



APPEAL BY JBM SOLAR PROJECTS 10 LTD

**FIELDS OS 6700 6722 AND 5200, OFF MUSTON LANE, EASTHORPE,
BOTTFESFORD**

**IN RELATION TO THE REFUSAL OF PLANNING PERMISSION BY MELTON
BOROUGH COUNCIL – PLANNING APPLICATION REFERENCE 22/00537/FUL**

**FULL PLANNING APPLICATION FOR THE CONSTRUCTION OF A SOLAR FARM
TOGETHER WITH ALL ASSOCIATED WORK, EQUIPMENT AND NECESSARY
INFRASTRUCTURE**

Proof of Evidence: Mr Peter Bond BSc (hons), MA, MRTPI

Acting on behalf of Melton Borough Council

Planning Inspectorate Reference: APP/Y2430/W/24/3340258

August 2024

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1 QUALIFICATIONS AND EXPERIENCE

- 1.1 I am Peter Bond and I am a Planning Director at Heaton Planning Limited (Heatons). Heatons are a planning, environment, and design consultancy, with an experienced team of planners, landscape architects and ecologists.
- 1.2 I have over 20 years' experience within the town planning sector, with experience working for local planning authorities, waste operators and private consultancies. I have provided a range of planning services for sites and clients across the United Kingdom, including submission of applications, Environmental Statements, and representing local authorities and appellants at appeal. I hold a Bachelor of Science degree from the University of Huddersfield, a Masters degree from the University of Central England and I have been a chartered Town Planner with the Royal Town Planning Institute since 2008.
- 1.3 Heatons was instructed by Melton Borough Council in April 2024 to represent the local planning authority at the Inquiry.
- 1.4 The evidence which I have provided for this appeal is true, to the best of my knowledge. I confirm that the opinions given are my true and professional opinion.

2 SCOPE OF MY EVIDENCE

- 2.1 My evidence addresses reasons for refusal two – four inclusive in terms of assessing the planning balance between the benefits and the adverse impacts that would arise from the proposed scheme. Separate expert evidence will be provided by Messrs Simon Higson and Tim Malim with regard to the specific impacts of the proposal in terms of landscape and cultural heritage respectively.
- 2.2 The council considers that, after weighing in the benefits of the Appeal Proposal and mitigation measures proposed, the proposed development would result in unacceptable adverse impacts that would be contrary to the provisions of Local Plan Policies SS1, EN1, EN10, EN13 and D1, Bottesford Neighbourhood Plan Policies 2 (parts 1 & 5) and 9 and National Planning Policy Framework paragraph 174.

2.3 My proof expands upon and provides the detail behind the planning balance between the benefits and harm likely to be generated by the Appeal Proposals raised within the council's Statement of Case.

2.4 My evidence considers the grounds on which planning permission has been refused. It summarises and weighs the factors that need to be considered in accordance with the Development Plan, National Planning Policy Framework and other material considerations.

2.5 My evidence is structured as follows:

- Section 3 - The appeal site and its surroundings
- Section 4 - The appeal proposals
- Section 5 - The planning history relevant to the appeal
- Section 6 – Reasons for Refusal
- Section 7 - Planning policies and Material Considerations relevant to the appeal
- Section 8 - The case for the Local Planning Authority
- Section 9 - The Planning Balance
- Section 10 - Conclusion

3 The Appeal Site and Surroundings

- 3.1 A full description of the Appeal Sites and their surroundings are set out in paragraph 3.1 of the Statement of Common Ground. Further details on the site context are provided in the Environmental Statement (CD1.19) and the Planning Statement (CD1.16).

4 The Appeal Proposals

- 4.1 The Appeal extends to an area of 99.95ha and proposes the construction of a solar farm together with all associated work, equipment and necessary infrastructure.
- 4.2 It is noted that the Appeal proposal has changed somewhat from the original submission, including various changes proposed as part of the Appeal submission. These changes are outlined in paragraph 3.29 of the Appellants Statement of Case (CD9.3) and the Council is content that the Appeal can progress on the basis of these amendments.
- 4.3 The Appellant seeks planning permission for a 'temporary time period' of 40 years from the date of first export of electricity from the solar farm to the National Grid. At the end of the 40-year operational lifespan of the proposal, the Appeal Site is proposed to be restored back to full agricultural use with all equipment and below ground connections removed (with the exception of the DNO substation as this will become part of the local electricity distribution network). The Appellant considers that the decommissioning of the Solar Farm would take approximately six to nine months.
- 4.4 The main elements of the Appeal proposal are the construction, operation, management and decommissioning of a grid connected solar farm with associated infrastructure. The proposed solar panels would cover an area of circa 81ha and be set on metal arrays, arranged in north – south rows. They would use a tracking system such that the panels would move on an axis, facing east in the morning and rotating throughout the day to angle westwards in the evening. The panels would therefore be a minimum of 0.8m above the ground at

their lowest point and when flat would be a height of 2m, extending up to a maximum of 3m in height when angled at their fullest. There would be a space of between 3.8 - 7m between each row.

4.5 Vehicular access to the Appeal Site is proposed using an existing agricultural access off Castle View Road on the north west boundary of the site and this would serve the whole site via a number of proposed internal tracks throughout the site being 4m wide and made of crushed aggregate.

4.6 The point of connection where the proposed substation is situated sits centrally within the site and cabling would run from the 20 inverter stations (approx. 3.4m high) which are positioned around the site to the transformer (approx. 6.8m high) and exported to the existing pylon through a point of connection mast (approx. 32m high). From the submitted drawings, other infrastructure proposed includes:

- Approximately 9.7km of 2m high security deer fencing with wooden poles around the perimeter of the site with small mammal access points at various locations along the fencing;
- Approximately 147no. 3m high CCTV poles;
- 2no. spares containers measuring 3m high, 12.2m x 2.4m; and
- 2no. hardsurfaced compound areas measuring approximately 6,500 square metres in total.

4.7 The Appellant also proposes landscape treatments including a 10m wide Green Infrastructure Enhancement Corridor, infilling gaps within hedgerows, retaining trees and hedgerows where possible along with biodiversity enhancements which includes a significant biodiversity net gain.

4.8 As part of the Appeal proposal it is noted that the following are planned:

- Proposed new native tree belt (10m wide) along a section of the eastern boundary near Muston.

- New lengths of hedgerow along footpaths and a Green Infrastructure Enhancement Corridor which includes wildflower buffers/margins.
- Reinforcing the retained hedgerows across the Appeal Site.
- Enclosing the open field boundaries with new lengths of native hedgerow.
- Planting a species-rich grassland on the land beneath and surrounding the panels and creating a botanically diverse species-rich wildflower grassland outside of the security fence and alongside the retained and proposed on-site footpaths.
- An area of species diverse meadowland adjacent to Muston Meadows SSSI/NNR at the eastern edge of the Appeal Site.
- An area of species diverse grassland habitat adjacent to Muston Meadows SSSI/NNR in the south east corner of the Appeal Site.
- Areas of ponds/scrapes with tussocky grass/wildflower planting, log pile, hibernaculum and insect hotels are proposed throughout the Appeal Site.
- A permissive path will link from footpath F90/2 to link up with bridleway F85b/2 creating a looped walk.
- Bat and bird boxes, and Skylark nesting areas are proposed throughout the Appeal Site.
- Dotted tree planting that will, according to the Appellant, *soften views* of heritage assets such as Belvoir Castle and local church spires.
- Interpretation boards within the south of the Appeal Site at intervals along the looped walk and public rights of way.
- Beehives are proposed to be located in the south east corner of the Appeal Site.

- Outdoor classrooms and picnic areas will be located at the south west and north east corners of the looped walk.
- A canal side community orchard is proposed within the southern end of the Appeal Site.

Construction and Operation

- 4.9 The construction of the Appeal development would take place over approximately six to nine months and there would be a temporary construction compound in place during the construction period. The DNO will be in an enclosed compound area within the Appeal Site.
- 4.10 The construction of the Appeal development is likely to generate in the region of 1,750 HGV movements (875 HGVs in and 875 HGVs out).
- 4.11 Once operational, the Appeal Site would require infrequent visits for the purposes of maintenance or cleaning of the solar farm development. Such work typically requires around 1 visit per month. The facility would be unmanned, being remotely operated and monitored.

Decommissioning

- 4.12 At the end of the 40-year operational lifespan of the Proposed Development, the Appeal Site would be restored back to full agricultural use with all equipment and below ground connections removed (with the exception of the DNO substation). The Appellant states that this can be achieved within 9 months.

5 Planning History Relevant to the Appeal

- 5.1 The planning history of the appeal site is described in paragraph 5.2 of the Statement of Common Ground (CD9.5).

6 Reasons for Refusal

- 6.1 This appeal is made against the refusal of full planning permission for the construction of a solar farm together with all associated work, equipment and

necessary infrastructure on land to the south of the A52 on Fields OS 6700 6722 And 5200, off Muston Lane, Easthorpe, Bottesford.

6.2 The planning application was presented to the Council's Planning Committee originally on 31st August 2023, however, due to a medical emergency the Planning Committee meeting was curtailed before a decision could be made. The Planning Committee was reconvened on 5th September 2023.

6.3 The Officer's Report to the Planning Committee had a positive recommendation, subject to the imposition of 27 planning conditions. Notwithstanding the Officer's recommendation, Members of the Planning Committee, after lengthy and detailed considerations, considered that the benefits arising from the scheme did not outweigh the negative impacts and it was resolved that planning permission be refused for the following reasons:

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 E[N]10 (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.

6.4 The minutes of the meeting record that members voted against the officer recommendations and are reproduced in CD3.2. The decision notice was issued on the 11th September 2023 and a copy is attached as CD3.3. The minutes of the meeting also record (at paragraph PL28) that *'It was noted that the report*

stated that the Conservation Officer had stated that the impact of the scheme upon the settings of the designated heritage assets would result in less than substantial harm to their significance, although the written advice was not available to the Committee.'

7 Planning Policies relevant to the Appeal

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 The Statutory Development Plan covering the Appeal Site comprises:

- Melton Local Plan 2011-2036 (adopted October 2018); and
- Bottesford Neighbourhood Plan (made October 2021).

Melton Local Plan

7.3 The policies referred to in the Decision Notice are set out below, followed by other policies that may be relevant to the Inspector's consideration.

7.4 Policy SS1 - Presumption in favour of Sustainable Development, states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application, or the policies which are most important for determining an application are out of date at the time of making the decision, then the Council will grant permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the national planning policy framework taken as a whole.

7.5 Policy EN1 – Landscape, states that the character of Melton Borough’s landscape and countryside will be conserved and, where possible, enhanced by:

- I. Ensuring new development is sensitive to its landscape setting and that it seeks, where possible, to enhance the distinctive qualities of the landscape character areas (as defined in the Landscape Character Assessment); and
- II. Requiring new developments to respect existing landscape character and features. Proposals will be supported where they do not have an unacceptable adverse effect upon important landscape features including:
 - 1. Distinctive topography;
 - 2. Important trees, hedges and other vegetation features;
 - 3. Important ponds, watercourses & other water areas;
 - 4. Important views, approaches and settings.

In addition, new developments will be supported where they:

- 5. Do not have an unacceptable adverse effect upon an area’s sense of place and local distinctiveness; and
- 6. Do not have an unacceptable adverse effect upon areas of tranquility, including those benefiting from dark skies, unless proposals can demonstrate how it is intended to contribute towards minimizing light pollution.

In order to mitigate potential harm to the built form at the settlement fringe and its relationship to the landscape, proposals should have due regard to design guidance in the individual assessments of settlement fringe sensitivity in the 'Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study' or any subsequent evidence document. Neighbourhood Plans will be encouraged to use evidence provided in the 'Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study' to inform site allocations and design guidance, to ensure that the Borough's landscape will be conserved and where possible, enhanced.

7.6 Policy EN10 - Energy Generation from Renewable and Low Carbon Sources states that renewable and low carbon energy proposals appropriate for Melton, including biomass power generation, combined heat and power (CHP), hydro, wind, solar and micro generation systems, will be supported and considered in the context of sustainable development and climate change. Proposals for renewable and low carbon energy technology, associated infrastructure and integration of renewable and low carbon technology on existing or proposed structures will be assessed both individually and cumulatively on their merits taking account of the following factors;

1. Siting, so as to gain maximum effect from wind/solar/water sources;
2. The surrounding landscape, townscape and heritage assets;
3. Residential and visual amenity;
4. Noise impacts;
5. Odour impacts;
6. Designated nature conservation, geo-diversity or biodiversity considerations, including potential impact on ancient woodland and veteran trees;
7. Ecology;
8. Aircraft movements and associated activities, including effects on radar, communications and navigational systems;

9. Electromagnetic transmissions;
10. High quality agricultural land;
11. Access for construction, maintenance and de-commissioning;
12. Not creating demand for bio-energy fuels known to result in net carbon emissions through production methods, transport requirements and/or loss of carbon sinks;
13. General safety in terms of highways, power lines, icing, visual distraction; and
14. Transport movements for importation of biomass fuel.

In developing proposals for new thermal generating stations, developers should consider the opportunities for CHP and district heating from the very earliest point and it should be adopted as a criterion when considering locations for a project. Renewable and low carbon energy proposals which will directly benefit a local community in the medium and long term and/or are targeted at residents experiencing fuel poverty will be particularly supported.

- 7.7 Policy EN13 - Heritage Assets, states that the NPPF provides national policy for considering proposals which affect a heritage asset. This includes the need to assess the effect of a proposal on the significance of an asset and the need for a balanced judgment about the scale of any harm or loss and the significance of the heritage asset.

Melton Borough has a number of important historic assets. These include Listed Buildings, Conservation Areas, Scheduled Monuments (SMs) and non-designated heritage assets (ranging from nationally to locally important heritage features).

The Borough of Melton contains heritage assets that are at risk through neglect, decay or other threats. These will be conserved, protected and where possible enhanced.

The Council will take a positive approach to the conservation of heritage assets and the wider historic environment through:

- A) seeking to ensure the protection and enhancement of Heritage Assets including non-designated heritage assets when considering proposals for development affecting their significance and setting. Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.
- B) seeking new developments to make a positive contribution to the character and distinctiveness of the local area.
- C) ensuring that new developments in conservation areas are consistent with the identified special character of those areas, and seeking to identify new conservation areas, where appropriate;
- D) seeking to secure the viable and sustainable future of heritage assets through uses that are consistent with the heritage asset and its conservation;
- E) allowing sustainable tourism opportunities in Heritage Assets in the Borough where the uses are appropriate and would not undermine the integrity or significance of the heritage asset: and
- F) the use of Article 4 directions where appropriate.
- G) taking account of any local heritage assets listed in

7.8 Policy D1 – Raising the Standard of Design, states that all new developments should be of high quality design. All development proposals will be assessed against all the following criteria:

- a) Siting and layout must be sympathetic to the character of the area;
- b) New development should meet basic urban design principles outlined in this plan;

- c) Buildings and development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design;
- d) Amenity of neighbours and neighbouring properties should not be compromised;
- e) Appropriate provision should be made for the sustainable management of waste, including collection and storage facilities for recyclable and other waste;
- f) Sustainable means of communication and transportation should be used where appropriate;
- g) Development should be designed to reduce crime and the perception of crime.
- h) Existing trees and hedges should be utilised, together with new landscaping, to negate the effects of development;
- i) Proposals include appropriate, safe connection to the existing highway network;
- j) Performs well against Building for Life 12 or any subsequent guidance and seeks to develop the principles of 'Active Design' for housing developments;
- k) Makes adequate provision for car parking; and
- l) Development should be managed so as to control disruption caused by construction for reasons of safeguarding and improving health well-being for all.

7.9 Other Local Plan policies relevant to the determination of this Appeal include:

- Policy SS2 - Development Strategy
- Policy C9 - Healthy Communities
- Policy EN2 - Biodiversity and Geodiversity
- Policy EN3 - The Melton Green Infrastructure Network
- Policy EN5 - Local Green Spaces
- Policy EN6 - Settlement Character
- Policy EN8 - Climate Change
- Policy EN9 - Ensuring Energy Efficient and Low Carbon Development
- Policy EN11 - Minimising the Risk of Flooding
- Policy EN12 - Sustainable Drainage Systems
- Policy IN2 - Transport, Accessibility and Parking

Bottesford Neighbourhood Plan

7.10 Policy 2: Protecting the Landscape Character, states:

1. The Key Views, (see Maps 9a and 9b) the Areas of Separation (see Figure 2) and the Significant Green Gaps (see Map 7a, 7b and 7c) contribute to the distinctive landscape character of the Parish. Development proposals should respect these important designations and take account of them in their designs and layouts. Development proposals which would have an unacceptable impact on the designations will not be supported.
2. Proposed development within identified Significant Green Gaps should take account of the way in which they contribute to the wider character of the neighbourhood area and the separation between the various settlements. The layout, scale and boundary treatment of the post development within identified Significant Green Gaps should retain a sense of openness within the identified areas and allow a soft transition from open countryside area as appropriate.

3. Exceptions to 2 (2) will be considered where no suitable alternative location is available and where the benefits of development significantly and demonstrably outweigh the adverse impacts.
4. As appropriate to the scale, nature and location, development proposals should take account of the cultural sensitivity and historical link and viewpoint between St Mary's Church from Belvoir Castle. Where it is both necessary and practicable to do so, the layout and design of the proposed development should safeguard the existing viewpoint.
5. The quality and accessibility of the natural environment in Bottesford Parish is highly valued by local residents. As appropriate to the scale, nature and location development proposals across Bottesford Parish should demonstrate that they are sympathetic to the landscape setting as defined in the Bottesford Parish Design Code 2020 and Table 5.
6. Any required mitigation planting and boundary treatment should include native species.
7. Development in Bottesford Village should present a soft boundary to the open countryside (native hedges, low fences and native trees) to minimise the impact of development on the landscape character. This means that where the site boundary extends to more than 5 metres schemes should include low fences, hedges and native trees and should avoid 2 metre high close board fences.

7.11 Policy 3: Protecting and Enhancing Biodiversity states that:

1. As appropriate to their scale, nature and location development proposals should conserve or enhance biodiversity value in the neighbourhood area. Enhancement measures may include:
 - a) strengthening hedgerows (gapping up) and field boundaries to provide more robust habitat 'corridors',
 - b) planting wildflower meadows and strips,

- c) encouraging native tree and shrub planting on suitable sites, especially species that provide good berry or nectar sources,
 - d) encouraging the creation of sustainable urban drainage schemes (SUDS), (e.g. rain gardens, pond and wetland creation) in new schemes and 'retrofitting' where appropriate,
 - e) the installation of habitat features (i.e. nest boxes) to benefit all bats and bird species of conservation concern, such as swifts, swallow, house martin and house sparrow,
 - f) protecting dry ditches - as these features are essential to the sustainable management of surface water, and
 - g) a reduction in light pollution so as to preserve dark landscapes; and
 - h) improvements to the River Devon that increase biodiversity.
2. Development proposals that would result in a loss of biodiversity value will only be supported where it is demonstrated that the proposal cannot be located on an alternative site with less harmful impacts, and with adequate mitigation. Compensatory measures, involving the creation of off-site habitat and/or relocation of species, should only be used as a last resort and agreed by Melton Borough Council. Mitigation or compensatory measures should be targeted to benefit local conservation priorities identified in an up to date assessment and be in accordance with Local Nature Recovery Strategies (or equivalent), and implemented in partnership with an appropriate nature conservation body.
 3. Mature trees and hedgerows identified as significant to the character of the villages in the Streets and Trees Survey 2020 should be protected and retained. Where this is not possible as a result of development, trees should be replaced at a ratio of 2:1. Where it is not possible to secure new or replacement tree planting on site, trees should be planted at a suitable

location outside the site. Planning conditions or legal agreements will be used to secure this outcome.

4. Development should avoid being located on the highest quality agricultural land.

7.12 Policy 9: Renewable Energy and Low Carbon Technologies states:

1. New development should incorporate sustainable design features to reduce carbon emissions and mitigate against and adapt to climate change.
2. Innovative approaches to the construction of low carbon homes which demonstrate sustainable use of resources and high energy efficiency levels will be supported where the resultant built form respects the character of the setting. Examples would include but would not be limited to:
 - a) the use of alternative heat sources to gas; and
 - b) siting and orientation to optimise passive solar gain; and
 - c) the use of high quality, thermally efficient building materials; and
 - d) installation of energy efficiency measures such as loft and wall insulation and double glazing; and
 - e) the installation of solar panels.
3. Development of individual and community scale proposals that use renewable and low carbon energy resources will be supported where the scheme has demonstrated compliance with national policy in weighing the benefit in reducing carbon emissions against the impact on heritage assets.
4. Development that delivers renewable energy will be supported where it can be demonstrated that it;
 - a) does not have an unacceptably adverse impact on the amenity of residents and visitors (including: noise, vibration, views and vistas,

shadow flicker, water pollution, odour, air quality, emissions, sensitivity and character of landscape) and

- b) does not have a significant adverse effect on any designated site (including SSSI, regionally or locally important geological sites, sites of ecological value, Local Green Spaces, Significant Green Gaps); and
 - c) does not result in an unacceptably adverse effect on protected species, including migration routes and sites of biodiversity value; and
 - d) does not result in the loss of the best and most versatile agricultural land in grades 1,2 and 3a of the Agricultural Land Classification; and
 - e) transmission lines should be located below ground wherever possible to reduce the impact on the open countryside.
5. The electrical infrastructure within new homes should be capable of the future addition of ultra-low emission vehicle charging infrastructure, in terms of anticipated load capacity.
6. The provision of vehicle charging points for public use is supported where its location does not have an adverse effect on the character of the Parish.
7. The inclusion of tree species as part of landscaping schemes on new development which will absorb CO2 and other harmful particles to improve air quality will be supported.

Material Planning Policy Considerations

The National Planning Policy Framework (December 2023) (NPPF) (CD4.1)

7.13 The Council will demonstrate that, having regard to the Development Plan and proper application of the Framework, the appeal proposal fails to meet the three overarching objectives of sustainable development under Paragraph 8 of the NPPF.

7.14 Paragraph 104 states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails

7.15 Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

7.16 Paragraph 135 states (*inter alia*) that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

7.17 Paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

7.18 Paragraph 158 states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

7.19 Paragraph 161 states that local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.

7.20 Paragraph 163 states that when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions;
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and

- c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.

7.21 Paragraph 180 states, the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services – including the benefits of best and most versatile agricultural land, trees and woodland;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, including by establishing coherent ecological networks that are more resilient to current and future pressures; and
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

7.22 Paragraph 195 states that Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

7.23 Paragraph 200 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets

affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

7.24 Paragraph 201 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

7.25 Paragraph 203 states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

7.26 Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential

harm amounts to substantial harm, total loss or less than substantial harm to its significance.

7.27 Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

7.28 Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use Planning Practice Guidance (PPG).

Planning Practice Guidance

7.29 The section on the Historic Environment (CD4.2B) states, at Paragraph: 013 Reference ID: 18a-013-20190723, that all heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset's curtilage may not have the same extent.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the

vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

7.30 Paragraph: 020 Reference ID: 18a-020-20190723 states that the National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

Sustaining or enhancing the significance of a heritage asset and the contribution of its setting reducing or removing risks to a heritage asset securing the optimum viable use of a heritage asset in support of its long term conservation.

7.31 The section relating to Climate Change states at Paragraph: 001 Reference ID: 6-001-20140306, that in addition to supporting the delivery of appropriately sited green energy, effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. Planning can also help increase resilience to climate change impact through the location, mix and design of development.

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. To be found sound, Local Plans will need to reflect this principle and enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework. These include the requirements for local authorities to adopt proactive strategies to mitigate and adapt to climate change in line with the provisions and objectives of the Climate Change Act 2008, and co-operate to deliver strategic priorities which include climate change.

7.32 Paragraph: 001 Reference ID: 5-001-20140306 in the Renewable and Low Carbon Energy section of the PPG suite states that, increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

7.33 Paragraph: 013 Reference ID: 5-013-20150327 states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether
 - (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
 - (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also 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.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale

solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;

- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

Melton and Rushcliffe Landscape Sensitivity Study: Wind Energy Development, LUC, 2014 (CD8.8)

7.34 Table 3.4 of this document states that Belvoir Castle is a 'Primary Landmark' that stands on the site of a Norman castle that was rebuilt C16, demolished in 1649, rebuilt in 1655-68 and remodelled in 1801-30 by James Wyatt. It is a Grade 1 listed building that is prominent on the Belvoir scarp and seen from across most of the study area, forming a focus of views.

Church spires and towers Churches form local skyline landmarks across much of the study area, in fact they are a particularly distinctive feature of the landscape of these two Boroughs. These churches contribute to the historic character and scenic quality of the Boroughs and it is desirable to conserve them as landmark features.

7.35 In terms of Views of Borough-Wide Importance, this document states that Belvoir Castle was built to command views of the surrounding countryside (Belvoir means 'beautiful view' in French). Today the views from publicly accessible areas around the grounds are restricted by mature trees surrounding the castle. However, the main façade of the castle faces north-east and long views are

available to the east and northeast from the northeastern terrace. In addition, wide views across the Vale of Belvoir are available from the minor road which passes to the west of the castle, where a car park and main entrance to the castle are located. From here the view over the Vale of Belvoir is characterized by a rural patchwork of fields, bordered by hedgerows and punctuated by woodlands and historic villages. It is desirable to preserve the expansive and rural patchwork character of this view. There are also close historic links between Belvoir Castle and St Mary's Church, Bottesford (from the 13th century the Lords of Belvoir played an important part in the development of St Mary's) and it is desirable to maintain uninterrupted views of the spire of St Mary's from the Castle.

Bottesford Parish Design Code (July 2020) (CD5.7)

7.36 Paragraph 2.2 of this Design Code states (*inter alia*) views within the village tend to be intimate and enclosed, however; the spire of St Mary's Church is prominent in views within the village but also towards it. The tall spire contributes to a sense of place and local distinctiveness.

Overarching National Planning Policy Statement for Energy (EN-1) (2024) (CD4.3)

7.37 In England, this NPS, in combination with any relevant technology specific NPSs, may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). Paragraph 2.2.1 states that in June 2019, the UK became the first major economy to legislate for a 2050 net zero Greenhouse Gases ('GHG') emissions target through the Climate Change Act 2008 (2050 Target Amendment) Order 2019. In December 2020, the UK communicated its Nationally Determined Contributions to reduce GHG emissions by at least 68 per cent from 1990 levels by 2030. In April 2021, the government legislated for the sixth carbon budget (CB6), which requires the UK to reduce GHG emissions by 78 per cent by 2035 compared to 1990 levels.

7.38 Paragraph 2.3.3 states that the Government's objectives for the energy system are to ensure our supply of energy always remains secure, reliable, affordable,

and consistent with meeting our target to cut GHG emissions to net zero by 2050, including through delivery of our carbon budgets and Nationally Determined Contribution. This will require a step change in the decarbonisation of our energy system.

7.39 Paragraph 2.3.6 states that we need to transform the energy system, tackling emissions while continuing to ensure secure and reliable supply, and affordable bills for households and businesses. This includes increasing our supply of clean energy from renewables, nuclear and hydrogen manufactured using low carbon processes (low carbon hydrogen), and, where we still emit carbon, developing the industry and infrastructure to capture, transport and store it.

7.40 Paragraph 3.3.20 notes that wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.

National Policy Statement for renewable energy infrastructure (EN-3) (CD4.4)

7.41 Section 1 of this document states that there is an urgent need for new electricity generating capacity to meet our energy objectives and that electricity generation from renewable sources is an essential element of the transition to net zero and meeting our statutory targets for the sixth carbon budget. Analysis suggests that demand for electricity is likely to increase significantly over the coming years and could more than double by 2050. This could require a fourfold increase in low carbon electricity generation, with most of this likely to come from renewables.

7.42 Paragraph 2.10.0 states the government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such, solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector. Paragraph 2.10.10 goes on to say that solar also has an important role in delivering the government's goals for greater energy independence. The British Energy Security Strategy states that

government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW). It sets out that government is supportive of solar that is “co-located with other functions (for example, agriculture, onshore wind generation, or storage) to maximise the efficiency of land use”.

7.43 Paragraph 2.10.11 states that the Powering Up Britain: Energy Security Plan states that government seeks large scale ground-mount solar deployment across the UK, looking for development mainly on brownfield, industrial and low and medium grade agricultural land. It sets out that solar and farming can be complementary, supporting each other financially, environmentally and through shared use of land, and encourages deployment of solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental improvement.

7.44 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. ‘Best and Most Versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification.

7.45 Paragraph 2.10.118 states that, as the significance of a heritage asset derives not only from its physical presence but also from its setting, careful consideration should be given to the impact of large-scale solar farms which depending on their scale, design, and prominence, may cause substantial harm to the significance of the asset.

Energy White Paper - Powering our Net Zero Future, December 2020 (CD4.16)

7.46 This documents states that onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind.

Planning (Listed Buildings and Conservation Areas) Act 1990 (CD4.26)

7.47 S66 of this Act states:

- 1) in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- (2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

Consultation Draft Replacement NPPF (CD4.30)

7.48 On 30th July 2024, the Government issued a draft revised NPPF for consultation. Of most relevance to this Appeal is revised Paragraph 164, where the following text has been added: '*Local planning authorities should support planning applications for all forms of renewable and low carbon development.*' It is considered that this change, when read alongside the NPPF as a whole, does not significantly add to the Development Plan policies that provide in-principle support for renewable energy proposals. Limited weight can be afforded to the consultation draft.

8 The Case for the Local Planning Authority

Impacts Arising from the Appeal Proposal

8.1 Paragraph 8 of the Officer's committee report (CD3.1) lists the main material considerations in the determination of this application, although for the purposes of this Appeal the following matters are considered to be most relevant:

- loss of agricultural land;
- landscape and visual impact including visual impacts;
- impacts on the historic environment;
- sustainability and climate change;
- need for the development;
- planning policy considerations and planning balance.

8.2 The committee report has a logical progression as it works its way through these issues, which is reflected in the overall conclusion and recommendation. Members chose not to follow the officer's recommendation of approval subject to conditions and refused the application for the reasons as detailed in paragraph 6.3 of this document and the Decision Notice (CD3.3)

8.3 As detailed in the SoCG the reasons for refusal do not relate to flood risk, health and residential amenity; biodiversity impacts, restoration proposals, aircraft safety and airport safeguarding; economic considerations, availability of alternatives; archaeological mitigation and need for, and scope of, a S106 obligation. These issues will only be dealt with in response to issues raised by third parties.

8.4 The key issues for consideration relate to landscape and visual impacts (including cumulative impacts of this proposal when considered alongside other nearby approved solar energy developments), amenity impacts on local rights of way users and impacts on the setting and historic links between designated heritage assets within the locality (it is noted that there are no designated heritage assets directly affected by this proposal). Detailed evidence in relation to landscape and visual impacts is provided in the Proof of Evidence of Mr Simon Higson (CD tbc) and, in relation to Heritage, this is provided in the Proof of Evidence of Mr Tim Malim (CD tbc). My proof is focussed on the planning balance in considering the harm of the proposal against the benefits that would be generated.

Loss of Agricultural Land

- 8.5 Reason for Refusal (RfR) 1 relates to the loss of BMV agricultural land. The Council will not be submitting further evidence in this regard because, on balance, it does not consider that this RfR would stand on its own as a sole RfR. Notwithstanding this, the Council does consider that some weight ought to be afforded to this matter in the planning balance, in line with the thrust of Paragraphs 2.10.11 and 2.10.29 of the Powering up Britain: Energy Security Plan (CD4.20), Paragraph 013 of the Renewable and Low Carbon Energy PPG, Paragraph 180 of the NPPF and Policy 9 (4d) of the Bottesford Neighbourhood Plan (CD5.2).
- 8.6 The ‘temporary’ loss of 7.3ha of BMV arable agricultural land does weigh against the development, notwithstanding the fact that the land could be used for grazing during the lifetime of the development. The value of arable land in England in 2023 was assessed by Strutt & Parker (CD10.14) as being 29.8% more valuable than pastureland (£11,300/acre vs £8,700/acre) and, therefore, replacing 16.25 acres of BMV arable land with pastureland for grazing will have some theoretical negative economic impact, notwithstanding the changes to the perceived naturalness and rurality of the locality.
- 8.7 The Written Ministerial Statement (WMS) of 25th March 2015 (CD4.6) relates to the ‘unjustified’ use of agricultural land and expects any proposal for a solar farm involving the best and most versatile agricultural land (BMV) to be justified by the most compelling evidence.
- 8.8 The WMS of 15th May 2024 (CD4.28) states that ‘*food security is an essential part of national security*’ and that ‘*heightened geopolitical risk has brought this into sharper focus and we think it is more important than ever that our best agricultural land is protected and our food production prioritised.*’ While acknowledging the important role of solar power in the UK’s energy mix, the WMS goes on state that, ‘*Government recognises that, in some instances, solar projects can affect local environments which may lead to unacceptable impacts for some local communities.*’

8.9 It is clear that the thrust of Government and local policies is to seek to avoid the use of BMV for non-agricultural uses and this weighs against allowing this Appeal.

8.10 With regard to cumulative impacts, the WMS of the 15th May 2024 states that, *'While the total area of agricultural land used for solar is very small, and even in the most ambitious scenarios would still occupy less than 1% of the UK's agricultural land, we are increasingly seeing geographical clustering of proposed solar developments in some rural areas, such as in Lincolnshire. When considering whether planning consent should be granted for solar development it is important to consider not just the impacts of individual proposals, but also whether there are cumulative impacts where several proposals come forward in the same locality.'*

Landscape and Visual Impacts including Cumulative Impacts

8.11 Mr Simon James Higson, Director at Felstone Consulting Limited (Felstone) and a Chartered Landscape Architect and Chartered Horticulturist with over 20 years of professional experience, has prepared a separate Proof of Evidence in relation to landscape and visual impacts, including how the Appeal development will have cumulative impacts when considered alongside other operational and approved solar farm developments close to the Appeal Site.

8.12 The evidence submitted by Mr Higson considers the LVIA submitted with the planning application and technical consultee responses to the proposal, including that prepared by Cornwall Environmental Consultants (CEC), who were instructed by the LPA to undertake an independent review of the landscape-related documents submitted with the planning application. Mr Higson agrees with CEC that: (*inter alia*)

- “*The significance of the effect of the Development on landscape character has been downplayed.*” (section 3.2); and
- “*The assessment of significance of visual effects is downplayed*” (section 4.2).

8.13 Further, Mr Higson considers that the Appeal Site and its local landscape context has several factors which elevate its landscape value, including offering a sense of time depth (views of heritage assets), good physical condition (intact historic field patterns), distinctiveness (strong sense of identity as part of the Vale of Belvoir), recreational opportunities (good accessibility and forms part of an important view) and scenic qualities (contributes to the appreciation of distinctive views and landmarks). I agree with this assessment.

8.14 CEC went on to review the then Applicant’s Landscape Rebuttal in March 2023 (CD7.19C). Residual concerns included reference *inter alia* to the following:

- “*Were the overall maximum height of the hedges to not exceed 3m then the hedges would need to be maintained at a much lower level to allow seasonal growth up to the 3m maximum. This would then in turn not reduce the identified Major significant adverse visual effects created by the 103.53 Ha of solar panels.*” (Paragraph 3.2)
 - “*It is accepted that some of the PROW in close proximity to the site lie between existing and proposed hedges with up to 12m between these. However if the hedges are allowed to grow on to 3m, then the views of the wider landscape will be lost.*” (Paragraph 3.3)
 - “*The CEC Review highlighted that the additional Cumulative Assessment had looked at the potential cumulative effects on landscape character by looking at each separate ‘character area’ individually, rather than looking at the local landscape character within the 5km study area as a whole. This was why my email following the telephone discussion explained that it will be for Melton BC to make a judgement as to whether the consented solar farms in conjunction with the Belvoir development create a landscape where solar farms become one of the defining characteristics*

of the Vale landscape, and whether this is acceptable it will be for Melton BC to make a judgement as to whether the consented solar farms in conjunction with the Belvoir development create a landscape where solar farms become one of the defining characteristics of the Vale landscape, and whether this is acceptable.” (Paragraph 4.1)

8.15 From reading the CEC document from March 2023 it is considered that their Principal Landscape Architect concludes that one of, if not the key, mitigation measure to reduce visual impacts arising from the proposed solar farm is to increase the height of the agricultural hedgerows from 2m to 3m. Mr Higson considers that this would be contrary to the baseline landscape character.

8.16 At paragraph 8.3.22 of the Officer’s Committee Report (CD3.1), the Officer states that *‘[i]t is proposed that the hedgerows are cut to around 2 metres every 2-3 years which is in accordance with good practice for hedgerow maintenance. This would ensure that the hedgerows do not extend or grow higher than 3 metres so as not to result in adverse impacts upon the wider generally low lying landscape. A height of 3 metres would be considered acceptable.’* This paragraph suggests that for most of the time, hedgerows would not be providing the claimed screening benefit and this reduces the weight that can be afforded to this proposed mitigation measure.

8.17 The visual impacts arising from the proposal also need to be considered in conjunction with other nearby solar farms. There are four approved solar farm developments within a 30 square kilometre area around the historic village of Bottesford (as illustrated on drawing ref. ‘Belvoir Solar Farms’ (Figure SH5 in Appendix 2 to Mr Higson’s Proof), with the current proposal making five if it is approved. The WMS of 15th May 2024 (CD4.28) raises concerns in relation to the cumulative impacts arising from the *‘geographical clustering’* of solar farms.

8.18 CEC in their independent review of the proposal consider that ‘such an increase has the potential to change the character of the ‘Vale’ to a landscape with solar farms, where they become distinctive features of the character of this rural farmland’. Mr Higson concludes in his Proof that ‘the proposal would not

recognise the intrinsic character and beauty of the ‘Vale’ landscape around Bottesford and would be contrary to paragraph 180 of the NPPF’ – I agree with these statements.

8.19 At Paragraph 3.1.4 of Mr Higson’s Proof, he states that *‘the ability of the public to appreciate and enjoy the landscape character of the ‘Vale’ around Bottesford from the routes within the Appeal Site would be diminished and adversely impacted by the proposed development to a high degree’*. He then lists, under six bullet points, how the landscape character will be detrimentally affected and, again, I agree with this assessment.

8.20 Paragraphs 8.3.35 – 8.3.39 inclusive of the Officer’s Committee Report seek to address the matter of cumulative visual impact when considering this proposal alongside four nearby previously consented solar farms. At Paragraph 8.3.40 the Officer states, *‘The key characteristics of the character area would not be significantly altered by the proposed development.’* However, this does not reflect the independent assessment provided by CEC of December 2022 (CD7.19B), where Paragraph 1.1.5 states: *‘It is considered that the Development in conjunction with the other 4 consented solar farms in the ‘Vale’ landscape has the potential to change the landscape strategy of the character area to a landscape with solar farms, where they become distinctive features of the character of this rural farmland.’* Paragraph 1.1.6 goes on to state that: *‘The assessment uses out of date character descriptions and does not undertake an assessment of the local landscape character of the ‘Vale’.’*

8.21 Paragraph 5.2.6 of the CEC independent assessment concludes on cumulative visual impact by stating: *‘It is considered that were the Cumulative Report to have assessed the potential cumulative landscape effects of the Development with the other 4 solar farms within the 5km study area, it would have concluded that solar farms were now a key characteristic of this landscape, and this landscape could be described as a landscape with solar farms where:*

- *Solar farms now influence the character of the local landscape*

- *The 5 separate developments now form a high density cluster of solar farms in the 5km study area which is the greatest density of solar farms in the wider landscape.'*

8.22 When requested to consider the Appellant's Rebuttal to their December 2022 independent assessment, CEC, in their response of 16th March 2023, do not appear to change their position in relation to cumulative impact.

8.23 Mr Higson notes at Paragraph 2.8.2 of his Appendix, and in cognisance of the Inspector's comments in the Appeal Decision for Land at Milton Road (CD6.28):

"The introduction of panels and other infrastructure, including transformers, inverters and fencing, will inevitably introduce a fundamental change to agricultural land. Considering the scale of this proposal, there would also, inevitably, be a degree of change to the landscape and to peoples' experience of the area."

"Nonetheless, notably in the early years and during seasons when the existing and proposed screening would be more limited, the experience of this landscape as a rural area with transport links would be harmed by the proposal."

"...the Secretary of State agrees that little weight should be afforded to the potential reversibility of the proposal in landscape or visual terms."

8.24 It is considered that the proposed 40-year timeframe for the solar panels extends well beyond what the GLVIA3 considers to be 'long term' of 10 – 25 years. The whole development will not be restored within 40 years, beyond what can reasonably be considered to be a 'generation', and therefore little, if any, weight should be afforded to the 'temporary' nature of this proposal.

8.25 It is not only the panels that will have visual and landscape character impacts. There are several other urbanising aspects of the proposal as per Table 1 contained in Mr Higson's Appendix 1 to Proof document.

- 8.26 All of the matters listed in Mr Higson's Table 1 will add to the impacts of the proposed solar farm, reinforcing the change from a primary use of agriculture to energy production.
- 8.27 I concur with the assessment of the landscape impacts as set out in section 3 of Mr Higson's Proof of Evidence, and that the impacts identified by Mr Higson should carry significant weight against the proposed development.
- 8.28 I also concur with Mr Higson's assessment of the likely visual impacts as set out in section 4 of his Proof of Evidence. Mr Higson considers that there would be major and adverse visual effects for rights of way users that pass through and around the Appeal Site and moderate/major adverse effect for visitors to Belvoir Castle RPG, along part of the Jubilee Way and Beacon Hill.
- 8.29 In the light of the above I agree with the conclusions of CEC and Mr Higson and concur with the Planning Committee's decision that this proposal would create an unacceptable cumulative impact on the landscape generating an unacceptable adverse impact on the Vale of Belvoir and that there would be an adverse impact on the amenity of the public utilising local rights of way. I consider that for the above reasons the proposal conflicts with Policies SS1, EN1, D1 of the Melton Local Plan, Policies 2 (parts 1 and 5) and 9 of the Bottesford Neighbourhood Plan and Paragraph 180 of the NPPF. It is considered that these impacts carry significant weight against the proposal.

Impacts on the Historic Environment

- 8.30 Mr Tim Malim, Director at Hampton Heritage Design and Consultancy Ltd with over 44 years of professional experience in the fields of archaeology and heritage, has prepared a separate Proof of Evidence in relation to how the proposed development would impact upon the setting of nationally important heritage assets close to the Appeal site. Mr Malim's Proof of Evidence addresses Reason for Refusal 4.
- 8.31 Reason for Refusal 4 of the LPA's Decision Notice states that the proposal would (*inter alia*) result in an unacceptable impact on the setting of 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) and would also 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.

8.32 In order to better define the specific concerns of the Planning Committee, MBC has agreed that the heritage assets to be considered are as follows:

- Grade I Listed Belvoir Castle
- Grade II* Registered Park and Garden at Belvoir
- Grade I Listed Church of St Mary, Bottesford
- Grade II* Listed Church of St John the Baptist, Muston
- Belvoir Conservation Area.

8.33 Section 4 of Mr Malim's Proof of Evidence clearly sets out the significance and these assets and the contribution that their setting makes to this significance. It notes the significance of these assets and the historic linkages between Belvoir Castle and The Church of St Mary, Bottesford and how the surrounding land, including the Appeal Site, forms part of the setting of the castle.

8.34 Mr Malim, at paragraph 4.4, notes that the Appellant failed to describe scheduled monuments, Grade I and Grade II* listed buildings and registered parks and gardens in accordance with the NPPF. I agree with Mr Malim that the use of alternative terms gives a perception that the Appellant downplayed the sensitivity of these designated assets. Historic England came to the same conclusion, that the harm was being downplayed, stating in its September 2022 consultation response that '*we consider the impacts and effects to be higher than indicated in the EIA.*'

- 8.35 Mr Malim considers that the appellant's assessment contains other flaws in its methodology including the omission of a glint and glare assessment for Belvoir Castle and a lack of a historic map regression exercise and sufficient analysis of the historic environment and the inter-relatedness of heritage assets that form local character and distinctiveness. I agree that these are important matters that ought to have been addressed at the application stage.
- 8.36 Mr Malim concludes that the proposed development would result in less than substantial harm to designated heritage assets of the highest significance, the Belvoir Castle asset group and to St Mary's Church and Muston moated grange scheduled monument, as well as non-designated heritage assets, and that the proposed development fails to comply with the NPPF paragraph 203(c) and EN1 paragraph 5.9.34. This harm weighs against the proposal.
- 8.37 The Conservation Officer also raised concerns about the impacts on local heritage assets. While agreeing that there would be 'less than substantial harm' to such important assets, he does go on to state that, *'At some point this piecemeal erosion of the Vale's historic character will have to stop. Further approvals will only set a precedent for even further potential encroachments.'* This information was not made available to Members of the Planning Committee either in writing or verbally at the Committee.
- 8.38 I am of the opinion that the Officer's Report does not accurately reflect the conclusions of the independent assessment prepared by CEC in relation to the likely cumulative impacts on the character of the Vale, nor does it accurately reflect the longstanding concerns of the Conservation Officer with regard to the piecemeal erosion of the Vale of Belvoir's historic character.
- 8.39 Mr Malim concludes that there would be 'less than substantial harm' at the midpoint of this range to the setting of St Mary's Church and Belvoir Castle and its RPG, all heritage assets of the highest value, and harm at the lower end of the range to Moated Grange Site in Muston. I agree with Mr Malim's assessment and conclusion in this regard.

- 8.40 As per the Inspector's reasoning at paragraph 634 of his report on appeal reference APP/N1920/W/22/3295268 for a solar farm at Hilfield Farm, Hertfordshire (CD6.29), there is a statutory obligation to attach considerable importance and weight to the need to conserve heritage assets in a manner appropriate to their significance.
- 8.41 This statutory duty is provided through s66(1) of The Planning (Listed Buildings & Conservation Areas) Act 1990, which states that the Secretary of State '*shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*'
- 8.42 While it is agreed that there would be 'less than substantial harm' to heritage assets, this harm attracts substantial weight against the proposed development.

Benefits of The Proposal

- 8.43 Notwithstanding the aforementioned impacts that weigh against the granting of planning permission, there are several factors that weigh in favour of the proposed solar farm.
- 8.44 The Appellant states that the proposal, as amended and reduced in size, will still generate 49.9MW of renewable energy, which the Appellant states is the equivalent usage of 19,000 dwellings and would save 30,000 tonnes of CO₂ per annum (para. 6.2 of their Statement of Case) being emitted to the atmosphere each annum. Notwithstanding this figure, in the Appellant's pamphlet sent to Councillors (CD10.15) it states that there would be a saving of 41,465 tonnes of CO₂ per annum, a figure 38% higher than that in the SoC.
- 8.45 The declaration of a Climate Emergency by the UK Government in May 2019 and Melton Borough Council are material considerations. Given the Government's position on the scale and urgency of this emergency, substantial weight ought to be afforded to this material consideration, including the impact of climate change on food production. A balance therefore is required to be struck to reduce the former to protect the latter.

- 8.46 The UK is legally bound through the Climate Change Act (2008) (CD4.8) to reduce UK greenhouse gas emissions by at least 80% by 2050, from a 1990 baseline. The proposal has the potential to generate approximately 49.9MW of electricity to serve the needs of 19,000 homes (as stated by the Appellant) in a manner which would considerably reduce the potential implications of CO2 pollutants generated by equivalent electricity produced from fossil fuels (30,000 tonnes (as stated by the Appellant)). This would, therefore, amount to an environmental benefit and substantial weight ought to be afforded to the proposed development in this regard.
- 8.47 Overarching National Policy Statement for Energy (EN-1) states at paragraph 3.3.20 that ‘wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.’
- 8.48 National Policy Statement for Renewable Energy Infrastructure (EN-3) states that there is an urgent need for new electricity generating capacity to meet our energy objectives and that electricity generation from renewable sources is an essential element of the transition to net zero and meeting our statutory targets for the sixth carbon budget to which significant weight ought to be afforded.
- 8.49 The NPPF is clear that applicants do not need to justify an overall need for renewable energy and that that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions.
- 8.50 Policy EN10 states that, where appropriate for Melton, renewable energy proposals will be supported and considered in the context of sustainable development and climate change.
- 8.51 The selection of the Appeal Site will reduce connection costs emanating from construction work and landowner agreements. Moreover, the proposal would be connected to the electricity grid via the existing 132kV overhead powerlines

crossing the site. It is accepted that the proposed benefits from utilising a location very close to existing infrastructure will reduce its environmental impact when compared with a grid connection of greater distance. I consider that this would avoid harm from a grid connection located further away and ought to be afforded moderate weight, in line with the Inspector's considerations in the Cawston Solar Farm appeal decision (CD6.38).

8.52 There would be a Biodiversity Net Gain with onsite enhancement and mitigation measures encompassing several key measures, such as planting of wildflowers in field margins and other seed mixes between and underneath arrays to provide a greater diversity of species. The majority of existing trees would be retained and additional trees planted to provide a further foraging resource. Additional hedge planting, including infilling to gaps in existing hedgerows with native and woody species, would provide habitat for nesting birds and a foraging resource for a variety of species. Bat, bird and bug boxes and log piles would also be installed. The majority of these ecological benefits would be at least throughout the lifetime of the development.

8.53 MLP Policy EN2 seeks to achieve net gains for nature and habitat creation as part of new development proposals. NP Policy 3 also seeks to conserve or enhance biodiversity through, for example, gapping up of hedgerows, native tree and shrub planting and the sowing of wildflower meadows. In this regard the Appellant states that there would be a BNG gain of 142.30% for habitat units and 0.24% for hedgerow units. As such net gains are a policy requirement, I consider that the environmental benefits associated with the Biodiversity Net Gain would be of modest weight, as concluded by the Inspector in the Dordon, North Warwickshire appeal decision (CD6.39)

8.53 The proposed scheme would also provide some longer term flood risk, education and farm diversification benefits. These are much more limited in scope and should not be afforded anything more than limited weight.

8.54 The following summarises my consideration of how weight ought to be afforded to the benefits that would arise from this proposal against the weight stated by the Appellant in its SoC:

1. Generation of renewable energy and support for the UK's transition to a low carbon economy – I agree with the Appellant's assessment (paragraph 9.50 of its SoC) that substantial weight ought to be afforded to this matter in the planning balance;
2. Local Grid connection availability – this will reduce environmental impacts compared with a grid connection further away and a provide prompt access to the grid. The Appellant considers that this should be afforded significant weight, whereas I consider that, in line with the Cawston Lane appeal decision, only moderate weight should be afforded to this aspect.
3. Provision of biodiversity and ecological enhancements. There will be an increase in BNG over the life of the proposal and I consider that this ought to be afforded modest weight.
4. Provision of landscape enhancements – the Appellant considers that these should be afforded moderate weight. However, I am of the opinion that the planting of additional trees and hedgerows and allowing hedgerows to grow to 3m will have unintended consequences on longer views of the landscape and interrupt views of the nationally important and historically connected heritage assets at Belvoir and The Church of St Marys. Therefore, on balance, I consider that the proposed 'landscape enhancements' ought to receive no weight in favour of the proposal.
5. Economic benefits arising from construction activity, investment into the local economy and business rates. The construction and deconstruction periods will be relatively short-lived, although the period of increased business rates will last for up to 40 years. The Appellant considers that moderate weight ought to be afforded to this – I do not agree with this assessment and conclude that only limited weight ought to be afforded to this benefit.

6. With regard to aiding farm diversification, flood risk and drainage betterment and provision of educational strategy and resource, the Appellant considers that these should be afforded limited weight in support of the proposal. In line with the Wood Lane Appeal Decision (CD6.40), I consider that minimal weight can be afforded to farm diversification. I have no reason to consider that limited weight is not a reasonable conclusion for the flood risk and educational benefits.

Planning Balance

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that ‘if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.’
- 9.2 The Development Plan includes Policies EN10 of the MLP and Policy 9 of the BNP, which provide in-principle support for renewable energy proposals, subject to the proposal being considered to be sustainable development and not having unacceptable adverse impacts on amenity, landscape character, views and vistas and respects the character of the setting.
- 9.3 Policy EN1 seeks to conserve and, where possible, enhance character of the landscape and countryside, and provides in-principle support for development that respects existing landscape character and features and is sensitive to its landscape setting, and does not have an unacceptable adverse effect upon the area’s sense of place and local distinctiveness. BNP Policy 2 also states that development proposals should take account of the cultural sensitivity and historical link and viewpoint between St Mary’s Church from Belvoir Castle. Where it is both necessary and practicable to do so, the layout and design of the proposed development should safeguard the existing viewpoint.
- 9.4 Policy EN13 refers to the NPPF with regard to the need to consider impacts on heritage assets, and seeks to ensure the protection and enhancement of heritage

assets. Proposed developments should avoid harm to the significance of the setting of heritage assets.

- 9.5 Policy EN2 seeks to achieve net gains for nature and proactively seek habitat creation as part of new development proposals. Policies EN11 and EN12 seek to minimise flood risk and ensure that development proposals are designed with sustainable drainage systems where necessary.
- 9.6 Clearly the proposed solar farm will generate much-needed renewable energy, reduce the country's CO2 emissions arising from energy production, provide long term BNG, improve to some extent flood risk and some economic benefits. In summing these benefits up cumulatively I conclude that they offer significant weight in favour of the proposal.
- 9.7 However, the impacts of developing the Appeal Site from arable agricultural land to a near 100ha solar farm with ancillary developments will have also have significant impacts on the local landscape character, both singularly and in combination with four other approved solar farm developments. The proposal would also have 'less than substantial harm', at the midpoint of this range, on heritage assets of the highest importance, including the Grade 1 listed and 'Primary Landmark' Belvoir Castle and The Church of St Mary, Bottesford, and affect how these nationally important assets, which have longstanding historic linkages, are viewed and interpreted from local public vantage points.
- 9.8 Mitigation measures such as increasing the height of hedgerows and additional planting may well reduce the local visual impact of the solar panels for local rights of users to some extent, but in doing so this is likely to further increase harm to the setting of the heritage assets by further changing the landscape character and obscuring views of Belvoir Castle and the spire of The Church of St Mary, Bottesford over the longer term. In any case, it is also necessary to consider the harm caused by ancillary developments, as per Table 1 in Mr Higson's Proof of Evidence.

9.9 On balance, I consider that the harm to the landscape character and visual impacts and harm to the setting of heritage assets of the highest importance, along with impacts such as the loss of 7ha of BMV outweigh the benefits that the scheme would provide. I agree with the decision of the Planning Committee and consider that its decision was reasonable and appropriate in the circumstances. I conclude that the Appeal proposal conflicts with the Development Plan as a whole and other material considerations do not outweigh this harm.

CONCLUSION

10.1 With regard to visual and landscape character impacts, I agree with the Council's Conservation Officer that it is clear from the independent assessment from CEC that due to the four approved solar farms close to the site, the local landscape character has a greater sensitivity to further large-scale solar farms than considered by the Appellant to be the case. The magnitude of change to landscape character created by the introduction of this 99.9ha solar farm is considered to be High and there is the potential for the proposed development to create significant cumulative effects on the 'Vale' landscape character. I believe the conclusions of the Conservation Officer in this regard were not truly represented in the Officer's Report.

10.2 With regard to impacts on heritage assets, while it is accepted that harm to the setting of these assets would be 'less than substantial', given the size and location of the proposal with reference to heritage assets of the highest importance such as Belvoir Castle, its Park and Garden and the Church of St Mary, Bottesford, the harm is at the midpoint of the 'less than substantial' range. While the Officer's Report notes the Conservation Officer's agreement that there would be 'less than substantial' harm to the heritage assets, it fails to note the following: *'At some point this piecemeal erosion of the Vale's historic character will have to stop. Further approvals will only set a precedent for even further potential encroachments.'*

10.3 The proposed mitigation measures of increasing hedgerow heights and additional tree planting will further reduce the opportunity to enjoy and appreciate

Belvoir Castle and The Church of St Mary and their historic landscape and cultural connections.

10.4 In the light of the above considerations it is considered that the proposal conflicts with the Development Plan and that the benefits of the proposal do not outweigh the harm it would generate. It is requested that the appeal be refused.