

Planning Rebuttal Evidence.

Evidence of Paul Burrell.

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

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

On behalf of JBM Solar Projects 10 Ltd

Date: September 2024 | Pegasus Ref: P19-2022

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



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Appendix R1 – Ecology Rebuttal by Mr Howard Feran, Avian Ecology



1. Introduction

- 1.1. My name is Paul Burrell. I hold a BSC (Soc Sci) Hons in Geography and a Diploma in Urban Planning. My particulars are set out in my earlier Proof of Evidence.
- 1.2. This Rebuttal on Planning matters addresses a number of points raised in the Proof of Evidence of Mr Peter Bond on behalf of the LPA, and also the Statement submitted by SAVE. The rebuttal naturally does not cover every point raised by the above parties, and my not referencing each point should not be taken to necessarily indicate my agreement with the approach, analysis or findings presented in their evidence and statements.
- 1.3. The evidence that I have prepared and provide for this Section 78 appeal is true and has been prepared and is given in accordance with the guidance of my professional institution. I can confirm that the opinions expressed are my true and professional opinions.

2. Agricultural Land

- 2.1. Mr Bond in the section of his evidence addresses the agricultural land issue (paragraphs 8.5 to 8.10). In 8.6 he makes reference to the value of arable land being higher than pastureland, and that the replacement of BMV arable land with pastureland '*... will have some theoretical negative economic impact....*' He does not explain how a decrease in capital value results in an economic impact. I have further spoken with Mr Kernon on this matter.
- 2.2. In response, I consider that the alleged connection between capital values and economic impacts is somewhat tenuous. Farmland rarely changes hands, and the capital value has little bearing on the economy of rural areas. Capital values of farmland are influenced by many factors including what can be grown on the land rather than what is growing at any point in time. The simple transition of land from arable to a grassland use will not result in an immediate or directly linked diminution in value. The alleged economic impact is not made out by the Council.
- 2.3. If there was to be a direct link, which I do not agree, then the impact that the Council alleges is 16.25 acres by £2,600 per acre, a capital sum of £42,250. Reason for Refusal 1 refers to the removal of BMV from "food production". Mr Bond does not explain how any alleged economic impacts as a result of the diminution of capital value has any relevance to food production, which is the allegation in RRI.
- 2.4. As stated in the Appellant's evidence, there is no policy requirement for arable crops to be grown on BMV grade land, nor indeed that some arable crops cannot be grown on non-BMV land. It is not as simple as assuming that arable crops would always be grown on BMV land. For example, as Mr Kernon explains in his Statement (my Appendix 4, paragraph 2.4), the areas of Grade 2 and sub-Grade 3a form only part of larger areas. The fields would be cultivated taking into account the suitability of the entire field and its land quality, not a portion of it. In any case arable crop yields and prices are volatile being dependent upon weather conditions, input prices such as fertiliser and global market forces in terms of supply and demand.
- 2.5. Furthermore, again as Mr Kernon explains in his Statement, the Government is actively encouraging and subsidising taking arable land out of food production under the Countryside



Stewardship Scheme (my Appendix 4, paragraph 6.5(v)). Many of these are grassland-based land uses. It would be surprising if farmers would enter such agreements if there was to be a sudden drop in capital values as Mr Bond opines, yet they are entering which indicates strongly that the alleged impact will not occur as he suggests.

- 2.6. I also consider that there would be significant economic benefits for the farming business as a whole arising from the income received from the siting of the solar farm on the landholding which would outweigh the loss of income from arable cultivation. This must be so, otherwise it would not be economically rational to release land for a less profitable use. Indeed, as Mr Kernon explains in his Statement, the benefits of the income received will assist the Estate in providing an important diversified source of income (my Appendix 4, paragraph 6.13).
- 2.7. I therefore consider that the use of the Appeal Site for a solar farm in parallel with continued use for food production through sheep grazing, would not have a theoretical negative economic effect when compared with the baseline position where the Government is promoting land being taken from arable use to other agri-environmental uses, and when there will be an overall net economic benefit arising from the Proposed Development.

3. Biodiversity Net Gain weight

- 3.1. Mr Bond in the section of his evidence addresses the weight he considers should be given to the net gain in biodiversity (which is now agreed in the SoCG to be higher than stated in Mr Bond's evidence, being +144.64% for habitat units and +32.13% for hedgerow units) (Mr Bond, paragraphs 8.52 to 8.53).
- 3.2. I disagree that the weight given to this very significant increase in BNG should only be afforded moderate weight. In so doing, I have already drawn attention in my Evidence to a plethora of appeal decisions including a very recent decision by the new Secretary of State where substantial weight was given to a slightly lesser level of BNG (+135.9% for habitat units and 10.6% for hedgerow units) (my Evidence paragraph 11.50 and CD 6.31, IR paragraph 166)).
- 3.3. Mr Bond draws attention to a recent appeal decision at Dordon, where the Inspector in that instance afforded moderate weight to a BNG of +26.5% for habitat units and +298% for linear biodiversity. The levels of biodiversity gain are materially different from that arising in this Appeal (unlike the examples I have cited in my Evidence). The Inspector in the Dordon case considered that such net gains were a policy requirement and as such affords a modest amount of weight.
- 3.4. In my opinion, for planning applications that would deliver a very significant increase in BNG (which is many times in excess of that required in national policy), should have a high level of weight attached to it. As a matter of principle, even simple compliance with a policy which results in a benefit is a positive material consideration which should be weighed in the balance. The greater the extent of the benefit (even if it is derived from achieving a policy objective), then the greater the weight that should be afforded to it. That is indeed is the approach which was adopted by the reporting Inspector, and applied by the Secretary of State, recently at Honiley Road.
- 3.5. In the case of the solar farm schemes, as has been demonstrated in the list of recent appeal decisions set out in my Evidence (paragraph 11.50), solar farms are in an enviable position by

virtue of the form of development proposed, to also deliver relatively high levels of BNG, often far in excess of that which is capable of being delivered by other forms of development. That this is so, being a benefit which applies to solar farm development, and one which has consistently been attributed with either 'significant' or more commonly 'substantial' weight by Inspectors and the Secretary of State.

4. Ecological Matters

- 4.1. I attach at **Appendix R1** an Ecology Rebuttal prepared by Mr Howard Feran of Avian Ecology.
- 4.2. His Rebuttal Statement addresses ecological matters raised by Bottesford Parish Council and SAVE Group, specially with regards to the effect of the Proposed Development on the Muston Meadows SSSI and National Nature Reserve.

5. Energy Efficiency and calculations

- 5.1. SAVE Group in their Statement to the Inquiry raise a number of matters with regard to output and efficiency figures in their Section vii) (c).
- 5.2. To assist the Inquiry, I previously attached at Appendix 2 to my Evidence an 'Overplanting Statement' prepared by the Appellant which sets out the basis for the calculations of energy production arising from the Proposed Development, and links to the latest data which formed the basis for these calculations (my Appendix 2, paragraphs 20 and 21).
- 5.3. The Overplanting Statement also sets out at paragraphs 23–26 that the size of the Appeal Scheme and its generation is of a comparable size in terms of proposed panelled areas when reviewed in the context of a number of other 'tracker panel' solar farm schemes which have previously been granted planning permission on appeal (my Appendix 2, Table 2).



Appendix R1:

Ecology Rebuttal by Mr Howard Fearn, Avian Ecology

Ecology Rebuttal

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

On behalf of JBM Solar Projects 10 Ltd

Date: 30th August 2024 |

Appeal Ref : APP/ Y2430/W/24/3340258 | LPA Ref: 22/00537/FUL

1.0 Introduction

1.1.1 My name is Howard Fearn. My qualifications and experience are set out in my Evidence Statement.

1.1.2 The Council has not offered any comments with regards to ecology in their evidence submissions.

1.1.3 This Rebuttal on ecology matters addresses points raised in the following third-party representations:

- Statement of Case by Bottesford Parish Council, dated 24th May 2024.
- Statement by the 'SAVE' group, dated July 2024.

1.1.4 I shall address each in turn.

2.0 Bottesford Parish Council

2.1.1 Bottesford Parish Council suggest that the development is not appropriate by virtue of proximity to the Muston Meadows SSSI and National Nature Reserve. The parish council alleges that the development contradicts MBC's Local Plan Policy 9 'Renewable Energy and Low Carbon Technologies' Part 4 b), which requires that development:

'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)'

2.1.2 The parish council states that the proposal *'significantly impacts on Part 4b of Policy 9, overlapping as it does with our 'Ecological Setting and 'ecological networks' [sic] and butting up*

against the adjacent National Nature Reserve and Muston Meadows SSSI (see map 11 on Page 42 of the NP)

2.1.3 It is my professional view that this position is incorrect. There is no basis to suggest that the Proposed Development will have an adverse impact on the SSSI, and certainly not one which could be considered significant. In my view the removal of farming practices (in particular chemical spraying) on the Appeal Site adjacent to the SSSI will likely be beneficial to the special features of the SSSI (in particular orchid species). Further, the Proposed Development would complement the SSSI and contribute to a resilient ecological network through habitat enhancements, as clearly demonstrated in the very substantial Biodiversity Net Gain (BNG) that the Proposed Development will achieve (+144.64% habitats and +32.13% in hedgerow units, following removal of panels in fields in the southwest of the Appeal Site), and I therefore disagree with the parish council's position.

3.0 'SAVE' Group

3.1.1 The 'SAVE' evidence includes ecology as section v) of their document, noting that chemical spraying of the fields within the site and adjacent to the SSSI is necessary as it prevents '*invasive species from harming the SSSI*'.

3.1.2 This claim is entirely contradictory to ecological good practice. Chemical use is invariably harmful to sensitive plant species, such as the orchids for which the SSSI is designated, and Natural England's 'Views About Management of Muston Meadows' report¹ states that '*the application of pesticides, including herbicides or fertilizers would be damaging*'. Chemical spraying of crops typically causes 'drift', which can spread over a much larger area than the intended crop and so spraying within the Appeal Site is likely to lead to some level of damaging chemical drift into the adjacent SSSI. Cessation of chemical spraying (and possibly also dust from ploughing), in my professional view, is likely to be beneficial to the special features of the SSSI. SAVE's claim that spraying is benefit as it will prevent 'invasive species' is also unfounded, as there is no evidence of any legally defined invasive species on or around the SSSI.

3.1.3 Subsequently I disagree with SAVEs comments on matters of ecology, and I am of the professional view that the Proposed Development will be beneficial to the management of the SSSI.

¹ Available at: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://designatedsites.naturalengland.org.uk/PDFsForWeb/VAM/1003316.pdf>

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

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