

Planning Proof of Evidence (Summary).

Evidence of Paul Burrell.

In respect of Section 78 Appeal: Belvoir Solar Farm, Fields OS 6700, 6722, and 5200, Muston Lane, Easthorpe

Full Planning Application for the Construction of a Solar Farm together with all Associated Work, Equipment and Necessary Infrastructure.

On behalf of JBM Solar Projects 10 Ltd

Date: August 2024 | Pegasus Ref: P19-2022

Appeal Ref: APP/Y2430/W/3340258 | LPA Ref: 22/00537/FUL



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1. Personal Background

- 1.1. My name is Paul Burrell. I hold a BSC (Soc Sci) Hons in Geography and a Diploma in Urban Planning.
- 1.2. I am a Chartered Town Planner having been elected over twenty-five years ago and I hold the position of an Executive Planning Director at the consultancy Pegasus Group.
- 1.3. I have considerable experience in advising on planning matters concerning low carbon and renewable energy projects, including solar schemes, onshore wind farms and energy from waste facilities. I have secured planning permission for various solar farm and battery storage projects across England and Wales, including acting as planning expert witness in the *Halloughton, Greatworth, Langford, Hilfield Lane, Scruton* and the *Fobbing* appeals to which I refer later in my Evidence.
- 1.4. The evidence that I have prepared and provide for this Section 78 appeal is true and has been prepared and is given in accordance with the guidance of my professional institution. I can confirm that the opinions expressed are my true and professional opinions.

2. Summary

- 2.1. My Planning Proof of Evidence has been prepared on behalf of JBM Solar Projects 10 Ltd ("The Appellant") and relates to a planning appeal submitted pursuant to Section 78 of the Town and Country Planning Act 1990, concerning Fields OS 6700, 6722 and 5200 Muston Lane Easthorpe ("The Appeal Site").
- 2.2. The appeal follows the refusal by Melton Borough Council ("MBC") of the application for full planning permission (MBC ref: 22/00537/FUL) for a Proposed Development ("the Proposed Development") comprising the following:

"Full Planning Application for the Construction of a Solar Farm together with all Associated Work, Equipment and Necessary Infrastructure."

- 2.3. I note at the outset of my Evidence that the Proposed Development was recommended for approval by the Planning Officer when presented to the Planning Committee on 5th September 2023. I further note that, after the refusal of the planning application against their own professional advice, MBC then subsequently decided not to defend their first reason for refusal concerning Best & Most Versatile Agricultural Land. Then, during the preparation of Evidence and the negotiations on the Statement of Common Ground, MBC were unclear over which heritage assets it was that they were alleging harm to the setting of, and this was only finally clarified after the Inspector intervened in July 2024.
- 2.4. It is in this context of an evolving case on the part of MBC that the planning application was refused by MBC's Planning Committee on 5th September 2023, as set out in a Decision Notice dated 11th September 2023 which included 4 no. Reasons for Refusal:

"1. The proposal seeks to remove Grade 2 and 3a 'Best and Most Versatile' land from food production which in the opinion of the local planning authority has not been

adequately substantiated. The harm caused by the loss of best and most versatile land does not outweigh the climate change benefits of the proposal, contrary to the overall aims and objectives of policies SS1 and E10 (part 10) of the Melton Local Plan, the NPPF paragraph 174 and Policy 3 (part 4) and Policy 9 (part 4 (d)) of the adopted Bottesford Neighbourhood Plan.

2. This proposal when considered cumulatively with other permitted and operational schemes within 30 square kilometres (49.9MW land east of Jericho Covert; 12.4MW Lodge Farm, Longhedge Lane; 49.9MW Land South of the A1 Foston Bypass; 10MW Land South of The Railway Line & East of Station Road, Elton) would result in an unacceptable cumulative impact on the landscape where swathes of panels would be visible within a vista which could not be adequately mitigated. There would be a disproportionate effect of several sites within a small area, with solar panels covering approximately 10% of the identified area. The proposal is therefore considered to have an unacceptable adverse impact on the Vale of Belvoir's sense of place and local distinctiveness, contrary to policies SS1, EN1 and D1 of the Melton Local Plan, paragraph 174 of the NPPF and Bottesford Neighbourhood Plan Policy 9.

3. In the opinion of the local planning authority, the amenity of the public utilising the many rights of way which run through and adjacent to the site would be harmed by the substantial impact and effect of a large-scale solar installation. The ability of residents and visitors to the area using the footpaths to appreciate and enjoy the landscape character would be diminished and adversely impacted by the proposed development creating corridor effects limiting appreciation of the wider landscape, which also impacts upon key views as defined within the Bottesford Neighbourhood Plan. The quality of the natural environment is highly valued by residents and visitors to the area, particularly for the long views and openness. The proposal is therefore contrary to Melton Local Plan Policy EN1, Bottesford Neighbourhood Plan Policy 2 (parts 1 & 5) and Policy 9 (4.(a)).

4. In the opinion of the local planning authority, the proposal would result in an unacceptable impact on the setting of the heritage assets in the vicinity of the proposal (including, but not limited to, Grade I Listed Belvoir Castle and its Registered Park & Garden, two grade II* listed buildings and three scheduled monuments) which cannot be adequately mitigated. The proposal is considered to damage the setting and the appreciation of the heritage assets and their appreciation in the landscape which should be considered as a wider vista in the context of Belvoir Castle and the Vale of Belvoir. The benefits in reducing carbon emissions are therefore not considered to outweigh the harm to the heritage assets. The proposal is therefore considered to be contrary to policies SS1, EN1, EN10, EN13 and D1 of the Melton Local Plan, and Bottesford Neighbourhood Plan Policy 9."

- 2.5. My Planning Proof of Evidence addresses the Planning Policy matters raised in the Reasons for Refusal, as well as the overall planning balance.
- 2.6. A Statement of Common Ground has been agreed with the LPA (Core Document 9.5) and I therefore rely on the agreement to matters which are not currently disputed between the main parties.

- 2.7. Following the CMC, it is understood that it has been agreed by the Inspector and all parties that the Appeal will proceed to be determined on the basis of the revised scheme ("The Holborn Scheme") which was subject to further consultation at the time when the Appeal was submitted to the Planning Inspectorate (as noted in *Core Document 9.5 paragraphs 3.6–3.9*, reference CDs 2.1–2.3).
- 2.8. To assist the Inquiry, appended to my evidence at **Appendix 1** is a note prepared by the Appellant which explains the different types of mounting for solar pv systems, and explains how a tracking system works as is proposed in the Appeal Scheme.
- 2.9. To also assist the Inquiry, appended to my evidence at **Appendix 2** is an Overplanting Statement also prepared by the Appellant. This note sets why the maximum installed generating capacity of the solar farm when measured in direct current (or DC) is larger than the grid connection which is measured in alternating current (or AC). In summary, the reasonable overplanting of solar pv panels allows the available grid connection capacity to be maximised, in accordance with EN-3 for the reasons set out in the accompanying statement.
- 2.10. I note that a number of matters have been variously raised in representations on the Planning Application and the subsequent appeal.
- 2.11. I set out a summary of the comments made and a response to each of the considerations in **Appendix 6** to my evidence.

Main Issues

- 2.12. The Inspector in the CMC pre-conference note indicated that there are considered to be 7 main considerations in determining this Appeal. Taking each Main Issue in turn:

Issue 1 – The implications of the proposed development for meeting the challenge of climate change

- 2.13. I set out in my Evidence in Section 8 a summary of the myriad of planning and energy policy context and drivers for achieving a step change in the delivery of renewable energy generation, which confirms the urgent and compelling reasons why the UK needs to reduce its carbon emissions and move towards achieving Net Zero.
- 2.14. The Proposed Development would supply up to 49.9MW to the National Grid, providing the equivalent annual electrical needs of over 23,100 homes in Melton Borough Council. The anticipated CO₂ displacement is around 39,900 tonnes per annum, which over the lifetime of the project equates to approximately 1.6 million tonnes of CO₂ avoidance.

Issue 2 – The effect of the proposed development on the character and appearance of the area

- 2.15. This issue is examined in the evidence of Mr Kratt, in which he concludes at Section 8 of his Evidence that the Proposed Development would not have an unacceptable harmful effect on the landscape character and quality of the area when considered in combination with other developments in the locality. Mr Kratt acknowledges that there will be some 'moderate' adverse landscape effects for the Appeal Site itself and its immediate context,

and I return to weigh this harm in the overall planning balance later in my Evidence at Section 11.

Issue 3 – The effect of the proposed development on amenity in relation to the use of public rights of way

- 2.16. This issue is examined in the evidence of Mr Kratt. He concludes at Section 9 of his Evidence that the Proposed Development would not have an unacceptable harmful effect on views and visual amenity on the public living in and visiting the area, utilising the public rights of way, lanes and roads. Mr Kratt does acknowledge that there will be some 'moderate' adverse visual effects for those receptors in close proximity to the Appeal Site, and I return to weigh this harm in the overall planning balance later in my Evidence at Section 11.

Issue 4 – The effect of the proposed development on heritage assets.

- 2.17. This issue is examined in the evidence of Ms Armstrong. She concludes that there would be harm (at the lower end of the less than substantial scale) arising to the following designated heritage assets: Belvoir Castle (Grade I listed), Church of St Mary (Grade I listed), Church of St John the Baptist (Grade II* Listed); the Belvoir Conservation Area; and the Registered Park and Garden at Belvoir Castle (Grade II*). Ms Armstrong does not conclude that harm would arise to the Scheduled Moated Grange with Fishpond, Muston.
- 2.18. I return to consider the weight to be afforded to this harm, and whether the public benefits of the Proposed Development outweigh the harm to the significance of the above heritage assets in accordance with paragraph 208 of the NPPF, in Section 11 of my Evidence.

Issue 5 – The effect of the proposed development on nature conservation interests

- 2.19. I refer to the Statement of Mr Fearn which is appended to my Evidence at **Appendix 3**. In this Statement, Mr Fearn specifically considers the Muston Meadows SSSI and National Nature Reserve and the Grantham Canal and Banks LWS. In respect of the Grantham and Banks LWS, Mr Fearn expresses his professional opinion that there would not be any impact resulting from the Proposed Development. In respect of the Muston Meadows SSSI and NNR, Mr Fearn explains in his statement that the proposed 11m buffer provided as part of the Proposed Development is likely to represent a considerable improvement on existing ecological conditions which presently comprise an intensively farmed arable landscape. He therefore concludes that the Proposed Development would be of benefit to the SSSI.

Issue 6 – Whether the proposed development would be consistent with the Development Plan

- 2.20. I examine this consideration in detail in Section 8 of my evidence, in which I conclude that the Appeal Scheme would comply with the provisions of the Development Plan when read as a whole.

Issue 7 – The effect of other considerations on the overall planning balance.

- 2.21. I return to consider the overall planning balance in Section 11 of my evidence, drawing attention to other material considerations including energy security.

2.22. Taken overall, as I consider that the Proposed Development is broadly in accordance with the Development Plan, this would normally indicate that planning permission should be approved without delay (NPPF, Paragraph 11). There are no material considerations that indicate permission should be refused.

2.23. However, should the Inspector conclude that the Development Plan indicates that the appeal should be dismissed, then, applying S38(6), there is a need to consider whether material considerations indicate otherwise.

Material Considerations and Weight

2.24. In considering the weight that should be afforded to each consideration in the overall planning balance, I apply the following scale ranging from high to low:

- Substantial
- Significant
- Moderate
- Limited

2.25. Such weight may be 'positive' as a benefit, 'adverse' as a harm, or of 'neutral' effect.

2.26. In Section 11 of my Evidence, I explain the reasoning why I have attributed the weight which is summarised in the overall Planning Balance Table below:

Planning Balance Summary Table

Material Considerations which are Benefits	Weight (Positive)
Generation of 49.9MW of renewable energy and subsequent reduction in carbon emissions	Substantial Positive Weight
Climate Emergency	Significant Positive Weight
Energy Security	Substantial Positive Weight
Best Available Technology	Moderate Positive Weight
Good Design	Moderate Positive Weight
Early Grid Connection & Lack of Alternative Sites	Significant Positive Weight
Biodiversity Net Gain and Enhancements	Significant Positive Weight

Soil Regeneration	Limited Positive Weight
Green Infrastructure and Landscape Enhancements	Moderate Positive Weight
Flood Risk and Drainage Betterment	Limited Positive Weight
Farm Diversification	Limited Positive Weight
Economic Benefits	Moderate Positive Weight
Educational Strategy & Resource	Limited Positive Weight
Material Considerations which are Neutral	Weight (Neutral)
Highways and Transport	Neutral Weight
Noise	
Glint and Glare	
Residential Amenity	
Material Considerations which are Adverse	Weight (Adverse)
Effect on Landscape Character and Visual Amenity	Limited Adverse Weight
Impact on Designated Heritage Assets	Moderate Adverse Weight

2.27. I also note that the LPA Planning Officer's professional advice to MBC was that the benefits of the proposals clearly outweighed the identified harms to landscape and heritage assets (*Core Document 3.1, paragraph 10.11*).

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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