



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**

Summary 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

1 QUALIFICATIONS AND EXPERIENCE

- 1.1 I am Peter Bond and I am a Planning Director at Heaton Planning Limited. The evidence which I have provided for this appeal is true, to the best of my knowledge.

2 SCOPE OF MY EVIDENCE

- 2.1 My evidence addresses reasons for refusal two – four inclusive.

3 THE CASE FOR THE LOCAL PLANNING AUTHORITY

- 3.1 Members refused the application for the reasons as detailed in paragraph 6.3 of my main Proof.
- 3.2 The key issues for consideration relate to landscape and visual impacts, amenity impacts on local rights of way users and impacts on the setting and historic links between designated heritage assets, loss of BMV land and the benefits of the proposal.

Harm

Loss of Agricultural Land

- 3.3 Some weight ought to be afforded to the ‘temporary’ loss of 7.3ha of BMV agricultural land in the planning balance, in line with the thrust of the Energy Security Plan (CD4.20), the Renewable and Low Carbon Energy PPG, the NPPF and Policy 9 (4d) of the Bottesford Neighbourhood Plan (CD5.2). The Written Ministerial Statement of 25th March 2015 (CD4.6) also adds weight to this. While the land could be grazed during the lifetime of the development, this grazing may affect existing field margins and proposed wildflower planting.

Landscape and Visual Impacts

- 3.4 Mr Higson, CEC and the Conservation Officer's (CO) comment that the significance of the effect of the development on landscape character and the assessment of significance of visual effects were downplayed.
- 3.5 CEC reviewed the Applicant's Landscape Rebuttal (CD7.19A-C), but maintained concerns included reference to the height of hedges and cumulative effects on landscape character across the Vale and which may hide important views of heritage assets.
- 3.6 Hedgerows would be managed ensuring that they grow no higher than 3 metres. Most of the time hedgerows would not provide the claimed screening benefit, and at the time maximum screening benefit is achieved, they would be cut down to 2m. Very little weight should be afforded to this mitigation measure.
- 3.7 CEC considered that this increase may change the character of the 'Vale' where solar farms become distinctive features of the character of this rural farmland. Mr Higson states *'the proposal would not recognise the intrinsic character and beauty of the 'Vale' landscape and would be contrary to paragraph 180 of the NPPF* – I agree with both.
- 3.8 Mr Higson 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'* - I agree with this assessment.
- 3.9 There are four approved solar farm developments within a 30 KM2 area around Bottesford (see Figure SH5 in Appendix 2 to Mr Higson's Proof). This proposal would increase the percentage of land used for solar farms in this area to above 10%.
- 3.10 The Officer's Report (OR) addresses cumulative visual impact alongside four nearby approved solar farms. Paragraph 8.3.40 states, *'The key characteristics of the character area would not be significantly altered by the proposed development.'*, contrary to Paragraphs 1.1.5 and 1.1.6 of CEC's December 2022

response (CD7.19B) and Paragraph 5.2.6 of the CEC assessment which considers that:

- *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.*

3.11 CEC, in its later response of 16th March 2023 does not change its position in relation to cumulative impact.

3.12 There would be a degree of change to the landscape and to peoples' experiences. The 40-year timeframe extends well beyond what GLVIA3 considers to be 'long-term' of 25 years. Very little weight can be afforded to the proposal's 'temporary' nature and its reversibility.

3.13 There are several other urbanising aspects of the proposal as per Table 1 of Mr Higson's Proof, which add cumulatively to the impacts of the proposal.

3.14 This proposal would create an unacceptable cumulative impact on the landscape generating an unacceptable adverse impact on the Vale of Belvoir and a detrimental impact on the amenity of local ROW users. It conflicts with Policies SS1, EN1, D1 of the Melton Local Plan, Policies 2 (parts 1 and 5) and 9 of the BNP and Paragraph 180 of the NPPF.

Historic Environment

3.15 Mr Tim Malim has prepared a Proof that addresses Reason for Refusal 4.

3.16 The heritage assets to be considered are:

- 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; and
- Belvoir Conservation Area.

3.17 Mr Malim's Proof sets out the significance and importance of Belvoir Castle and its RPG, including their historic linkages with The Church of St Mary and how surrounding land, including the Appeal Site, forms part of the castle's setting.

3.18 Mr Malim and Historic England (HE) consider that the Appellant downplayed the sensitivity of these designated assets and the glint and glare assessment omitted Belvoir Castle.

3.19 The CO stated 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.'*

3.20 The Officer's Report does not accurately reflect the conclusions of the assessments prepared by CEC, and the concerns of HE and the CO.

3.21 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. I conclude that the identified harm to heritage assets attracts substantial weight against the proposal.

3.22 While there would be 'less than substantial harm' to heritage assets at the midpoint of this range, this harm must be weighed against the public benefits of the development.

Benefits

3.23 Several factors weigh in favour of the proposed solar farm, including:

- Generation of renewable energy and local Grid connection;
- Support for the transition to a low carbon economy;
- Provision of BNG;

- Economic benefits.

3.24 The Climate Emergency, announced by the Government in May 2019 and the Climate Change Act's legally binding aim to reduce UK greenhouse gas emissions by at least 80% by 2050 are material considerations. The proposal could generate 49.9MW of electricity, reducing the CO2 generated by equivalent electricity produced from fossil fuels.

3.25 NPS EN-1 states 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.'

3.26 NPS 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.

3.27 The NPPF states that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions.

3.28 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.

3.29 The Appeal Site will reduce connection costs and its environmental impact due to the existing 132kV overhead powerline when compared with a grid connection of greater distance. This is a benefit of moderate weight.

3.30 There may be BNG through onsite enhancement and mitigation measures. Such gains are required by planning policy and therefore ought to be afforded modest weight.

Planning Balance

- 4.1 The development will generate much-needed renewable energy, reduce CO2 emissions, provide BNG and some economic benefits. These offer significant weight in favour of the proposal.
- 4.2 However, the proposal will have significant impacts on landscape character, both singularly and in combination. The proposal will generate 'less than substantial harm' on heritage assets of the highest importance and affect how these assets are viewed and interpreted.
- 4.3 Increasing hedgerow height and additional planting will further increase harm to the setting of the heritage assets by further changing the landscape character and obscuring views of Belvoir Castle and The Church of St Mary.
- 4.4 On balance, the harm to landscape character and amenity 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 from the scheme.

CONCLUSION

- 5.1 I agree with the CO and CEC that the landscape character has greater sensitivity to further large-scale solar farms than considered by the Appellant. The magnitude of change to landscape character is considered to be High and there may be significant cumulative effects on the 'Vale's' landscape character.
- 5.2 Harm to the setting of heritage assets would be 'less than substantial', with the harm at the midpoint of this range. Proposed mitigation measures will not overcome this harm.
- 5.3 I conclude that the benefits of the proposal do not outweigh the harm it would generate. Therefore, the appeal should be refused.