

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

Name and Address of Applicant

JBM Solar Projects 10 Ltd:- Mr Conor
McAllister
C/o Agent

Name and Address of Agent (if any)

Pegasus Group:- Ellen Fortt
Pegasus House
Querns Business Centre
Whitworth Road
Cirencester

Part 1 - Particulars of Application

Date of Application

01.04.22

Application No.

22/00537/FUL

Particulars and location of development:

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

Fields OS 6700 6722 And 5200 Muston Lane Easthorpe

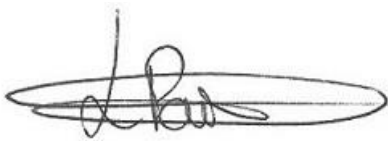
Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990, the Melton Borough Council refuses to permit the carrying out of the development referred to in Part 1 hereof 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 E10 (part 10) of the Melton Local Plan, the NPPF paragraph 174 and Policy 3 (part 4) and Policy 9 (part 4 (d)) of the adopted Bottesford Neighbourhood Plan.
2. This proposal when considered cumulatively with other permitted and operational schemes within 30 square kilometres (49.9MW land east of Jericho Covert; 12.4MW Lodge Farm, Longhedge Lane; 49.9MW Land South of the A1 Foston Bypass; 10MW Land South of The Railway Line & East of Station Road, Elton) would result in an unacceptable cumulative impact on the landscape where swathes of panels would be visible within a vista which could not be adequately mitigated. There would be a disproportionate effect of several sites within a small area, with solar panels covering approximately 10% of the identified area. The

proposal is therefore considered to have an unacceptable adverse impact on the Vale of Belvoir's sense of place and local distinctiveness, contrary to policies SS1, EN1 and D1 of the Melton Local Plan, paragraph 174 of the NPPF and Bottesford Neighbourhood Plan Policy 9.

3. In the opinion of the local planning authority, the amenity of the public utilising the many rights of way which run through and adjacent to the site would be harmed by the substantial impact and effect of a large-scale solar installation. The ability of residents and visitors to the area using the footpaths to appreciate and enjoy the landscape character would be diminished and adversely impacted by the proposed development creating corridor effects limiting appreciation of the wider landscape, which also impacts upon key views as defined within the Bottesford Neighbourhood Plan. The quality of the natural environment is highly valued by residents and visitors to the area, particularly for the long views and openness. The proposal is therefore contrary to Melton Local Plan Policy EN1, Bottesford Neighbourhood Plan Policy 2 (parts 1 & 5) and Policy 9 (4.(a)).
4. In the opinion of the local planning authority, the proposal would result in an unacceptable impact on the setting of the heritage assets in the vicinity of the proposal (including, but not limited to, Grade I Listed Belvoir Castle and its Registered Park & Garden, two grade II* listed buildings and three scheduled monuments) which cannot be adequately mitigated. The proposal is considered to damage the setting and the appreciation of the heritage assets and their appreciation in the landscape which should be considered as a wider vista in the context of Belvoir Castle and the Vale of Belvoir. The benefits in reducing carbon emissions are therefore not considered to outweigh the harm to the heritage assets. The proposal is therefore considered to be contrary to policies SS1, EN1, EN10, EN13 and D1 of the Melton Local Plan, and Bottesford Neighbourhood Plan Policy 9.



L. Parker
Planning Development Manager

11.09.23

NOTES

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of **an enforcement notice**, if you want to appeal against the decision on your application, then **you must do so within 28 days** of the date of this notice.
- If an **enforcement notice** is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a **householder application**, if you want to appeal against the decision then **you must do so within 12 weeks** of the date of this notice.
- If this is a decision to refuse planning permission for a **minor commercial application**, if you want to appeal against the decision then **you must do so within 12 weeks** of the date of this notice.
- If this is a decision to refuse express consent for the **display of an advertisement**, if you want to appeal against the decision then **you must do so within 8 weeks** of the date of receipt of this notice.
- **In all other cases**, if you want to appeal against this decision then **you must do so within 6 months** of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at
- <https://acp.planninginspectorate.gov.uk>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.