Planning **Rebuttal**

Mr. Steven Bainbridge MRTPI

Enviromena Asset Management UK Ltd.

Construction of a temporary Solar Farm, to include the installation of ground-mounted solar panels together with associated works, equipment and necessary infrastructure.

Land North of the M6 Motorway, Between Birmingham and Coventry

Our ref ENV0076 | LPA ref. PAP/2023/0071 | Appeal ref. APP/R3705/W/24/3349391

March 2025

Image credit: North Warwickshire Council (https://www.northwarks.gov.uk/climate-change)

ENVIROMENA

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*" The planning system should **support the transition to a low carbon future** in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to **radical reductions in greenhouse gas emissions**, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and **support renewable and low carbon energy** and associated infrastructure."* (NPPF 161)

*"When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and **give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future**; b) recognise that small-scale [...] projects provide a valuable contribution to cutting greenhouse gas emissions"* (NPPF 168)

*"It is plausible that with continued growth in output and conducive market conditions, that food production levels could be maintained or **moderately increased** alongside the land use change **required** to meet our Net Zero and Environment Act targets and commitments"* (DEFRA Food Security Report 2024, p179)

1. Introduction

1.1 My name is Steven Bainbridge MRTPI. This Rebuttal Proof of Evidence has been prepared, to be read alongside my Proof of Evidence and in response to the Planning Proofs of Evidence of Mr. Jonathan Weekes (for the local planning authority) and Ms. Gail Collins (for the Rule 6 party).

1.2 In line with the Planning Inspector's procedural guidance, this rebuttal is limited to:

- *Information contained within other proofs which was not known (or could not have been reasonably discovered) by the author of the rebuttal at the time that their original proof was prepared*
- *Matters which are of relevance, but which have only arisen after the exchange of evidence*.

1.3 This Rebuttal naturally does not cover every point raised by Mr Weekes or Ms Collins, and my not referencing each point should not be taken to indicate my agreement with their approach, analysis or findings.

2. Rebuttal to the evidence of the LPA

2.1 At his ¶3.7 Mr. Weekes discusses the Planning Board report of March 2024 which recommended approval of the planning application and states that "*the report made clear that this was a 'fine balance' based upon judgements of the benefits and harms of the proposal*". This is reiterated at his ¶3.10. I cannot agree with the implication that the planning officer's decision making was in anyway on a knife edge, prior to being overturned by some members of planning committee. The planning officer actually said in the report (my emphasis) "*It would <u>appear</u> that there is a fine balance here* [...] *it is therefore proposed to look at this assessment by returning to the development plan*". This is a very different emphasis in my mind, not least because the report went on to revisit the policy tests of the topic-specific policy LP35[1] concluding that "*in overall terms the amended proposal would be acceptable under Policy LP35*". The "*final balance*" of ¶4.70 of the March committee report (CD2.2) went beyond 'appearing' finely balanced to clearly stating that "*the proposals do accord with the relevant planning policies for renewable energy projects as set out in paragraph 4.59 above and thus can be supported*" and clearly falling in favour of the scheme.

2.2 At his ¶6.5 Mr. Weekes states "*NPPF Paragraph 160 states that many renewable energy*

[1] Against which there was no reason for refusal Main SoCG CD 12.1 page 9, section 8 areas of agreement.

projects will comprise inappropriate development". Again, I cannot accept that assertion, because of the in-principal impression the statement gives. To be correct, that part of the NPPF states (my emphasis) "*When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development*".

2.3 At his ¶6.14 Mr. Weekes discusses local plan policy LP3 Green Belt. Mr. Weekes concludes his paragraph by stating that "*the remainder of the policy is considered compliant with the NPPF*" (beyond the first sentence). I find it necessary to reiterate that, other than the first sentence, the remainder of policy LP3 is, in my opinion, irrelevant in this case.

2.4 Mr. Weekes' ¶6.15 concerns criteria 1 to 5 of LP3. Criterion e) is irrelevant because it operates "*in respect of proposals to redevelop previously developed land*". It is trite law that, as planners, we cannot make policies say what we want them to say, which is, the essence of Mr. Weekes' paragraphs 6.16 and 6.17 where he appears to invite the Inspector to ignore what criterion e) actually says, and to adopt his interpretation, which is necessary to shoehorn a policy conflict between the appeal scheme and policy LP3. I fundamentally disagree with this approach to policy interpretation.

2.5 Mr. Weekes' ¶6.35 introduces Area FI3 of the Council's Green Belt Review. For the avoidance of doubt, Area FI3 is not the appeal site. Having undertaken no assessment of the appeal site itself, Mr. Weekes simply 'reallocates' the findings for FI3 to the appeal site without caveating the limitations of this approach. Mr. Weekes describes FI3 as a "*higher performing green belt parcel*" but omits that at ¶4.25 of the 2016 Green Belt Study it describes FI3 as "*generally perform well*", which must be compared and contrasted to other parcels in the 'group' which excludes FI3, described in ¶4.26 (not referenced by Mr. Weekes) as "*contribute significantly to the purposes of Green Belt*".

2.6 Atop page 32 of Mr. Weekes' proof, he has chosen to superimpose the Bare Earth ZTV, without conveying any of the drawbacks of that image, claiming that "*it highlights the range of potential locations that this Site can be viewed from*". I refer to the Proof and Rebuttal of Mr. Cook to make clear the risk of relying on that image.

2.7 I note Mr. Weekes' reliance on the performance of Broad Area 10 to the Green Belt purposes, which as I have said in my proof is as a result of its sheer size. But I cannot agree with Mr. Weekes' assertion that this applies to "the adjacent smaller parcel FI3, when the Green Belt Study 'only' describes the parcel as "generally performing well" as opposed to others that "*contribute significantly*".

2.8 Mr. Weekes' ¶6.28 to 6.41 were leading up to his ¶6.42 which seeks to ground his claims of Green Belt impact in the Kenilworth decision of January 2025 (post-dating the NPPF, but pre-dating the PPG amendments on Grey Belt).

2.9 I cannot agree with Mr. Weekes' assertion at the end of his ¶6.42 because the Kenilworth decision did not consider the approach set out in the amended PPG, which provides clarity on the approach to considering impacting on the remaining Green Belt in the plan area (my emphasis):

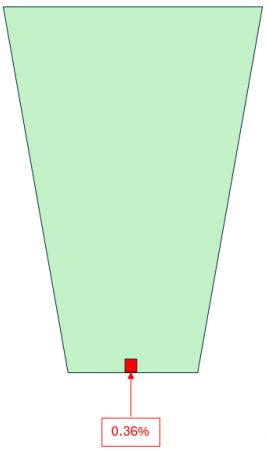
"*How can the impact of releasing or development on the remaining Green Belt in the plan area be assessed?*

A Green Belt assessment should also consider the extent to which release or development of Green Belt land (including but not limited to grey belt land) would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area as whole.

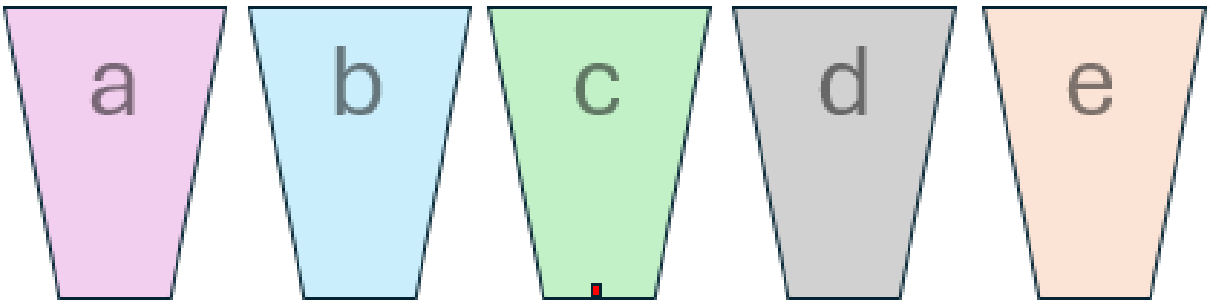
In reaching this judgement, ***authorities should consider whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way****.*

Paragraph: 008 Reference ID: 64-008-20250225"

2.10 I find that the best way to represent my approach to this new PPG advice is graphically. The image to the right represents the area of the appeal scheme in comparison to the area of the whole plan-area Green Belt under the auspices of purpose c) as if it were a drop in a glass of water; a decision maker may or may not consider the effect to fundamentally undermine purpose c). My opinion is that it does not because the remainder of the Green Belt in the plan-area would continue to serve purpose c) in a meaningful way, relatively 'uncontaminated' by the effect of the appeal scheme.



2.11 The PPG update makes clear that the 'fundamentally undermining' point must be approached the point in terms of all five purposes taken together. Which I represent below:



2.12 What I am trying to show it that, taken together, a very small effect to purpose c), leaves the remaining purposes meaningfully intact i.e. not fundamentally undermined.

2.13 At his ¶6.50 Mr. Weekes seeks to divide the benefits where he says "any". I consider that they should be taken together. I find no authority in NPPF paragraph 160 for not taking the wider environmental benefits together.

2.14 At his ¶6.56 Mr. Weekes implies that other solar sites consented in the Green Belt have been smaller, pointing to the 22MW consent at Kemberton (CD7.3) on a 20 hectare site. However, Mr Weeks fails to point out that a number of schemes of comparable size and indeed even far larger than the appeal site (which is c.61 hectares and 40MW) have been consented in the Green Belt in recent years, too.

2.15 Other more comparable Green Belt consents in recent years left out of Mr Weekes' analysis include:

Site (CD ref)	Size	MW
Fobbing CD7.4	134 hectares (footnote 23)	49.9MW
Wymondley CD7.9	88 hectares (DL2.4)	49.9MW
Harlow Road CD7.2	70 hectares (DL12)	49.9MW
Chelmsford CD7.8	Not specified	49.9MW
Southlands CD7.34	66 hectares (DL5)	25MW
Burcot CD7.46	57 hectares (DL7)	49.9MW
Honiley Road CD7.29	55 hectares (DL16)	23MW
Rayleigh CD7.1	45 hectares (DL7)	30MW

2.16 At Mr. Weekes' ¶9.5 he states that "*The proposal requires less than 5% of the site to be covered by hardstanding and buildings*". The correct figure is around 0.07% hardstanding and buildings, and when only the DNO building is left, after the development has gone, this will be reduced to 0.003%.

2.17 At Mr. Weekes' ¶10.12 he misquotes policy LP14, where he says:

"*the overarching element of the proposal* [stet policy] *seeks to ensure that development conserves, enhances and restores landscape character*".

2.18 I think it is important to quote policy correctly. The policy actually says:

"*development should look to conserve, enhance and where appropriate, restore landscape character*".

2.19 The emphasis is different, and therefore the implication of the policy application is also different.

2.20 At Mr. Weekes' ¶10.14 he misquotes the opening to policy LP30 by stating:

"*all development in terms of its layout, form and density to reflect and reflect the surrounding area. All proposals should...*".

2.21 Again, I think it is important to quote policy correctly, particularly in these circumstances. The start of policy LP30 actually reads:

"*All development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. Local design detail and characteristics should be reflected within the development. All proposals should...*"

2.22 This issue is important, because it goes to the heart of my commentary on the ill-suitedness of policy LP30. In omitting reference to "local design and characteristics" as Mr. Weekes has, he avoids explaining how the solar farm could reflect local design detail and characteristics. Mr. Weekes' conclusion at his ¶10.15 of moderate conflict with the policy derives from the exercise of shoehorning an assessment of the scheme against this ill-suited policy.

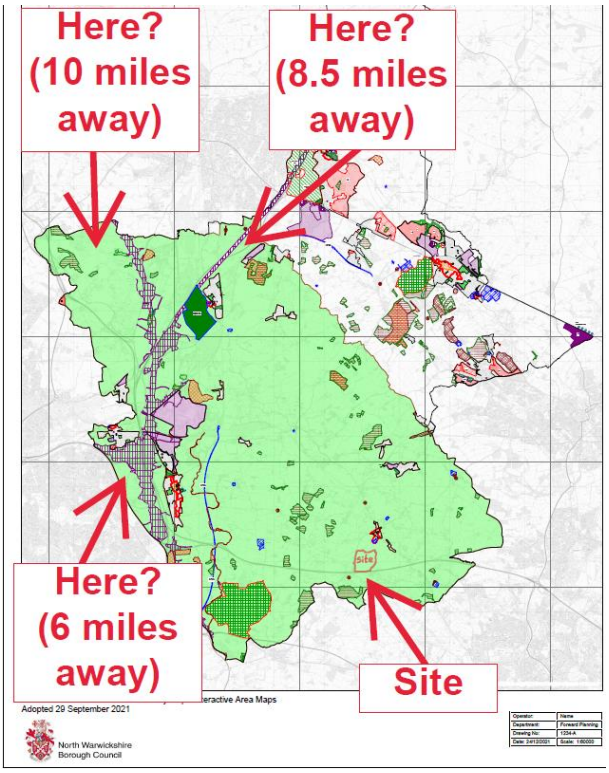
2.23 At his ¶10.20, which is a discussion of policy FNP01, Mr. Weekes acknowledges that "As with Local Plan Policy LP30 on design, this is a policy founded in ensuring good design to buildings, rather than renewable energy schemes". An acknowledgement I find conspicuous by its absence under his assessment of the proposal against policy LP30.

2.24 At his ¶10.23 Mr. Weekes appears to be directing the Inspector to set aside the words "*wherever possible*" from policy FNP02. These words are important, they allow for flexibility in the application of the policy. If they did not, then why would the R6 be trying to remove them ("tighten them up" as the R6 proof puts it) as part of their neighbourhood plan review? I cannot agree with the proposition that the words should be ignored. I find them as important as the words "as far as possible" which are included in the guidance from NPS EN1 that I have frequently referred to in my evidence.

3. Rebuttal to the evidence of the R6

3.1 In the executive summary, I note that the R6 claim that the proposal will "*affect the remaining ability of all the remaining Green Belt across the area of the plan from serving all five Green Belt purposes in a meaningful way*".

3.2 The R6 provide no clarity on the extent to which the Green Belt of the whole plan area is affected. The test in the NPPF and PPG is to "*fundamentally undermine*", not "*affect*". I have set out my view on whether the proposal can even be said to 'affect' let alone 'fundamentally' undermine all remaining purposes across the whole plan area above and in my Proof of Evidence. I have thought about how best to explain how I interpret the new Grey Belt rules. The map to the right is an adaptation of the Council's local plan map. I have highlighted three locations from which the R6 is, in essence, claiming that Green Belt purposes taken together are fundamentally undermined. I find the proposition that, finding oneself in any of these locations, a decision maker would have any notion of the Green Belt being undermined in any way, let alone fundamentally, let alone across all five purposes.



3.3 Under the Main Issue 1 subheading, I see that the R6 asserts that Footnote 7 policies provide a strong reason for refusing planning permission, but no explanation is given why. Under the subheading Main Issue 2 the R6 elucidate that it is the claimed conflict with NPPF heritage policy that creates the 'strong reason'. I note from the R6's ¶3.7 3rd bullet, that it is their Heritage Witness who is providing the evidence for the Footnote 7 'strong reason'.

3.4 At their ¶3.4 the R6 draw the Inspector's attention to the Local Plan Inspector's comments on the Green Belt Broad Area assessments, which were undertaken "*at a strategic level*". They are not appropriate for consideration of planning applications, which the PPG recently tells us should be considered at the "*site" level*[2]. In that context I find the R6's assertion at their ¶3.5 that "*the designation of the area of Green Belt containing the appeal site has been thoroughly considered by the Borough Council and the Planning Inspectorate as part of the adopted Local Plan*" sits somewhat awkwardly at best.

3.5 At their ¶3.7 9th bullet, the R6 denigrate Enviromena's statements in its Statement of Case that "that 'the rural location of the Site will not result in merging of settlements, unrestricted urban sprawl and preserve setting of historic towns" as "*spurious*" (defined as false, or fake).

[2] Paragraph: 009 Reference ID: 64-009-20250225

Enviromena maintain their positions on purposes a), b), d) for the reasons given in my Proof of Evidence.

3.6 I find the R6's accusation of spurious arguments unfounded, and in the case of purpose d) ironic, seeing as the R6 itself has conceded the point.

3.7 At its ¶3.10 the R6 describe the appeal site as a direct neighbour to the village. This is not correct, the two are half a kilometer away from each other.

3.8 At their ¶3.11 the R6 acknowledge that "*comparative size is not in itself a reason why a development should be allowed or dismissed*" but then proceed to contradict that statement. The R6 claim that Figure 3 of their proof "*demonstrates how the scale of the appeal proposal would dominate the village. The appeal site is many times larger than the footprint of the village itself*". Whilst it is true that the red line site area of the appeal site is larger than the village, the R6 fail to acknowledge that only roughly 1/3 of that area is under structures. Looking at the R6's Figure 3, I see that the village occupies an area roughly 1/3 of the superimposed site area.

3.9 Later in their ¶3.11, the R6 defer to the settlement hierarchy to further their claim of disproportionality. The R6 goes as far as to state "*the appeal proposal is vastly out of scale with this settlement hierarchy*". In my opinion, the settlement hierarchy has nothing to say of renewable energy development, and therefore the R6's comments in this regard are irrelevant. Page 16 of the Local Plan is clear that the settlement hierarchy concerns "*homes and jobs*".

3.10 At their ¶3.18, the R6 claims that "*the countryside does not feature development of any scale*", except of course for the 8-lane M6 motorway.

3.11 At their ¶3.19 the R6 claim that the appeal scheme causes "*loss of BMV land*". This is incorrect, there is no 'loss'. See Natural England (CD3.2).

3.12 In their ¶3.21, whilst acknowledging that "*there is a difference between the words of the Framework and the guidance*" (in respect of Grey Belt assessment) the R6 assert that in their opinion "*the former ought to take priority as it has been subject of consultation and formally adopted by the government and therefore enjoys a higher status*" and that "*No caselaw has clarified the exact way in which one ought to approach this matter*". This is untrue and has been since 31st January 2025 when the case of Mead (CD7.89) clarified the matter. The R6 awaited the amendments to the PPG, to the extent that they requested the Inspector delay the submission of the Statement of Common Ground. It is my opinion that the changes to the PPG did not go their way. But this does not justify the content of their ¶3.21 which includes a direct request to the Inspector approach the matter contrary to caselaw.

3.13 In their ¶3.23 and in defence of their post-PPG widened argument, the R6 claim that "*development would lead to 'sprawl' to conclude that it makes a strong contribution to Green Belt purpose (a)*". This is not what they agreed in the Statement of Common Ground.

3.14 At their ¶3.24 the R6 claims that "*the appeal site forms a significant part of the gap between these adjacent large urban areas*". The R6 do not explain how they have measured this 'significance'. In my opinion it cannot be a measure of size. I have very roughly measured the 'gap' to be some 70 square miles in size, of which our site comprises 0.33%.

3.15 In their ¶3.24, and in defence of their post-PPG widened argument, the R6 claim that "*the adverse effect on purpose (b) would be substantial*". This is not what they agreed in the Statement of Common Ground.

3.16 At their ¶3.27 and in defence of their post-PPG widened argument, the R6 claim that the appeal scheme offends purpose e). The R6 raise various claims that, prior to their purpose d) argument falling away, no party had raised. In response I would say that the R6 provide no evidence of any purpose e) land that would serve this c.60ha development. Had the R6 have raised this issue previously, I could have directed them to the Borough Council's brownfield site register, which I provide here by way of assistance, to demonstrate that the purpose e) spectre that the R6 raises, is unfounded:


14/03/2025, 17:09 Self/Custom Build and Brownfield Register | North Warwickshire Borough Council

North Warwickshire Borough Council

Self/Custom Build and Brownfield Register

Self Build, custom build,

Brownfield Land Register

Download XLSX 33kB

Brownfield Maps

Download PDF 2.57MB

Self Build Register (January 2024)

Download XLSX 24kB

Self Build Register - Application Form

Download PDF 112kB

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https://www.northwarks.gov.uk/downloads/download/3/self/custom-build-and-brownfield-register 1/1

SiteReference	SiteNameAddress	Hectares
BFR004	Water Orton Primary School, Attleborough Lane, Water Orton	2.8
BFR005	Land at Village Farm, Birmingham Road, Ansley	0.6
BFR008	Britannia Mill, Coleshill Road, Atherstone	0.42
BFR010	Phoenix Yard, Church Street, Atherstone	0.6
BFR013	Shortwoods Day Centre, The Shortwoods, Dordon	0.44
BFR019	BEC Engineering Ltd, Richmond Road, Atherstone	0.11
BFR024	Croft Mead Business Centre, Croft Mead, Ansley	0.2
BFR027	Coton House, Haunch Lane, Lea Marston	0.44
BFR029	Kingsbury Hall, Coventry Road, Kingsbury	1.18
BFR030	Corley Motors, George Street, Arley	0.24
BFR031	Cedar House, Kingsbury Road, Lea Marston	0.32
BFR034	12 Market Street, Polesworth	0.976
BFR035	110 Long Street, Atherstone	0.1
BFR037	Littlehurst Nursery & Garden Centre, Bennett's Road North, Bennetts Rd N, Corley, Keresley End, Coventry CV7 8BG	0.46
		8.886

3.17 At their ¶3.37 the R6 denigrate the planning application because of a claimed lack of "*evaluation of other viable sites that could accommodate the proposed solar farm*" this contradicts their paragraph 3.63 which states "*there is no requirement to undertake a sequential approach to site selection*".

3.18 At their ¶3.37 the R6 refer to "*irreversible*" impacts. The only item that will remain after the development lifetime is the DNO substation; a positive legacy to the electricity distribution grid.

3.19 At their ¶3.39 the R6 invoke NPPF paragraph 187a and b "*amongst other things*". Firstly, the landscape in question is not a valued landscape. Secondly, amongst the "other things" in p187 are the following which this scheme supports:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

3.20 The R6 refer to NPPF paragraph 135. I have explained in my proof of evidence how paragraph 135 of the NPPF needs to be read alongside NPS EN1 paragraphs 4.7.1 to 4.7.3 and NPS EN3 paragraphs 2.10.40 to 2.10.45 with regard to adopting a sensible approach to 'adding to the overall quality of the area'. That the quoted policies are inconsistent with the NPS in that regard is material to the R6's position on NPPF paragraph 135.

3.21 At their ¶3.42 the R6 acknowledge the "*wherever possible*" caveat in policy FNP02. The R6 invite the Inspector to read the criteria of FNP02 as a whole. I agree, because the proposal has no relevance to criterion 1, 2, 5 and criterion 3, 4, 6, 7 and 8 are complied with for the reasons set out in the Statement of Case and my Proof of Evidence, which I note that the R6 agrees to where it says "*the appeal proposal meets some of the listed considerations*".

3.22 The R6 make reference to the fact they are trying to delete this caveat in their neighbourhood plan review, however at present no weight can be attributed to the neighbourhood plan review, which remains at an early stage (noting it is not yet a post-examination plan per S70 1990 TCPA). As Enviromena have alerted the parties, the review appears to have been unlawfully prepared and is subject to objections.

3.23 At their ¶3.43 the R6 seek to denigrate the work of Enviromena's consultants Pegasus by claiming that "*The Parish Council do not consider these assertions to be backed up by evidence or observation through visiting the site*". Aside from the fact that the Pegasus landscape work has been undertaken by qualified and chartered landscape architects, Pegasus Landscape Statement of Case (CD9.2) clearly states 19 times that the site had been visited. I am quite concerned that the R6 appear to be claiming that Pegasus have not visited the site.

3.24 R6 ¶3.45 and use of the term "*destroy*" which is, at best, an exaggeration in terms. Also, the claim that "*development will inevitably bring change to the landscape, particularly through a proposal which introduces built form where there is currently none*", I remind the Inspector of the 8-lane M6 motorway.

3.25 At their ¶3.66 the R6 acknowledge "*there is no current food security problem*" but go on at paragraph and in paragraph 3.67 to direct attention towards CD6.66 wherein they direct attention to Principle 3 of that document, and I think the purpose is to create an impression that "*new renewable generation sites or protecting land that is best suited for food production*" are mutually exclusive land uses. In response, I direct attention to CD6.63 (DEFRA UK Food Security Report 2024) that says at its page 179 "*It is plausible that with continued growth in output and conducive market conditions, that food production levels could be maintained or moderately increased alongside the land use change required to meet our Net Zero and Environment Act targets and commitments*".

3.26 At their ¶3.76 the R6 claim there is "*no evidence that livestock rearing will be undertaken if the appeal is allowed*". The Agricultural Land Statement submitted with the planning application was clear at its ¶5.17 that grazing of livestock can continue. It is also commonplace for Landscape and Environmental Management Plans for our sites to include for livestock grazing because that it is practically preferable to mowing. In any event, a planning condition can be applied to the grant of planning permission to give greater comfort on this matter to the R6.

3.27 In their ¶3.76 the R6 claim that "*The proposed subdivision of the site by hedgerows would likely render any future cropping impractical*" but no evidence is provided in support of this claim. By way of casual observation, and by reference to Google Earth imagery, I can see fields in the vicinity that are smaller than those in the landscape strategy that appear cropped to me:

3.28 At their ¶3.81 the R6 state that "*It is noted that the appeal proposal exceeds the now mandatory requirements for Biodiversity Net Gain, however, due to the age of the original planning application, whilst it is encouraging to see this improvement in the scheme, it is not a requirement of the development*". This is incorrect because there are policy requirements in NPPF paragraphs 8c ("*improving biodiversity*", 125a ("*achieve net environmental gains*"), 187d ("*providing net gains for biodiversity*") and 193d ("*enhance biodiversity*") and local plan policy LP16 ("*provide net gains for biodiversity*") that are separate to BNG requirements.

3.29 At their ¶3.82 the R6 denigrates the economic benefits of the scheme. Had the R6 requested further information on this at application stage, Enviromena could have told them that research by the BRE in 2013 put the jobs figure at 7fte/MW. Based on that 2013 figure, this scheme could support approximately 347 FTE jobs across the supply chain. Enviromena forecast the business rates that will accrue to be in the range of £101,184 per annum (based on the current design).

3.30 In their evidence, the R6 makes a large number of assertions which conflict squarely with very well-established and well-known case law. For the Inspector's benefit the error is noted together with the key paragraph in the relevant case in the table below:

Reference in GC Proof	Case reference
Both Ms Collins and Ms Tuck repeatedly imply that the Appellant should have provided evidence of consideration of alternative sites. Case law is very clear that there is no requirement to consider alternatives in these circumstances.	*Bramley High Court* case already within the CDs as regards BMV makes clear at §179 that no requirement in national policy or guidance to look at alternative sites at all (CD7.30). As regards heritage, the case law on when alternatives are exceptionally considered or indeed required to be taken into account was recently revisited by the High Court in *R. (Save Stonehenge World Heritage Site Ltd) v Secretary of State for Transport* [2022] P.T.S.R. 74 at §§269-277 (CD7.88). The Court made clear that alternatives are only relevant in "exceptional circumstances" and where alternatives are relevant, alternatives that are vague or inchoate, or which have no real possibility of coming about, are either irrelevant or, where relevant, should be given little or no weight (§270).

	This case referred back to the long-established authority *Derbyshire Dales District Council v Secretary of State for Communities and Local Government* [2010] 1 P & CR 19.
At §3.21, Ms Collins suggests that there is a conflict between the PPG and NPPF on Grey Belt and more weight should be given to the NPPF. While the Appellant does not see any such conflict, case law is clear that the PPG can 'amend' the NPPF and that the recency of the document is relevant to considering weight.	*Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government* [2025] EWCA Civ 32 (CD7.89) explains that the "legal" status of the PPG and NPPF are effectively the same, and as to the weight to afford to them (§39) notes that "*relevant factors in assessing weight may include the respective terms of the policy and guidance and whether they sit easily together; the timing of their publication, including, for example, whether the policy emerged before the guidance or vice versa, and how recently each was issued; and the nature of the process by which they were produced, including, for example, the fact that the guidance in the PPG is generally not subject to any external consultation before being issued, whereas the policies in the NPPF are.*".
At §3.81, Ms Collins suggests that the weight to the biodiversity net gain can be reduced by virtue of it not being a statutory requirement. That is erroneous as case law has made clear.	*Vistry Homes* [2024] EWHC 2088 (Admin), §§152-156 (CD7.90) makes clear that the weight to give to BNG as a benefit does not depend on whether or not it is a statutory requirement - As BNG refers to an improvement in biodiversity, it should be treated as a benefit regardless of the statutory requirement.
At §4.11, Ms Collins suggests that in principle the 'economic' benefits of the scheme are not individually 'special' and cannot be part of a very special circumstances case. Case law is clear that a number of ordinary factors, none of them very special when considered in isolation may, when combined together, amount to very special circumstances	*R (Basildon DC) v First Secretary of State and Temple* [2004] EWHC 2759 (Admin) at §10 (CD7.91) See also *Wychavon District Council v SSCLG* [2008] EWCA Civ 692 at §21 (CD7.92).

While I understand Ms Collins' Proof as only affording one set of overall 'substantial' harm to the Green Belt, for the full avoidance of any doubt case law is also clear that if there is harm to inappropriateness, openness and encroachment, the NPPF does not tell decision-makers that these separately each attract substantial negative weight – it is appropriate to give one overarching 'substantial' weighting to the Green Belt harm taken as a whole.	*Sefton Metropolitan Borough Council v SSHCLG & Jerry Doherty* [2021] EWHC 1082 (Admin) at §34 (CD7.93) Which notes that the NPPF paragraphs "*do not, however, require a particular mathematical exercise nor do they require substantial weight to be allocated to each element of harm as a mathematical exercise with each tranche of substantial weight then to be added to a balance*"