradation, and that overplanting for any other reason would not be supported.
[44] The estimates at ID40 are based on the example at CD7.5.7.
[45] ID43.0 paragraph 4.14.
[46] ID45.2.
[47] ID52 paragraphs 28 and 29.

32. HTAG considers that leaving illustrative matters for subsequent approval by discharge of conditions may mean that infrastructure would be more prominent than assessed and the site more densely planted with different impacts on the character and appearance of the area, glint and glare, ecology and recreation. However, the approach adopted by the appellant is consistent with EN-1 and EN-3 concerning flexibility in project details.[48] In determining this appeal, I have considered the area defined by the fence line on the Infrastructure Layout, within which the Indicative Solar PV Array would be contained, to set the maximum extent of the proposed solar PV array for the purposes of assessing the planning impacts of the appeal scheme. I have not used ac installed export capacity to constrain the impacts of the proposed solar farm.[49]

33. Given the extent of the area defined by the fence line containing the Indicative Solar PV Array, along with the likely number and power rating of the panels, it would be likely that the proposed solar farm would have a high ratio for MWdc Capacity / Maximum Export Capacity MECac. HTAG are correct that the amount of energy generated and the level of clipping that would be likely to be required remain undetermined.[50] However, it seems to me that the optimal level of clipping for the scheme would be a commercial decision for the developer. It is not necessary to know in advance the precise MWh that the appeal scheme would be likely to generate, particularly as this would depend upon a number of factors, including the weather. Overplanting to optimise renewable energy generation from the proposed solar farm would not result in any conflict with relevant policy.

34. Taking all the above into account, I find that the proposed development, subject to the imposition of appropriate planning conditions, is not a NSIP, and that it is appropriate to determine the appeal under section 78 of the 1990 Act. Given this finding, HTAG's conditional costs application falls away. Furthermore, in my judgement, the likely degree of overplanting in this case would not justify dismissing the appeal.

Grid connection

35. The grid connections shown on Fig12A (Option 1) and Fig12B (Option 2) were prepared by the appellant based on indicative drawings by Western Power Distribution for 'a 132kV single circuit tee-off connection (overhead)'.[51] The General Notes for Western Power Distribution's drawings state that "Detailed civil design works are the responsibility of the customer, but the information provided on this drawing may be incorporated into the customers overall civil siteworks drawing as necessary (assuming that the customer has checked the viability of the information to the presented site conditions)". The appellant, as the customer here, chose to include two options for a grid connection in the application. There is nothing to indicate that Fig12A and Fig12B are indicative or illustrative, whereas other application plans do specify that what is shown is 'typical' or 'indicative'.

[48] Section 4.3 of EN-1 and Section 2.6 of EN-3.
[49] EN-3 paragraph 2.10.56.
[50] Clipping occurs when power production from solar panels exceeds the capacity of inverters. This results in 'clipping' of the daily energy curve at times of peak radiation, usually around midday, and represents potential energy forgone, but overplanting enables more of the energy curve to be utilised in the morning and evening.
[51] ID27 and ID28.

36. Provision appears to have been included within the substation compound for the implementation of either Option 1 or Option 2.[52] The Planning Statement notes that the "design includes 2 options for Client/Distribution Network Operator (DNO) substation". The fact that the grid connection might be constructed by another party is not a reason to exclude it from the application because any planning permission would run with the land. The Planning Statement refers to "Figure 12a&b which are included within Volume 2: Planning Application Drawings".[53] Furthermore, the SoCG specifies that the proposed development involves the construction of, amongst other things, "substation and all ancillary grid infrastructure and associated works".[54]

37. It seems to me that, whether intentionally or unintentionally, grid connection was a matter to be determined in considering the application. This approach would be consistent with national policy, which envisages that wherever reasonably possible applications for new generating stations and related infrastructure should be contained in a single application.[55]

38. The evidence indicates that grid connection in this case is a matter to be determined as part of the application. I have had regard to the PPG which provides that a condition requiring the re-submission and approval of details that have already been submitted as part of the planning application is unlikely to pass the test of necessity.[56] Nevertheless, given that the application included two options, it was inevitable that this would be a matter to be dealt with by means of a condition if planning permission were to be granted. It is neither necessary nor appropriate to retrospectively amend Fig12A and Fig12B to state that these are for illustrative purposes and not for approval, as requested by the appellant at the Inquiry. I have dealt with the appeal on the basis that grid connection forms part of the application for the proposed development, to which consideration would apply both in its implementation and its decommissioning. The Planning Statement records that the intention is that the site can be returned to its former state on decommissioning and that "All elements of the Proposed Development will be completely removed".[57]

39. I am satisfied that the information before the Inquiry about the effects of Option 1 and Option 2 are adequate for an assessment to be made about the likely impact of grid connection for the purposes of determining this appeal. I also consider that the imposition of a planning condition could provide for a detailed grid connection scheme, in accordance with either Option 1 or Option 2, to be approved, and to preclude implementation of the option not approved. On this basis, there are no grounds to find against the proposal solely by reason of the way grid connection has been advanced in this case.

Character and appearance

Landscape effects

40. The appeal site and surrounding area lie within National Character Area (NCA) 48: Trent and Belvoir Vales. The key characteristics of NCA48 include a gently undulating and low-lying landform where agriculture is the dominant land use

[52] The extent of the 'substation compound' is defined on CD1.8 INFRASTRUCTURE LAYOUT.
[53] CD1.3 paragraph 1.49.
[54] SoCG paragraph 5.1
[55] EN-1 paragraph 4.11.7.
[56] Use of Planning Conditions PPG-006 Ref ID:21a-006-20140306.
[57] CD1.3 paragraph 1.65.

comprising mostly arable crops in a regular pattern of medium to large fields enclosed by hawthorn hedgerows. It is described as a predominantly rural and sparsely settled area with small villages and dispersed farms linked by quiet lanes.

41. In the East Midlands Regional Landscape Character Assessment (2010) the area forms part of Group 4 Lowland Vales and 4A Unwooded Vales where low hills and ridges gain visual prominence in an otherwise gently undulating landscape with large modern fieldscapes evident in areas of arable reversion. In shaping the future landscape, the aim should be to protect existing rural features whilst encouraging positive management of features under threat, including restoration of hedgerows and limited tree planting around settlements to integrate new development.

42. In the Greater Nottingham Landscape Character Assessment (2009) the site lies within the South Nottinghamshire Farmlands Regional Character Area, and at a more local level, within Draft Policy Zone (DPZ) SNO6 Aslockton Village Farmlands. This is described as having a rural remote and tranquil character comprising arable farmlands, although pasture is common around village fringes. Hedgerows are of variable condition and there is a low level of woodland cover, but the combination of taller hedgerows, hedgerow trees and scattered woodland create a dispersed wooded character that is often a key component within skyline views. Church towers and spires are prominent above the villages and are distinctive features within the landscape. Many prominent overhead line routes are present within the landscape and are always visible on the skyline. There are expansive long-distance views across the landscape to the Belvoir Ridge.

43. In RBC's Solar Farm Landscape Sensitivity and Capacity Study the appeal site lies within Landscape Assessment Unit (LAU) K Aslockton Village Farmland, which is judged to have Medium Value, Medium Susceptibility and Medium Sensitivity, and a High indicative capacity to Large Scale (61-100 ha) development.[58] In the Study, mitigation Principles 6 and 7 are key to aiding the integration of solar development proposals. Principle 6 states "In rural landscapes with villages, solar farm development should be sensitively set back from the settlement edge to minimise visual intrusion and sense of enclosure". Principle 7 states "Field boundaries in fragmented landscapes should be restored to improve integration and provide wider benefits to the landscape. Smaller parcels of development divided by field boundaries are also less likely to result in cumulative impacts". Other principles concerning long distance views, historic setting and landmarks are also relevant to the appeal site. The Study notes that settlements have connections to the wider rural landscape, which are valued by local communities and integral to the character of the settlements. Intervisibility between settlements and their immediate environs should be considered and the introduction of urbanising features avoided. It adds that due to fragmented field boundaries opportunities for restoration of the landscape pattern should be considered.

44. The Study was undertaken at a strategic scale and offers a borough-wide overview of indicative capacity for solar development, whereas the Inquiry has the benefit of much finer grained and site-specific assessments. I have given more weight to the detailed evidence submitted to the Inquiry and to what I

[58] ID41.

saw at my site visit than to RBC's Study in assessing the effects of the proposed development. In particular, historic landscape character and setting is not a strong feature of the appeal site and its surrounds, albeit heritage assets are present in the locality and are considered separately in this decision.

45. The proposed solar panels, substation, inverters and access tracks would occupy 63.5 ha, rendering the appeal scheme a large-scale development that would, in terms of overall scale, be reasonably commensurate with the medium to large-scale arable landscape within which it would be sited. However, the metal and glass panels of the solar arrays, along with their regular arrangement in long rows, together with a large sub-station and many inverters, would be out of keeping with the character of the area. The colour and texture of the solar arrays would not be typical of its agricultural and rural settlement context, and so the proposed development would introduce a discordant element into the local landscape. Mitigation planting would not ameliorate this harm to landscape receptors.

46. However, the proposal would accord with some landscape actions for DPZ SNO6 in that it would reasonably conserve the older field patterns, whilst enhancing field boundaries through new planting. New hedgerows would be beneficial even if they did not reintroduce historic field boundaries. Subject to the imposition of appropriate planning conditions the scheme would also conserve the prominence of churches within village skylines. Nevertheless, I find that the proposal would have an adverse effect on the DPZ SNO6 Aslockton Village Farmlands and Group 4 Lowland Vales and 4A Unwooded Vales character areas by introducing new elements detrimental to the distinctiveness of this landscape. This effect would gradually decrease with distance from the appeal site. Taking all these factors into account, I consider that the proposed development would have an adverse effect on the landscape resource of moderate significance.

Visual effects

47. Visual receptors here include recreational users of the PRoW and lightly trafficked rural lanes, as well as those living in the nearby settlements. The proposed permissive paths might offer alternative routes for circular walks, but some users may not find them attractive given the proximity and extent of nearby solar arrays.

48. The proposed solar arrays would be set back from buildings in Thoroton and separated by an open field, existing woodland and trees, and proposed woodland planting in the south-eastern corner of the appeal site (Fields 8 and 9). Some of the proposed substation and grid connection would be visible above the screening vegetation. However, given the separation distance this infrastructure would not be unduly prominent and would be seen in association with the existing 29 m high pylon in Field 8.

49. In the amended scheme solar arrays would be set well back from the northern parts of Hawksworth. Some views of the panels and inverters in Field 1 would be possible from properties in Hawksworth and High Road before the proposed new hedgerow and tree planting along the southern boundary of Field 1 matured. Infilling of the existing hedgerow along High Road and maintaining the new hedgerow at between 3-4 m high, would in time, effectively screen or soften views from Hawksworth and its northern environs. Infill planting and

management of the hedgerow along the western boundary of Field 8 would help to screen views into the appeal site from the eastern side of Hawksworth.

50. The local topography would permit much of the proposed development to be effectively screened over time with new hedgerow planting and by allowing existing hedges to grow up. Given the density of woodland blocks and thickness of hedgerows this would be likely to be so even in the winter months when vegetation was not in leaf. However, it was apparent at my site visits that the submitted Landscape Masterplan would permit some views of the solar arrays, inverters and substation that would make the solar farm appear particularly intrusive from these public vantage points. In addition, the scheme has the potential to impair views towards Thoroton from Bridleway BW6. But it seems to me that the adverse impacts from these vantage points could be minimised by imposing conditions requiring further landscaping measures.

51. A landscaping scheme could be designed and implemented to limit views from Bridleway BW6 towards Thoroton and St Helena Church so that the solar arrays in Fields 5, 7 and 9 would be effectively screened, whilst still enabling the spire of the Church to be properly appreciated in the context of the village. However, I am not convinced that the proposed alignment for the hedgerow south of Bridleway BW6 shown on the Landscape Masterplan would be likely to achieve this effect. From what I saw at my site visit, along with the visualisations and cross-sections I requested, I do not believe that the proposed alignment for the hedgerow would be sufficiently sensitive to the local topography.[59] This is a consideration that could be addressed by submission, for approval, of a revised alignment informed by a more detailed appreciation of the ground levels across this part of the appeal site and its effect on views towards Thoroton.

52. The scheme shown on the Landscape Masterplan would permit views of the access track, panels, inverters and the substation in Field 8 from the proposed access to the appeal site from Thoroton Road. Without measures to reduce this visual impact the nature and scale of the utilitarian infrastructure would be seen in stark contrast to the character of this rural link between the two settlements. It seems to me that there would be scope within the appeal site to limit this harm by the provision of additional screening, to include appropriate landscaping, fencing and gates at the entrance to the proposed development. This is a matter that could be addressed by a planning condition.

53. There are also views into Field 8 from the south-western corner of the appeal site near to the junction of Thoroton Road and Footpath FP2 in the vicinity of Viewpoint 2. Additional screening to that proposed in the Landscape Masterplan, including landscaping, fencing and gates would minimise any adverse visual impact from this vantage point.

54. It was apparent at my site visit that there is an existing access and gate on Shelton Road near to its junction with Bridleway BW3 in the vicinity of Viewpoint 7 that would provide views into the eastern part of the solar farm. Again, such views would be particularly intrusive, but the harm could be

[59] An indication of the effect of the proposed hedgerow on views towards Thoroton and the church spire was provided at my site visit by a rail set at 3 m high on the proposed hedgerow alignment towards the Shelton Road end of Bridleway BW6.

mitigated by the approval and implementation of measures to close-up and landscape this access.

55. The Landscape Masterplan does not indicate the proposed treatment of the land shown in pink and denoted as 'Areas excluded from development boundary'. Similarly, there is no indication of proposals for the land excluded in Scheme B from the indicative panel array to the north of Hawksworth. These areas lie within the appeal site boundary. Given that planning permission would apply to all the land contained within the red line site boundary it would be necessary for the treatment of these areas to be approved as part of a detailed landscaping scheme to safeguard the visual amenity of the area.

56. Additional landscaping would help to minimise the visual impact of the proposed development but would not entirely screen out all views of the solar farm.[60] During construction and subsequently where elements of the solar farm were visible, the development would be seen in sharp contrast to the colours and textures of the wider agricultural landscape. Furthermore, the effect of new hedgerow planting and by allowing existing hedges to grow up would be to screen out some of the long-distance views over the open countryside and towards Hawksworth and Thoroton that are currently a significant feature of this area. This planting would create a more enclosed landscape, with Bridleway BW1 and part of Bridleway BW6 largely contained within green corridors. However, it was apparent from my site visit that views towards the Belvoir Ridge from Bridleway BW6 would not be significantly affected. Nevertheless, given the local context, mitigation planting would result in some harm to the visual amenity of the area. Taking all these factors into account, the appeal scheme would have an adverse visual impact of major significance during construction and until planting matured, which would then reduce to an adverse visual effect of moderate significance. This effect would gradually decrease with distance from the appeal site.

57. Post decommissioning the scheme would result in some amenity benefits from the enhancement of field boundaries and planting of new hedgerows and hedgerow trees, but if retained these features would continue to screen out views of the open countryside and towards the local settlements from public vantage points. I consider that with site restoration the proposal would be likely to have a neutral legacy insofar as the character and appearance of the area is concerned.

58. There is an existing solar farm located to the north-east of Orston. It was apparent at my site visits that the separation distance and local topography are such that no significant cumulative landscape or visual effects would arise as a result of the appeal scheme.

59. The level of landscape and visual harm I have identified would not be permanent but would persist for 40 years and far exceed what is regarded as long term.[61] The proposal would have an adverse effect on the landscape resource of moderate significance, and an initial adverse visual impact of major significance that would reduce to an adverse effect of moderate significance for the remainder of the duration of the solar farm. This harm to the character

[60] CD7.9D.1 - Visual Summary Comparison Schedule between the Appellant, HTAG and RBC.
[61] GLVIA3 paragraph 5.51 refers to long term as ten to twenty-five years.

and appearance of the area weighs against the proposal in the planning balance.

Heritage

60. The appeal site makes some contribution to the significance of Hawksworth and Thoroton Conservation Areas because of the historic agricultural origins of the settlements, but the proximity of the two settlements does not add much to their historic significance. There are few vantage points where both settlements can be seen because of the intervening topography, hedgerows and woodland. There are PRoW connections between the settlements and during the construction period and until planting matured the development would be an intrusive feature located between the historic settlements. Thereafter any occasional glimpses of elements of the proposed development would not significantly harm any relationship between the settlements. The appeal scheme would result in some degradation of the open agrarian landscape surrounding the settlements. However, with appropriate landscaping the proposed development would not adversely affect any perception or appreciation of the proximity and historic relationship between Hawksworth and Thoroton.

61. The solar arrays would be some 150 m to the north-east of Hawksworth Conservation Area. The management of the intervening land, which is within the appeal site, could be the subject of a planning condition. The perception of solar panels on the approach to Hawksworth from the north would to some extent detract from an appreciation of the historic agricultural origins of the settlement. But given that Hawksworth has extensive areas of agricultural land to its west and south, along with open fields to its east between the settlement and the appeal site, the harm from the appeal scheme would be less than substantial and at the low end of the scale.

62. The solar arrays would be some 160 m from Thoroton Conservation Area and located beyond agricultural land with mature hedgerows that comprise the immediate setting of the settlement. The appeal scheme would have little impact on the immediate surroundings of the Conservation Area. However, views from Bridleway BW6 towards Thoroton and the spire of St Helena aid an appreciation of the historic relationship between the settlement and its agricultural context. Harm to the setting of the Conservation Area could be minimised by the proposed hedgerow planting to the south of Bridleway BW6. Subject to a revised alignment for this hedgerow I consider that the appeal scheme would result in less than substantial harm at the low end of the scale for Thoroton Conservation Area.

63. The nearest solar arrays would be sited some 340 m from the grade I listed Church of St Helena and separated by the northern part of Thoroton, fields and woodland. The agricultural land surrounding Thoroton contributes to the setting of the Church of St Helena because of the prominence of its spire in the wider farmed landscape. But subject to the condition outlined above about the alignment of the proposed hedgerow to the south of Bridleway BW6 I am satisfied that the proposal would have a limited effect on the appreciation of the listed Church in its village context. The appeal scheme would not significantly impair the value of the church spire as a historic landmark. I find that the proposal would result in less than substantial harm to the Church of St Helena that would be towards the lower end of the scale.

64. In Hawksworth the grade II* listed Church of St Mary and All Saints has a squat tower, which it appears was never intended as a landmark for the wider agricultural area. The church's setting is largely confined to the churchyard and local roads/spaces within the settlement. There are views of the church from PRoW into Hawksworth, but the proposed solar farm would not affect the appreciation of the church in its village context. The nearest solar arrays would be some 400 m to the north-east and 600 m to the south-east of the church. Given the separation distance and intervening buildings and vegetation the appeal scheme would have a negligible effect on the significance of the church by reason of any harm to the setting of the listed building.

65. For similar reasons the appeal scheme would not give rise to any harm to the significance of the grade II listed Hawksworth Manor and adjoining Pigeoncote in Hawksworth. The nearest solar arrays would be located some 400 m to the south-east and beyond the proposed enhanced mitigation planting. It was evident at my site visit that the gardens, driveway and relationship with buildings in the settlement contribute more to the setting of these listed buildings than does the more distant agricultural land in the wider area. The ability to appreciate the historic significance of the Manor and Pigeoncote would not be affected by the appeal scheme.

66. The Model Farm Buildings at Top Farm are of significance primarily for their architectural and historic interest. Their setting is largely confined to the immediate boundary walls, nearby roads and the settlement itself. The agricultural land to the south of Top Farm forms part of its wider setting, but these fields would be unaffected by the appeal scheme. I find no harm to these heritage assets. Other listed buildings in Hawksworth, Thoroton and the wider area would not be adversely impacted by the proposed development.

67. I am satisfied that the submitted archaeological assessment provides sufficient information to determine that it would be appropriate here to deal with archaeology by the imposition of planning conditions.[62] I find no conflict with LPP2 Policy 29 concerning development affecting archaeological sites.

68. The proposal would not conflict with LPP2 Policy 28, which sets out criteria to be considered in assessing the effects on heritage assets and requires clear justification for the development in order that a decision can be made as to whether the merits of the proposal bring public benefits which decisively outweigh any harm. However, the settings of heritage assets here contribute to the identity of the locality. The proposal would not conform with LPP1 Policy 11 because the core policy requires that elements of Rushcliffe's historic environment that contribute towards the unique identity of areas and help create a sense of place will be conserved and, where possible, enhanced.

69. The harm to three heritage assets would be temporary and reversible. However, the NPPF provides that great weight should be given to the conservation of these assets. In the NPPF paragraph 208 balancing exercise, I consider that the less than substantial harm I have identified to the significance of the designated heritage assets here is outweighed by the substantial public benefits that would be attributable to the renewable energy generated by the proposed solar farm. Further details about these benefits are set out later in this decision.

[62] CD6.1B and CD1.23 and Appendix 4: Cotswold Archaeology Interim Archaeology Report on Trial Trenching Ms Garcia's Proof of Evidence.

Agricultural land and food production

70. The appeal site comprises 1.7 ha of grade 2 agricultural land and 33.7 ha is classified as grade 3a. Therefore, 38% of the site is classified as BMV agricultural land. The remainder comprises 54 ha (58%) of grade 3b and 3.9 ha (4%) of other land. In the revised Scheme B some areas within the appeal site would not be used for solar panels and so the appeal scheme would utilise 1.5 ha of grade 2 land and 28.7 ha of grade 3a land.[63] The appellant's intention is to graze sheep within the solar farm.[64] HTAG and others have concerns about animal welfare but that is a matter that would be the subject of other regulatory controls.[65] There would be no insurmountable obstacles to grazing sheep within the proposed solar farm.

71. NPPF paragraph 180 b) provides that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the economic and other benefits of BMV agricultural land. Footnote 62, albeit in a reference to plans, states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. EN-3 has similar provisions.[66]

72. More recent Government targets for renewable energy generation and policy for climate change are material considerations that limit the weight that can now be given to the WMS *Solar energy: protecting the local and global environment* dated 25 March 2015. WMS *Solar and protecting our Food Security and Best and Most Versatile (BMV) Land* (WMS), which was made on 15 May 2024, reflects current policy and guidance and does not introduce any new policy tests. The 2024 WMS refers to improving soil surveys but does not provide further guidance. In any event, the main parties in this appeal agree on the agricultural land classification of the appeal site.

73. Policy and guidance for BMV agricultural land do not mandate the consideration of alternatives or require a sequential test. The Inquiry was informed that around 58.5% of the borough is BMV agricultural land.[67] I accept that it would not be practical to rigorously assess the soil quality of potential alternative sites. Furthermore, such testing would not be necessary to comply with policy requiring that poorer quality land should be preferred to higher quality land avoiding the use of BMV agricultural land where possible. Given the other requirements for a solar farm of this scale, including an available grid connection, avoiding use of BMV agricultural land may prove to be problematic where BMV land is so prevalent in the borough.

74. Subject to the imposition of appropriate planning conditions the solar farm could be decommissioned and restored with no permanent loss of agricultural land quality. Again, depending upon appropriate management, which could be the subject of a condition, soil quality and biodiversity could be enhanced by less intensive agricultural use over a 40-year period.

[63] CD7.10.2 Table 2 Appendix 1.1.
[64] A suggested planning condition would require compliance with an approved grazing management plan for livestock.
[65] ID7 and ID23.1.
[66] EN-3 paragraph 2.10.29 states that while land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of Best and Most Versatile agricultural land where possible.
[67] CD7.10.2 Appendix 1.1 paragraph 5.11.

75. Notwithstanding the intention to graze livestock within the solar farm the proposal would result in a reduction in agricultural productivity from the appeal site for a period of 40 years. However, I find no conflict with LPP2 Policy 1 part 12, which expresses a preference for the use of lower quality over higher quality agricultural land.

76. Taking all these matters into account, I consider that using 30.2 ha of BMV agricultural land for renewable energy generation would be justified in the circumstances that apply here. Nevertheless, taking the appeal site out of arable production for 40 years would have some effect on agricultural productivity in the locality, albeit with negligible impact on food security considerations.[68] I am not convinced that any soil regeneration benefits from low intensity agricultural use over the 40 years would outweigh this harm. Overall, I consider that the appeal scheme would result in an adverse effect of minor significance insofar as it would impact on agriculture, but find no policy conflict in this regard.

Flooding

77. Part of the appeal site lies within Flood Zone 3a where there is a high probability of flooding.[69] As set out in Annex 3 of the NPPF the proposed generation station is 'essential infrastructure'.[70] NPPF paragraph 168 states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The Sequential and Exception Tests apply. The PPG adds that in Flood Zone 3a essential infrastructure should be designed and constructed to remain operational and safe in times of flood.

78. The Kingston appeal decision is not helpful in determining the appeal before me. The Inspector in that Green Belt case was considering the robustness of the alternative site assessment in the context of the very special circumstances balance, where the appellant had argued as a benefit that there were no alternative sites.[71] Similar considerations apply in the Barton in Fabis decision, whereas I am required to apply the Sequential and Exception Tests to the Longhedge Solar Farm scheme in accordance with current policy.[72]

79. The Flood Risk Assessment submitted with the application dealt with the sequential test only insofar as it applied a sequential approach within the site to ensure that vulnerable infrastructure was sited outside Flood Zone 3a.[73] RBC's Officer's Report cited LPP1 Policy 2 and LPP2 Policy 17, but nonetheless considered that the development passed both the Sequential and Exception Tests. The appellant submitted a 'Flood Risk Topic Paper' with its planning proof of evidence.[74] Applying assessment criteria of a site size of 80.9 ha (200 acres) within a 2 km corridor of the 132 kV line this Topic Paper cited a sequential approach identifying 11 potential alternative sites (A-K).[75]

[68] ID7.
[69] HTAG submitted photographs of flooding within the appeal site. Ms Tinkler's Proof of Evidence pages 23 and 24.
[70] *Mead Realisations Ltd v Secretary of State for Levelling Up Housing and Communities* paragraph 11 gives an example of essential infrastructure as "infrastructure which has to be located in a flood risk area".
[71] ID42 paragraph 72.
[72] CD5.10.
[73] CD1.24 paragraph 4.77.
[74] CD7.10.2 Final version dated 13 May 2024 - Appendix 2.
[75] *Ibid* paragraphs 4.6 and 4.14.

80. In response to questions about application of the Sequential Test the appellant indicated at the Inquiry that potentially the development could be sited anywhere along the length of the 132 kV line. In addition, PPG paragraph 027 states that for nationally or regionally important infrastructure the area of search to which the Sequential Test could be applied will be wider than the local planning authority boundary. The 2 km length of an overhead connection that would result in a NSIP scheme should not be a determinative consideration in this regard. I am satisfied that viability considerations make a 2 km grid connection here a reasonable basis for undertaking a realistic alternative site assessment.[76] The PPG provides that considering reasonably available sites could include a series of smaller sites. However, given the likely difficulties in obtaining planning permission for a number of separate sites, and the practicalities of coordinating multiple sites so as to utilise the identified grid capacity in the grid connection offer, this would not be a reasonable alternative to the appeal scheme.

81. RBC did not require further information in determining the application but now questions the robustness of the appellant's alternative site assessment and is critical of the paucity of information about its methodology. The way the matter has been dealt with in the FRA, in the determination of the application and in the lead up to the Inquiry is not ideal. Nevertheless, I am satisfied that the evidence now before the Inquiry is sufficient for me to apply relevant flood risk and drainage policy.

82. RBC's criticism of the appellant's methodology is not sufficient by itself to conclude that the proposal fails the Sequential Test. RBC argues that Area K is potentially an alternative site at lower risk of flooding. I am not convinced that Area K would be of sufficient size when reasonable provision is made for possible site constraints. In the absence of a detailed site assessment, which would not be appropriate and possibly not even practical at this stage, it seems reasonable for the appellant to make an allowance for unknown constraints and contingencies that might affect the capacity of the site. However, even if Area K was potentially suitable in terms of its size and constraints it would be unlikely to have a reasonable prospect of development for some time.

83. NPPF paragraph 168 must be read together with relevant provisions of the PPG. Paragraph 028 of the PPG states that: " 'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development." The PPG does not provide any guidance about what is the relevant 'point in time envisaged' for any particular development. But for solar development it seems to me that this should be as soon as possible given the urgent need for new electricity infrastructure and solar being a key part of the government's strategy for low-cost decarbonisation of the energy sector.[77] Temporal availability is an issue to be assessed by the decision maker as a matter of judgement.[78] Notwithstanding the lack of details about any specific conditions in the grid connection offer, I have no reason to doubt the appellant's evidence that the offer date is 2024.

84. A disparity between build out rates and demand for new connections, along with a shortfall in grid capability, has resulted in a significant 'queue' of

[76] Appendix 2 Mr Cussen's Proof of Evidence paragraph 4.4.
[77] EN-1 paragraph 3.3.58 and EN-3 paragraph 2.10.9.
[78] *Mead Realisations Ltd v Secretary of State for Levelling Up Housing and Communities* paragraph 108.

renewable energy generators waiting years for a new connection. The grid queue for Great Britain in January 2024 was 544 MW.[79] The Inquiry was advised of the National Grid Energy System Operator having quoted for connections as far into the future as 2037.[80]

85. For Area K, or any other potential site along the length of the 132 kV line, the likelihood is that it would be a long time before these sites had a reasonable prospect of development. It seems likely that this would be so even with measures underway to improve the connection process by applying a 'first ready first consented approach'.[81] The current situation is that sites with a grid connection offer permitting early contribution to the network have an advantage over potentially alternative sites where the date for connection may be a long time in the future. However, this should not be an overriding consideration, but a factor to take into account in making a judgement about compliance with the Sequential Test. Taking into account all the relevant considerations in this case, I am satisfied that the proposal complies with the Sequential Test.

86. HTAG is critical of the appellant's application of climate change allowances in its Flood Risk Assessment. However, the Environment Agency (EA) suggested planning conditions to ensure that the finished floor levels (FFL) of infrastructure impacted in Flood Zone 2 would be raised above the 1 in 1,000 year flood event, and FFL for inverters impacted by flooding as per the EA's modelling set to 18.20 AOD. All other vulnerable infrastructure outside the climate change flood extent was required to be subject to a FFL 300 mm above the ground level. The EA stated that these conditions would account for uncertainties in the modelling.[82]

87. With solar panels elevated 0.8 m above ground level the arrays would not be likely to impede any surface water flow paths or displace any ponding of surface water. Subject to compensation for any loss of flood storage, the proposed development would not result in any increase in flood risk off-site or increase flood risk on-site. The scheme could be designed and constructed to remain operational and safe in times of flood. These are matters that could be addressed by the imposition of appropriate planning conditions. Renewable energy from the scheme would provide wider sustainability benefits to the community that would outweigh any flood risk. The proposed development complies with the Exception Test.

88. I find no conflict with LPP1 Policy 2 and LPP2 Policy 17 concerning flood risk assessment and management. Subject to the imposition of appropriate conditions there are no grounds to find against the proposal on flood risk or flood policy grounds.

Biodiversity

89. HTAG referred to research about the effects of solar farms on bats and is particularly concerned about the loss of foraging from existing arable areas.[83] However, intensively farmed arable land is not ideal foraging habitat for bats,

[79] Data published by National Grid Energy System Operator January 2024 cited in CD7.10.2 Appendix 3 page 9.
[80] Mr Smart's evidence at CD7.10.2 Appendix 3 page 11.
[81] CD10.2B and CD10.2C. GB Connections Reform includes measures to remove 'zombie offers' from the queue, where accepted grid offers from developers are for impractical projects.
[82] ID44.5.
[83] CD7.8.3.

whereas the proposed additional hedgerow and tree planting, along with controls on land management, would be beneficial for bats. Hedgerow and land management could incorporate features to encourage wildlife while discouraging large birds that might pose a risk of bird strike for aviation. This is a matter that could be addressed in an approved landscape and ecological management plan.

90. The appeal scheme proposes six watercourse crossings.[84] The details about the design and construction of any culverts could be a matter for consideration in discharging planning conditions. I am satisfied that these crossings could be designed to minimise the loss of feeding habitat for bats and to take into account the likelihood of drowning risk for otters.

91. HTAG and others disputes the appellant's evidence about a biodiversity net gain of 187.60% for habitat units, 83.04% for hedgerow units and 11.85% for watercourse units from the appeal scheme.[85] However, the replacement of arable fields with solar panels and grazing, the additional hedgerows and trees proposed, along with an enforceable ecological management plan, would deliver a significant biodiversity gain. This is a consideration that weighs in favour of the scheme.

Renewable energy

92. The appellant estimates that 128,752 panels on the appeal site with a power rating of 610 W would in the first year of operation be likely to produce 78.20 GWh of renewable electricity.[86] The appeal site has for the last 10 years been providing crops to an anaerobic digester plant at Gonerby. The tonnage of maize from the appeal site on the 2024 cropping plans would be likely to contribute about 1.29 GWh of renewable electricity.[87] So the annual net output from the appeal scheme based on these estimates would be in the order of 76.91 GWh of renewable energy. In the appellant's estimate the proposal would provide the equivalent annual electrical need for approximately 13,500 family homes.[88]

93. The grid connection offer is for an active constrained electricity connection, with curtailment at times by a Transmission Active Network Management scheme to manage power flow through the Staythorpe Grid Supply Point.[89] There are proposals to improve this installation, which would reduce the likelihood of curtailment.[90] HTAG considers that it would be highly likely that the local grid network would in future have the capacity to accept more than 49.9 MW from the proposed development.[91] It seems to me that potential curtailment would be a commercial consideration for the appellant and not a matter that should weigh significantly against the proposal in the planning balance.

94. EN-3 provides that the Government is committed to sustained growth in solar capacity as a key part of its strategy for low-cost decarbonisation of the energy

[84] Infrastructure Layout Plan.
[85] ID18.
[86] Appendix A Mr Urbani's Proof of Evidence.
[87] ID36. The AD plant takes on average 74,000 tonnes of maize per year and produces 110 GWh of energy. The appeal site will produce in the order of 871 tonnes of maize in 2024.
[88] Mr Cussen's Proof of Evidence paragraph 13.7.
[89] ID29 and ID37.1.
[90] ID30.
[91] ID50 paragraph 25.

sector. It adds that solar also has an important role in delivering the Government's goals for greater energy independence and refers to *Powering Up Britain: Energy Security Plan*.[92] The proposal would make a cumulative contribution to meeting the target set out in the Climate Change Act 2008.[93] It also gains support from the UK Government *Solar Strategy* 2014 [94], the *Net Zero Strategy* [95] and the *British Energy Security Strategy* [96].

95. Even with the possibility of curtailment at times, it is likely that 63.5 ha of solar arrays with a high MWdc Capacity / Maximum Export Capacity MECac ratio, over the 40-year duration of the proposed solar farm, would result in significant renewable energy generation that would cumulatively add substantially to meeting national targets. This is a consideration that weighs significantly in favour of the proposal.

Other matters

96. There is local concern about the effects of construction traffic on the local network and the risk posed to vulnerable road users, including pedestrians, cyclists and equestrians.[97] The route between the appeal site and Fosse Way via Car Colston includes some single track roads, tight bends and in places has limited forward visibility.[98] There are no passing places along Thoroton Road that would be suitable for large vehicles. However, the Highway Authority considers that a passing bay within the appeal site would be appropriate.[99] An approved construction traffic management plan could provide for adequate control and coordination of traffic movements along the route. There is no technical evidence to indicate that traffic from the proposed development would pose an unacceptable impact on highway safety or that residual cumulative impacts on the road network would be severe. I find no conflict with local and national policies concerning highway safety.

97. The adequacy of the proposed fencing was questioned by HTAG on security and insurance liability grounds. HTAG cited a non-material amendment to another scheme and referred to an extract from an insurance form.[100] There are no details about the reasons why the amendment from deer fencing to V-mesh fencing was required in the case cited. Furthermore, the decision states that the amendment was not considered to cause any further harm than the original plans. The insurance form refers to fencing to a minimum of 2 m in height. Neither the non-material amendment cited, or the extract from an insurance form, demonstrate that the proposed fencing for the appeal scheme would be inadequate.

98. The layout indicates that the location of inverters and transformers, which have the potential to give rise to annoying noise, would be sited away from nearby residential dwellings. I am satisfied that noise is a matter that could be addressed by imposing limits on noise emissions from the site.[101] There is

[92] CD3.20.
[93] CD3.8 and CD3.9.
[94] CD3.5.
[95] CD3.17.
[96] CD3.18.
[97] ID8, ID9, ID11, ID14, ID15, ID17 and ID18.
[98] ID19.
[99] CD6.17A and CD6.17B.
[100] ID25 and ID26.
[101] CD1.27.

concern about glint and glare from the solar panels, but the technical evidence indicates that mitigation measures could safeguard the amenity of the area.[102]

99. I heard at the Inquiry submissions about the effects of the proposal on the well-being, health and safety of local residents.[103] Anxiety about a development of this scale in the vicinity of small settlements is understandable. However, I am not convinced that much weight can be attached to such fears given the proposed mitigation measures, along with the controls that could be imposed on the construction, operation and decommissioning of the solar farm.

100. The construction and operation of the solar farm would benefit the local economy. I concur with the appellant that this should be given limited weight.[104] No details about how the proposal would benefit the existing farming enterprise have been adduced. I find no basis for attributing positive weight for the proposal from farm diversification.

Planning balance and policy

101. In the planning balance that applies in this case moderate weight should be given to the harm that would result to the character and appearance of the area. The harm I have identified to designated heritage assets attracts considerable importance and weight, but would be outweighed by the public benefits of the development. Against this overall harm must be weighed the benefits of the proposed development. Chief amongst these is the significant contribution of the appeal scheme towards the generation of renewable energy, the resultant reduction in greenhouse gas emissions and energy security benefits, which warrant substantial weight. This, along with moderate weight to be given to biodiversity gain and limited weight for the benefits to the local economy would, in my judgement, outweigh the harm I have identified.

102. LPP1 Policy 2 expects all development proposals to mitigate against and adapt to climate change, and to comply with national and local targets on reducing carbon emissions. Part 5 of this policy provides that solar generation systems appropriate for Rushcliffe will be promoted and encouraged where compatible with environmental, heritage, landscape and other planning considerations. As to whether this form of development is appropriate for Rushcliffe, it is relevant that in RBC's Solar Farm Landscape Sensitivity and Capacity Study the appeal site lies within an area identified as having a high indicative capacity to large scale (61-100 ha) solar development. In interpreting this policy 'compatible' has its usual meaning of being able to co-exist. Subject to the imposition of appropriate planning conditions I am satisfied that the proposal would be compatible with relevant planning considerations, even though that coexistence might embrace some harm to the landscape and to heritage assets. I consider that the proposed solar farm benefits from the qualified encouragement expressed in LPP1 Policy 2.

103. In terms of design for a solar farm, the proposal would not be at odds with the underlying aims of LPP1 Policy 10. However, part 5. of this policy states that outside of settlements, new development should conserve or where appropriate, enhance and restore landscape character. Part 4. requires that development must be designed in a way that preserves or enhances the

[102] ID9 and CD1.26.
[103] ID5, ID6, ID10, ID11, ID24.1 and ID34.
[104] Mr Cussen's Proof of Evidence paragraphs 13.48-13.51.

settings of important heritage assets. The appeal scheme would harm landscape character and would not preserve the setting of designated heritage assets, and so would not accord with parts of this policy. The less than substantial harm I have identified to heritage assets would also be sufficient to bring the proposal into conflict with LPP1 Policy 11. The proposal would reasonably accord with LPP1 Policy 16 concerning green infrastructure, except for part 2.e), which requires that landscape character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment.

104. LPP2 Policy 16 provides that proposals for renewable energy schemes will be granted planning permission where acceptable in terms of, amongst other things, b) landscape and visual effects, c) ecology and biodiversity, d) best and most versatile agricultural land, and e) the historic environment. Judging acceptability for the purposes of applying this policy involves assessing whether the appeal scheme would be tolerable or adequate in respect of the matters listed in a) to p) of LPP2 Policy 16. Notwithstanding the harm I have identified, I consider that the proposal accords with LPP2 Policy 16 because for each of the factors listed in the policy that are relevant to the appeal scheme the likely impact would be acceptable, with the imposition of appropriate planning conditions, when weighed against the benefits of the solar farm.

105. The appeal site lies in the countryside, which LPP2 Policy 22 states will be conserved and enhanced for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources, and to ensure it may be enjoyed by all. It adds that renewable energy development will be permitted subject to a number of requirements, including that the appearance and character of the landscape, its historic character and features such as habitats, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is conserved and enhanced. The harm I have identified would not conserve some of these features and to that extent the proposal would be at odds with LPP2 Policy 22. However, the proposal would not be contrary to LPP2 Policy 34 because the appeal scheme would not result in any material harm to the green infrastructure assets listed in part 1. of the policy. I find no conflict with other relevant development plan policies.

106. Subject to the imposition of appropriate planning conditions, I am satisfied that the impacts of the proposed development could be made acceptable, and that in accordance with NPPF paragraph 163 b) the scheme should be approved. The proposal complies with the NPPF taken as a whole and so accords with LPP1 Policy 1, which reflects provisions of the NPPF.

107. The proposal gains support from LPP1 Policy 2 and LPP2 Policy 16. It also complies with LPP1 Policy 1. Any conflict with LPP1 Policies 10, 11 and 16, and with LPP2 Policy 22, would not be sufficient to bring the proposal into contravention of the development plan when considered as a whole.

Conditions

108. The appellant and RBC agreed suggested planning conditions were the appeal to succeed, including pre-commencement conditions, and HTAG suggested additional conditions and revised wording for some conditions.[105]

[105] ID49.

The wording of some of the suggested conditions would need to be amended for reasons of enforceability and precision.

109. In addition to the standard commencement condition, it would be necessary to define the permission and ensure that the development was carried out in accordance with the approved plans (Conditions 1 and 2). It would be necessary, in the interests of the appearance of the area, to approve the details of infrastructure shown on the application drawings as 'typical' or 'indicative' (Condition 3).

110. Given the options for a grid connection, along with the reasons set out in paragraphs 35-39 of this decision, it would be necessary to impose a condition prior to commencement of development to ensure that the proposed solar farm could contribute renewable energy to the grid (Condition 4). The duration of the development would need to be specified for a temporary planning permission (Condition 5). Schemes for decommissioning would be required when the permission expired or when part of the site ceased to produce electricity. For reasons of clarity separate conditions for partial cessation and cessation at the end of the 40-year period would be necessary (Conditions 6 and 7).

111. The combined capacity of inverters for the proposed development would need to be approved to ensure that the solar farm did not exceed the 50 MWac threshold for a NSIP scheme (Condition 8). An approved drainage scheme (Condition 9) would be required to be implemented and verified (Condition 10), along with temporary drainage measures during construction (Condition 12), in the interests of the amenity of the area and to accord with LPP2 Policy 18 concerning surface water management. For flood risk reasons FFL for inverters would need to be no lower than 18.20 m AOD. Other vulnerable infrastructure should be set 300 mm above the existing ground level. The PV Modules should not be considered vulnerable infrastructure provided that the bottom of the panels was set at least 0.8 m above the existing ground level (Condition 11).

112. A landscaping scheme would need to be approved, including the additional details set out in paragraphs 52-55 of this decision, in the interests of the appearance of the area (Condition 13). For similar reasons, the alignment of the hedgerow proposed to the south of Bridleway BW6 would need to be approved (Condition 14), and tree protection measures would be necessary (Condition 15). Wildlife survey updates and mitigation measures (Condition 16), along with approval of a Landscape and Ecological Management Plan (LEMP) (Condition 17) would be necessary to safeguard biodiversity. The LEMP would need to be approved prior to the commencement of development to ensure biodiversity considerations were taken into account from an early stage in the development. Details of hedgerow management to maintain a height of 3-4 m would give effect to the screening on which the landscape assessment was based.

113. Visibility splays (Condition 18) and implementation of the site access (Condition 19) would be necessary for highway safety reasons. For similar reasons, approval of a Construction Traffic Management Plan would be required (Condition 20). Details would need to be approved for the existing bridleways (Condition 21) and for the proposed permissive paths (Condition 22) in the interests of the amenity of the area. Prior approval of a Construction Environmental Management Plan would ensure that RBC could effectively

regulate the construction process. In addition to the matters agreed by the appellant and RBC, provisions for a liaison group would provide for local input to the timing and management of the construction (Condition 23). In the interests of the appearance of the area and for biodiversity reasons a lighting scheme would need to be approved (Condition 24). Limits on construction and delivery hours would safeguard the amenity of the area (Condition 25). A noise condition that cited BS 4142 'Methods for rating and assessing industrial and commercial sound' would be necessary for similar reasons (Condition 26).

114. It would be necessary to restrict permitted development rights to ensure that fencing did not unduly impact upon the amenity of the area (Condition 27). Approval of a grazing management plan would be necessary to give effect to the intention of the proposal to retain an element of agricultural use (Condition 28). A supplementary archaeological evaluation (Condition 29) and mitigation strategy (Condition 30) would be necessary to ensure that any archaeological items or features would be safeguarded according to their significance. Soil management would be an important factor during both construction and decommissioning for amenity, landscape and biodiversity considerations. Provision would need to be made for a soil management plan to be updated and approved prior to the restoration of the site (Condition 31). Mitigation measures for glint and glare would be necessary to safeguard the amenity of nearby residential occupiers (Condition 32).

Conclusion

115. In my judgement the planning balance here falls in favour of the appeal scheme. I consider that the proposal accords with the development plan taken as a whole and is consistent with the NPPF. I have taken into account all other matters raised in evidence, but I have found nothing of sufficient weight to alter my conclusions. For the reasons given above the appeal should be allowed.

J Woolcock

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY (RBC):

Killian Garvey counsel	Instructed by Gemma Dennis Service Manager Chief Executive's Department (Monitoring Officer)

He called

Robert Browne BSc (Hons) MA CMLI	Director Wynne-Williams Associates
James Bate BSc (Hons) MSc MIHBC	Team Manager Planning Monitoring and Implementation
Emily Temple BSc (Hons) MSc MRTPI	Founding Director ET Planning Ltd

FOR THE APPELLANT:

Isabella Tafur counsel and Mark O'Brien O'Reilly counsel	Instructed by Patrick Robinson Burges Salmon LLP

They called

Andrew Cook BA (Hons) MLD CMLI MIEMA CEnv	Executive Director Pegasus Group
Laura Garcia BA (Hons) MCIfA	Senior Director Pegasus Group
Patrick Smart	Energy Networks Director RES
Jean-Christophe Urbani	Global Solar Lead RES
Tony Kernon	Director Kernon Countryside Consultants Ltd
Thomas Hill MEnv (Hons)	Senior Ecologist Neo Environmental Ltd
Nigel Cussen BSc (Hons) DipTRP MRTPI	Senior Planning Director Pegasus Group
And at the resumed Inquiry online 1 August	
Gail Stoten BA (Hons) MCIfA	Executive Director (Heritage) Pegasus Group
Lucy Ginn BSc MSc	Senior Flood Risk Consultant Pegasus Group

FOR HAWKSWORTH AND THOROTON ACTION GROUP (HTAG):

Helen Hamilton	Marches Planning & Environment

She called

Carly Tinkler BA CMLI FRSA MIALE	Independent chartered landscape architect
Sam Franklin BSc (Hons) MSc MRICS FAAV FBIAC PIEMA MISoilSci	Director of Landscape Land and Property Ltd

INTERESTED PERSONS:

Cllr Chris Grocock	Ward Councillor for Cranmer
Steven Evans	Local resident
Kate Storey	Local resident

Peter Hunt	Local resident
Fiona Barton	Local resident
Jane Clayton	Local resident
Chris Clayton	Local resident
Lorrie McGowan	Local resident
Peter Purdy	Local resident
Neil Smith	Local resident
Jane Haskell	Local resident
Colin Warburton	Local resident
Alistair Henderson	Local resident
Lyn Ross	Local resident
Greg Stevens	Local resident
Jennifer Hollingshead	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY (ID)

ID	1	Opening Statement on behalf of the appellant
ID	2	RBC's Opening Submissions
ID	3	Opening Statement by HTAG
ID	4	Note on Connection to the National Grid dated 10 June
ID	5	Statement by Cllr Chris Grocock
ID	6	Statement by Peter Purdy
ID	7	Statement by Chris Clayton
ID	8	Statement by Kate Storey
ID	9	Statement by Peter Hunt
ID	10	Statement by Fiona Barton
ID	11	Statement by Jane Clayton
ID	12	SoCG between appellant and HTAG
ID	13	Grid Capacity Analysis for Kingston Solar Farm by Neo Environmental
ID	14	Statement by Jane Haskell
ID	15	Statement by Colin Warburton
ID	16	Photographs submitted by Mr Henderson
ID	17	Written statement by Andrew Matthias
ID	18	Statement by Neil Smith with appendices
ID	19	Written statement by Car Colston Parish Council
ID	20.1	Historic map 1820
	20.2	Historic map 1883
ID	21	Comparison note heritage assets Neo Environmental / Ms Garcia
ID	22	Offer Letter by Western Power dated 7 September 2020
ID	23.1	Statement by Lynn Ross
	23.2	About ALC grades
ID	24.1	Statement by Greg Stevens
	24.2	Written Ministerial Statement *Solar and protecting our Food Security and Best and Most Versatile (BMV) Land*
ID	25	Fencing Non-material Amendment Babergh District Council
ID	26	Insurance details Marsh Commercial
ID	27	Drawing 132KV GCS0019 by Western Power Distribution
ID	28	Drawing 132KV GCS0020 by Western Power Distribution
ID	29	Staythorpe GSP
ID	30	National Grid Appendix G Information Staythorpe
ID	31	Electricity Line Consenting Burges Salmon
ID	32	Longhedge Site Constraints – constrained acres

ID	33	Agricultural Land Classification (ALC) Statistics
ID	34	Statement by Jennifer Hollingshead
ID	35.1	Inspector's Inquiry Note -14 June and without-prejudice questions about overplanting
	35.2	Inspector's Inquiry Note -17 June and an annotated site plan
	35.3	Inspector's Inquiry Note -25 June re suggested conditions
	35.4	Inspector's Inquiry Note -16 July Agenda for resumed Inquiry
	35.5	Inspector's Inquiry Note -1 August Submission of documents
ID	36.1	Note on Anaerobic Digestion by Mr Kernon dated 19 June
	36.2	Appendix – email from Future Biogas
ID	37.1	Staythorpe Grid Supply Point – Explanatory Note
	37.2	Flexibility Connections: Explainer and Q&A by Energy Network Association
ID	38.1	ZTV for existing pylon
	38.2	ZTV for Option 1
	38.3	ZTV for Option 2
ID	39.1	Visualisation from VP6 for Option 1
	39.2	Visualisation from VP6 for Option 2
ID	40	Longhedge DC Sizing Breakdown Note by Mr Urbani
ID	41	RBC's Solar Farm Landscape Sensitivity and Capacity Study by Ove Arup & Partners Limited published on 4 July 2024
ID	42	Appeal Ref:APP/P3040/W23/3329235 Stocking Lane Kingston Estate
ID	43.0	Appellant's Supplementary Statement (Appendices 1 and 2 are ID35.1 and 2)
	43.1	Appendix 3 Revised Site Constraints table
	43.2	Appendix 4 Photomontages
	43.3	Appendix 5 Cross Sections
	43.4	Appendix 6 Response to Inspector's Flood Risk Questions
	43.5	Appendix 7 Landscape and Visual Impact Assessment Addendum
	43.6	Appendix 8 Addendum to Heritage Assessment
	43.7	Appendix 9 Addendum to Ecology Assessment
	43.8	Appendix 10 Draft Planning Conditions
	43.9	Appendix 11 Appeal Ref:APP/J1535/W/23/3334690 Harlow Road
	43.10	Appendix 12 Durham County Council v Secretary of State [2023] EWHC 1394 (Admin)
	43.11	Appendix 13 Landscape Review of LPA's Solar Farm Landscape Sensitivity and Capacity Study
ID	44.1	RBC email dated 12 July 2024 including Written Statement to Inspector's Without-Prejudice Questions
	44.2	RBC Note on the Additional Landscape and Visual Effects of Proposed Connection Options
	44.3	RBC Comments on Grid Connection Tower Options and Solar Farm Landscape Sensitivity and Capacity Study (Heritage)
	44.4	RBC Note on the Rushcliffe Solar Farm Landscape Sensitivity and Capacity Study
	44.5	Email from Environment Agency to RBC dated 5 July 2024
ID	45.1	HTAG Submissions in Response to Inspector's Questions
	45.2	HTAG Comments on Appellant's DC Sizing Breakdown Note
	45.3	HTAG Grid Connection Structure Options Assessment
	45.4	HTAG Review of RBC's Solar Farm Landscape Sensitivity and Capacity Study

	45.5	HTAG Comments on Draft Planning Conditions – response to Inspector's questions
ID	46.1	Written Ministerial Statement Building the homes we need 30 July 2024
	46.2	Proposed reforms to the NPPF and other changes to the planning system 30 July 2024
	46.3	NPPF draft text for consultation 30 July 2024
ID	47	Letter from R Lockwood dated 26 July 2024 concerning ownership of land to the north of the appeal site
ID	48.1	HTAG's conditional costs application submitted to PINS 31 May 2024
	48.2	Response to costs application by appellant
	48.3	Final comment by HTAG
ID	49.1	Tracked changes to suggested planning conditions in ID43.8 by appellant and RBC submitted 1 August 2024
	49.2	Tracked changes to suggested planning conditions in ID43.8 by HTAG submitted 1 August 2024
	49.3	Final version of suggested planning conditions agreed by appellant and RBC submitted 2 August 2024
ID	50	Closing Statement on behalf of HTAG
ID	51	RBC's Closing Submissions
ID	52	Closing submissions on behalf of the appellant

CORE DOCUMENTS (CD)

CD 0- Inquiry Timetable	
CD 0.1	Inquiry Timetable
CD 0.2	Agenda for Landscape Round Table Discussion
CD 1 - Application Documents and Plans	
CD 1.1	Application Form, dated 30 November 2022
CD 1.2	Design and Access Statement, dated 30 November 2022, prepared by Neo Environmental Limited
CD 1.3	Planning Statement, dated 30 November 2022, prepared by Neo Environmental Limited
CD 1.4	Statement of Community Involvement, prepared by RES
CD 1.5	Site Location Plan (Drawing Number 04668-RES-LAY-DR-PT-001 Rev 4), prepared by RES
CD 1.6	Site Location Map (Drawing Number 04668-RES-LAY-DR-PT-002 Rev 4), prepared by RES
CD 1.7	Field Numbers (Drawing Number NEO00782/002I/B), dated 25 August 2022, prepared by Neo Environmental Limited
CD 1.8	Infrastructure Layout (Drawing Number 04668-RES-LAY-DR-PT-004 Rev 6), prepared by RES
CD 1.9	Infrastructure Layout (Drawing Number 04668-RES-LAY-DR-PT-005 Rev 6), prepared by RES
CD 1.10	Typical Access Track Detail (Drawing Number 04668-RES-ACC-DR-PT-001 Rev 01), prepared by RES
CD 1.11	Typical Temporary Construction Compound Layout (Drawing Number 04668-RES-CTN-DR-PT-001 Rev 1), prepared by RES

CD 1.12	Typical PV Module and Rack Detail (Drawing Number 04668-RES-SOL-DR-PT-001 Rev 3), prepared by RES
CD 1.13	Typical Security Fence Detail (Drawing Number 04668-RES-SEC-DR-PT-001 Rev 1), prepared by RES
CD 1.14	Typical Security CCTV Detail (Drawing Number 04668-RES-SEC-DR-PT-002 Rev 1), prepared by RES
CD 1.15	Typical Inverter Substation (Drawing Number 04668-RES-SUB-DR-PT-002 Rev 1), prepared by RES
CD 1.16	Client/DNO Substation Plan & Elevation Option 1 (Drawing Number 04668-RES-SUB-DR-PT-001 Rev 02), prepared by RES
CD 1.17	Client/DNO Substation Plan & Elevation Option 2 (Drawing Number 04668-RES-SUB-DR-PT-003 Rev 02), prepared by RES
CD 1.18	Typical Deer Fence (Drawing Number 04668-RES-SEC-DR-PT-003 Rev 1), prepared by RES
CD 1.19	Sheep Handling System D Plus (Part No. 1000349 Rev A), dated 15 November 2029, prepared by IAE
CD 1.20	Indicative Access Track Detail with Bridleway Crossing (Drawing Number NEO00782_027I_B Rev B), dated 29 November 2022, prepared by Neo Environmental Limited
CD 1.21	Technical Appendix 1: Landscape and Visual Assessment, dated 30 November 2022, prepared by Neo Environmental Limited
CD 1.21.1	Landscape Character Areas Figure 1.1 (Drawing Number NEO00782/007I/A), dated 5 July 2022, prepared by Neo Environmental Limited (illustrative figures/plans)
CD 1.21.2	Landscape Designations Figure 1.2 (Drawing Number NEO00782/008I/B), dated 30 August 2022, prepared by Neo Environmental Limited (illustrative figures/plans)
CD 1.21.3	Viewpoint Locations with ZTV Figure 1.3 (Drawing Number NEO00782/014I/B), dated 25 August 2022, prepared by Neo Environmental Limited (illustrative figures/plans)
CD 1.21.4	Viewpoint 1 and Viewpoint 2 Figure 1.4 (Drawing Number NEO00782/010I/A), dated 13 July 2022, prepared by Neo Environmental Limited (representative/selected Viewpoints)
CD 1.21.5	Viewpoint 3 and Viewpoint 4 Figure 1.5 (Drawing Number NEO00782/011I/A), dated 13 July 2022, prepared by Neo Environmental Limited (representative/selected Viewpoints)
CD 1.21.6	Viewpoint 5 and Viewpoint 6 Figure 1.6 (Drawing Number NEO00668/012I/A), dated 13 July 2022, prepared by Neo Environmental Limited (representative/selected Viewpoints)
CD 1.21.7	Viewpoint 7 and Viewpoint 8 Figure 1.7 (Drawing Number NEO00782/013I/A), dated 13 July 2022, prepared by Neo Environmental Limited (representative/selected Viewpoints)

CD 1.21.8	Viewpoint 1 Years 1 and 10 Figure 1.8, prepared by Neo Environmental Limited (photomontages)
CD 1.21.9	Viewpoint 4 Years 1 and 10 Figure 1.9, prepared by Neo Environmental Limited (photomontages)
CD 1.21.10	Viewpoint 5 Years 1 and 10 Figure 1.10, prepared by Neo Environmental Limited (photomontages)
CD 1.21.11	Viewpoint 6 Years 1 and 10 Figure 1.11, prepared by Neo Environmental Limited (photomontages)
CD 1.21.12	Landscape and Ecological Management Plan, 25 November 2022, prepared by Neo Environmental Limited
CD 1.21.13	Appendix 1D: Illustrative Viewpoints A-B Photo Panels, prepared by Neo Environmental Limited (Context Views)
CD 1.22	Technical Appendix 2: Ecological Appraisal, dated 30 November 2022, prepared by Neo Environmental Limited
CD 1.22.1	Environmental Designations Map Figure 2.1 (Drawing Number NEO000782/005I/C), dated 15 September 2022, prepared by Neo Environmental Limited
CD 1.22.2	UK Habitat Classification Map Figure 2.2 (Drawing Number NEO000782/018I/C), dated 15 September 2022, prepared by Neo Environmental Limited
CD 1.22.3	Pond Map Figure 2.3 (Drawing Number NEO000782/009I/B), dated 15 September 2022, prepared by Neo Environmental Limited
CD 1.22.4	Local Wildlife Sites Figure 2.4, prepared by Nottingham City Council
CD 1.22.5	Appendix 2.1: Biodiversity Management Plan, dated 30 November 2022, prepared by Neo Environmental Limited
CD 1.22.6	Appendix 2.2 Net Gain Assessment, dated 30 November 2022, prepared by Neo Environmental Limited
CD 1.22.7	Appendix 2.3 Bird Hazard Management Plan, dated 30 November 2022, prepared by Neo Environmental Limited
CD 1.23	Technical Appendix 3: Cultural Heritage Impact Assessment, dated 30 November 2022, prepared by Neo Environmental Limited
CD 1.23.1	Designated Heritage Assets Figure 3.1 (Drawing Number NEO00782/005I/C), dated 7 September 2022, prepared by Neo Environmental Limited
CD 1.23.2	Historic Environment Record Figure 3.2 (Drawing Number NEO00782/004I/C), dated 7 September 2022, prepared by Neo Environmental Limited
CD 1.23.3	Henry Stevens 1820 Map of Newark-on-Trent (OSD 276) Figure 3.3 (Drawing Number NEO00782/015I/A), dated 7 September 2022, prepared by Neo Environmental Limited

CD 1.23.4	OS 1883 Map Figure 3.4 (Drawing Number NEO00782/016I/B), dated 7 September 2022, prepared by Neo Environmental Limited
CD 1.23.5	OS 1921 Map Figure 3.5 (Drawing Number NEO00782/017I/A), dated 7 September 2022, prepared by Neo Environmental Limited
CD 1.23.6	Lidar Data (1m DTM) Figure 3.6 (Drawing Number NEO00782/006I/C), dated 7 September 2022, prepared by Neo Environmental Limited
CD 1.23.7	Appendix 3B – Tables, prepared by Neo Environmental Limited
CD 1.23.8	Appendix 3C – Walkover Survey Report, prepared by York Archaeology
CD 1.23.9	Appendix 3D - Geophysical Survey Report, dated 14 April 2022, prepared by Headland Archaeology
CD 1.24	Technical Appendix 4: Flood Risk and Drainage Impact Assessment, dated 30 November 2022, prepared by Neo Environmental Limited
CD 1.24.1	Appendix 4A: Figures, prepared by Neo Environmental Limited
CD 1.24.2	Appendix 4B: Hydrology Photos, prepared by Neo Environmental Limited
CD 1.24.3	Appendix 4D – Flow Report (Solar Farm), dated 17 August 2022, prepared by Neo Environmental Limited
CD 1.24.4	Appendix 4C – Flow Report (Substation), dated 17 August 2022, prepared by Neo Environmental Limited
CD 1.24.5	Appendix 4E – BRE Infiltration Report, dated June 2022, prepared by Your Environment
CD 1.24.6	Appendix 4F – Outline SuDS Designs (Drawing Number NEO00782_022I_B Rev B), dated 25 November 2022, prepared by Neo Environmental Limited
CD 1.24.7	Appendix 4G – Foul Drainage Assessment Form dated 23 September 2022
CD 1.25	Technical Appendix 5: Construction Traffic Management Plan, dated 2 March 2023, prepared by Neo Environmental Limited
CD 1.25.1	Appendix 5 Figures 5.1, 5.2, 5.3, prepared by Neo Environmental Limited
CD 1.26	Technical Appendix 6: Glint and Glare Assessment, dated 30 November 2022, prepared by Neo Environmental Limited
CD 1.26.1	Appendix 6 Figures
CD 1.26.2	Appendix 6B - Residential Receptor Glare Results (10 degrees), dated 8 October 2022, Appendix 6C - Residential Receptor Glare Results (30 degrees), dated 8 October 2022, Appendix 6D - Road Receptor Glare Results (10 degrees), dated 8 October 2022, Appendix 6E - Road Receptor Glare Results (30 degrees), dated 8 October 2022, Appendix 6F - Aviation Receptor Glare Results (10 degrees), dated 8 October

	2022, Appendix 6G - Aviation Receptor Glare Results (30 degrees), dated 8 October 2022, Appendix 6H - Visibility Assessment Evidence, Appendix 6I - Ground Elevation Profile and Appendix 6J - Solar Module Glare and Reflectance Technical Memo, dated 29 September 2009
CD 1.27	Technical Appendix 7: Acoustic Impact Assessment of the Proposed Longhedge Solar Farm, dated 17 May 2022, prepared by RES
CD 1.28	Technical Appendix 8: Outline Construction Environmental Management Plan, dated 25 August 2022, prepared by Neo Environmental Limited
CD 1.29	Technical Appendix 9: Agricultural Quality of Land, dated 30 November 2022, prepared by Land Research Associates
CD 1.29.1	Appendices: Details of Observations Maps, dated 12 September 2022 prepared by Land Research Associates Selected droughtiness calculations Laboratory analysis, dated 16 February 2022, prepared by NRM Laboratories
CD 1.30	Technical Appendix 10: Arboricultural Impact Assessment, dated 30 November 2022, prepared by Neo Environmental Limited
CD 1.30.1	Appendix 10A – Figure 10A.1 Tree Survey Schedule and BS5837:2012 Table 1, survey dates 26 & 28 January 2022 Appendix 10A – Figure 10A.2 Tree Impact Plans (1-3), August 2022 Appendix 10A – Figure 10A.3 Temporary Fencing Specification, prepared by Rowland Tree Consultancy Appendix 10A – Figure 10A.4 Manufacturer's Brochure for Cellular Confinement System, prepared by Geosystems Appendix 10B – Disclaimer
CD 2 – Delegated Report and Decision Notice	
CD 2.1	Officers Delegated Report
CD 2.2	Decision Notice
CD 3 - National Planning Policy, Guidance and Legislation	
CD 3.1	National Planning Policy Framework (December 2024)
CD 3.2	National Planning Practice Guide *(Electronic Version only)*
CD 3.3	National Policy Statement for Renewable Energy Infrastructure (EN-1) (Designated 2024)
CD 3.4	National Policy Statement for Renewable Energy Infrastructure (EN-3) (Designated 2024)
CD 3.5	UK Government Solar Strategy 2014
CD 3.6	Written Ministerial Statement on Solar Energy: protecting the local and global environment (25 March 2015)
CD 3.7	Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15 (February 2021)
CD 3.8	Climate Change Act 2008

CD 3.9	Climate Change Act (2050 target amendment) Order 2019
CD 3.10	Clean Growth Strategy published by the Department for Business, Energy and Industrial Strategy (BEIS) (October 2017)
CD 3.11	UK Parliament declaration of an Environmental and Climate Change Emergency (May 2019)
CD 3.12	Energy White Paper: Powering our Net Zero Future (December 2020)
CD 3.13	UK Government press release of acceleration of carbon reduction to 2035, (April 2021)
CD 3.14	Extracts from Digest of United Kingdom Energy Statistics (July 2022)
CD 3.15	UK Energy Statistics Press Release published by the Department for Business, Energy & Industrial Strategy (June 2020)
CD 3.16	Achieving Net Zero published by the National Audit Office (December 2020)
CD 3.17	Net Zero Strategy: Build Back Greener (October 2021)
CD 3.18	British Energy Security Strategy (April 2022)
CD 3.19	The Government Food Strategy (June 2022)
CD 3.20	Powering Up Britain Energy Security Strategy (March 2023)
CD 3.21	Guidelines for Landscape and Visual Impact Assessment, Third Edition (2013)
CD 3.22	An Approach to Landscape Character Assessment (2014)
CD 3.23	An Approach to Landscape Sensitivity Assessment (2019)
CD 3.24	Technical Guidance Note - Visual Representation of Development Proposals (2019)
CD 3.25	Technical Guidance Note - Reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs) (2020)
CD 3.26	Technical Guidance Note - Assessing Landscape Value Outside National Designations (2021)
CD 3.27	Natural Capital Best Practice Guidance, Solar Energy UK (2022)
CD 3.28	National Character Area 48: Trent and Belvoir Vales (2013)
CD 3.29	East Midlands Landscape Character Assessment (2010)
CD 3.30	Greater Nottingham Landscape Character Assessment (2008)
CD 3.31	Rushcliffe Borough Council, Solar Farm Development Planning Guidance, (2022)
CD 3.32	Melton and Rushcliffe Landscape Sensitivity Study: Wind Energy Development (2014) – Part 1
CD 3.32.1	Melton and Rushcliffe Landscape Sensitivity Study: Wind Energy Development (2014) – Part 2
CD 3.32.2	Melton and Rushcliffe Landscape Sensitivity Study: Wind Energy Development (2014) – Part 3

CD 3.32.3	Melton and Rushcliffe Landscape Sensitivity Study: Wind Energy Development (2014) – Part 4
CD 3.33	Nottingham-Derby Green Belt Review (2006)
CD 3.34	Rushcliffe Green Belt Review (2013)
CD 3.35	Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment (Historic England)
CD 3.36	Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition) (Historic England)
CD 3.37	Conservation Principles: Polices and Guidance for the Sustainable Management of the Historic Environment (Historic England)
CD 3.38	Statements of Heritage Significance, Analysing Significance in Heritage Assets, Historic England Advice Note 12
CD 3.39	2019 Conservation Area Appraisal, Designation and Management Second edition, Historic England Advice Note 1
CD 3.40	Carbon Budget Delivery Plan (2023)
CD 3.41	Progress in reducing emissions 2023 Report to Parliament
CD 3.42	The COP21 UN Paris Agreement
CD 3.43	The Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (2021), related Press Release and Statements (2021)
CD 3.44	IPCC Second AR6 Report (February 2022)
CD 3.45	IPCC Third AR6 Report (Aril 2022)
CD 3.46	IPCC AR6 Synthesis Report (March 2023)
CD 3.47	The UK's Sixth Carbon Budget: The UK's Path to Net Zero (December 2020)
CD 3.48	Department for Business, Energy and Industrial Strategy (BEIS) Outcome Delivery Plan (2021)
CD 3.49	The Ten Point Plan for a Green Industrial Revolution (2020)
CD 3.50	Industrialisation Decarbonisation Strategy (2021)
CD 3.51	MWS Solar & Protecting our Food Security and Best and Most Versatile (BMV) Land - May 2024
CD 3.52	Digest of UK Energy Statistics Chapter 6: Renewable Sources of Energy (2023)
CD 3.53	Department of Energy Security and Net Zero: Solar Photovoltaics Deployment in the UK (April 2024)
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CD 5.3	Chelmsford Essex APP/W1525/W/22/3300222 (*Chelmsford*) solar farm and battery storage allowed on 6 February 2023
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CD 5.5	Land South of Monk Fryston Substation Rawfield Lane Monk Fryston Selby APP/N2739/W/22/3290256 (*Monk Fryston Substation*) allowed 1 August 2022
CD 5.6	Land West of Wolverhampton West Primary Substation South Staffordshire Railway Walk Wolverhampton WV4 4XX APP/C3430/W/22/3292837 (*Wolverhampton West Primary Substation*) allowed 16 August 2022
CD 5.7	Land south of Leeming Substation west of the village of Scruton bordering Fence Dike Lane part of Low Street and Feltham Lane DL7 0RG APP/G2713/W/23/3315877 (*Scruton*) allowed 27 June 2023.
CD 5.8	Land near to Bishops Itchington Stratford on Avon Warwickshire APP/J3720/W/22/3292579
CD 5.9	*Galloway V Durham County Council* - [2024] EWHC 367 (Admin)
CD 5.10	Land at Barton in Fabis Nottingham NG11 0HA - APP/P3040/W/23/3324608
CD 5.11	Appeal Decision: Land at Crays Hall Farm Church Lane Crays Hill Appeal Ref: APP/V1505/W/23/3318171
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CD 5.17	*Bramley Solar Farm Residents Group v DLUHC and Basingstoke and Deane Borough Council* [2023] EWHC 2842 (Admin)

CD 5.18		Steeraway Farm Wellington Telford APP/C3240/W/3308481 (Welington) solar farm allowed 9 May 2023.
CD 5.19		Land at Halse Road south of Greatworth Northamptonshire APP/W2845/W/23/3315771 (Copse Lodge) solar farm allowed on 14 November 2023
CD 5.20		Appeal Decision: Land at Graveley Lane Hertfordshire Appeal Ref: APP/X1925/V/23/3323321
CD 5.21		*Catesby Estates Ltd v Steer* [2018] EWCA Civ 1697
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CD 5.24		*Jones v Mordue and Secretary of State and South Northamptonshire Council* EWCA Civ 1243 (2015)
CD 5.25		*Barnwell v East Northamptonshire DC* English Heritage National Trust and Secretary of State EWCA Civ 137 (2014)
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CD 5.27		Land to South of Marsh Farm Fobbing Appeal allowed 22 February 2024 APP/M1595/W/23/3328712
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LEGAL JUDGEMENTS

The King (on the application of Ashchurch Rural Parish Council) v Tewksbury Borough Council [2023] EWCA Civ 101

Mead Realisations Ltd v Secretary of State for Levelling Up Housing and Communities [2024] EWHC 279 (Admin)

Choiceplace Properties Ltd v Secretary of State for Housing Communities and Local Government [2021] EWHC 1070(Admin)

City & Country Bramshill Judgement v Secretary of State for Housing Communities and Local Government [2021] EWCA Civ 320

Cala Homes v Secretary of State for Communities and Local Government [2011] EWHC 97 (admin)

R (on the application of Cala Homes) v Secretary of State for Communities and Local Government [2011] EWCA Civ 639

Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441

SCHEDULE OF CONDITIONS (1-32)

1. The development must be begun not later than the expiration of three years beginning with the date of this planning permission.
2. The development authorised by this planning permission shall be carried out in accordance with the following approved drawings:
   (a) 04668-RES-LAY-DR-PT-001 Rev 4 – Site Location Plan.
   (b) 04668-RES-LAY-DR-PT-002 Rev 4 – Site Location Map.
   (c) NEO00782/002I/B – Field Numbers.
   (d) 04668-RES-LAY-DR-PT-004 Rev 7 – Infrastructure Layout.
   (e) 04668-RES-LAY-DR-PT-005 Rev 7 – Infrastructure Layout.
   (f) P24-0105_EN_02_E – Landscape Masterplan.
3. Notwithstanding Condition 2, prior to their erection on site, details of the development indicated on the following plans, including siting, dimensions, materials, colour and finish, subject to the following limits for (c), (d), (e) and (g), shall be submitted to and approved in writing by the local planning authority:
   (a) 04668-RES-ACC-DR-PT-001 Rev 1 – Typical Access Track Details.
   (b) 04668-RES-CTN-DR-PT-001 Rev 1 – Typical Temporary Construction Compound Layout.
   (c) 04668-RES-SOL-DR-PT-001 Rev 3 – Typical PV Module and Rack Detail. The top of all PV Modules and Racks shall not exceed 2.8 m above the existing ground level.
   (d) 04668-RES-SEC-DR-PT-001 Rev 1 – Typical Security Fence Detail. Security Fencing shall not exceed 3 m above the existing ground level.
   (e) 04668-RES-SEC-DR-PT-002 Rev 1 – Typical Security CCTV Detail. Security CCTV shall not exceed 3.5 m above the existing ground level.
   (f) 04668-RES-SUB-DR-PT-002 Rev 1 – Typical Inverter Substation.
   (g) 04668-RES-SEC-DR-PT-003 Rev 1 – Typical Deer Fence. Deer Fencing shall not exceed 2.4 m above the existing ground level.
   (h) 1000349 Rev A – Sheep Handling System D.
   (i) NEO00782_027I_B Rev B – Indicative Access Track Detail with Bridleway Crossing.

   Prior to their erection on site, details of the following shall also be submitted to and approved in writing by the local planning authority:
   (j) Satellite communication dish and column.
   (k) Location of any ancillary buildings, and details of equipment and enclosures.

   The development shall be carried out in accordance with the approved details and retained as such for the duration of the development hereby permitted.
4. No development shall take place until there has been submitted to and approved in writing by the local planning authority a detailed Grid Connection Scheme (GCS). The GCS shall accord with either FIGURE 12A CLIENT/DNO SUBSTATION PLAN AND ELEVATION OPTION 1 (drawing ref 04668-RES-SUB-DR-PT-001 rev 3) or FIGURE 12B CLIENT/DNO SUBSTATION PLAN AND ELEVATION OPTION 2 (drawing ref 04668-RES-SUB-DR-PT-003 rev 3) and the height of any new structures required for the grid connection, excluding any works to the existing pylon, shall not exceed 23 m above the existing ground level. If the approved GCS accords with OPTION 1 then OPTION 2 shall not be implemented. If the approved GCS accords with OPTION 2 then OPTION 1 shall not be implemented. The GCS shall be implemented in accordance with the approved details and the

permitted grid connection shall thereafter be retained for the duration of the development hereby permitted.

5. Within one month of the date of first export of electricity to the National Grid (the First Export Date) confirmation shall be given in writing to the local planning authority of the same. The development hereby permitted shall cease on or before the expiry of a 40-year period from the First Export Date. Notice in writing of the date cessation of the production of electricity (Date of Cessation) from all or part of the development hereby permitted shall be provided to the local planning authority within seven days of the cessation.
6. Within six months of the Date of Cessation for part of the site, a Partial Decommissioning Method Statement (PDMS) for that part of the site shall be submitted to the local planning authority for approval in writing. The PDMS shall include the following:
    (a) A programme and timetable for decommissioning works for that part of the development, including measures to secure the removal of PV modules and racks, any foundations or anchor systems, plant, equipment, fencing and ancillary equipment.
    (b) Restoration works to return the land to agricultural use, save for retained landscape and ecological features and habitats specified pursuant to (c) of this Condition.
    (c) An ecological assessment and habitat report detailing the proposed extent and methods for retaining landscape and ecological features and habitats.
    (d) A decommissioning traffic management plan and access route plan including provision for addressing any abnormal wear and tear to the highway and to address noise, dust and vibration.

    The decommissioning and restoration of this part of the development shall be implemented in strict accordance with the approved PDMS and timescales.
7. Within six months of the Date of Cessation of the export of electrical power from all of the site, or within a period of 39 years and 6 months following the First Export Date, a Decommissioning Method Statement (DMS) shall be submitted to the local planning authority for approval in writing. The DMS shall include the following:
    (a) A programme and timetable for decommissioning works for the development, including measures to secure the removal of all PV modules and racks, any foundations or anchor systems, plant, equipment, fencing, ancillary equipment, substation and grid connection.
    (b) Restoration works to return the land to agricultural use, save for retained landscape and ecological features and habitats specified pursuant to (c) of this Condition.
    (c) An ecological assessment and habitat report detailing the proposed extent and methods for retaining landscape and ecological features and habitats.
    (d) A decommissioning traffic management plan and access route plan including provision for addressing any abnormal wear and tear to the highway and to address noise, dust and vibration.

    The decommissioning of the development and restoration of the site shall be implemented in strict accordance with the approved DMS and timescales.
8. The installed export capacity for the development hereby permitted shall not exceed 49.9 MWac. No development shall take place until there has been submitted to and approved in writing by the local planning authority details

about inverters for the development. The maximum combined capacity of the inverters for the development shall not exceed 49.9 MWac. Inverters shall be installed in accordance with the approved details and shall be retained for the duration of the development.

9. Notwithstanding the submission of the Flood Risk and Drainage Impact Assessment prepared by Neo Environmental, dated November 2022, prior to the commencement of development a Sustainable Drainage Strategy (SDS) developed in accordance with up-to-date climate change flood allowances shall be submitted to and approved in writing by the local planning authority. The SDS shall conform to DEFRA's "Non-statutory Technical Standards for sustainable drainage systems (March 2015)" and have regard to any relevant Surface Water Management Plans within Nottinghamshire County Council's "Flood Risk Management Strategy (June 2016)". The SDS shall include the following:

    (a) Information about the design storm period and intensity.
    (b) Detailed design and location of any proposed new culverts/watercourse crossings, swales, detention basins and flood storage compensation pursuant to Condition 11.
    (c) The method to be employed to delay and control the surface water discharged from the site.
    (d) Measures taken to prevent pollution of the receiving groundwater and/or surface waters after construction.
    (e) Provide a management and maintenance plan for the duration of the development which shall include arrangements for adoption by any public authority or statutory undertaker or other arrangements to secure the operation of the SDS throughout the duration of the development hereby permitted.

    Prior to the First Export Date the surface water drainage system shall be carried out and completed on the site in accordance with the approved SDS. Thereafter the surface water drainage system shall be retained in accordance with the approved SDS throughout the duration of the development.

10. Prior to the First Export Date the following documents shall be submitted to and approved in writing by the local planning authority:

    (a) Provision of a verification report, including evidence demonstrating that the approved construction details and specifications have been implemented in accordance with the SDS. The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structures (during construction and final make up) and the control mechanism.
    (b) Provision of a complete set of built drawings for site drainage.
    (c) A management and maintenance plan for the sustainable drainage features and drainage network.

    The management and maintenance plan for the sustainable drainage features and drainage network shall be implemented as approved.

11. The development hereby permitted shall be carried out in accordance with the submitted flood risk assessment (Title Technical Appendix 4: Flood risk and Drainage Impact Assessment Longhedge solar Farm, dated 30 November 2022, compiled by Neo Environmental Ltd), including any compensation for loss of flood storage, and the following mitigation measures:

    (a) Finished floor levels of the inverter pairings shall be set no lower than 18.20 metres above Ordnance Datum (AOD).

(b) Finished floor levels of other vulnerable infrastructure, not including PV modules and racks, shall be set no lower than 300 mm above existing ground levels.
(c) The bottom of the PV modules shall be at least 0.8 m above the existing ground level.

These mitigation measures shall be fully implemented prior to the First Export Date. The measures detailed above shall be retained thereafter throughout the duration of the development hereby permitted.

12. Prior to the commencement of development, a scheme of interim and temporary drainage measures during the construction period shall be submitted to and approved in writing by the local planning authority. The scheme shall provide full details of the responsibility for maintaining the temporary systems and demonstrate how the site shall be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Construction shall be carried out in accordance with the approved scheme.
13. Prior to the commencement of development details about hard and soft landscaping (the Landscape Scheme) shall be submitted to and approved in writing by the local planning authority. The Landscape Scheme shall be in accordance with the Landscape Strategy and Landscape Ecological Management Plan by Neo Environmental, dated 21 July 2023, (Drawing: NEO00782_023I_F) and Appeal Landscape Masterplan (Drawing: P24-0105_EN_02_E). The Landscape Scheme shall include the following:
(a) Plans showing the proposed finished land levels/contours of landscaped areas.
(b) Details of the protection measures to be used for any existing landscape features to be retained.
(c) Soft landscape works including planting plans with specific schedules of plant species mix, plant sizes, numbers and densities.
(d) Details of screening, including landscaping, fencing and gates at the vehicular entrance to the site from Thoroton Road as shown on Drawing P24-0105_EN_02_E.
(e) Details of measures to close up and landscape the vehicle access to the site from Shelton Road near to its junction with Bridleway BW3 in the vicinity of Viewpoint 7 as shown in Appendix 1 Landscape Proof of Evidence by Andrew Cook, dated 14 May 2024.
(f) Details of screening, including landscaping, fencing and gates for the south-western corner of the site near to the junction of Thoroton Road and Footpath FP2 in the vicinity of Viewpoint 2 as shown in Appendix 1 Landscape Proof of Evidence by Andrew Cook, dated 14 May 2024.
(g) Details of management for the land shown; (i) in pink and denoted as 'Areas excluded from development boundary', and (ii) for the land shown uncoloured to the north of Hawksworth but to the south of the 'Indicative solar panel array', both as shown on Drawing P24-0105_EN_02_E.
(h) A timetable for implementation.
(i) On-going management plan to ensure maintenance of any approved landscaping, including who will be responsible for the continuing implementation and any phasing arrangements.

The approved Landscape Scheme shall be carried out and completed in accordance with the approved details and timetable for implementation and thereafter retained. If, during the first five years of the operation of the

Landscape Scheme, any tree or shrub planted as part of the approved Landscape Scheme is removed, uprooted, destroyed, dies or becomes diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

14. Notwithstanding the alignment shown on Drawing P24-0105_EN_02_E for the proposed hedgerow to the south of Bridleway BW6 in the north-eastern section of the site, a Hedgerow Scheme for a revised alignment shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The Hedgerow Scheme shall demonstrate that the hedgerow, when maintained at a height of between 3-4 m, would screen views of the solar panels and inverters but retain views of the Church of St Helena in its village context. The Hedgerow Scheme shall be based on a detailed survey of land levels and sight lines from Bridleway BW6 towards Thoroton, and shall include a timetable for its implementation. The hedgerow shall be planted on the revised alignment in accordance with the approved Hedgerow Scheme and when established shall be retained at a height of between 3-4 m.
15. No development shall take place until an arboricultural method statement and tree protection plan in accordance with the recommendations set out within Technical Appendix 10: Arboricultural Impact Assessment, dated 30 November 2022, identifying measures to protect trees and hedgerows to be retained, has been submitted to and approved in writing by the local planning authority. The statement shall include a tree and hedgerow protection plan and measures to protect trees and hedgerows during site preparation, construction, and landscaping operations. The approved tree protection plan shall be implemented prior to development commencing and shall thereafter be retained as approved throughout the period of construction.
16. Prior to commencement of the development pre-construction surveys and mitigation recommendations as set out in paragraph 1.61 of Appendix 2.1 Biodiversity Management Plan, dated 30 November 2022, with the exception of soil inversion works, which are to be excluded, together with bat, otter and any other ecological surveys that are out of date, shall be undertaken, submitted to and approved in writing by the local planning authority. Any mitigation measures required as a result of these surveys shall be implemented in accordance with the details and timescale approved in writing by the local planning authority.
17. Notwithstanding the details submitted, a Landscape and Ecological Management Plan (LEMP), including biodiversity improvements in accordance with the Biodiversity Net Gain calculations set out in Appendix 6 Proof of Evidence by Nigel Cussen, dated April 2024, and the recommendations within the Biodiversity Management Plan Appendix 2.1: BMP, Landscape Masterplan - Appeal (Drawing:P24-0105_EN_02_E) and any updated calculations and pre-commencement ecological surveys where necessary, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The content of the LEMP shall include the following:
    (a) Description and evaluation of features to be managed.
    (b) Ecological trends and constraints on site that might influence management.
    (c) Aims and objectives of management.

(d) Appropriate management options for achieving aims and objectives.
(e) Prescriptions for management actions.
(f) Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period.
(g) Details of the body(ies) or organisation(s) responsible for implementation of the LEMP.
(h) Ongoing monitoring and remedial measures.
(j) Details of what provisions will be made within any fencing enclosing the site for mammals to cross the site.
(k) Details of how the site shall be managed to minimise the use of pesticides or herbicides.
(l) Details of means of cleaning the panels, which shall exclude the use of chemical cleaners.
(m) The biodiversity gain demonstrated in the biodiversity net gain assessment, with the means for implementation in the long term.
(n) Details of hedgerow management to ensure hedgerows are retained at a height of 3-4 m for the duration of the development.

The LEMP shall also include details of the administrative and funding mechanisms by which implementation of the LEMP will be secured by the management body(ies) or organisation(s) responsible for its delivery throughout the duration of the development. The LEMP shall also set out, where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, approved in writing by the local planning authority, and implemented, so that the development still delivers the biodiversity objectives of the originally approved scheme. The LEMP shall be implemented prior to the First Export Date and thereafter continue to be implemented for the duration of the development hereby permitted.

18. No development, other than works to implement the access off Thoroton Road, shall commence until the visibility splays, as shown on Visibility Splay Drawing No. NEO00782_019I_B Figure 5.3, dated November 2022, have been provided. The areas within the visibility splays shall thereafter be kept free of all obstructions, structures, or erections exceeding 0.26 m in height.
19. No development, other than works to implement the access off Thoroton Road, shall commence on site until the site access junction as shown on : Swept Path Analysis NEO00792_020I_C Figure 5.2 and NEO00782_019I_B Figure 5.3 has been provided, surfaced in a hard-bound material for a minimum distance of 15 m to the rear of the highway boundary and has been drained to prevent the discharge of surface water to the public highway. The access shall be retained as such for the duration of the development hereby permitted.
20. Prior to commencement of the development hereby permitted an updated Construction Traffic Management Plan (CTMP), shall be submitted to and approved in writing by the local planning authority, in accordance with the details within the revised Construction Traffic Management Plan Appendix 5, dated 2 March 2023. The CTMP shall include:
    (a) Details of the management of Bridleways BW1 and BW6 within the site to ensure continued access during the construction period.
    (b) Details of passing place(s) within the site.

    The development shall be implemented in accordance with the approved CTMP throughout the construction period.

21. Prior to the commencement of development a Bridleway Scheme for Bridleways BW1 and BW6 within the site shall be submitted to and approved in writing by the local planning authority. The Bridleway Scheme shall include the following details:
    (a) Surface treatment and crossings for access tracks.
    (b) Equestrian standard gates and bridges.
    (c) Signage, waymarks and interpretative panels.
    (d) Management and maintenance.
    (e) A timetable for implementation.
    The Bridleway Scheme shall be implemented in accordance with the approved details and retained for the duration of the development hereby permitted.
22. Prior to the commencement of development a Permissive Path Scheme in accordance with the details shown on Landscape Masterplan - Appeal (Drawing:P24-0105_EN_02_E) shall be submitted to and approved in writing by the local planning authority. The Permissive Path Scheme shall include the following details:
    (a) Surface treatment and crossings for access tracks.
    (b) Gates, stiles and bridges.
    (c) Signage, waymarks and interpretative panels.
    (d) Management and maintenance including any access restrictions.
    (e) A timetable for implementation.
    The Permissive Path Scheme shall be implemented in accordance with the approved details and retained for the duration of the development hereby permitted.
23. Prior to the commencement of development, including any enabling works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall have regard to the principles and mitigation measures set out in the Outline Construction Environmental Management Plan, dated 25 August 2022, the Flood Risk considerations required by Condition 11, the CTMP required by Condition 20, the Landscape Scheme required by Condition 13 and LEMP required by Condition 17. The CEMP shall include details for the following:
    (a) Areas for loading and unloading of plant and materials.
    (b) Storage of plant and materials used in constructing the development.
    (c) The location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting.
    (d) Measures to control the emission of dust, dirt, noise and vibration during construction.
    (e) On-site waste management measures for the storage, recycling and disposal of waste resulting from the construction works.
    (f) Physical measures and sensitive working practices to avoid or reduce impacts on ecology during construction.
    (g) The location and identification of biodiversity protection zones and the timing of sensitive works to avoid harm to biodiversity features.
    (h) The times during the construction period when specialist ecologists need to be present on site to oversee works.
    (i) The role and responsibilities on site, including an ecological clerk of works or similar competent person.
    (j) The use of protective fences, exclusion barriers and warning signs.
    (k) Soil management across the site during the construction period.

(l) The routing of deliveries and construction vehicles to the site and the means of enforcement.
(m) Arrangements for co-ordinating and controlling delivery vehicles.
(n) Parking arrangements for site operatives and visitors.
(o) On-site turning facilities for all vehicles.
(p) Wheel washing facilities.
(q) Lines of communication, including arrangements for the establishment of a liaison group with representation from the local community.

The development shall be implemented in accordance with the approved CEMP throughout the construction period.

24. No external lighting shall be installed on the site before a lighting scheme including Lux information has been submitted to and approved in writing by the local planning authority. The lighting scheme shall be designed in accordance with the advice on lighting set out in the Institute of Lighting Professionals 2023 Guidance Note 8/18: Bats and Artificial Lighting in the UK - Bats and the Built Environment Series BCT London (or any successor document). Any external lighting so installed shall thereafter be retained in accordance with the approved details for the lifetime of the development.
25. Construction times, including deliveries, shall be limited to the following hours:

    07:00 - 19:00 Monday to Friday.
    08:00 - 17:00 Saturday.
    None on Sundays or Bank Holidays.
26. The development hereby permitted shall be designed and operated to ensure that the rating level emitted from the site shall not exceed 50 dB $L_{Aeq,1h}$ during the day (07:00-23:00) and 45 dB $L_{Aeq,15min}$ at night (23:00-07:00) outside the nearest residential properties identified in RES report 04668-4051832, dated 17 May 2022, Technical Appendix 7 Acoustic Impact Assessment of the Proposed Longhedge Solar Farm. Rating levels are to be determined in accordance with the methodology set out in BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.
27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 under Schedule 2 Part 2 Class A no fencing shall be erected on site other than that approved pursuant to Conditions 3(d) and 3(g).
28. Prior to the First Export Date, a grazing management plan (GMP) shall be submitted to and approved in writing by the local planning authority. The GMP shall detail which parts of the site shall be used for the grazing of livestock, during which months of the year, and how the grazing is to be managed. Within three years of the First Export Date, the grazing of livestock shall be implemented on the site in accordance with the GMP. Any changes to the GMP during the lifetime of the permission shall first be submitted to the local planning authority for approval in writing prior to implementation on site and shall thereafter be provided in accordance with the approved revised GMP.
29. No development shall take place, including any enabling works such as site clearance works, soil moving, temporary access or compound construction, or any operations involving the use of construction machinery, until a programme for supplementary archaeological evaluation has been submitted to and approved in writing by the local planning authority. The programme shall detail the scope of proposed evaluation work, its timings, and

objectives and be drawn up by and thereafter undertaken by suitably experienced archaeologists from a professionally accredited archaeological organisation. The programme should make provision for the local planning authority's archaeological advisors to be informed of works and to be allowed access to the site. The findings of the evaluation shall thereafter be published and submitted in writing to the local planning authority.

30. No development shall take place other than in accordance with an Archaeological Mitigation Strategy (AMS) which shall first be submitted to and approved in writing by the local planning authority following the completion of the archaeological evaluation in accordance with Condition 29. The AMS shall include provision for any mitigation or monitoring work as informed by the archaeological evaluation to be carried out by a suitably qualified archaeologist or archaeological organisation, and shall include provision for the excavation/preservation of archaeological features as appropriate to their level of significance, to be approved in writing by the local planning authority. An archaeological management plan will be required for any archaeological features preserved in-situ. A written report detailing the results and post investigation assessments of any archaeological works shall thereafter be submitted to the local planning authority for local publication within a timeframe to be approved in writing by the local planning authority. No development shall take place other than in accordance with the approved AMS.
31. Prior to any site clearance, or the commencement of the development, a Soil Management Plan (SMP) shall be submitted to and approved in writing by the local planning authority. The SMP shall be prepared by a qualified soils and agriculture expert. The following details shall be included in the SMP:
    (a) Soil resource survey.
    (b) Site preparation and seeding.
    (c) Details of the soil stripping, handling and storage of soils during the construction, operational and decommissioning phases, with a limit on operations, when weather and soil conditions are limiting.
    (d) Import of construction materials, plant and equipment to the site.
    (e) Establishment of site construction compounds and welfare facilities.
    (f) Cable installation and where required jointing.
    (g) Temporary construction compounds.
    (h) Trenching in sections.
    (i) Upgrading existing tracks and construction of new access tracks and roads within the site.
    (j) The upgrade or construction of crossing points (bridges/culverts) at drainage ditches within the site.
    (k) Appropriate storage, capping and management of soil.
    (l) Appropriate construction drainage.
    (m) Cable pulling.
    (n) Testing and commissioning.
    (o) Site reinstatement (i.e. returning any land used during construction, for temporary purposes, back to its previous condition).
    (p) Use of borrow pits.
    (q) Review of the Soil Management Plan before the end of this temporary planning permission.
    (r) Restoration of the land to an approved quality at the end of the site's operation.

(s) Arrangements for the effective supervision of the SMP, monitoring and reporting.
(t) Arrangements for the expert to review the SMP before decommissioning commences and to make recommendations to the local planning authority for approval in writing as to measures necessary to ensure the land is restored to its original condition at decommissioning, taking into account any updates in statutory or policy requirements.

All development and site clearance shall be carried out in accordance with the approved SMP.

32. The mitigation measures for glint and glare set out in Technical Appendix 6:Glint and Glare Assessment, dated 30 November 2022, shall be carried out at all times for the duration of the development hereby permitted.

For the purposes of Conditions 3, 4 and 11 the existing ground level shall be taken as shown on Figure 4.3 Topographic Survey Appendix 4A of Flood Risk and Drainage Impact Assessment, dated 30 November 2022.
