Planning Proof of Evidence – Appendices.

Evidence of Paul Burrell.

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

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

On behalf of JBM Solar Projects 10 Ltd

Date: August 2024 | Pegasus Ref: P19-2022

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

Appendix 1

Appellant's Solar Tracker Panels Explained Statement

Solar Panel Trackers Explained

Belvoir Solar Farm

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Contents

Definitions & Abbreviations

- Azimuth: The horizontal angle of a solar panel or a tracker relative to the north direction. For example, an azimuth of 180 degrees means facing north, an azimuth of 0 degrees means facing south, and an azimuth of 270 degrees means facing west.
- Diffuse: The scattered sunlight that reaches the panel's surface from different directions, without a direct line of sight from the sun.
- MIP: Modules In Portrait
- MIL: Modules In Landscape
- Table of panels: A group of solar panels that are connected and mounted on a common structure, such as a tracker or a fixed structure.
- Zenith: The vertical angle of a solar panel or a tracker relative to the horizontal plane. For example, a zenith of 0 degrees means lying flat on the ground, and a zenith of 90 degrees means standing upright perpendicular to the ground.

Introduction

1. Mounting structures play an essential role in the performance, durability and longevity of solar panels. The document will explain common mounting methods and explain why tracker mounting systems are suitable for the Belvoir site.

Composition of Mounting Structures

2. Solar panels need sturdy and effective structures to anchor them to the ground, this structure is known as the mounting system. The mounting structure will affect how well the solar panel can produce power. This is because the tilt and direction of the panels affects how much sunlight is captured by the panels. For utility scale solar, fixed tilt and tracker mounting structures are the two industry standard solutions both of which are discussed in more detail below.

3. Both fixed and tracker mounting structures use piles, which are long metal posts, to anchor the panels to the ground. These piles are usually driven into the ground, or on occasion fixed to ballast when required, to provide the foundation for the rest of the mounting structure.

Typical Fixed Mounting Structures

4. Figure 1 below shows a diagram of a typical fixed mounting structure. It has two rows of piles which are connected together by a main diagonal beam and supporting strut. Horizontal purlins are then attached to the diagonal beams, and the panels are then clamped/bolted to these. Modules can be mounted on these structures in either Portrait or Landscape profiles (MIP or MIL).

5. Typical designs have 3MIP where the top of the panel is less than 3m high and the lowest panel has a clearance from the ground of 0.8m. The tilt of the panel is dictated by the height of each panel but typically is between 15-20˚.

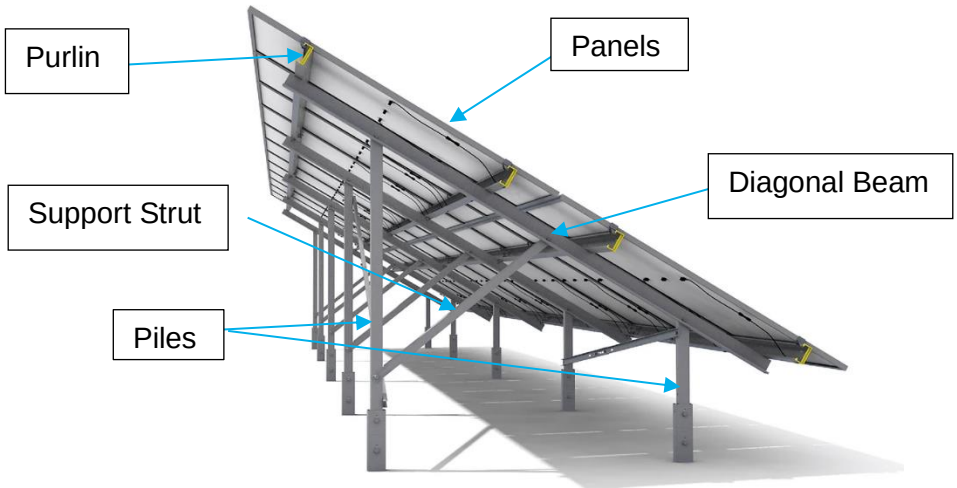


Figure 1: Typical ground mount fixed tilt system

Typical Tracker Mounting Structures

6. Figure 2 depicts a typical single axis tracker system, such as those proposed at Belvoir Solar Farm. There is one row of piles in the centre of the panels along a table situated with an axis height of around 1.8m, which allows for a large range of motion of 60˚east/west. The panels are attached to purlins, which are rotated on the torque tube by actuator/motors. The actuator/motor can also be dual row driven; this means there is one motor/actuator tilting two rows of panels as shown in Figure 3 by the dual slew drive. Again the panels can be configured in MIP or MIL. The most common tracker configuration is 1MIP and single row axis at the time of writing.

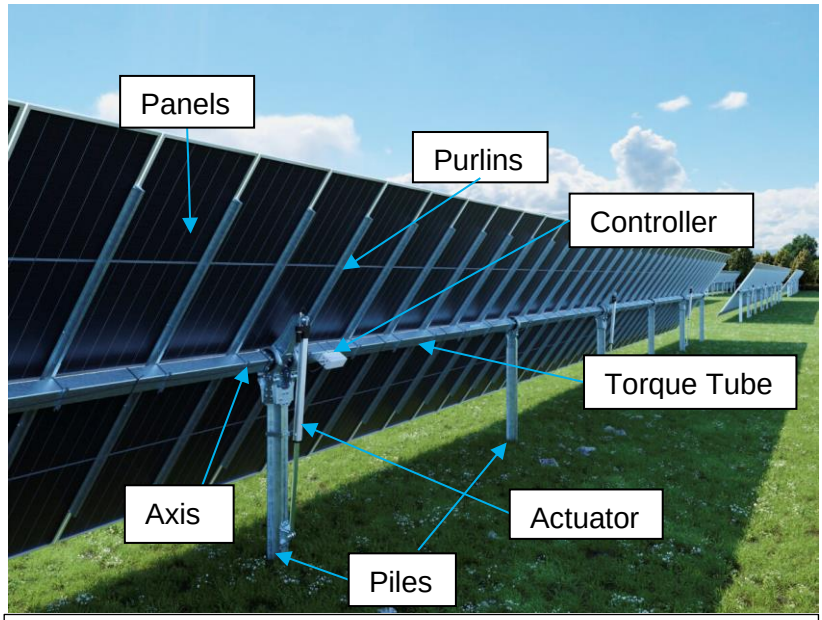


Figure 2: Typical ground mount single axis tracker system

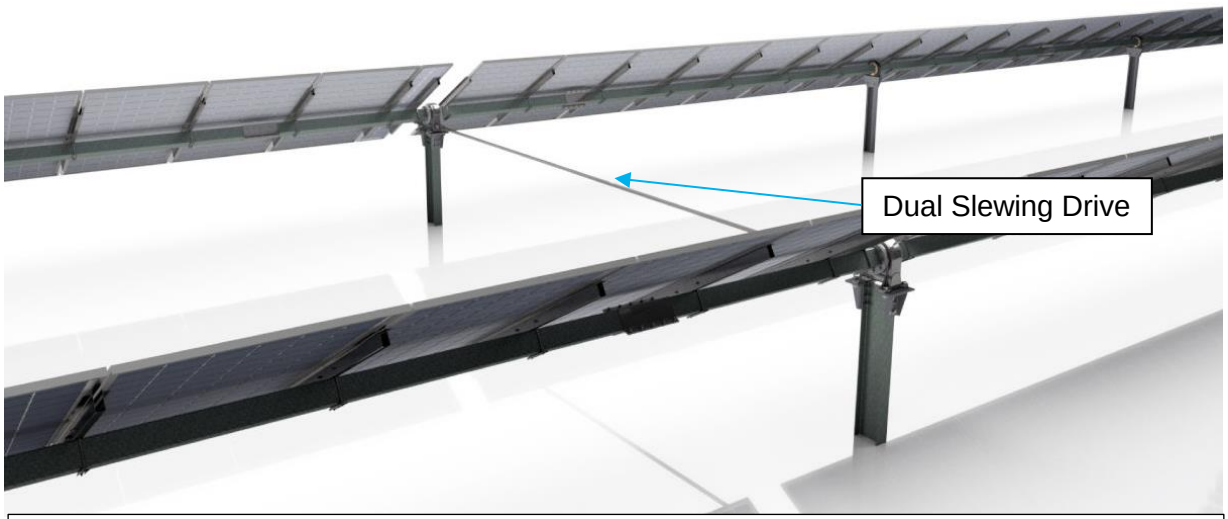


Figure 3: Typical ground mount dual-row single axis tracker system

Typical Dual Axis Mounting Structures

7. Another type of tracker mounting structure is the dual axis tracker shown in Figure 4. Please note this type of tracker technology is not currently utilised in the UK , because it is not the most land area efficient and is better suited to desert environments. It is not proposed at Belvoir Solar Farm, but is included in this Note for completeness.

8. The different images show the ways in which this structure can rotate. They can tilt in a vertical axis and a horizontal axis by the east-west actuator and the north-south actuator, which allows the panels to face the sun directly throughout the entire day.

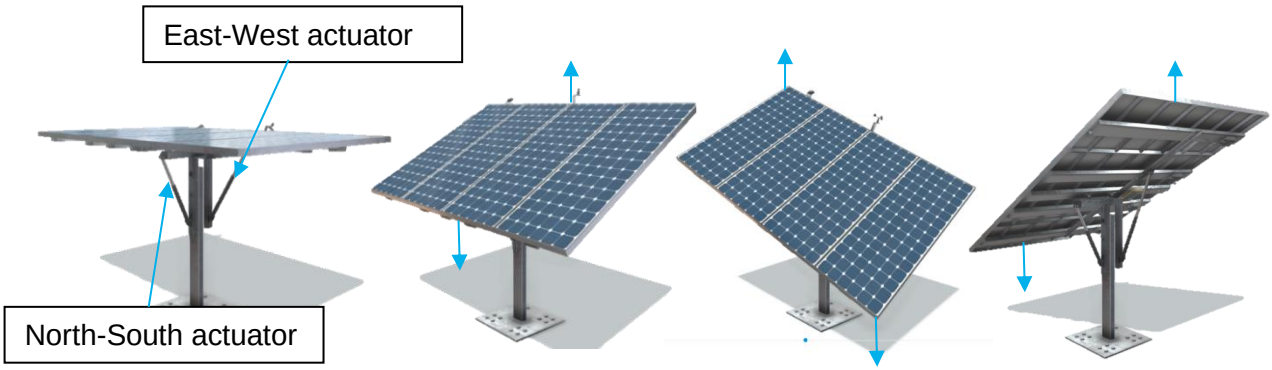


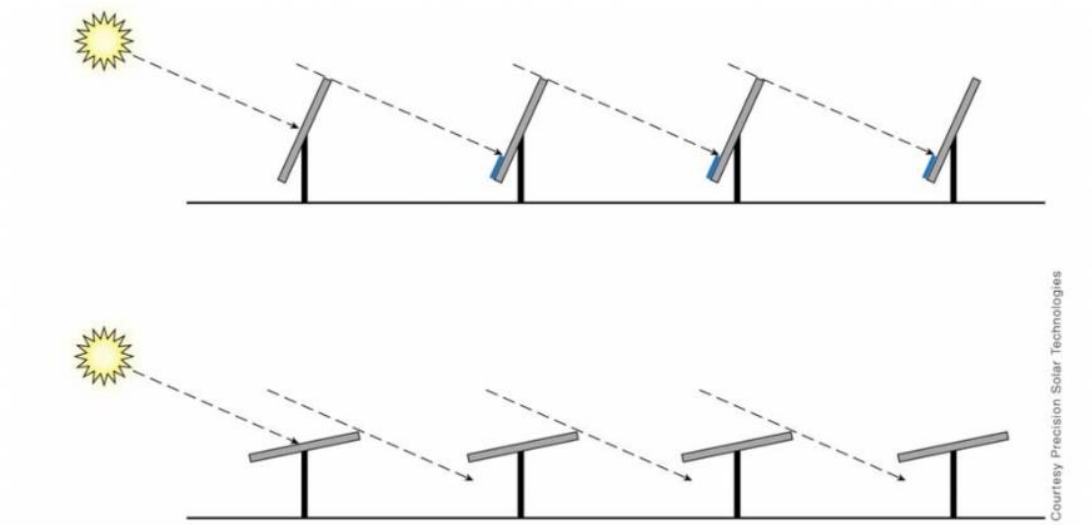
Figure 4: Typical ground mount dual axis tracker system

How Do Tracker Configurations Work

9. The single axis tracker system automatically adjusts the angle of the solar panels to follow the sun's position throughout the day. This allows the panels to capture more sunlight and generate more electricity than a fixed configuration. A single axis tracker has one degree of freedom, which means it can rotate around the torque tube. They can rotate up to 60° degrees west and 60° degrees east. The rotation of the panels is managed with the help of sensors which the controller (computer programme) uses to determine at which angle the maximum power can be produced at. The trackers move very slowly across the day as the sun moves. If the tracking components of the system stop functioning the panels will continue to generate electricity, but at a reduced output as they would not be optimally positioned toward the sun.

10. Backtracking, as seen in figure 5 below[1], is a feature of the single axis tracker system that minimises the panels shading each other during certain times, typically when the sun is low in the sky during mornings and evenings. Shading reduces the output of the solar panels and impacts the performance of the entire system. Therefore, it is important to minimise the shading effect as much as possible.

[1] The Shrinking Boost of Single-Axis Trackers (helioscope.com)



Backtracking When the sun's elevation angle is low in the sky, early or late in the day, self-shading between tracker rows has the potential to dramatically reduce system output. Backtracking rotates the array aperture away from the sun, eliminating deleterious effects of self-shading and maximizing ground cover ratio.

Figure 5: Illustration of backtracking at low sun angles. Courtesy SolarPro and Precision Solar Technologies

11. Backtracking works by adjusting the tilt angle of certain rows of panels based on the sun's position. The tilt angle is calculated using a mathematical formula that takes into account the tracker length, width, row spacing, and latitude. As a result, the panels are tilted in such a way that they do not cast shadows on the adjacent rows. This means that the panels may not always face the sun directly, but they will maximize the overall energy production of the system by limiting the shading of the next row.

12. Another benefit of backtracking is that it can increase the energy yield from the bifacial modules, which are able to generate electricity from both sides of the panel. By tilting the panels away from the sun at certain times, backtracking can expose the rear side of the module to more diffuse sunlight, which is light reflected from the ground, sky or adjacent panels. This can boost the overall output of the system by capturing more irradiance from different angles.

13. Below is a table summarising some of the similarities and differences between trackers and fixed mounting systems.

Table 1

	Trackers	**Fixed**
Orientation	Adjusts to follow the sun's position throughout the day	Remains in one direction, usually facing south
Energy production	Higher, since the panels receive more direct and diffuse sunlight	Lower, since the panels may not be optimally aligned with the sun
Operating hours	Longer, since the panels can capture more sunlight in the morning and evening	Shorter, since the panels can only capture sunlight when the sun is high in the sky
Piling installation time	Lower, since tracker system require approximately 1/3 of the piles that fixed systems require.	Higher, since there are more piles
Cabling	Similar	Similar
Table size	Longer tables in a 1MIP*	Shorter but 3MIP*
Number of components	More	Less

Benefits Of Trackers Being Used at Belvoir Solar Farm

14. The single axis tracker mounting structure is the most suitable configuration for Belvoir Solar Farm. The landscape of the site, namely the flat and long (in the north south direction) fields, meant that using single axis trackers results in an efficient use of land. Being located in central England, the site also benefits from good levels of irradiance, and sun altitude/elevation angle throughout the year which results in an uplift in electricity generation over alternative mounting systems.

15. Single axis trackers are also much more resilient to extreme weather events such as high winds and snow, as the control system is able to adjust the tilt of the panels to minimise the effect of these events. This results in a more reliable energy source for the grid.

16. The increased efficiency of single axis tracker systems for Belvoir Solar Farm means that more energy can be generated from the same land area compared to an alternative system. Additionally, the lifetime environmental impact of tracker systems is lower than the alternatives available in the market due to this increased efficiency.[2]

17. The operational hours of the solar farm are increased because trackers are able to produce more electricity in the mornings and evenings when demand is highest. As solar is one of the cheapest forms of electricity, this helps lower electricity bills in a cost of living crisis.

18. In conclusion, the use of trackers at Belvoir Solar Farm will generate more low carbon electricity into the grid. The general lack of grid connections is considered a major

[2] Comparative life cycle assessment of fixed and single axis tracking systems for photovoltaics (researchgate.net)

barrier in the transition to net zero in the UK. Many renewable and low carbon schemes applying now have to wait until the late 2030s to be able to connect to the grid, which means that it is crucial for projects like Belvoir Solar Farm (which do have a grid connection offer) to maximise the potential of available grid connection.

Further Information

- Indicative Single Axis trackers: https://sketchfab.com/3d-models/nextracker-module-310eaa0dc5b548f6ac4c6171d9ce84d6

- Indicative Dual axis trackers: https://sketchfab.com/3d-models/dual-axis-solar-panel-3162423a860a411a9e4edebcd3d79e66

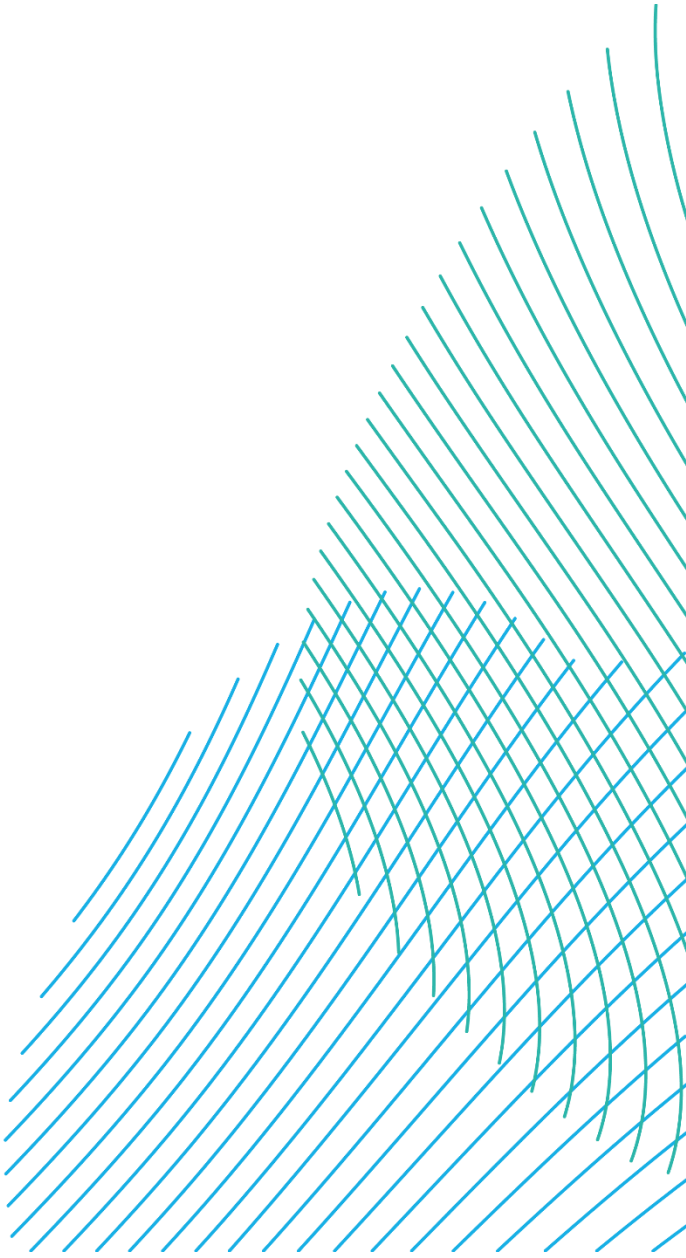
- Indicative Fixed mounting system: https://sketchfab.com/3d-models/pv-mounting-system-model-2h4-a205bcdf35084f29b964b21da616f02e

Appendix 2

Appellant's Overplanting Statement

Belvoir Solar Farm
Overplanting Statement

Prepared by RWE, the appellant.



BELVOIR SOLAR FARM

Overplanting Statement by the Appellant

Introduction

1. This Statement explains the degree of "overplanting" which is proposed as part of the design of Belvoir Solar Farm and the rationale behind it.

2. "Overplanting" describes the situation in which the maximum installed generating capacity (measured in direct current 'DC') of the solar generation facility is larger than the facility's grid connection (measured in alternating current 'AC') would allow.[1] This allows the applicant to maximise the renewable energy generating efficiency of the development over its lifetime and make best use of the available grid connection's export capacity with the land that is available for the development.[2] Importantly, whilst installed generation capacity can be maximised at a site through overplanting, the capacity exported to the national grid never exceeds the inverter capacity or statutory NSIP planning threshold, this is outlined in further detail below. Grid capacity is a scarce resource in the UK[3] and therefore it is necessary to maximise the potential of available grid connections. Overplanting is a common practice across the solar industry and, subject to certain limitations, is considered by the Government to be acceptable in a planning context.

Policy Overview

3. The UK Government's most authoritative statement of planning policy for renewable energy infrastructure, the National Policy Statement for Renewable Energy Infrastructure (EN-3) (*Core Document 4.4*), recognises that applicants may account for the gradual decline in the generating efficiency of their installed solar array through "overplanting", which enables the grid connection, which is considered a scarce resource in the UK, to be maximised across the lifetime of the generating facility.[4]

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[1] See Footnote 92 of NPS EN-3 at §2.10.55 (*Core Document 4.4*).
[2] See Footnote 92 of NPS EN-3 at §2.10.55.
[3] Department for Energy Security and Net Zero 2023 Transmission Acceleration Action Plan, available here: https://assets.publishing.service.gov.uk/media/65646bd31fd90c0013ac3bd8/transmission-acceleration-action-plan.pdf
[4] EN-3, paragraph 2.10.55 and Footnote 92.

4. Overplanting is therefore key to ensuring that Belvoir Solar Farm contributes as much as possible throughout its lifetime to the UK's net zero objectives and targets.

5. EN-3 recognises that reasonable overplanting should be considered acceptable by planning decision-makers, provided that:[5]
   - The electricity exported to the grid does not exceed the statutory threshold such that the scheme would be categorised as a "nationally significant infrastructure project";[6] [7]
   - The overplanting can be justified; and
   - The decision-maker assesses the proposed development and its impacts on the basis of its full extent including any overplanting.

6. In the High Court judgment in *R (Galloway) v Durham County Council* [2024] EWHC 367, the Court found that it was unreasonable for the decision-maker not to consider whether the footprint of the proposed solar panels was larger than was required for a solar farm of that capacity. In the specific factual circumstances of that case, the judge found that this matter was an "*obviously material consideration*" which the decision-maker should have taken into account as part of its planning assessment.

7. The purpose of this Statement is to explain how and why the applicant has factored a degree of overplanting into the design of Belvoir Solar Farm, in order to allow the Planning Inspector, together with other parties to the Appeal, to understand and assess the overplanting, when consideration is given to the impacts of the scheme as a whole.

[5] See Footnote 92 of NPS EN-3.
[6] The statutory threshold is currently a generating capacity of 50MW as per the Planning Act 2008 ("2008 Act").
[7] For the avoidance of doubt, battery energy storage systems ("BESS") are not classified as 'generating station' in England and Wales under Section 15(3C) of the 2008 Act and should therefore be disregarded for the purposes of determining whether a generating station would be categorised as a nationally significant infrastructure project. Please note no BESS are proposed at Belvoir Solar Farm.

The Need for Overplanting

8. The national grid operates in alternating current ('AC'), and therefore the power exported from any solar farm needs to be in AC. The theoretical maximum energy generation, peak power measured in direct current ('DC'), achievable by the solar panels is, however, greater than the grid connection offer in AC. This is known as overplanting. The additional power that is being generated, allows the applicant to make best use of the accepted grid connection offer over the course of each day, month, year and throughout the operational lifetime of the scheme.

9. The design of a solar farm, including the degree of overplanting, is always influenced by characteristics of the proposed development and its impact on the surrounding area, and the approach to overplanting cannot be applied in the same way on every project. The applicant recognises that it is not appropriate to treat installed export capacity as an appropriate tool for constraining the impacts of a solar farm.[8] Factors that need to be considered include the impacts of the scheme that occur by reason of the site's existing landscape features, ecological features, topography, archaeological features, soil quality and other factors. When determining the impacts of a solar farm scheme, measurements such as the panel size, total panel footprint and solar panel cover as a proportion of the site should be used.[9]

10. Overplanting is an essential aspect in the design of solar farms, as is recognised in EN-3. Without overplanting, a scheme would not be able to fully deploy the available grid connection, due to the following factors:

- Degradation in panel array efficiency over time ('wear and tear');
- Power losses from transporting electricity and the increasing or decreasing of voltage levels;
- Power losses from converting the DC electricity which solar panels generate to AC electricity which is safe to export to the grid; and

[8] EN-3, paragraph 2.10.56.
[9] These factors are listed in EN-3 paragraph 2.10.56 as potential appropriate constraints / measurements for the decision-maker to consider when determining the planning impacts

- Times of low irradiation, especially at the beginning and end of each day and throughout the seasons of the year.

11. The additional installed capacity allows for more generation during the shoulder hours[10] of a given day when demand is high, as well as during the shoulder months (spring, autumn and winter) and any surplus electricity generated that cannot be exported to the grid can be stored using battery energy storage systems ("BESS") located elsewhere on the grid network, thus providing an additional benefit to balancing the grid[11]. Overplanting implies that on occasion when irradiation is high and panels have not yet degraded, sites may be forced to self-curtail i.e. they may be unable to export all of the power they generate at certain times. However, schemes which are overplanted will also generate more low-carbon electricity at times of lower irradiation (compared to a site which is not overplanted) and at those times output will achieve the grid connection capacity. The overplanting therefore allows for the maximum efficiency in energy generation to be achieved throughout the year up to the constraints of the available grid connection capacity available for the site, which for Belvoir Solar Farm is 49.9MW

Why is Overplanting Justified in this Case?

12. Belvoir Solar Farm can provide a significant contribution to the need for low carbon electricity generation in Leicestershire. The urgent need for new solar energy is set out in a myriad of national and local policies and guidance. To meet the ambition that the UK is powered entirely by clean energy by 2035, renewable energy development has to deployed at an "unprecedented" scale and pace.[12] In light of the urgency of the climate crisis, the NPPF at §163 is clear that decision-makers should not require applicants to demonstrate the overall need for renewables, recognising that even small-scale projects provide a valuable contribution to significantly cutting emissions. NPS EN-3 describes solar as "a key part" of the government's strategy for low-cost decarbonisation of the energy sector and repeats the ambition for a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW from 14GW installed in 2022)[13].

[10] Dawn and dusk when the sun is not as high in the sky as during the middle of the day and thus less solar energy is being generated
[11] Please note no BESS are proposed at Belvoir Solar Farm.
[12] Net Zero Strategy p19/368 and p.103, para 34
[13] See NPS EN-3 at §3.10.1-3.10.2.

13. In addition, it is well-known that grid connections are a scarce resource and a major barrier in the transition to net zero. The March 2023 Energy Security Plan notes that connection timelines are a very significant issue, with over 250GW of generation in the transmission queue (c.f. 80GW currently connected) (p.50). Many renewable and low carbon schemes applying now have to wait until the late 2030s to connect to the grid.

14. In the Government's own words (November 2023 Connections Action Plan):
"*Projects crucial to achieving net zero, currently seeking grid connections, are facing* ***serious connection delays****. Many are facing delays which cause them real difficulty; equally many projects with connection agreements will never connect. It is clear that the current connection process is* ***not fit for purpose*** *and requires fundamental reform. ….*"

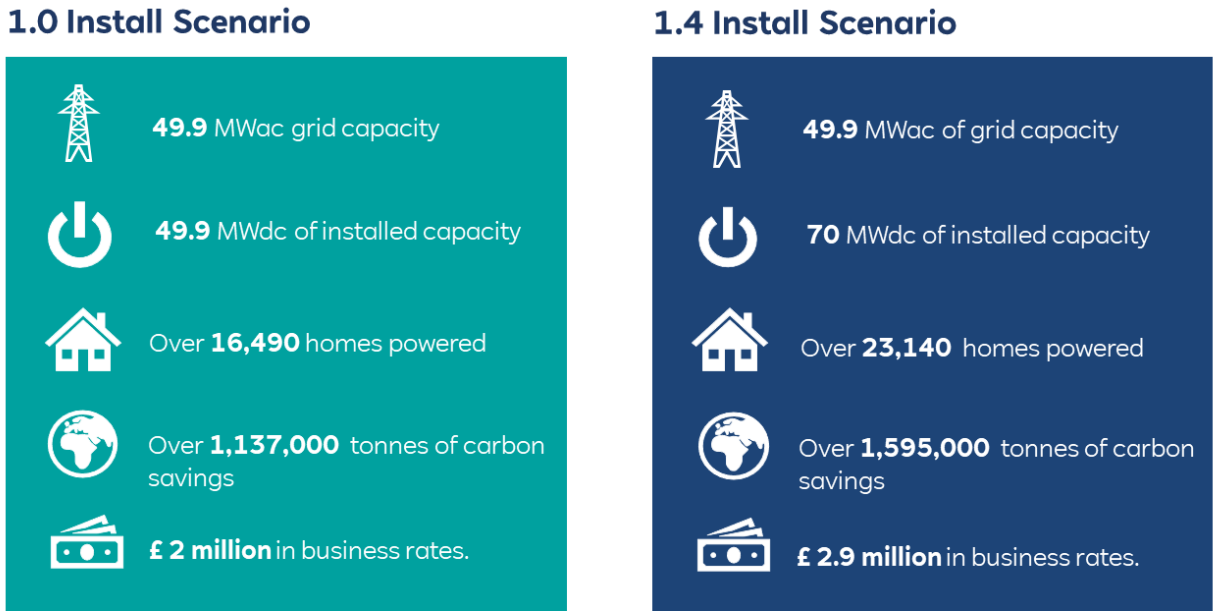
15. The Belvoir project has an agreed grid connection to export up to 49.9MW of clean energy to the grid. It is essential to maximise this grid connection, so that the land is used efficiently and to contribute as fully as possible to the urgent national need for decarbonisation through the generation of renewable energy.

16. As explained above, planting 49.9MWdc would not achieve those goals. Due to panel degradation, electricity losses, and times of low irradiation, were the scheme to be planted at 49.9MWdc it would simply not be able to export 49.9MW-ac to the grid as per Figure 2 below. Accordingly, the grid connection would not be utilised to its full capacity.

17. Therefore, the Belvoir scheme is installed at 1.4x the AC power.

18. The below schematic provides a comparison of two different scenarios. The 1.0 install scenario is the scenario in which the AC power is equivalent to the DC power and there is no overplanting. This has been compared to a 1.4 scenario to show the additional benefits that are achieved from overplanting, whilst using the same grid connection capacity.

Figure 1: Comparison of a 1.0 and 1.4 overplanting scenario for Belvoir Solar Farm



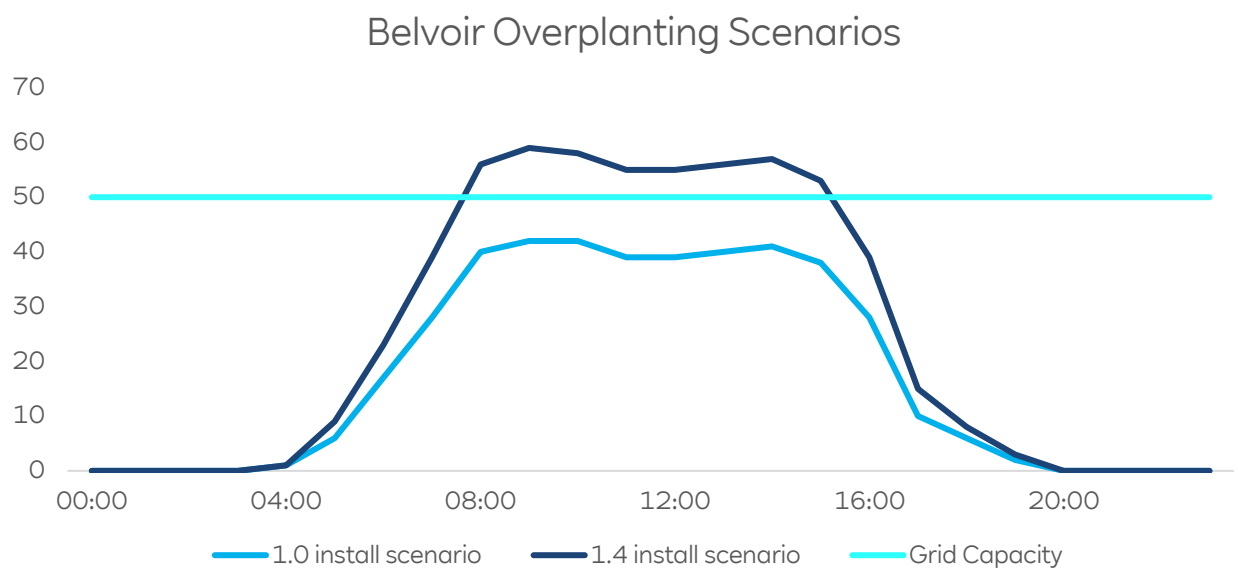


Figure 2: Different overplanting scenarios at Belvoir solar Farm on a typical sunny June day.

19. Therefore, overplanting the Belvoir solar scheme at 1.4x allows an additional equivalent of 6,650 homes to be powered by clean energy and saves an additional 458,000 tonnes of carbon over the lifetime of the solar farm. These stark benefits justify adopting that approach, given the urgent need for such energy as against the scarcity of grid connections, as described above.

Energy Production Households Equivalent Formula

20. Once fully operational, the Belvoir project would be capable of generating enough electricity to meet the average (mean) annual domestic energy needs of approximately 23,146.69 typical UK homes[14]. Solar energy generation is calculated using the formula below:

• [Capacity in MW AC] x [24 hours/day] x [365 days/year] x [Capacity Factor in %] / [Annual Average (mean) domestic consumption for the UK in MWh]

• The capacity factor is derived from the design of the solar farm and the total MWh per year that will be produced. The proposed solar farm will produce 74995.27 MWh per annum resulting in a capacity factor of 15% [calculated as: MWh / (365*24*MWac)].

• 57.07 x 24 x 365 x 15% / 3.24 = 23,146.69 typical UK homes.

Carbon (CO_2) Savings Formula

21. Solar energy generation avoids the need for the use of carbon-heavy fossil fuel generation. As such it directly offsets CO_2 emissions. The proposed scheme would offset approximately 39,897.48 tonnes of CO_2 per year of operation of the solar farm. Over the lifetime, this equates to 1,595,899.35 tonnes of CO_2 avoidance. The carbon savings have been calculated using the formula below:

[14] This is calculated based on the latest information published in January 2024, which contains 2022 generation data, and assuming an average (mean) annual household consumption of 3.24MWh, based on the 2022 statistics from the Department of Energy Security and Net Zero.https://assets.publishing.service.gov.uk/media/65b12dfff2718c000dfb1c9b/subnational-electricity-and-gas-consumption-summary-report-2022.pdf

• [Capacity in MW AC] x [24 hours/day] x [365 days/year] x [Capacity Factor in %] x [tonnes of CO_2 emissions per MWh from equivalent fossil fuel power production]

• The Capacity Factor is derived from the design of the solar farm and the total MWh per year that will be produced. The CO_2 emissions figure for conventional fossil fuel generators is taken from the government's 2022 provisional emission statistics report[15]. The filled in formula is below:

• 57.07 x 24 x 365 x 15% x 0.532= 39,897.48 tonnes of CO_2[16] will be avoided per year of operation of the solar farm. Over the lifetime, this equates to 1,595,899.35 tonnes of CO_2 avoidance.

National Policy Statement EN-3 Requirements

22. The table below sets out the provisions of NPS EN-3 which are relevant when planning decision-maker assesses the degree of overplanting within a solar scheme and how these provisions apply to Belvoir Solar Farm.

[15] Department for Energy Security and Net Zero 2022 UK greenhouse gas emissions, provisional figures available here: https://assets.publishing.service.gov.uk/media/6424b8b83d885d000fdade9b/2022_Provisional_emissions_statistics_report.pdf

[16] Emissions per unit of electricity supplied from fossil fuels are estimated to have been around 532 tonnes of carbon dioxide per gigawatt hour (GWh)/0.532 tonnes per megawatt-hour (MWh) overall in 2022 in the UK as published in the Department for Energy Security and Net Zero 2022 UK greenhouse gas emissions, provisional figures available here: https://assets.publishing.service.gov.uk/media/6424b8b83d885d000fdade9b/2022_Provisional_emissions_statistics_report.pdf

Table 1

Row	NPS EN-3 Reference	Topic	Belvoir Solar Farm	Additional Note
1	Para 2.10.53 "*From the date of designation of this NPS, for the purposes of Section 15 of the Planning Act 2008, the maximum combined capacity of the installed inverters (measured in alternating current (AC)) should be used for the purposes of determining solar site capacity.*" Para 2.10.54 states "*The capacity threshold is 50MW (AC) in England and 350MW (AC) in Wales.*" With Footnote 91 further clarifying para 2.10.54: "*The combined maximum AC capacity of the installed inverters may only exceed the aforementioned thresholds for the sole purpose of overcoming reactive power consumption within the solar farm between the inverters and the connection point.*"	Capacity of installed inverters Grid Capacity	55 MVA *(Increase from 49.9MW AC to 55 MVA is for the sole purpose of overcoming reactive power consumption as allowed under NPS EN-3 Footnote 91).* Reference inverters consist of 20 no. 2750 kWAC SMA Inverters (please see ancillary drawing Inverter Station Details (*Core Document 1.17*) for further details). 49.9MWac	Apparent power is measured in (MVA) and is the total amount of power supplied to an electrical system. It comprises of active power (MW) which is the useful power and the reactive power (MVAr), which is the non-useful power. To meet electricity network requirements and standards, the solar plant has a statutory requirement to be able to inject or absorb some reactive (non-useful) power to the grid, on top of their active power export, to support network stability. Additionally, the private electrical infrastructure within the solar site introduces significant reactive power losses. Therefore, to balance the losses within the private electrical infrastructure and satisfy statutory electricity

Row	NPS EN-3 Reference	Topic	Belvoir Solar Farm	Additional Note
				network requirements, while simultaneously ensuring the efficient use of the grid connection, we must increase the apparent power to achieve the grid connection capacity in active/useful power. Final inverter technology to be chosen prior to commencement of the development. The final inverters chosen will not be materially different from the reference inverters which form the basis of this planning application and have been used in application stage assessments. Therefore any potential impacts will have already been considered and assessed in full.
2a	Para 2.10.17 states: "*Along with associated infrastructure, a solar farm requires between 2 to 4 acres for each MW of output. A typical 50MW solar farm will consist of around 100,000 to 150,000 panels and cover between 125 to 200 acres. However, this will*	Panelled area in acres	149 acres of panelled areas	EN-3 p. 2.10.17 clearly refers to an acreage requirement for each MW of output. Therefore, as a matter of national policy, non-panelled areas / exclusion zones should not be taken into account in this calculation. This

Row	NPS EN-3 Reference	Topic	Belvoir Solar Farm	Additional Note
	vary significantly depending on the site, with some being larger and some being smaller. This is also expected to change over time as the technology continues to evolve to become more efficient. Nevertheless, this scale of development will inevitably have impacts, particularly if sited in rural areas."			is the approach the applicant has followed in the the "Acres for each MW of output" calculation below.
2b		DC capacity output	70.13MWp	As per Row 1 above, planning permission is sought on an AC Capacity basis and for the defined panel areas. This is due to changes in technology and the wattage of solar panels over time
2c		Acres for each MW of output	2.85 acres	This sits within the 2 to 4 acres parameters set out in NPS EN-3 p. 2.10.17 and is therefore compliant with national policy.
2d		Number of solar panels	123,039 Reference panels consist of 123,039 no. Jinko 570w panels (please see ancillary drawing Typical Single Axis Tracker Table Details (*Core Document 1.14*)for further details)	This sits within the typical panel range of 100,000 to 150,000 set out in NPS EN-3 paragraph 2.10.17.

Row	NPS EN-3 Reference	Topic	Belvoir Solar Farm	Additional Note
3	Para 2.10.50 - "*because the inverter is separate from the panels, the total capacity of a solar farm can be measured either in terms of the combined capacity of installed solar panels (measured in DC) or in terms of combined capacity of installed inverters (measured in AC).*" Para 2.10.55 states "*The direct current (DC) installed generating capacity of a solar farm will decline over time in correlation with the reduction in panel array efficiency. There is a range of sources of degradation that developers need to consider when deciding on a solar panel technology to be used. Applicants may account for this by overplanting solar panel arrays.*" Footnote 92 further clarifies para 2.10.55: "*"Overplanting" refers to the situation in which the installed generating capacity or nameplate*	DC Capacity	Approximately 70.13 MW DC	Final DC Capacity to be determined once final model panel known prior to commencement of the development. The panelled areas will remain the same and will not increase and therefore any potential impacts will have already been considered and assessed in full. The calculations provided here are based on the indicative Jinko 570w panels.
		AC Capacity	49.9MW AC[17]	Planning permission is sought on an AC Capacity basis and for the defined panel areas see paragraphs 23-27 below.

[17] See row 2 (NPS EN-3 Footnote 91) for further details in relation to exceeding the 50MW AC threshold for the purpose of overcoming reactive power consumption within the solar farm between the inverters and connection point.

Row	NPS EN-3 Reference	Topic	Belvoir Solar Farm	Additional Note
	capacity of the facility is larger than the generator's grid connection. This allows developers to take account of degradation in panel array efficiency over time, thereby enabling the grid connection to be maximised across the lifetime of the site. Such reasonable overplanting should be considered acceptable in a planning context so long as it can be justified and the electricity export does not exceed the relevant NSIP installed capacity threshold throughout the operational lifetime of the site and the proposed development and its impacts are assessed through the planning process on the basis of its full extent, including any overplanting."			

Scheme Impacts

23. As set out in the above table, the size of the Belvoir solar scheme would fall squarely within what is anticipated for a scheme of this type at §2.10.17 of NPS EN-3.

24. The scheme would provide 2.85 acres for each MWp of output, within the 2-4 acre range. The scheme would consist of approximately 123,039 panels, within the 100,000 to 150,000 range. And the size of the solar farm, at 149 acres of panelled areas, would fall within the expected range of 125 to 200 acres.

25. Accordingly, the benefits of the overplanting can be secured within the expected parameters, in accordance with NPS EN-3.

26. The scheme would also be of a comparable to size to a number of other recently approved solar farms:

Table 2

Scheme	Appeal Reference No.	Tracker/ Fixed	MWac	Panelled Area (ha)	Panelled Area (acres)	Decision
Belvoir	APP/Y2430/W/24/3340258	Tracker	49.9	60.3	149	TBC
Fobbing	APP/M1595/W/23/3328712	Tracker	49.9	134	331	Allowed
Gunthorpe	APP/A2525/W/22/3295140	Tracker	49.9	50	123	Allowed
Middle Road Farm	APP/J3720/W/23/3321095	Tracker	49.9	50.6	125	Allowed
Cotmoor	APP/B3030/W/21/3279533	Fixed	49.9	56	138	Allowed

27. Finally, it is also worth noting the additional land take from the overplanting. In this case, the difference in area between 50MWdc and 70MWdc being installed for this project is only 15%, while the difference in yield is approx. 25% (in MWh) based on the applicant's different design iterations. The reason for this is that if only 50MWdc were installed, that would necessitate spacing out of panels further to ensure no overshadowing to generate the maximum possible yield, whereas with 70MWdc installed there can be smaller spacing between rows of panels. As the difference in land take is relatively small (15%) and the benefits are much increased with 70MWdc vs 50MWdc (see Figure 1 above), the proposed

approach makes best use of the available grid capacity. Were this scheme to be planted at 50MWdc, the same additional electricity would have to be generated elsewhere– and most importantly it would require additional grid capacity to be available, which is a very scarce resource.

Conclusion

28. This scheme would provide some overplanting, to maximise energy efficiency. However, EN-3 recognises that reasonable overplanting should be considered acceptable by planning decision-makers, provided that:
    - The electricity exported to the grid does not exceed the statutory threshold such that the scheme would be categorised as a "nationally significant infrastructure project";
    - The overplanting can be justified; and
    - The decision-maker assesses the proposed development and its impacts on the basis of its full extent including any overplanting.

29. Each of these three requirements are met in the circumstances, for the reasons set out above.

Appendix 3

Ecology Statement by Mr Howard Fearn of Avian Ecology

Ecology Statement

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: August 2024 |

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

1.0 QUALIFICATIONS AND RELVANT EXPERIENCE

1.1.1 My name is Howard Fearn. I am the Director of Avian Ecology Ltd. ('AEL'), an ecological consultancy which currently employs twenty professional ecologists. I have been a practicing professional ecologist for twenty-one years.

1.1.2 AEL provided all ecology-related support for the planning application, including field surveys, analysis, impact assessment reporting (chapter 5 of the Environmental Statement ('ES') (CD 1.31-5)), Biodiversity Net Gain ('BNG') calculations and mitigation design.

1.1.3 I hold a Master's degree in Ecology and Environmental Management, and I am a full member of the Chartered Institute of Environmental Management ('CIEEM'). I am required by CIEEM to abide by the Code of Professional Conduct (the Code) which includes exercising sound professional judgement in my work, clearly identifying the limitations and applying objectivity, relevance, accuracy, proportionality and impartiality to the information and professional advice I provide.

1.1.4 My project experience is primarily in renewable energy developments, in particular onshore wind and solar energy projects of all scales across the UK.

2.0 INTRODUCTION

2.1.1 This statement has been prepared on behalf of the Appellant and relates to a planning appeal submitted pursuant to Section 78 of the Town and Country Planning Act 1990, concerning the proposed construction of a solar farm, access and all associated works, equipment and necessary infrastructure ('The Appeal Site'). The appeal follows a refusal by Melton Borough Council ("MBC") of the application for full planning permission (MBC ref: 22/00537/FUL) for the development a solar farm and associated infrastructure (the 'Proposed Development').

2.1.2 The application was refused by MBC's Planning Committee on 5th September 2023, as confirmed in a Decision Notice dated 11th September 2023 which included 4 no. Reasons for Refusal.

2.1.3 Ecology was not a cited reason for refusal; however, ecology matters were subsequently raised during preparations for the forthcoming public inquiry, at a case management meeting held on 24th June 2024. The corresponding meeting notes (CD 10.4), include the following statement from the Inspector: '*The environmental statement records that Muston Meadows SSSI and National Nature Reserve are adjacent to the site, and that Grantham Canal and Banks Local Wildlife Site is about 0.6km from the boundary. Having regard to the proximity of the statutory designated sites to the proposed solar farm, I consider that the effect on nature conservation interests should be a main issue in this appeal*.' This Statement is therefore provided to address matters relating to statutory designated sites raised by the Inspector during the case management meeting.

3.0 DESIGNATED SITES FOR NATURE CONSERVATION

3.1.1 In the case management meeting notes (CD 10.4), the Inspector noted two designated sites which he considered relevant ('the designated sites'). Both sites are identified in Table 5.2, chapter 5 of the ES (CD1.31-5), and were subsequently considered by during the assessment of effects.

3.1.2 Muston Meadows Site of Special Scientific Interest ('the SSSI') and National Nature Reserve ('NNR') is located adjacent to the Appeal Site, and was therefore scoped-in for detailed assessment in Chapter 5 of the ES. The special features of the SSSI are identified as a large population of Green-winged Orchids, with additional interest as the field ponds support a population of Great Crested Newt (GCN).

3.1.3 Grantham Canal and Banks Local Wildlife Site ('the LWS') is located 600m east of the Application Site. The LWS was scoped-out of detailed assessment in the ES (in Table 5.2). The LWS is not hydrologically linked to the Appeal Site, and was considered sufficiently distanced to incur any potential impacts arising from construction. Table 5.2 of the ES also notes that the Appeal site does not provide suitable habitat for species included in the LWS citation. As such no pathway for potential effects was identified and the LWS was not considered further.

3.1.4 The ES (Table 5.5) concluded that the Proposed Development would have negligible level residual effects on designated sites (the SSSI), which would be achieved through a combination of design considerations (an 11m buffer), protective measures during construction (as detailed

in Appendix 5.9 Construction Environmental Management Plan ('CEMP') (CD 1.33-18) and sensitive management during the operational period.

3.1.5 Subsequently effects in the SSSI were therefore not considered significant.

4.0 POSTION ON DESIGNATED SITES DURING THE DETERMINATION PERIOD

4.1 Initial Consultee Reponses to the Environmental Statement

4.1.1 Natural England ('NE') first responded to the application in a letter dated 30th May 2022 (CD 7.10A). NE did not object to the Proposed Development, subject to appropriate mitigation being secured for the SSSI.

4.1.2 NE's May 2022 response (CD 7.10A) welcomed the 'general consciousness' of the Proposed Development adjacent to the SSSI, however NE considered that the activities during construction and maintenance of the panels have the potential to cause adverse impacts via dust creation, sediment runoff, pollution events. NE noted the 11m buffer provided, but wished to see a larger buffer area alongside the SSSI, both during construction and for the lifetime of the development. NE also stated that the presence of GCN in the SSSI further highlights the need for larger buffering. Consequently, NE recommended mitigation by increasing the existing 11m buffer by a further 10m.

4.1.3 NE did not provide any comment on the LWS in this or any subsequent response; however, I accept this would normally be a matter for consideration by the Council.

4.1.4 Comments on the application were initially provided by the Leicester County Council ('LCC') in an email dated 25th May 2022 (CD 7.6A), which makes no specific reference to designated sites for nature conservation. LCC do however state that "*the surveys and impact assessment by Avian Ecology are satisfactory.*"

4.1.5 Regarding the development more broadly, LCC notes that "*the land is currently in intensive arable use, with low overall biodiversity value apart from a network of hedges and other habitat features such as ponds, ditches, stream and mature trees. These features will be retained within the solar farm layout, with minor losses due to access, etc.*", going on to state "*A Biodiversity net-gain assessment has been done, demonstrating the site is in significant net-gain. I am happy to accept this - the baseline habitats are low in value, and the plans shows retention of habitats grasslands, hedgerow and wetland creations, which is welcomed. The after use will be sheep-grazing, which will also benefit biodiversity more than the current arable use. A biodiversity and landscape management plan has been produced and is also satisfactory; these should be the*

subject of planning condition." It is therefore reasonable to conclude that LCC had no concerns regarding designated sites for nature conservation, and viewed the Proposed Development positively.

4.2 Amendments to the Proposed Development

4.2.1 Following the statutory consultation period, and in response to consultee and public comments, the Appellant made design modifications to the Proposed Development. The amendments to the Proposed Development were then considered in a Supplementary Environmental Information ('SEI') report dated 29th September 2022 (CD 1.35-2). Appendix 2 of the SEI comprises a Further Information Report ('FIR') provided by AEL (CD 1.35-2). The FIR was provided in response to comments received from NE (CD 7.10A,) in relation to the SSSI, and to the layout changes.

4.2.2 Section 3 of the FIR comprises an updated assessment of likely significant effects, which considers statutory designated sites for nature conservation and GCN considering the points raised by NE (CD 7.10A).

4.2.3 The FIR notes that indirect effects, including temporary dust creation and pollution events had already been assessed within the Biodiversity Chapter, as had pollution control measures. These measures detailed within Appendix 5.9: Construction and Environmental Management Plan (CEMP) (CD 1.33-18), and will ensure there are no indirect effects on the SSSI from construction of the Proposed Development.

4.2.4 With reference to the operational phase, paragraph 3.2.6 of the FIR states "*In response to comments received from NE, the areas adjacent to the SSSI/NNR, including two new fields to the north, will either be left to naturally regenerate over time or if possible, these areas be lain with green hay or seeds provided from nearby donor sites within the SSSI. This will encourage the development of habitats with local provenance. However, the provision of green hay or seeds depends upon their availability and will be subject to further consultation with landowners/managers/NE."* The FIR then goes on to note that management for these adjacent areas (to the SSSI), along with the remainder of the Site, will be in accordance with the submitted Biodiversity Management Plan ('BMP') (CD1.33-16). The FIR states that, over time and with natural regeneration, areas of grassland adjacent to the SSSI will develop into neutral grassland with the potential for colonisation of Green-winged Orchids. Subsequently the FIR concluded that the Proposed Development will ultimately lead to a positive effect on the SSSI.

4.2.5 The FIR then goes on to consider effects on GCN. Paragraph 3.3.2 identifies that construction phase effects (in the absence of suitable mitigation measures) may occur as a result of inadvertent killing or injury to individual GCN in terrestrial habitat, but the risk of this occurring is considered to be low as the works will be temporary and are almost entirely confined to habitat of limited value to GCN (arable with limited foraging or refuge opportunities). More favourable habitat for GCN (field boundary features) are largely retained and would be protected with buffer zones during construction, with Reasonable Avoidance Measures (RAMs) implemented to protected individual amphibians and ensure legislative compliance (as presented in Section 2.7 of the CEMP (CD 1.33-18)). In relation to GCN, the FIR concludes that construction of the Proposed Development will result in a negligible magnitude impact which is not significant, so was unchanged from the conclusions of the Biodiversity Chapter of the ES.

4.2.6 Finally, the FIR includes consideration of changes to the BNG Metric 'uplift' from the amendments to the Proposed Development's layout. The updated calculations show that habitat creation, included as part of the Proposed Development, will result in a very substantial BNG increase of +142.30% in habitat units and +10.42% in hedgerow units. Additional benefits, which cannot be quantified through the BNG Metric include new bat and bird boxes, refuge features, hibernacula, insect hotels, beehives, and log piles.

4.3 Subsequent Responses from Consultees

4.3.1 Four further responses to the application were received from NE (CD 7.10B to CD7.10D and CD10.6). In summary, NE considered that advice provided in their previous response (CD 7.10A) applies equally to the amended layout, with amendments unlikely to result in "*significantly different impacts on the natural environment.*" NE also noted they had made no objection to the original proposal.

4.3.2 LCC Ecology provided two further responses. The first, dated 6th September 2022 (CD 7.6B), states LCC had no further comments. The final LCC response, dated 19th October 2022 (CD 7.6C), notes that revisions to the biodiversity plans were provided at the request of NE in respect of mitigation for potential impacts on the SSSI, and therefore deferred to NE without offering further comment.

4.3.3 No mention of the LWS was made by NE or LCC in any correspondence they provided in response to FER. It is therefore reasonable to conclude that there have been no concerns raised with regards to the LWS.

5.0 PROOF OF EVIDENCE STATEMENT

5.1.1 I shall discuss the potential for impacts on the LWS and SSSI in turn, then go on to consider relevant local planning policies.

Grantham Canal and Banks Local Wildlife Site

5.1.2 It is my professional view that the Proposed Development will not lead to any impact on the LWS whatsoever. The lack of pathways for impact, as presented in the ES (summarised in paragraph 3.1.3 of my statement) are entirely reasonable. This position appears to be supported by LCC, in that no concerns regarding the LWS have been raised at any stage during the determination process and there was explicit agreement that the impact assessment was satisfactory.

Muston Meadows SSSI and National Nature Reserve

5.1.3 Whilst the Appeal Site is located adjacent to the SSSI, there is an 11m buffer in place between any part of the Proposed Development and the SSSI boundary. It is relevant that the baseline information submitted as part of the ES (Appendix 5.2, CD 1.33-11) makes no reference to field margin habitat features, merely noting in paragraph 3.3.6 that "*field boundaries were lined with species poor hedgerows dominated by hawthorn"* (and other widespread woody hedgerow species). There is no mention of ground flora or field margins of any conservation value in the baseline report. It is therefore reasonable to conclude from the ES that existing field margins are (at best) narrow and are not ecologically valuable, as is typical of arable fields. Appendix 1 of this Statement includes photographs (taken in April 2024) which show the current field boundaries within the Appeal Site and adjacent to the SSSI. It is clear from these photographs that the current boundaries are narrow, are regularly used by farm vehicles (as evidenced by deeply 'rutted' tracks) and have very limited botanical diversity or structure. It can therefore be confidently stated that the current field boundaries are of very limited ecological value, and do not extend to more than approximately 4m (and mainly less) into the Appeal Site.

5.1.4 It is relevant that the Appeal Site is currently arable farmland (noted as planted with oil seed rape and wheat at the time of survey), and therefore will be subject to disturbance from farming operations and vehicles. It is also likely to be sprayed with agricultural chemicals at times, as is common practice, but I cannot know the levels of chemical input which is likely to vary between crops and years. In my view the farming practices in immediate proximity to the SSSI are likely to create more dust or pollution risk to the SSSI than the Proposed Development, particularly over a 40-year period. Removal of land from arable production, with the corresponding

reduction farming operations and use of agricultural chemicals, will very likely lead to improved ecological conditions on land within the Appeal Site, and therefore the adjacent SSSI. This is without any additional benefits from the active nature conservation measures which will be implemented through BNG as part of the Proposed Development.

5.1.5 The Proposed Development includes a very substantial positive BNG of +142.3%. This is well in excess of the now mandatory BNG requirement of +10% (under the Environment Act 2021), but was not a requirement at the time of submission. It is my professional view that this will certainly be beneficial to the adjacent SSSI, through an expanded area of ecological value (adjacent to the SSSI) which will allow plants and animals to colonise the Appeal site from the SSI, and from improved connectivity to the wider landscape.

5.1.6 It is also relevant that the construction of the Proposed Development will last only a relatively short period (six to nine months), whereas the ecological benefits of a reduction of potentially damaging farming practices (e.g., herbicide use and nutrient enrichment) and the very substantial BNG increase will be in place for the 40-year lifetime of the Proposed Development. Similarly, given the Appeal Site is currently farmed, it is already a worked landscape and subject to operational disturbance. To my knowledge operational solar farms are visited infrequently for operational purposes, and therefore the Appeal Site is likely to be less disturbed than it currently is through arable farming operations.

5.1.7 As such, I do not accept that any minor construction or operational effects, should they occur at all with the provided mitigation in place, could outweigh these very considerable benefits to both the Appeal Site and adjacent SSSI. Further, the measures proposed in the CEMP (CD 1.33-18) provide very clear protection from any potential harm during construction.

5.1.8 From an ecological perspective, I cannot see how the retention of an intensively farmed arable landscape (i.e., the refusal of the Proposed Development) would be preferable in terms of the SSSI or nature conservation.

5.1.9 It is my professional view that the 11m buffer provided as part of the Proposed Development, with corresponding planting and management, is very clearly a considerable improvement on existing ecological conditions, and will be of benefit to the SSSI and other wildlife (including GCN).

5.1.10 It is also my professional view that there is no evidential basis for NE to request a buffer increase of a further 10m (therefore taking the buffer approximately 21m), and that this is disproportionate. NE has not, in my view, fully considered how protection of the SSSI has been

included as part of the Proposed Development CEMP (CD 1.33-18), nor does NE appear to have acknowledged the substantial increase of the existing buffer, the benefits demonstrated through BNG and the BMP, and the additional benefit to the SSSI of removal from agricultural practice.

5.1.11 I therefore disagree with NE that there is any requirement for an increased buffer. It is my professional view that the Proposed Development will be of benefit to the SSSI, and I fully agree with the conclusions of the ES (Table 5.5).

Consideration of Local Policies

5.1.12 In preparation of this Statement, I have reviewed relevant policies of the Melton Local Plan 2011-2036 (October 2018) (CD 5.1) and Bottesford Parish Neighbourhood Plan 2020-2036 (CD 5.2). I will discuss each in turn.

5.1.13 The relevant policies of the MBC Local Plan are Policy EN2, EN3 and EN10.

5.1.14 The relevant policies of the Bottesford Parish Neighbourhood Plan are Policy 3 and Policy 9.

MBC Local Plan Policy EN2: Biodiversity and Geodiversity

"The Borough Council will seek to achieve net gains for nature and proactively seek habitat creation as part of new development proposals. It will protect and enhance biodiversity, ecological networks, and geological conservation interests throughout the Borough and beyond its boundaries, by supporting proposals which:

A) protect, extend, or strengthen the Borough's most ecologically sensitive areas, including the River Wreake Valley;

B) contribute to the provision of coherent wildlife networks;

C) create new habitat;

D) re-naturalise rivers and streams wherever possible through the removal of hard engineered structures such as reinforced banks, weirs and culverts;

E) promote the preservation, restoration and re-creation of priority habitats as listed in the UK Priority Habitat Species List and Leicestershire Local Biodiversity Action Plan; and

F) promote the use of fencing which incorporates holes for wildlife; provided they do not harm:

G) existing, potential, or proposed internationally important sites, such as Rutland Water Special Protection Area/Ramsar either individually or cumulatively in association with other plans or projects;

H) nationally important sites;

I) Local Wildlife Sites (including candidate and potential), Local Geological Sites, including ancient woodlands, ancient and veteran trees, hedgerows, and existing corridors such as disused railways, that allow movement of wildlife between sites;

J) river corridors;

K) biodiversity and geo-diversity designations identified in a Neighbourhood Plan; and

L) priority habitats & species identified in the UK Priority Habitat Species List and Local Biodiversity Action Plans and the Melton Biodiversity and Geodiversity Study, unless it can be demonstrated that there is no alternative site available and there are clear and convincing benefits of the development that clearly outweigh the nature conservation or scientific interest of the site. In this case, adequate mitigation measures or, exceptionally, compensatory measures will be required at a level equivalent to the biodiversity value of the habitat lost. Such proposals must be accompanied by ecological surveys and an assessment of the impacts on biodiversity and geodiversity.

Proposals for allocated sites should be informed by the site survey results and the recommendations for mitigation and enhancement in the Biodiversity and Geo-diversity Study.

The Borough Council will support the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreement".

5.1.15 In my opinion, the Proposed Development is fully compliant with Policy EN2, and in fact actively assists with the policies' stated aim of achieving a net gain for nature through habitat creation, as well as protecting and enhance biodiversity and ecological networks.

<u>MBC Local Plan Policy EN3 – the Melton Green Infrastructure Network</u>

5.1.16 I will not repeat the entire policy here, as much of this is not relevant to biodiversity; however, it is relevant that the policy states that the Council will support development proposals where they retain and enhance important green infrastructure elements such as:

12. Woodland, orchard, mature trees, hedgerows; and,

13. Local BAP Habitats and those supporting local BAP priority species and species in the UK Priority Habitat Species List.

5.1.17 The policy further states that new or enhanced green infrastructure corridors and assets should be as inclusive as possible and look to make provision for: *'E) biodiversity opportunities including the provision of tree planting, shrubs and other natural features on all new development sites'* (along with a series of other non-ecology elements).

5.1.18 It is also my professional view that the Proposed Development is fully compliant with Policy EN3 of the Local Plan.

MBC Local Plan Policy EN10 – Energy Generation from Renewable and Low Carbon Sources

5.1.19 Policy EN10 states that proposals for renewable energy will be assessed *"taking account of a series of factors, which includes:*

6) Designated nature conservation, geo-diversity or biodiversity considerations, including potential impact on ancient woodland and veteran trees;

7) Ecology".

It is evident that the planning application has taken account of both points 6) and 7) of Policy EN10, and is subsequently compliant.

Bottesford Parish Neighbourhood Plan Policy 3: Protecting and Enhancing Biodiversity

5.1.20 Criterion 1 of the policy states reads:

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 wild flower 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.

5.1.21 It is clear to me that the Proposed Development accords strongly with the enhancement measures noted in Policy 3 through the very substantial BNG Metric score (both habitat units and hedgerow units), and through the provision of nest boxes, which are included in the BMP (CD1.33-16). As such, there is clear evidence that the Proposed Development will provide a net positive for biodiversity and is therefore in accordance with Policy 3.

Bottesford Neighbourhood Plan Policy 9: Renewable Energy and Low Carbon Technologies

5.1.22 Criterion 4 of policy 9 states that development of renewable energy will be supported where it can be demonstrated that it *"does not have a significant adverse effect on any designated site*" (part b), and "*does not result in an unacceptably adverse effect on protected species, including migration routes and sites of biodiversity value"* (part c).

5.1.23 It is therefore my view that the Proposed Development accords fully with Policy 9.

6.0 CONCLUSIONS

6.1.1 My name is Howard Fearn. I am the Director of Avian Ecology Ltd. ("AEL"), an ecological consultancy which currently employs twenty professional ecologists. I have been a practicing professional ecologist for twenty-one years.

6.1.2 I have a Master's degree in Ecology and Environmental Management, and I am a full member of the Chartered Institute of Environmental Management ("CIEEM"). My project experience is primarily in renewable energy developments, in particular onshore wind and solar energy projects of all scales across the UK.

6.1.3 Ecology matters were not cited as a reason for refusal. My evidence statement examines the potential for the Proposed Development to adversely impact designated sites for nature conservation in response to comments raised at the Inquiry case management meeting in June 2024.

6.1.4 I have reviewed the Appellant's ecological evidence, and corresponding responses to the application by consultees, notably Natural England and Leicestershire County Council. I have further reviewed the relevant local planning policies from the Melton Local Plan 2011-2036 and the Bottesford Neighbourhood Plan 2020-2036.

6.1.5 It is my view that that there is no potential pathway for impacts on the Grantham Canal and Banks Local Wildlife Site by virtue of separation distance and lack of hydrological connectivity, which was noted in Chapter 5 of the Environmental Statement submitted in support of the planning application.

6.1.6 With regards to the Muston Meadows Site of Special Scientific Interest (SSSI) and National Nature Reserve, it is true that Natural England has requested an increased buffer zone between the SSSI and the built elements of the Proposed Development, from 11m to approximately 21m. However, I can see no basis for such a requirement; no detailed evidence has been provided by Natural England and the buffer included as part of the Proposed Development represents a very substantial improvement on existing conditions.

6.1.7 Further, a very high Biodiversity Net Gain unit increase of +142.30% in habitat units and +10.42% in hedgerow units will be achieved as part of the Proposed Development, along with a series of other positive measures for wildlife. Land within the Appeal Site will be removed from agricultural practices and therefore ecologically damaging land management ceased. Both measures will, in my professional view, have a positive impact on the SSSI.

6.1.8 A such, I believe the effects of the Proposed Development on designated sites for nature conservation to be positive, as well as positive for biodiversity in general. This is a considerable ecological improvement on existing use as arable farmland.

6.1.9 Further, I can see no area where the Proposed Development is contrary to any planning policy.

6.1.10 In summary, it is my view that there are no ecological grounds that should preclude development, and that the positive impacts of the Proposed Development on biodiversity should be afforded an appropriate level of positive weight.

Appendix 1: Field Margin Photographs

	**Plate 1:** Appeal Site and SSSI boundary (northern section), showing the existing access track which is to be retained. Field margin (between track and SSSI boundary hedgerow) is approximately 2m in width from track, with evidence of regular use by vehicles along the track.
	**Plate 2:** Appeal Site and SSSI boundary (western section, at approximately SK8223671). The hedgerow forms the boundary between the SSSI and the Appeal Site field (pylon inside the Appeal Site). This plate shows a field margin of clearly low ecological value, at approximately 2m width, and with evidence of regular use by vehicles.

Appendix 4

Agricultural Evidence by Mr Tony Kernon of Kernon Countryside Consultants Ltd

CONSTRUCTION OF A SOLAR FARM AND ASSOCIATED WORK, LAND AT MUSTON LANE, EASTHORPE, BOTTESFORD

AGRICULTURAL EVIDENCE ON BEHALF OF THE APPELLANT BY

TONY KERNON BSc (Hons) MRICS FBIAC

APP/Y2430/W/24/3340258

22/00537/FUL

August 2024

KERNON
COUNTRYSIDE CONSULTANTS LIMITED

CONSTRUCTION OF A SOLAR FARM
AND ASSOCIATED WORK,
LAND AT MUSTON LANE,
EASTHORPE, BOTTESFORD

AGRICULTURAL EVIDENCE
ON BEHALF OF
THE APPELLANT
BY

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22/00537/FUL

August 2024

Authorised By APK 08/24

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CONTENTS

1 INTRODUCTION

Reason for Refusal

1.1 The application for a solar farm together with all associated work, equipment and necessary infrastructure was refused planning consent on 11th September 2023 (22/00537/FUL).

1.2 Reason for Refusal no 1 (RfR1) is as follows:

> "**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**".

Agricultural Evidence

1.3 The majority of the site is poorer quality agricultural land, and only a small area, being the northern part of two fields and extending in total to 7.3 ha is of the "best and most versatile" (BMV) quality. This land will not be lost. The land quality will be unaffected by the installation of the solar panels, and agricultural use will continue. Fixed infrastructure will affect only 0.1 ha of BMV land, and that can be restored at decommissioning.

1.4 There is no policy to require best and most versatile agricultural land to be farmed for food production, and in actual terms the implications are negligible and insignificant in both a local and national context.

1.5 A detailed report "Agricultural Evidence and Soil Resources Management Plan" by myself was submitted with the appeal [**CD 2.6**].

The Councils' Positions

1.6 In Melton Borough Council's Statement of Case (Heatons Planning [**CD 9.3**]) paragraph 3.4 states:

> "**The Council is offering no evidence in support of Reason No 1 on the basis that, taken in isolation, the benefits of the scheme are considered to outweigh the loss of the BMV agricultural land**".

1.7 The Bottesford Parish Council's Statement of Case [**CD 9.4**] sets out policy 9 of the Neighbourhood Plan and notes that "**the proposal, in parts, also impacts on Parts 4a, 4c, 4d and 4e of Policy 9**". Part 4d is that development "**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**". No further commentary is made in the Statement of Case.

The Issues and Proposed Evidence

1.8 Melton Borough Council is not offering evidence in support of Reason for Refusal No 1, and Bottesford Parish Council makes limited comment on the loss of BMV. The Inspector's Pre-Conference Note and Note of Case Management Conference [**CD 10.4**] do not identify the effect on agricultural land as a main issue.

1.9 Therefore this written Statement is succinct. It draws on the details in the Agricultural Evidence and Soil Resources Management Plan documents [**CD 2.6**] and updates in respect of the Written Ministerial Statement on "Solar and Protecting our Food Security and Best and Most Versatile (BMV) Land" (15th May 2024 [**CD 4.28**]), and other matters since my written statement was submitted.

1.10 This short Statement therefore summarises matters in respect of:

(i) land quality involved;
(ii) planning policy and the WMS;
(iii) whether BMV land is "lost";
(iv) the policy implications;
(v) food production considerations;
(vi) a summary of updates;
(vii) ending with conclusions.

The Witness

1.11 This evidence has been prepared by Tony Kernon. I am a rural Chartered Surveyor and a Fellow of the British Institute of Agricultural Consultants. I have specialised in assessing the effects of development proposals on agricultural land and businesses since 1987. I have given evidence at numerous solar farm inquiries and hearings, and have visited solar farms in construction and in operation to assess their effects on land quality, soils and land use.

1.12 In preparation for this appeal I have participated in an information / training session with the Appellant's engineers in respect of the particular design of solar panel proposed in this case, and in particular its installation, in order to be clear that I could accurately assess the potential effects on land and soil.

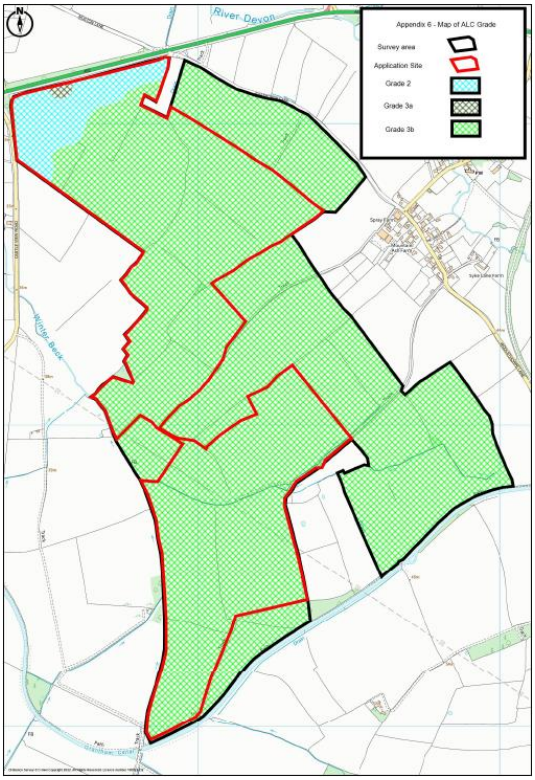
1.13 As a Chartered Surveyor giving expert evidence, I am bound by the RICS Practice Statement "Surveyors Acting as Expert Witnesses", 4th Edition. A declaration is provided at the end of my evidence.

2 LAND QUALITY INVOLVED

2.1 The Appeal Site is 99.9 ha. The Site, and some adjacent land, has been classified under the Agricultural Land Classification at a detailed level, involving one auger point per hectare.

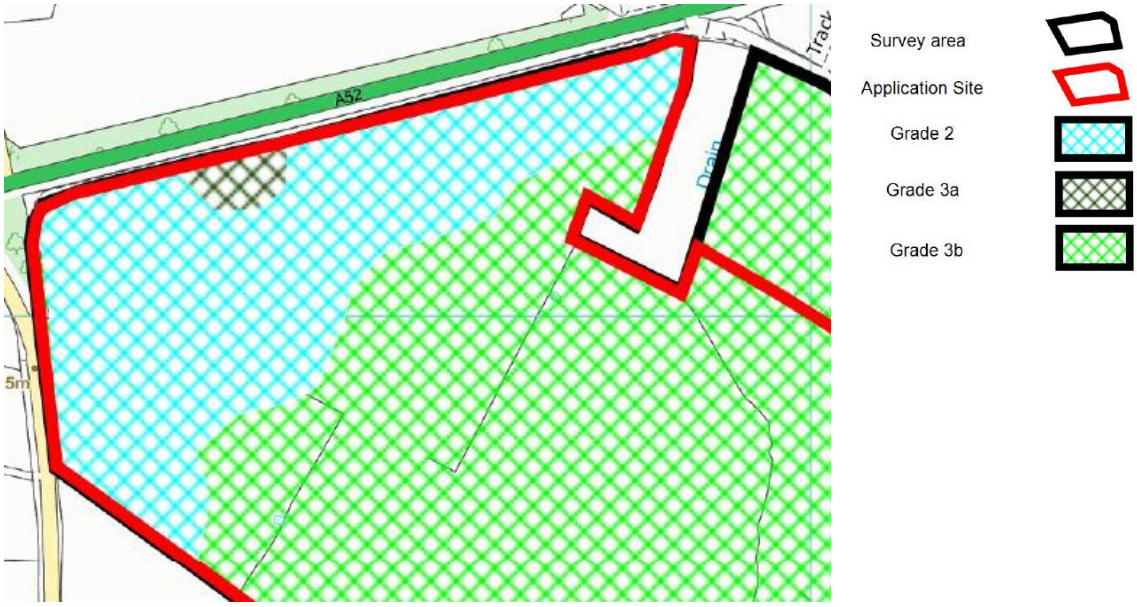
2.2 The land quality, from the ALC Report (Amet, version 9, January 2023) [**CD 1.40**] is shown on the ALC plan below, alongside a Google Earth image (2021 year).

Inserts 1 and 2: ALC and Google Earth



2.3 There is some Grade 2, and a very small area (0.3 ha) of Subgrade 3a, at the northern edge of the Site. This is shown in greater detail below. The site includes 0.3 ha of subgrade 3a and 7.0 ha of Grade 2, with the Grade 2 bordering Subgrade 3b land in the same field. The soils change over a short distance, as described in my report of March 2024. The difference is visible from aerial photographs, such as the following photograph from 2018. The boundary between the Grade 2 and subgrade 3b is visible when crops are off, and can be felt in the stickiness of the soil under the boot if walked across in wet conditions.

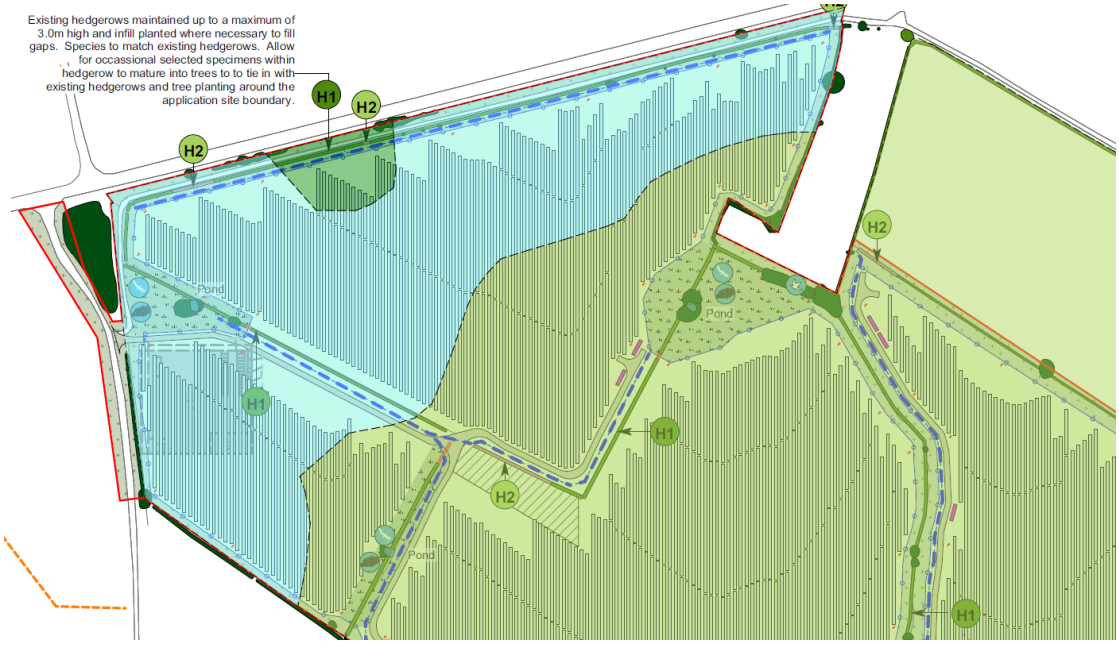
Insert 3: Extract from ALC Plan



Insert 4: Google Earth Image (2018)

2.4 It is proposed to place panels on the Grade 2 and Subgrade 3a area, as shown below. As can be seen, the Grade 2 and Subgrade 3a areas form only part of larger fields.

Insert 5: Proposals Superimposed on ALC Results



2.5 The two soil types within the same field are distinctly different. These were shown in my report of March 2024 in section 5, and I reproduce the pits I dug at point 1 (Grade 2) and point 4 (subgrade 3b) below, but there is a more extensive record in the March report.

Photos 1 and 2: Soils at Pits 1 and 4

2.6 The change in soil type is very obvious as you walk across the field, but difficult to show in photographs. The difference between soils is quite marked and this can affect

management matters such as the date of maturity of crop, as the following photo from Google Earth from July 2021 identifies.

Insert 6: Google Earth July 2021

2.7 The ALC grading for the whole Site is as follows.

Table 1: ALC Results

ALC Grade	**Area (ha)**	**Proportion (%)**
2 Very good	7.0	7
3a Good	0.3	<1
3b Moderate	92.6	93
Total	**99.9**	**100**

3 PLANNING POLICY SUMMARY

3.1 The planning policy of relevance is set out in my March 2024 report at section 2, and the following is a summary.

Local Plan

3.2 Reason for Refusal 1 references Local Plan (October 2018) policies SS1 and EN10 (10).

3.3 SS1 identifies that, where there are no policies of relevance or the policies are out of date, permission will be given unless any adverse impacts would significantly and demonstrably outweigh the benefits. As confirmed in the Council's Statement of Case, the Council accepts in this case that the benefits outweigh the effects on agricultural land.

3.4 Policy EN10 (10) explains that renewable and low carbon technology proposed will be assessed taking account of factors including "**10) high quality agricultural land**". This policy therefore requires land to be considered, but it does not set any bar or impact threshold.

Neighbourhood Plan

3.5 Policies 4 and 9 of the Neighbourhood Plan both seek to avoid renewable technology being developed on the best and most versatile agricultural land.

National Policy

3.6 The policy in the National Planning Policy Framework (December 2023) does not place a bar on development of agricultural land. It requires only that decisions should recognise the economic and other benefits of BMV land. The amended Footnote 62 refers to food production in the context of BMV land, and in the context of paragraph 181 which is a plan-making not a decision-taking policy paragraph.

NPS

3.7 References to the National Policy Statement for Renewable Energy (EN-3, January 2024) are set out in my March 2024 Statement at paragraphs 2.9 to 2.19.

WMS

3.8 On 15th May 2024 the Secretary of State for Energy Security and Net Zero issued a Written Ministerial Statement (WMS) "Solar and Protecting our Food Security and Best and Most Versatile (BMV) Land". This statement notes in the first paragraph that food security is an essential part of national security and confirms the commitment to maintain

the current level of food we produce. The second paragraph sets out concerns about energy security and prices and summarises the Government's position of racing ahead with the deployment of renewable energy, especially solar.

3.9 The WMS re-states the Government's position in respect of the use of BMV land. It does not amend the national policy, nor does it alter the weight to be given to the use of BMV land.

Consultation Amended NPPF

3.10 Paragraphs 20-22 of Chapter 9 of the Proposed Reforms to the NPPF (30th July 2024) proposes to remove the extra sentence to footnote 62 added in December 2023, on the basis that the policy in respect of BMV was already clear and this sentence has not provided a material benefit, especially as it gives no indication of how authorities are to assess and weigh the availability of agricultural land when making planning decisions.

4 WHETHER BMV LAND IS "LOST"

4.1 The potential effects of the installation of solar PV arrays on agricultural land is covered in section 4 of my March 2024 report and so is not repeated here.

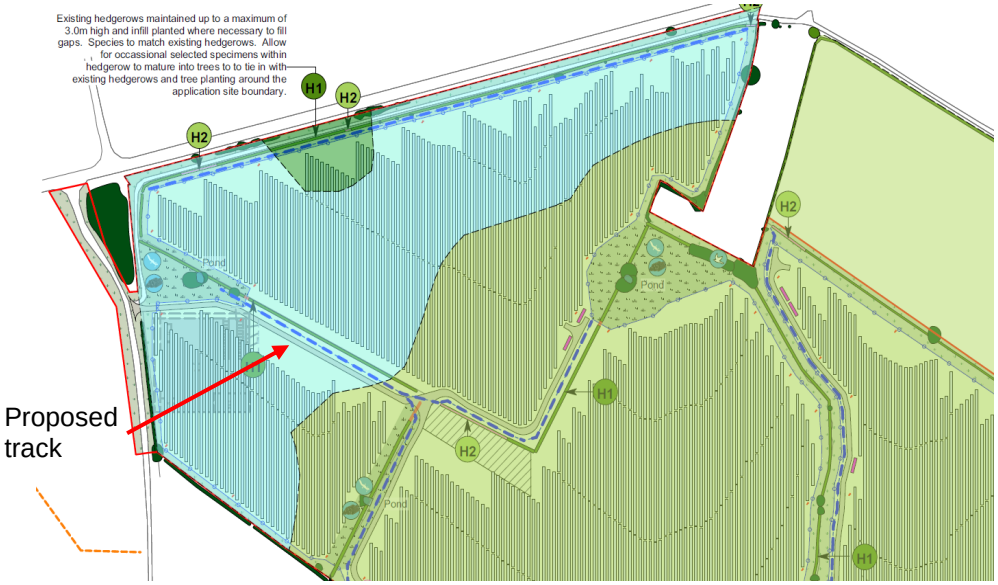
4.2 The photographs in my report are all of east-west fixed panels. The appeal proposal is for north-south single axis trackers. I have not yet had the opportunity to photograph such installations in the UK, but the following photograph shows an example of such panels. This Appeal is for a single axis tracker system.

Insert 7: Example of Tracker Panels

4.3 There is no significant difference in the effect, or lack of effect, on the underlying soils. A single pile is used rather than a number of piles, but the soil is similarly unaffected by the installation.

4.4 An access track is proposed across part of the Grade 2 land, as shown below (from section 4 of my March report).

Insert 8: Proposals Superimposed on ALC Results



4.5 The access track mostly follows the field edge, as shown below (Insert 11 of my March report).

Insert 9: Approximate Route of Access Track

4.6 This track can be removed at the decommissioning stage, and the land reinstated to its original ALC Grade 2 quality. However, even if it was not restored the "loss" would be approximately 0.1 ha and therefore a minimal loss.

4.7 Therefore there is no significant area of BMV land affected or lost. On decommissioning the track can be returned to the same grade.

4.8 An outline Soil Resources and Management Plan is set out at **Appendix KCC3** of the March 2024 report.

5 THE POLICY IMPLICATIONS

5.1 Following decommissioning no land of BMV quality will have been lost.

5.2 Temporarily, for the operational period, under 0.1 ha of BMV land will be used for an access track.

5.3 Even if that area was not restored (eg the farmers applied to retain the track), the policy implications are negligible.

5.4 By any measure 0.1 ha of BMV land is not a significant loss. The “harm” alleged in the reason for refusal is negligible even if the track was not restored.

5.5 The land quality across the 7.2 ha of BMV land under and around the panels, is not lost.

5.6 “**There is an urgent need for new energy generating capacity to meet our needs**”, and renewables are “**an essential element of the transition to net zero**”, EN-3 notes. The WMS re-states the need for renewable energy and the important role solar must play in delivering this.

5.7 The potential loss of less than 0.1 ha of BMV is negligible. When compared to the benefits of providing renewable energy described as “urgent” and “essential”, the balance must lie with providing renewable energy.

5.8 No policies in the national planning policy, Local Plan or Neighbourhood Plan, prohibit the deployment of renewable energy across land of BMV quality.

6 FOOD PRODUCTION AND OTHER CONSIDERATIONS

Food Production

6.1 Reason for Refusal 1 refers to the loss of land for food production. This I considered in section 7 of my March 2024 report.

6.2 As explained, there is no policy requiring agricultural land to be used for food production. Government has not identified any concern about food security. Footnote 62 of the NPPF requires only that food production from BMV land should be considered. As noted earlier, the deletion of this sentence is currently under consultation.

6.3 If the 7.3 ha of BMV within the Appeal Site was used producing what and the solar panels were instead placed on Subgrade 3b land elsewhere, the benefits in terms of production of winter wheat would be of the order of 10.2 tonnes per annum. Production from a normal crop rotation would be less, as explained in my March 2024 report.

6.4 10 tonnes per annum incremental reduced cereal production needs to be considered in the context of the UK's cereal production, which in 2023 was 22 million tonnes (down from 24 million tonnes in 2022 due mostly to weather-related factors).

6.5 The WMS (15th May 2024) sets out that "**even in the most ambitious scenarios**" meeting the renewable targets through solar "**would still occupy less than 1% of the UK's agricultural land**". The following statistics are presented as they provide some context for this figure:

(i) the Utilised Agricultural Area (UAA) of land in England in 2023 was 8.8 million hectares (Agricultural Land Use in England at 1 June 2023, Defra, 9th November 2023);

(ii) the estimated proportion of BMV land in England is 42% (Technical Information Note 049, Natural England, **Appendix KCC4** of my March 2024 report). Applying that to the UAA means 3.7 million ha of BMV land was utilised in 2023;

(iii) if the 1% of agricultural land figure referenced in the WMS came into effect it would amount to about 88,000 ha of agricultural land, of which (on a straight statistical application) 37,000 ha (42%) could be BMV;

(iv) the area of uncropped arable land in 2023 was 281,000 ha, up 17% on 2022 (Agricultural Land Use in England at 1 June 2023, Defra, 9th November 2023);

(v) in 2023 the Government funded 161,000 ha of arable land to be used for non-food producing agri-environmental uses under the Countryside Stewardship Scheme (see 7.6 of my March report);

(vi) the Government's Biomass Strategy (Department for Energy Security and Net Zero, August 2023) set out that currently 121,000 ha is in biomass production and the strategy seeks to see this increase;

(vii) currently there are of the order of 900,000 horses in the UK. The split between England and the other countries is not known exactly, but in terms of sports horses about two thirds are in England. If that applied to the total, then some 590,000 horses are in England, which if each requires 0.4 ha of land for grassland (grazing and hay) means about 240,000 ha of land is used for horses grazing and feeding. If 42% of that is BMV, some 100,000 ha of BMV is used for grazing or feeding horses. This I include only to illustrate the land use choices we make and the land potentially available.

6.6 The land will, in any event, continue to be used for food production through sheep grazing and rearing, in parallel with the generation of renewable energy.

6.7 In the "Statement to the Planning Inspector September 2024" by SAVE, at (i), they report that the land is capable of yielding 8 t/ha of wheat, 1.4 t/ha of oilseed rape or 1.8 t/ha of beans. SAVE extrapolate that over the 40 years of the scheme this will amount to:

- 26,500/t of wheat;
- 6,000/t of beans;
- 5,000/t of oilseed rape.

6.8 It is stated that the loss of food production contradicts the stated aims of the National Food Strategy. It is not stated that there is a planning policy contradiction or impact however.

6.9 In my opinion the production figures are misleading. There is no disagreement that, to meet our commitments to supply renewable energy, farmland needs to be used. Arguing that we should be quantifying and considering the absolute production from the site, which is 93% poorer quality, is not helpful. Policy does not seek to prevent the use of all agricultural land in arable production. Policy prefers the use of poorer quality land, so must expect there to be impacts on arable production. Policy does not prevent the use of BMV land, so absolute production is again not relevant. The relevant consideration is the incremental difference between BMV and non-BMV land, not absolute production. Therefore the figures set out are irrelevant.

6.10 They do, however, emphasise the limited impact of the proposals. 26,500 tonnes of cereals over 40 years is 0.12% of the annual production of cereals (22 million tonnes per year), so the annual impact is 40 times less than this. It is not significant.

Other Effects

6.11 The land is occupied by two farms, both tenants of the Belvoir Estate. Both have been offered alternative land, at 110% area replacement (ie 10% more than they farm within the Appeal site). Neither will be adversely affected economically, therefore.

6.12 The Belvoir Estate extends to almost 6,500 ha, of which about 1,800 ha are farmed in hand. This includes a substantial flock of sheep, run by a shepherd, which graze across the Estate including adjacent land.

6.13 The agent for the Estate has advised[1] that the income from farms and visitors does not meet the overheads of maintain the castle and its parkland and the income from the solar farm will therefore provide an important source of diversified income, and may enable capital works on buildings around the estate to proceed.

[1] Telephone discussion Tony Kernon and Robert Hall 7th August 2024

7 A SUMMARY OF UPDATES

7.1 Since my March 2024 report the following matters or decisions have taken place of which the Inspector should be aware.

WMS May 2024

7.2 The Written Ministerial Statement [**CD 4.28**] has been examined in the report above. It has not altered the policy position nor has it, in my opinion, altered the weight to be given to the use of agricultural land.

7.3 The Inspector in a recent appeal in Cornwall [**CD 6.40**] considered the implications of the WMS. In his decision on appeal APP/D0840/W/23/3334658 dated 18th July 2024, Inspector Baird in stated the following:

> "**Notwithstanding the submissions of interested parties, the 2024 WMS does not, in my view, materially change the national policy position on the use of agricultural land for solar farming nor does it create a presumption against solar farming on agricultural or BMV land. What the latest WMS does is provide a context for decisions in terms of food security in terms of maintaining the current level of domestic food production and recognising that solar farming has an important role in delivering greater energy independence. What this means is that "…*due weight needs to be given to the use of Best and Most Versatile land…*"**".

7.4 In a decision on a site where 72% was BMV, an Inspector has recently concluded that food production would continue but would be reduced, albeit temporarily. In his decision on Berden Hall Farm (S62A/22/0006) [**CD.6.41**] he addressed the WMS in paragraph 58:

> "**That brings me to how one should approach this matter in the light of the Framework, the Written Ministerial Statements and the PPG. Notwithstanding all this material, the Courts have set out that the PPG does not mandate the consideration of alternatives and still less does it require a sequential test to be adopted[2]4. There is nothing in the 2015 Written Ministerial Statement or the 2024 Written Ministerial Statement that requires anything of that sort and neither does footnote 62 to the Framework. As was pointed out in the Court case referred to above, where the Framework requires a sequential test, for example in relation to flood risk, this is clearly set out**".

7.5 The WMS does not, therefore, alter planning policy in respect of the use of BMV land.

[2] Bramley Solar Farm Residents Group v Secretary of State 2023 EWHC 2842 Admin (Paragraph 179)

Ministerial Statement to Parliament

7.6 On 18th July 2024 the Secretary of State made a Statement in the House of Commons under the title of "Clean Energy Superpower Mission". This reported, inter alia, that "**credible external estimates suggest that ground-mounted solar used just 0.1% of our land in 2022. The biggest threat to nature and food security and to our rural communities is not solar panels or onshore wind: it is the climate crisis, which threatens our best farmland, food production and the livelihoods of farmers**".

NPPF Consultation

7.7 The consultation in respect of renewable energy will be covered by others.

7.8 I have above described the consultation on amendments to the NPPF to remove the food production footnote added in December 2023. It is clear that Government considers the policy is sufficiently precise and that this sentence does not add anything. That is further evidence, should it be needed, that Government does not consider that the footnote altered policy or increased the level of protection afforded to food production.

8 CONCLUSIONS

8.1 The Borough Council has stated that it does not intend to provide evidence in support of Reason for Refusal No 1. The Parish Council raises non-compliance with policies 4 and 9 of the Neighbourhood Plan because of alleged loss of BMV land, but there is no amplification of the point in evidence.

8.2 Only a small part of the Appeal Site is BMV, being the northern part of two fields. This includes 7.3 ha of mostly Grade 2 land. The majority of the Appeal Site is Subgrade 3b "moderate" quality land.

8.3 This land is not "lost". A small area, less than 0.1 ha, will be affected by the construction of the access but even that area can be restored to comparable grade on decommissioning.

8.4 As this is only a negligible area, there is no conflict with policy, including the Neighbourhood Plan.

8.5 There are no other matters, including food production considerations, which should weigh against the proposals on agricultural land reasons.

9 DECLARATION

9.1 In accordance with the requirements of the Royal Institution of Chartered Surveyors Practice Statement, “Surveyors acting as expert witnesses” (4th edition, February 2023):

(i) I confirm that my report includes all facts which I regard as being relevant to the opinions which I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions.

(ii) I confirm that my duty to this Public Inquiry as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty as required.

(iii) I confirm that I am not instructed under any conditional fee arrangement.

(iv) I confirm that I have no conflicts of interest of any kind other than those already disclosed in my report.

(v) I confirm that my report complies with the requirements of the Royal Institution of Chartered Surveyors (RICS), as set down in *Surveyors acting as expert witnesses*: RICS practice statement.

Signed: 

(Tony Kernon)

Dated: 9th August 2024

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Appendix 5

Schedule of Development Plan Policy Compliance

Appendix 5.

Melton Local Plan 2011 - 2036 (adopted October 2018).

Policy	Relevant Policy Wording	Policy Assessment	Signpost to Relevant Application Documentation and Core Document No.
Policy SS2 - Development Strategy	"...Development will be distributed across the Borough in accordance with the spatial strategy set out below: Melton Mowbray Main Urban Area is the priority location for growth and will accommodate approximately 65% of the Borough's housing need. The role and sustainability of Melton Mowbray will be significantly enhanced through the delivery of at least 3,980 homes and up to 31 hectares of additional employment land by 2036 on allocated and other sustainable sites in accordance with Policy SS1 above. Development will be expected to contribute positively to the provision of key infrastructure, including traffic relief within the town, to support its growing population and economy. Service Centres and Rural Hubs will accommodate approximately 35% of the Borough's housing residual requirement (1822) on a proportionate basis. This will be delivered by planning positively for the development of sites allocated within and adjoining the Service Centres and Rural Hubs by 2036, and by encouraging small scale residential windfall development, where it would represent sustainable development under Policy SS1 above or would enhance the sustainability of the community in accordance with Policy SS3 - Sustainable Communities. Alongside Service Centres and Rural Hubs, Rural Settlements will accommodate a proportion of the Borough's housing need, to support their role in the Borough through planning positively for new homes as 'windfall' sites within and adjoining settlements by 2036. This development will be delivered through small unallocated sites which meet the needs and enhance the sustainability of the settlement in accordance with Policy SS3. Open Countryside: Outside the settlements identified as Service Centres, and those villages identified as Rural Hubs and Rural Settlements, new development will be restricted to that which is necessary and appropriate in the open countryside..."	Both parties acknowledge that the Appeal Site is located outside of any defined Settlement Boundary and is therefore defined as open countryside in planning terms. The Proposed Development is of a scale which precludes it being located within an urban area and it is locationally dependent upon a suitable grid connection being available.	CD 1.24 Planning Statement CD 9.5 Statement of Common Ground – Paragraph 7.4 CD 1.27 Site Selection Report
Policy C9 - Healthy Communities	"All development proposals should make a positive contribution to the following promoters of health and well-being: a. Good quality, accessible green spaces, public realm, sports and recreational facilities close to where people live and work, to encourage greater participation in play, sport, walking and cycling and to maximise opportunities for social interaction; b. Safe, convenient and attractive network of streets, paths and cycleways integrated with public transport which connect homes, workplaces, shops, schools, healthcare, leisure and other services and facilities to encourage active travel and prevents social isolation;	Not relevant to the consideration of the Proposed Development.	CD 1.28 Environmental Enhancement Strategy

	c. High quality local food growing spaces, including green roofs, edible landscaping, garden plots, community gardens, allotments and local markets, in order to provide access to fresh, healthy and affordable food; d. 'Healthy Homes' that are affordable, easy to warm, have good natural light, decent space (internal and external), exploit views, safe from flooding and overheating, and are adaptable to people's changing circumstances that can occur over a lifetime; e. High quality residential amenity; f. A range of employment opportunities in accessible locations; g. The avoidance of over concentration or clustering of any use type that could detract from people's ability to adopt healthy lifestyles (including hot food takeaways, payday lenders and betting shops); h. Good local air quality, with new development in an air quality management area to be consistent with the aims and objectives of the Air Quality Action Plan, providing an air quality assessment where appropriate…"		
Policy EN2 - Biodiversity and Geodiversity	"The Borough Council will seek to achieve net gains for nature and proactively seek habitat creation as part of new development proposals. It will protect and enhance biodiversity, ecological networks and geological conservation interests throughout the Borough and beyond its boundaries, by supporting proposals which: A) protect, extend or strengthen the Borough's most ecologically sensitive areas, including the River Wreake Valley; B) contribute to the provision of coherent wildlife networks; C) create new habitat; D) re-naturalise rivers and streams wherever possible through the removal of hard engineered structures such as reinforced banks, weirs and culverts; E) promote the preservation, restoration and re-creation of priority habitats as listed in the UK Priority Habitat Species List and Leicestershire Local Biodiversity Action Plan; and F) promote the use of fencing which incorporates holes for wildlife; provided they do not harm: G) existing, potential or proposed internationally important sites, such as Rutland Water Special Protection Area/Ramsar either individually or cumulatively in association with other plans or projects; H) nationally important sites; I) Local Wildlife Sites (including candidate and potential), Local Geological Sites, including ancient woodlands, ancient and veteran trees, hedgerows and existing corridors such as disused railways, that allow movement of wildlife between sites;	The effect on nature conservation and biodiversity interests both on and off the Appeal Site has been carefully considered in the Environmental Statement which accompanied the planning application and through close dialogue with MBC and consultees. It is agreed that LCC Ecology raised no objection to the planning application (Core Documents 7.6A-C), subject to conditions. It is agreed that the ecological benefits should carry weight in the planning balance (SoCG Paragraphs 7.32-7.34). Furthermore, it is common ground with the Council that the Proposed Development would deliver a net gain in biodiversity of + 144.64% in habitat units and + 32.13% in hedgerow units (SoCG paragraph 7.32). The Proposed Development therefore complies with the objectives of Policy EN2.	CD1.31.5 Environmental Statement Chapter 5 – Biodiversity CD1.33.10 Environmental Statement Appendix 5.1 Ecological Impact Assessment Methodology CD1.33.11 Environmental Statement Appendix 5.2 Habitats and Species Baseline Report CD1.33.12 Environmental Statement Appendix 5.3 Wintering Bird Survey Report 2019-2020 CD1.33.13 Environmental Statement Appendix 5.4 Breeding Bird Survey Report CD1.33.14 Environmental Statement Appendix 5.5 Confidential Badger Report CD1.33.15 Environmental Statement Appendix 5.6 Great Crested Newt Presence or Absence (eDNA) Survey Report CD1.33.16 Environmental Statement Appendix 5.7 Biodiversity Management Plan

	J) river corridors; K) biodiversity and geo-diversity designations identified in a Neighbourhood Plan; and L) priority habitats & species identified in the UK Priority Habitat Species List and Local Biodiversity Action Plans and the Melton Biodiversity and Geodiversity Study, unless it can be demonstrated that there is no alternative site available and there are clear and convincing benefits of the development that clearly outweigh the nature conservation or scientific interest of the site. In this case, adequate mitigation measures or, exceptionally, compensatory measures will be required at a level equivalent to the biodiversity value of the habitat lost. Such proposals must be accompanied by ecological surveys and an assessment of the impacts on biodiversity and geodiversity. Proposals for allocated sites should be informed by the site survey results and the recommendations for mitigation and enhancement in the Biodiversity and Geo-diversity Study. The Borough Council will support the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreement."		CD1.33.17 Environmental Statement Appendix 5.8 Biodiversity Net Gain Assessment CD1.33.18 Environmental Statement Appendix 5.9 Construction Environmental Management Plan CD 10.7 Biodiversity Net Gain Report for Amended Scheme CD 1.24 Planning Statement – Paragraphs 6.14-6.20 (Ecology)
Policy EN3 - The Melton Green Infrastructure Network	"A strategic approach to the delivery, protection and enhancement of green infrastructure will be taken by the Borough Council working with partners, in order to deliver new assets where deficits have been identified in the green infrastructure strategy and to enhance the following primary green infrastructure areas: 1. Melton North and Melton South Sustainable Neighbourhoods in accordance with Policy C1; 2. Areas of Separation in accordance with Policy EN4; 3. River Wreake and River Eye strategic corridor; 4. Jubilee Way; 5. Leicestershire Round Footpath; 6 Melton Country Park; 7 Grantham Canal; 8. The Wolds Escarpment; 9 Burrough on the Hill Country Park; and 10. Newark to Market Harborough disused railway line. New development proposals will be supported where they retain and enhance important green infrastructure elements such as:	It is common ground with the Council that the Proposed Development would deliver a net gain in biodiversity of + 144.64% in habitat units and + 32.13% in hedgerow units. It is also agreed that there would not be an unacceptable impact on trees and hedgerows through damage or loss. The following measures were included within the Site Layout & Landscape Strategy (Revision Q, drawing number P19-2022_10) submitted as part of the planning application: • Proposing a new native tree belt (10m wide) along a section of the eastern boundary softening the edge with Muston. • Implementing new lengths of hedgerow along footpaths and accommodating the routes within a Green Infrastructure Enhancement Corridor which includes wildflower buffers/margins. • Reinforcing and enhancing the retained hedgerows across the Appeal Site to strengthen the landscape framework and local landscape character. • 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	CD 9.5 Statement of Common Ground – Paragraphs 7.32-7.34 (Biodiversity) and 7.35-7.37 (Arboriculture) CD 9.2 Statement of Case – Paragraphs 3.16-3.21 CD 1.24 Planning Statement – Paragraphs 6.7-6.13 (Landscape) CD 1.28 Environmental Enhancement Strategy

	11. Watercourses (including ditches) and their riparian zones with buffers (free from development or formal landscaping) extending to a minimum of 8 metres from the top of the bank (on both banks) of any given watercourse; 12. Woodland, orchard, mature trees, hedgerows; 13. Local BAP Habitats and those supporting local BAP priority species and species in the UK Priority Habitat Species List; 14. Access routes (public rights of way and permitted routes); 15. Existing public green space including sports pitches in accordance with the Playing Pitch Strategy, allotments and designated Local Green Space; 16. Areas of geological and archaeological interest; 17. Green infrastructure identified in the Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study; and 18. Historic Parkland. The Council will particularly support proposals which contribute towards: 19. The 6Cs Green Infrastructure and Strategic Networks; and 20. The Woodland Trust's Access to Woodland Standards. New or enhanced green infrastructure corridors and assets should be as inclusive as possible and look to make provision for more than one of the following: A) access to employment and leisure facilities and to the countryside; B) physical activity and well-being opportunities for local residents such as formal sports in accordance with the Playing Pitch Strategy, parks and allotment provision; C) provide high quality bridleways, walking and cycling links between the corridor and towns and villages; D) educational resources for local residents; E) biodiversity opportunities including the provision of tree planting, shrubs and other natural features on all new development sites; F) mitigating and adapting to climate change, including through tree planting; G) enhancement of landscape character in accordance with Policy EN1; H) protection or enhancement of heritage assets and their setting in accordance with Policy EN13; and I) opportunities for sustainable leisure and tourism. Where new development has an adverse impact on green infrastructure corridors or assets, alternative sites and scheme designs that have no or little impact should be considered before mitigation is provided (either on site or off site as	diverse species-rich wildflower grassland outside of the security fence and alongside the retained and proposed on-site footpaths. • An area of complimentary species diverse meadowland is proposed adjacent to Muston Meadows SSSI/NNR at the eastern edge of the Appeal Site. • An area of complimentary 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, hibernaculum, log pile, 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 to soften views of heritage assets such as Belvoir Castle and local church spires. • Interpretation boards are proposed 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 located within the southern end of the Appeal Site. • One field was removed closest to Muston following discussion with the Parish Council on 16th August 2022. The Proposed Development will therefore deliver an enhanced landscape structure which will greatly improve green infrastructure corridors and connectivity across and within the Appeal Site. The Proposed Development therefore complies with the objectives of Policy EN3.	

	appropriate). The need for and benefit of the development will be weighed against the harm caused."		
Policy EN5 - Local Green Spaces	"Development proposals will be required to protect designated Local Green Spaces in the Borough. Proposals should not harm the key features, value and functionality of a Local Green Space such that its character is protected. Neighbourhood Plans are encouraged to designate additional Local Green Space as evidenced by the Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study or other up to date evidence document."	The Proposed Development does not contain any areas of designated Local Green Space and nor is it required to. This policy is therefore not relevant to the consideration of the Proposed Development. However, it should be noted that the Proposed Development will retain all existing Public Rights of Way within the Appeal Site and the additional unofficial pathways created over time will also be retained as permissive footpaths. Additional areas proposed for public use include outdoor classrooms and picnic areas which will be located at the south west and north east corners of the looped walk; and a canal side community orchard located within the southern end of the Appeal Site.	CD 1.28 Environmental Enhancement Strategy
Policy EN6 - Settlement Character	"Development proposals will be supported where they do not harm open areas which: 1. contribute positively to the individual character of a settlement; 2. contribute to the setting of historic built form and features; 3. contribute to the key characteristics and features of conservation areas; and 4. form a key entrance and/or gateway to a settlement. Development proposals will also be supported where they do not harm individual features of a settlement which contribute towards settlement character as identified in a Neighbourhood Plan, including non-designated heritage assets."	In respect of Landscape and Visual matters, Mr Kratt explains in his Evidence that he supports the finding and recommendations of the Pegasus work, and agree with the overarching conclusion that while there will be some inevitably adverse landscape and visual effects; these effects are not considered to be significant; and that the Proposed Development can be successfully accommodated within the landscape. There are some minor differences between himself and Pegasus regarding specific sensitivity and magnitude judgements, but no differences in the overall 'level' of effects. The Appeal Scheme is a temporary development with a proposed operational lifespan of 40 years after which point the Appeal Scheme would be decommissioned, the equipment removed from the Appeal Site, and the restored site would then continue in agricultural use. This is in notable contrast to many other forms of development, such as housing or commercial buildings, where such development would be a form of built development that would endure in perpetuity. Having regard to all the foregoing, and given Mr Kratt's evidence on the nature and extent of landscape and visual effects in which he concludes that in terms of landscape character the Proposed Development would not have a significant effect on the landscape character of the area when considered in combination with other solar developments in the locality.	CD 9.6 Proof of Evidence of Mr Alister Kratt on Landscape and Visual Matters CD 1.24 Planning Statement – Paragraphs 6.7-6.13 (Landscape) CD 7.19 A-C Landscape Review by Cornwall Environmental Consultants Ltd
Policy EN8 - Climate Change	"All new development proposals will be required to demonstrate how the need to mitigate and adapt to climate change has been considered, subject to considerations of viability, in terms of: • Sustainable design and construction in accordance with Policy EN9 – ensuring energy efficient and low carbon development.	The Proposed Development represents a clear form of sustainable development, generating clean renewable energy and helping reduce carbon emissions which are required to help meet the 2050 Net Zero target enshrined in law in the Climate Act. The planning evidence of Mr Paul Burrell also sets out the plethora of policy and guidance documents in respect of climate change and	CD 9.5 Statement of Common Ground – Paragraphs 7.6-7.9 (Need for Renewable Energy)

	• Provision of green infrastructure in accordance with Policy EN3 – the Melton Green Infrastructure Network. • Provision of renewable and/or low carbon energy production, including decentralised energy and/or heat networks in accordance with Policy EN10 – energy generation from renewable sources. • Flood risk in accordance with Policy EN11 – minimizing the risk of flooding and policy EN12 – sustainable urban drainage systems. • Providing opportunities for sustainable modes of transport in accordance with Policy IN1 – delivering infrastructure to support new development."	energy security at a national level which are material considerations in support of the Proposed Development. Reference is also made in evidence to the Climate Emergency declared by the UK Parliament in May 2019 and the Council itself in July 2019. It is also common ground with the Council that: • The Proposed Development would constitute a low carbon, renewable energy source that would make a valuable contribution towards meeting national renewable energy targets. • Both parties acknowledge that the Proposed Development would provide up to 49.9 MW of electricity, which will enable CO_2 displacement over the operational lifespan of the scheme. Both parties agree that this would be a renewable source of energy and reduce the UK's dependence on fossil fuel. It is agreed that weight should be attached to this material consideration in the determination of this Appeal. • Both parties acknowledge that MBC's commitment to tackling climate change is embodied in its adopted Development Plan, within Local Plan Strategic Objective 23 (not policy) and also Policy EN10. The Proposed Development therefore complies with Policy EN8.	
Policy EN9 - Ensuring Energy Efficient and Low Carbon Development	"Major development proposals will be required to demonstrate how the need to reduce carbon emissions has influenced the design, layout and energy source used, subject to viability. A design and access statement will need to consider the following: Development proposals, including refurbishment, will be supported where they demonstrate the following, subject to viability: 1. How effective use has been made of materials that have been reused, recycled, are renewable, locally sourced, have been transported in the most sustainable manner, and have low embodied energy; 2. How the design optimises natural sunlight and solar gain, and prevents overheating including providing non-mechanical means of ventilation and opportunities for cooling from tree planting and landscaping; 3. How heat loss from all elements of the building envelope will be prevented; 4. Water efficient measures to reduce demand on water resources, including through the use of efficient appliances, rainwater recycling, water butts and underground storage tanks, where technically feasible;	The overall design and layout of the Appeal Scheme has been designed in collaboration with MBC Officers to minimise harm within the Appeal Site and the wider area, whilst providing significant benefits. This positive approach to design chimes with that outlined in NPS EN-1 (Core Document 4.3), where at Section 4.7 it notes that "*the functionality of an object – be it a building or other type of infrastructure – including fitness for purpose and sustainability, is equally important* [to aesthetic considerations]." (Core Document 4.3, paragraph 4.7.1). Equally, EN-1 acknowledges that the nature of energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area (Core Document 4.3, paragraph 4.7.2). Notwithstanding these general constraints to design for an energy infrastructure project, the iterative design process which was undertaken by the Appellant is set out in the Design and Access Statement which accompanied the planning application, and Mr Kratt also explains the design evolution in his evidence at Section 7 in terms of siting relative to existing landscape character, land form and vegetation, whilst also seeking to embed opportunities for	CD 1.25 Design and Access Statement CD 9.6 Proof of Evidence of Mr Alister Kratt on Landscape and Visual Matters

	5. How developments (dwellings and non-dwellings) have considered on-site renewable, low carbon or de-centralised energy provision, including connection to existing networks, where feasible, in accordance with Policy EN10; 6. Space for a home office in new homes; 7. Space for cycle storage in new homes and employment sites and, where appropriate showers and changing facilities; and 8. Charging points for electric cars. A site waste management plan which emphasizes waste minimization, re-use and recycling during demolition and construction will be required for major development proposals. Development should be phased to ensure sufficient waste water treatment capacity is available before development is complete;…"	nature inclusive design as EN-1 advises (Core Document 4.3, paragraph 4.7.6).	
Policy EN11 - Minimising the Risk of Flooding	"Melton Borough Council will ensure that development proposals do not increase flood risk and will seek to reduce flood risk to others. The Council will do this by working in partnership with the appropriate agencies (the Environment Agency, Leicestershire County Council as Lead Local Flood Authority, Internal Drainage Boards, Severn Trent & Anglian Water and the Canal and River Trust), developers and landowners. The Borough Council will follow a sequential approach to flood risk management with the aim of locating development on land with the lowest risk of flooding (Zone 1 and outside of surface water flood risk). For development in Flood Zones 2, 3a & 3b, the exception test will be applied in accordance with Table 3 of National Planning Practice Guidance. In addition: The development of sites in Zone 2 will be permitted where development: a) is resilient to flooding through design and layout which follows a sequential approach and includes hazard free access to sites for pedestrians and vehicles in the event of flooding; b) has floor levels which are above the 1 in 100-year flood level plus an allowance for climate change (in line with the latest climate change guidance), with appropriate freeboard; and c) incorporates appropriate mitigation measures, such as on-site flood defence works and/or a contribution towards or a commitment to undertake such off-site measures as may be necessary. Development in defended Zone 3a will only be considered where it can be demonstrated that it meets requirements A), B), & C) above, and: d) it is safe from residual risk of flood defences failing, e.g. overtopping breach and pump failure, and	It is agreed that the majority of the Appeal Site comprises land within Flood Zone 1, with a small area within Flood Zone 3 to the far west of the Appeal Site adjacent to the existing Winter Beck watercourse. All infrastructure is located outside of the Flood Zone 3. It is also common ground with the Council that: • The Environment Agency raised no objection to the planning application subject to condition (Core Document 7.3). • Both parties agree that the Proposed Development will not result in any more surface water run-off than occurs currently. The likely significant effects of the completed solar farm are agreed to be beneficial and include a reduction in the risk of silt runoff, improved (i.e. more uniform) flow characteristics in the receiving watercourses and improved runoff quality. • It is agreed that the Proposed Development would not increase flood risk elsewhere, subject to appropriate planning conditions being imposed. • It is agreed that the consequence of the development, with the mitigation measures incorporated to reduce silt and debris mobilisation during the construction and until the vegetation has established, would be considered to provide betterment to the existing land use in terms of surface water runoff rates and downstream flood risk.	CD9.5 Statement of Common Ground – Paragraphs 7.26-7.31 (Flood Risk and Drainage) CD 1.24 Planning Statement – Paragraphs 6.44-6.49 (Flooding and Drainage) CD1.31.4 Environmental Statement Chapter 4 – Flood Risk and Hydrology CD 1.33.9 Environmental Statement Appendix 4.1 Flood Risk Assessment CD 7.3 Environment Agency CD 7.8 A-B LLFA

	e) it does not impede flow rates or reduce flood plain storage unless compensatory storage is provided on a level-for-level and volume-for-volume basis. Development on undefended Zone 3a will only be considered where it can be demonstrated that it meets requirements of A), B), C), E) above and: f) is appropriate in accordance with Table 3 of the National Planning Practice Guidance, or g) cannot be located on land at lower risk due to lack of suitable land, where there are exceptional reasons for the development to take place in that location; Development on the functional floodplain (Zone 3b) will be allowed for water-compatible uses and essential infrastructure only, where no reasonable alternative sites are available and the requirements of A), B), C) and E) above are met. All planning applications for development in Flood Zones 2 and 3, or which exceed one hectare should be accompanied by a flood risk assessment which should: • Be informed by the Melton Strategic Flood Risk Assessment and the best available information covering all sources of flood risk; • Be proportionate to the degree of flood risk, as well as the scale, nature and location of the development; • Include a Surface Water Drainage Strategy which demonstrates that the proposed drainage scheme, and site layout and design, will prevent properties from flooding from surface water, allowing for climate change effect and that flood risk elsewhere will not be exacerbated by increased levels of surface water runoff; • Incorporate Sustainable Drainage Systems and considers their ongoing maintenance unless they are demonstrated to be not technically feasible; • Demonstrate that the development will be safe during its lifetime, does not affect the integrity of existing flood defenses and any necessary flood mitigation measures have been agreed with the relevant body; • Demonstrate that the adoption, ongoing maintenance and management of any mitigation measures have been considered and any necessary agreements are in place; • Demonstrate how proposals have taken a positive approach to reducing overall flood risk and have considered the potential to contribute towards solutions for the wider area; • Demonstrate that the condition of any relevant defences and residual flood risk has been considered. Where appropriate the Council will require developers to restore watercourses to a more natural state through the removal of hard engineering, such as culverts and	• The proposed swales and filter trenches adjacent to internal access roads on site will slow surface water flows and improve water quality on site subject to condition. The Proposed Development therefore complies with the objectives of Policy E11.	

	bank reinforcement, in order to reduce flood risk and provide local amenity and biodiversity benefits. Normally no buildings should be constructed within 8 metres of the banks of watercourses, to allow access for maintenance as well as providing an ecological corridor. In addition, proposals should not result in the loss of any existing open water features. Proposals will need to demonstrate that there is the capacity within the foul water sewerage network or that capacity can made available prior to the occupation of the development. Proposals for flood management or other infrastructure offering improvements that lower the risk of flooding will be supported, subject to the proposal not resulting in an increase in flood risk elsewhere. Proposals for development located adjacent to the Grantham Canal will need to consider the residual risk in the event of overtopping and/or breaches of the embankment due to culvert collapse or animal burrowing. For allocated sites in areas at risk of flooding, proposals should demonstrate how site-specific flood risk implications identified in the Strategic Flood Risk Assessment have been addressed."		
Policy EN12 - Sustainable Drainage Systems	"For major developments, proposals should demonstrate through a surface water drainage strategy that properties will not be at risk from surface water flooding allowing for climate change effects. Surface water management should be undertaken, wherever practicable through the utilisation of appropriate SuDS techniques which mimic natural drainage patterns, and where appropriate achieve net gains for nature through the creation of ponds and wetlands near watercourses and the introduction of blue green corridors. For SuDS techniques which are designed to encourage infiltration, a site-specific infiltration test will be required to ensure that the water table is low enough. For sites which lie within or close to groundwater protection zones or aquifers, guidance should be sought from the Lead Local Flood Authority. Where SuDS are not technically feasible, the applicant is required to provide evidence that a connection to a public surface water sewer is necessary. All developments will be expected to be designed to achieve, where appropriate, a net decrease in surface water run-off rates, including through green infrastructure provision such as the planting of native trees and bushes and the consideration of using 'green roofs'. All developments on greenfield sites will be expected to achieve greenfield run-off rates. All developments will be required to manage surface water through keeping to a minimum the creation of non-permeable areas.	See previous comments in respect of Policy EN11 - Minimising the Risk of Flooding.	CD9.5 Statement of Common Ground – Paragraphs 7.26-7.31 (Flood Risk and Drainage) CD 1.24 Planning Statement – Paragraphs 6.44-6.49 (Flooding and Drainage) CD1.31.4 Environmental Statement Chapter 4 – Flood Risk and Hydrology CD 1.33.9 Environmental Statement Appendix 4.1 Flood Risk Assessment CD 7.3 Environment Agency CD 7.8 A-B LLFA

	For allocated sites, any surface water management strategy should demonstrate how site-specific guidance in the Strategic Flood Risk Assessment has been implemented."		
Policy IN2 - Transport, Accessibility and Parking	"The Council and its delivery partners will support and promote an efficient and safe transport network which offers a range of transport choices for the movement of people and goods, reduces the need to travel by car and encourages use of alternatives, such as walking, cycling, and public transport. All new developments should, where possible, have regard to all the following: 1. be located where travel can be minimised and the use of sustainable transport modes maximised; 2. Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, dedicated walking and cycling links and cycle storage/parking links and integration with existing infrastructure; 3. Seek to generate or support the level of demand required to improve, introduce or maintain public transport services, such as rail and bus services; 4. Do not unacceptably impact on the safety and movement of traffic on the highway network or that any such impacts can be mitigated through appropriate improvements; 5. Support the enhancement of existing or proposed transport interchanges such as the railway stations at Melton Mowbray and Bottesford; 6. Provide appropriate and effective parking provision and servicing arrangements."	Access to the Appeal Site is proposed via the existing access point on Castle View Road. This access will serve the entire Appeal Site and will be connected to a network of internal roads within the Appeal Site. Several Public Rights of Way ("PRoW") cross the Appeal Site. It is proposed Footpaths F82/3, F90/2 and byways F85b/1 and F85b/2 which run through and around the Appeal Site would be retained on their current alignment and set within a significant Green Infrastructure Enhancement Corridor. It is also common ground with the Council that: • It is agreed that the Appeal Site access proposals, together with the proposed vehicle movements and construction vehicle route from the strategic highway to the Appeal Site, are acceptable. • It is agreed that LCC Highways and National Highways raised no objection to the planning applications (Core Documents 7.7B and 7.4C), subject to conditions. The Proposed Development would therefore comply with the requirements of Policy IN2.	CD9.5 Statement of Common Ground – Paragraphs 7.17-7.18 (Traffic & Access) CD 1.29 Construction Traffic Management Plan Addendum CD 1.24 Planning Statement – Paragraphs 6.37-6.43 (Transport and Public Rights of Way) CD 9.2 Statement of Case – Paragraphs 3.13-3.15 (Access) CD 3.1 Committee Report – Paragraphs 8.11.1-8.11.19 (Access for construction, maintenance and de-commissioning)

Bottesford Neighbourhood Plan (made October 2021).

Policy	Relevant Policy Wording	Policy Assessment	Signpost to Relevant Application Documentation and Core Document No.
Neighbourhood Plan Policy 1: Sustainable Development and the Village Envelopes	"1. To be supported development must make a positive contribution towards the achievement of sustainable development. Development proposals will be supported which address the following matters: a) safeguarding the integrity function and character of the landscape and maintaining a sense of openness and separation between the settlements; and b) being of a scale, density, layout and design that is compatible with the local, rural character, appearance and amenity of that part of Bottesford Parish in which it is located; and c) conserving heritage assets including the settings of the conservation areas and list of buildings in accordance with National and Borough policy; and d) conserving or enhancing biodiversity; and e) maximising water efficiency; and f) using sustainable construction materials and methods. … 5. Development in the open countryside will be restricted to that which is necessary and appropriate in the open countryside in accordance with MBC Policy SS2."	See previous comments in respect of Policies SS2, EN2, EN6, EN9 and EN11. In respect of Built Heritage Matters, Ms Armstrong explains the effect of the Appeal Scheme on the heritage significance of heritage assets and the significance of those located in the surrounding area. Ms Armstrong considers the impact of the Appeal Scheme would result in less than substantial harm, at the lower end of the spectrum, to the heritage significance of the following heritage assets: • Grade I Listed Belvoir Castle. • Grade I Listed Church of St Mary. • Grade II* Listed Church of St John the Baptist. • Belvoir Conservation Area. • Grade II* RPG at Belvoir Castle. The harm identified arises from a change in 'setting' only and would be removed following the decommissioning of the solar farm and removal of associated infrastructure. Further Ms Armstrong does not consider that harm to the heritage significance of the following designated heritage assets, as identified by MBC, would arise as a result of a change in 'setting': • Scheduled Moated Grange With Fishpond, Muston. Both the Appellant and Local Authority agree that harm identified to the above designated heritage assets, via a change in 'setting', should be considered against the public benefits of the Proposed Development, in accordance with Paragraph 208 on the NPPF (CD 9.5 Statement of Common Ground paragraph 7.44). Both parties agree that there would be no harm to: (i) Shifted medieval village earthworks and moat at Easthorpe; (ii) Muston village cross (scheduled monument and Grade II* listed building).	CD 9.6 Proof of Evidence of Ms Armstrong in respect of Heritage Matters CD 1.31.3 Environmental Statement Chapter 3 – Cultural Heritage and Archaeology CD 1.32.10 Environmental Statement Figure 3.1 Selected Non-Designated Heritage Assets in Application Site Environs CD 1.32.11 Environmental Statement Figure 3.2 Geophysical Survey Interpretation Plot for the Application Site CD 1.32.12 Environmental Statement Figure 3.3 Designated Heritage Assets in the Application Site Environs CD 1.24 Planning Statement CD 9.5 Statement of Common Ground CD1.31.5 Environmental Statement Chapter 5 – Biodiversity CD 9.6 Proof of Evidence of Mr Alister Kratt on Landscape and Visual Matters CD 1.24 Planning Statement CD 1.25 Design and Access Statement CD1.31.4 Environmental Statement Chapter 4 – Flood Risk and Hydrology CD 1.33.9 Environmental Statement Appendix 4.1 Flood Risk Assessment
Neighbourhood Plan Policy 5: Protecting and Enhancing Green Infrastructure	"1. Development proposals should protect and where applicable enhance existing green infrastructure assets. 2. Green infrastructure enhancements should be in accordance with Local Plan Policy EN3. In particular development should;	See previous comments in respect of Policy EN3.	CD 9.5 Statement of Common Ground 7.32-7.34 (Biodiversity) and 7.35-7.37 (Arboriculture)

	a) safeguard the route of the dismantled railway; and b) protect, enhance and where possible expand areas of natural green space and create linkages to allow movement of species. 3. Development that improves access to, and provides a footpath along, the River Devon corridor for walkers and cyclists will be supported."		CD 9.2 Statement of Case – Paragraphs 3.16-3.21 CD 1.24 Planning Statement – Paragraphs 6.7-6.13 (Landscape) CD 1.28 Environmental Enhancement Strategy
Neighbourhood Plan Policy 6: Reducing the Risk of Flooding	"1. Development in Flood Zone 2 and 3 or which exceed 1 hectare, should be; a) accompanied by a flood risk assessment which is informed by the Melton Strategic Flood Risk Assessment and the best available information (including up to date local evidence) covering all sources of flood risk; and b) designed to Environment Agency standards. 2. Surface water management strategies should demonstrate how site-specific guidance in the Strategic Flood Risk Assessment has been implemented. Proposals which include altering the topography on a development site must demonstrate that this will not exacerbate flooding elsewhere. 3. Drainage systems should maintain or where applicable enhance the aesthetic, recreational and ecological quality of the area and be available, where appropriate, as recreational space. 4. Development should incorporate Sustainable Drainage Systems (SuDS) where applicable. SuDS proposals should be managed in line with the Government's Water Strategy and the Drainage Hierarchy. In particular SuDs proposals should; a) provide multifunctional benefits (for example enhancing biodiversity) by providing natural flood management and mitigation through the improvement or creation of green infrastructure (for example ponds and wetlands, woodland and swales); and b) take account of advice from the Leicestershire County Council as the Lead Local Flood Authority, the Environment Agency and Severn Trent Water (as the sewage management company). 5. Proposals will be supported that include the replacement of tarmac or an equivalent non-porous surface with a SuDs scheme in the areas identified on Map 15 as being in flood zone 2 or 3. 6. Where appropriate to their scale, nature and location development proposals should restore watercourses to a more natural state (through the removal of hard engineering, such as culverts and bank reinforcement) in order to reduce flood risk and provide local amenity and biodiversity benefits. 7. To allow access for maintenance as well as providing an ecological corridor, no buildings should be constructed within 8 metres of the banks of watercourses. In addition, proposals should not result in the loss of any existing open water features."	See previous comments in respect of Policies EN11 and EN12.	CD9.5 Statement of Common Ground – Paragraphs 7.26-7.31 (Flood Risk and Drainage) CD 1.24 Planning Statement – Paragraphs 6.44-6.49 (Flooding and Drainage) CD1.31.4 Environmental Statement Chapter 4 – Flood Risk and Hydrology CD 1.33.9 Environmental Statement Appendix 4.1 Flood Risk Assessment CD 7.3 Environment Agency CD 7.8 A-B LLFA

Neighbourhood Plan Policy 7: Improving Connectivity	"1. Development which is directly related to improving or extending the non-vehicular routes across the Parish will be supported where the proposals; a) do not detract from the landscape character as defined in the most recent Landscape Character Assessment Study and the Bottesford Design Code; and b) are for the purpose of improving non-vehicular routes; and c) will not harm protected local habitats. 2. Development proposals will be expected to demonstrate how they protect and where possible enhance existing public rights of way and permissive routes affected by those developments. Opportunities to improve non-vehicular linkages between existing routes from the edge of the existing settlement to the countryside, into Bottesford village and the open spaces within the Village Envelopes are supported. 3. Where applicable developer contributions will be sought to improve the network of public accessible walking/cycling routes across the Parish."	See previous comments in respect of Policies EN3, EN6 and IN2.	CD 9.5 Statement of Common Ground 7.32-7.34 (Biodiversity), 7.35-7.37 (Arboriculture) and 7.17-7.18 (Traffic & Access) CD 9.2 Statement of Case – Paragraphs 3.16-3.21 CD 1.24 Planning Statement – Paragraphs 6.7-6.13 (Landscape) CD 1.28 Environmental Enhancement Strategy CD 9.6 Proof of Evidence of Mr Alister Kratt on Landscape and Visual Matters CD 1.24 Planning Statement – Paragraphs 6.7-6.13 (Landscape) CD 7.19 A-C Landscape Review by Cornwall Environmental Consultants Ltd CD 1.29 Construction Traffic Management Plan Addendum CD 1.24 Planning Statement – Paragraphs 6.37-6.43 (Transport and Public Rights of Way) CD 9.2 Statement of Case – Paragraphs 3.13-3.15 (Access) CD 3.1 Committee Report – Paragraphs 8.11.1-8.11.19 (Access for construction, maintenance and de-commissioning)
Neighbourhood Plan Policy 8: Ensuring High Quality Design	"1. To be supported, proposals should demonstrate a high design quality that will contribute positively to the character of the Parish. In order to achieve this, new development proposals should demonstrate how they will reinforce the character of the area as defined in the Bottesford Parish Design Code 2020 (see Appendix J) and comply with the following design principles; a) respond to the local character of both the surrounding area and the immediately neighbouring properties; and b) demonstrate sensitive positioning within plots and be of such scale and form as to not dominate neighbouring properties or the streetscape; and c) show thorough understanding of the history and design qualities of the surrounding buildings and provide a clear rationale for how this is taken into account in the design of the proposals; and	See previous comments in respect of Policy EN9.	CD 1.25 Design and Access Statement CD 9.6 Proof of Evidence of Mr Alister Kratt on Landscape and Visual Matters

	d) use native trees, dry ditches and hedgerows in landscaping schemes and boundary treatment where possible that reflect and enhance the surrounding character; and e) use a colour palette reflecting the hues in local materials; and f) be of a scale, density and mass that is sympathetic to the character of the immediate locality, including the rural heritage and the historic setting of the Conservation Areas; and g) show how the buildings, landscaping and planting creates well defined streets and attractive green spaces; and h) include a layout that maximises opportunities to integrate new development with the existing settlement pattern; and i) provide safe access, parking and servicing arrangements (including bin storage); and 2. Diversity of design, orientation, and plot size is a feature of the existing built environment. Proposals should demonstrate a variety of house sizes and types on irregular plots where possible that reinforces this distinctive character. 3. Well-designed buildings should be appropriate to their location and context. This may include innovative and contemporary design solutions provided they positively enhance the character and local distinctiveness."		
Neighbourhood Plan Policy 12: Protecting Heritage Assets	"1. The buildings and structures listed in Appendix H are identified as locally valued heritage assets. 2. The effect of a proposal on the significance of a non-designated heritage asset, including their setting, will be taken into consideration when determining planning applications. Applications that are considered to cause substantial harm to a non-designated heritage asset will require a clear and convincing justification. 3. Insofar as planning permission is required the restoration of listed buildings At Risk, or those on a Local List in similar circumstances, will be supported where the proposed use is compatible with their designation provided that the proposal; a) recognises the significance of the heritage asset as a central part of the proposal; and b) has special regard to the desirability of preserving the asset or its setting or any c) features of special architectural or historic interest. 4. Gardens and open spaces form part of the special interest of the Conservation Areas. Development will only be supported on gardens and open spaces between buildings within the Conservation Areas where it can be demonstrated that the proposals shall not harm the character and appearance of the Conservation Area."	See previous comments in respect of Neighbourhood Plan Policy 1.	CD 9.6 Proof of Evidence of Ms Armstrong in respect of Heritage Matters CD 1.31.3 Environmental Statement Chapter 3 – Cultural Heritage and Archaeology CD 1.32.10 Environmental Statement Figure 3.1 Selected Non-Designated Heritage Assets in Application Site Environs CD 1.32.11 Environmental Statement Figure 3.2 Geophysical Survey Interpretation Plot for the Application Site CD 1.32.12 Environmental Statement Figure 3.3 Designated Heritage Assets in the Application Site Environs

Community Objective 1	"To ensure that development minimises the impact on the landscape character and biodiversity of the Plan area, recognizing the value of long views and vistas into and out of the rural setting of the villages and the valued open spaces within them."	See previous comments in respect of Policies EN2 and EN6.	CD1.31.5 Environmental Statement Chapter 5 – Biodiversity CD 9.6 Proof of Evidence of Mr Alister Kratt on Landscape and Visual Matters CD 1.24 Planning Statement – Paragraphs 6.7-6.13 (Landscape) CD 7.19 A-C Landscape Review by Cornwall Environmental Consultants Ltd

Appendix 6

Schedule of Comments on Third Party Representations

Appendix 6.

Schedule of Comments on Third Party Representations.

No.	Third Party Name	Summary of Comments Raised	Summary of Appellant's Response	SoCG Paragraph Reference	Signpost to Relevant Application Documentation and Core Document No.
1	Mr Paul Fenton Group Footpath Secretary Vale of Belvoir Ramblers	Some general observations: 1. Green Lanes – the proposed width is insufficient to prevent being caught in a corridor. Given the loss of views and open space, the width needs to be at least 8 metres. It is worth noting that existing high hedges often prevent views to the outside of the proposed solar farm; one can only see that which is within the boundary. 2. Hedges and trees along the fence line – a very delicate balance needs to be achieved. If hedges / trees are continuous then height becomes an issue. If they are too high then views of the Belvoir escarpment can be lost entirely. (See Viewpoint 01.) Occasional narrow trees can help create a good green space without restricting views. 3. Permissive path – this is to be welcomed and it is noted that it appears to be situated in a wide corridor – much wider than the proposed 'green lane'. 4. Drainage – there are some sections of the rights of way that are prone flooding. There should be plans to address this. (See Footpath F90/2 and BOAT F85/b below.)	As raised within the Appellant's Statement of Case paragraphs 9.31-9.38 the Appellant will present evidence on the visual effects on the locality. The appeal proposal's visual characteristics are informed by the Screened Zone of Theoretical Visibility ("SZTV") which shows that the locations from which the Proposed Development would be visible are geographically limited. The Appellant will explain in evidence that visual effects are limited only to routes that lie within or in the vicinity of the Appeal Site and the effects would be localised. Evidence will be presented to explain how the proposal has been designed to accommodate existing public rights of way and provide mitigation for visual effects through the implementation of the proposed landscape strategy (Appeal Site Layout and Landscape Strategy, as revised). Reference will be made to the photographs and photomontages included within the Landscape and Visual chapter within the Environmental Statement and subsequent addendums. There is a network of public rights of way across the surrounding landscape beyond the Appeal Site. The majority of these public routes would be visually unaffected by the proposed solar farm as it would be screened from view by a combination of topography and vegetation in the intervening landscape. Only a few short sections of public rights of way and road network would be visually affected by the proposals. There would be some adverse visual effects associated with the scheme, however, the overall viewing experience and appreciation of the surrounding rural landscape would continue to prevail with the proposed solar farm in place. It should be noted that there is not one publicly accessible location, such as on the local public right of way or road where the entirety of the proposed solar farm could be experienced owing to the intervening topography and vegetation. Whilst there are short sections of the local public rights of way network where it could be possible to experience views of sections of the proposed solar farm, there would be no opportunities to observe the whole scheme to appreciate its scale. The scheme's effect upon visual amenity of the area would be very limited in degree, and very localised in extent. Policies require careful integration through existing landscape features and new planting to mitigate adverse effects to minimal levels. No policy in the Local Development Plan specifies no visibility of a Proposed Development whatsoever. In overall terms, the visual effects of the proposed solar farm would be very limited due to its substantial visual containment as a result of a combination of topography and surrounding vegetation. Where seen, only small elements of the	Landscape and Visual 7.12-7.16 Flood Risk and Drainage 7.26-7.31	CD 1.28 Environmental Enhancement Strategy, dated December 2021, prepared by Pegasus Group CD 1.31 Environmental Statement Chapter 2 – Landscape and Visual Impact Assessment CD 1.38.1 Supplementary Environmental Information Note Appendix 1: Cumulative Landscape and Visual Impact Assessment, dated November 2022, prepared by Pegasus Group CD 1.43 Rebuttal of Belvoir Solar Farm Independent Landscape Review, dated February 2023, prepared by Pegasus Group CD 1.44 Rebuttal of Belvoir Solar Farm Independent Landscape Review, dated March 2023, prepared by Pegasus Group CD 1.31 Environmental Statement Chapter 4 – Flood Risk and Hydrology CD 1.33.9 Appendix 4.1 Flood Risk Assessment, dated December 2021, prepared by Pegasus Group

			scheme would be observed thereby reducing its perceived scale in the rural landscape. In terms of flood risk matters, the Appellant will explain that the Appeal Site lies within Flood Zone 1, and further that the Proposed Development is considered to be within the 'essential infrastructure' category of land uses set out in the Flood Risk Vulnerability Classification as set out in the NPPG. Therefore, there is no material harm to weigh in this regard. Moreover, a Flood Risk Assessment ("FRA") has been prepared as part of this planning application and concludes that the proposal is considered to accord with the requirements of the National Planning Policy Framework ("NPPF") with residual risk to the Site fully mitigated, and as such considered low risk. The Proposed Development will not add any significant areas of impermeable surfacing. Surface water runoff will drain partially to ground, as existing, and overland flows collected via new swale systems to slow run-off and improve water quality. The FRA also confirms using the Appeal Site for solar power generation therefore has the potential to provide betterment to the existing land use in terms of surface water runoff rates and downstream flood risk.		
2	Mr John Forinton	Concerns regarding food production and loss of arable land.	As raised within the Appellant's Statement of Case paragraphs 9.7- 9.12 as part of the planning application the Appellant submitted an Agricultural Land Classification Report prepared by Amet Property. During the consultation period Melton Borough Council ("MBC") instructed an independent assessment of the submitted report with respect to the methodology and approach used in the survey, the quality and consistency of data with published data, and the interpretation of the data in the light of the Agricultural Land Classification ("ALC") guidelines. Following amendments, the results of the independent review confirmed that the assessment submitted was robust and should be accepted as an accurate reflection of agricultural land quality at the Appeal Site (Reading Agricultural Consultants, March 2023, CD 7.20A-B). The Agricultural Land Classification Report established that the Appeal Site would comprise of a classification of Grade 2 (7.0ha), Subgrade 3a (0.3ha) and the remainder Subgrade 3b (approx. 92.65). The total Appeal Site area is 99.95ha and therefore the total amount of Grade 2 and 3a (BMV) land would comprise approximately 7.3% of the total Appeal Site area. The Appellant will explain that the Proposed Development would not result in the loss of BMV land. The majority of the Appeal Site would continue in agricultural use as pastureland for sheep grazing which would form an integral part of the ongoing management and maintenance of the Appeal Site for the temporary duration of the Proposed Development. The Appeal Site would be the subject of a different use with solar panels located above the ground providing a grazing opportunity for sheep under the panels. This is not a "loss" of agricultural land as would be the case if, for example, a housing development were proposed where the land would then be irretrievably 'lost'. It is noted that whilst the 132kV substation will remain after the decommissioning of the solar farm, this land is Grade 3b and not BMV. The Appellant will explain a number of considerations that should be balanced when applying Policy EN10 of the Local Plan, including the extent of BMV land	Agricultural Land 7.38-7.41 Farm Diversification 7.42	CD 1.40 Agricultural Land Classification Report, dated 9th January 2023, prepared by Amet Property CD 2.6 Agricultural Evidence and Soil Resources Management Plan, dated March 2024, prepared by Kernon Countryside Consultants

			available across the District and the lack of availability of suitable alternative sites to accommodate the Proposed Development; the measures to be incorporated to minimise impact on the soil resource at the Appeal Site; the ability to introduce biodiversity enhancements; the reversibility and time-limited nature of the Proposed Development and the ability to reinstate and return the land to agricultural use after the decommissioning of the Proposed Development. Reference will also be made to recent appeal decisions, including Solar Farm developments which have involved the issue of the use of agricultural land, including the recent decision at Scruton (Appeal reference: APP/G2713/W/23/3315877, CD 6.20). It is noted that the National Policy Statement for Renewable Energy Infrastructure indicates that agricultural land type should not be a predominating factor in determining the suitability of the site location (EN-3 paragraph 2.10.29, CD 4.4). The Appellant will draw attention to the position of Natural England, the statutory consultee who did not object to the Proposed Development, and to the advice of the Planning Officer in the Committee Report (CD 3.1) that stated it "*would be unreasonable to exclude this small parcel of land from the development of solar panels given its size and within a wider field. The renewable energy benefit of the proposal must be accorded substantial weight*'.		
3	Mrs Beverley Greasley	Objection: • Visual impact, detracting from Belvoir Castle, Bottesford Church and the agricultural land which the Vale of Belvoir is known for. • Impact on tranquillity. • Concerns regarding food security and loss of agricultural land.	Please see aforementioned Appellant's Response at Point 2 in regard to effect upon agricultural land quality. In regard to landscape and visual impact, as raised within the Appellant's Statement of Case paragraphs 9.13-9.30 and further to Point 1 above, the Appellant will demonstrate that a 'landscape led' design approach was adopted and has underpinned the evolution of the Proposed Development and that the Proposed Development would have limited harm on the existing positive landscape elements associated with the Appeal Site. The existing gentle gradients across the Appeal Site would result in only very limited earthworks necessary to accommodate the Proposed Development. There would be no offsite works associated with the Proposed Development. The Appeal Site lies within an area of relatively flat, agricultural landscape, interspersed with numerous villages and hedgerows set within the Vale of Belvoir. Hedgerow and woodland block vegetation when viewed across a low-lying topography with occasional variations, can combine to limit or allow views towards parts of the Appeal Site which has been used to positively inform the design of a proposed solar development, particularly where there are existing blocks of woodland and there is little variation in the topography within this part of the Belvoir Vale. Whilst it is accepted that during the lifetime of the Proposed Development there would be a localised impact upon the landscape in respect of the Appeal Site itself, the overall fabric and character of the landscape would remain, and the fields would have the opportunity to return to agricultural use after the expiry of permission.	Landscape and Visual 7.12-7.16 Agricultural Land 7.38-7.41	CD 1.31 Environmental Statement Chapter 2 – Landscape and Visual Impact Assessment CD 1.38.1 Supplementary Environmental Information Note Appendix 1: Cumulative Landscape and Visual Impact Assessment, dated November 2022, prepared by Pegasus Group CD 1.43 Rebuttal of Belvoir Solar Farm Independent Landscape Review, dated February 2023, prepared by Pegasus Group CD 1.44 Rebuttal of Belvoir Solar Farm Independent Landscape Review, dated March 2023, prepared by Pegasus Group CD 1.40 Agricultural Land Classification Report, dated 9th January 2023, prepared by Amet Property CD 2.6 Agricultural Evidence and Soil Resources Management Plan, dated March 2024, prepared by Kernon Countryside Consultants

			Beyond the environs of the Appeal Site the landscape character of the area would remain unchanged, and as a result, there would be no unacceptable cumulative landscape character effects when assessed in combination with other renewable energy proposals in the locality. With the proposed scheme in place, the character of the fields within the Appeal Site would change as they would accommodate solar arrays, but the underlying character of the field pattern would remain. It is proposed that as an integral part of the scheme, new hedgerow and tree planting would be introduced, and wildflower meadows created, with arable land converted to pasture. The Appellant will demonstrate the visibility of the Proposed Development is limited and that visibility would be restricted by a combination of the landform, distance from the Appeal Site and the enclosure provided by intervening vegetation surrounding the Appeal Site. The Appellant will demonstrate that mitigation as part of the Proposed Development would successfully assimilate the scheme in its landscape context in accordance with landscape character guidelines which promotes the planting of trees and hedgerows resulting in no unacceptable cumulative visual effects when assessed in combination with other renewable energy proposals in the locality. The Appellant will demonstrate that the Proposed Development could be successfully accommodated within the existing landscape pattern and could be assimilated into the surrounding landscape without causing any long-term harm to the landscape character, visual amenity, or existing landscape attributes of the area.		
4	Professor Brean Hammond SAVE (Save Our Vale Environment)	Objection: • Rule 6 status requested. • Trust issues with the Developer. • Concerns with the MBC Planning Meeting. This covers the role played by the Planning Officers and the Developer. The Council's decision to oppose the scheme was both rational and reasonable, in SAVE's view. • Critique of the amended scheme. • Mitigations. • Broader concerns with generic land-sited solar energy schemes. • Loss of BMV land. • Cumulative impact. • Loss of amenity and landscape character. • Impact on setting of heritage assets. • Concerns regarding power production and emission figures.	Noted. Please see aforementioned Appellant's Response at Point 2 in regard to effect upon agricultural land quality and Point 3 in relation to landscape and visual impacts. In terms of heritage matters please refer to the Appellant's Statement of Case paragraphs 9.39-9.45, which states there are no heritage assets located within the bounds of the Appeal Site. The nearest designated heritage asset to the Appeal Site is the Grade II* Listed and Scheduled Village Cross at Muston, c.360m east of the Appeal Site boundary. As detailed at Sections 4-6 of Ms Armstrong's Proof of Evidence, it is her opinion that harm would arise to the following designated heritage assets, via a change in 'setting': • Grade I Listed Belvoir Castle. • Grade I Listed Church of St Mary. • Grade II* Listed Church of St John the Baptist. • Belvoir Conservation Area. • Grade II* RPG at Belvoir Castle. It is Ms Armstrong's opinion that the harm arising would be at the lower end of less than substantial harm. The harm identified would be removed following the decommissioning of the solar farm and removal of associated infrastructure. Both the Appellant and Local Authority agree that harm identified to the above designated heritage assets, via a change in 'setting', should be considered	Site Selection 7.10-7.11 Landscape and Visual 7.12-7.16 Agricultural Land 7.38-7.41 Heritage 7.43-7.48	CD 1.27 Site Selection Report, dated March 2022, prepared by Pegasus Group CD 1.28 Environmental Enhancement Strategy, dated December 2021, prepared by Pegasus Group CD 1.31 Environmental Statement Chapter 2 – Landscape and Visual Impact Assessment CD 1.38.1 Supplementary Environmental Information Note Appendix 1: Cumulative Landscape and Visual Impact Assessment, dated November 2022, prepared by Pegasus Group CD 1.43 Rebuttal of Belvoir Solar Farm Independent Landscape Review, dated February 2023, prepared by Pegasus Group CD 1.44 Rebuttal of Belvoir Solar Farm Independent Landscape Review, dated March 2023, prepared by Pegasus Group

			against the public benefits of the Proposed Development, in accordance with Paragraph 208 on the NPPF (CD 9.5 Statement of Common Ground paragraph 7.44). It is Ms Armstrong's opinion that no harm would arise to the Scheduled Moated Grange with Fishpond, Muston. Both parties agree that there would be no harm to: (i) Shifted medieval village earthworks and moat at Easthorpe; (ii) Muston village cross (scheduled monument and Grade II* listed building). The Appellant has drawn attention to the support for the Appeal Scheme from the landowners of Belvoir Estate and that this proposal will assist in delivering their overall vision for improving the sustainability of the Estate. In terms of the mitigation queries raised by the third party the Appellant would refer to the Environmental Enhancement Strategy (CD 1.28) and further details which could be agreed by way of a draft schedule of conditions (as worded in Section 11 of the Committee Report (CD 3.1)). With regard to power production and carbon savings calculations these are set out in the 'Overplanting Statement' prepared by the Appellant attached as Appendix 2 to Mr Burrell's Planning Evidence (CD 9.6).		CD 1.40 Agricultural Land Classification Report, dated 9th January 2023, prepared by Amet Property CD 2.6 Agricultural Evidence and Soil Resources Management Plan, dated March 2024, prepared by Kernon Countryside Consultants CD 1.31 Environmental Statement Chapter 3 – Cultural Heritage and Archaeology CD 1.33.7 Appendix 3.1 Heritage Statement, dated January 2022, prepared by Pegasus Group CD 9.6 Appellant Planning Proof of Evidence Appendix 2
5	Mr Colin Love	Objection: • Concerns regarding food security and loss of agricultural land. • Impact on heritage assets. • Impact on SSI Grantham Canal and the SSI Muston Meadows.	Please see aforementioned Appellant's Response at Point 2 in regard to effect upon agricultural land quality and Point 4 in respect of heritage considerations. The submitted Environmental Statement Chapter 2 – Landscape and Visual Impact Assessment notes the Proposed Development will seek to incorporate a number of mitigation principles. Mitigation measures that have been incorporated into the layout of the Proposed Development as 'embedded mitigation' as part of the iterative design process. Generally, the Proposed Development will seek to retain and enhance existing landscape elements that make a positive contribution to the local landscape character and will incorporate opportunities to enhance the landscape features of the Appeal Site. One of these measures includes an area of complimentary species diverse meadowland is proposed adjacent to Muston Meadows SSSI/NNR at the eastern edge of the Site and an area of complimentary species diverse grassland habitat adjacent to Muston Meadows SSSI/NNR in the southeast corner of the Site. The Appellant will explain that there will be a number of biodiversity benefits and will refer to the Environmental Enhancement Strategy which accompanied the Application. It will be explained that the Appeal Scheme will result in a Biodiversity Net Gain in biodiversity of + 144.64% in habitat units and + 32.13% in hedgerow units (SoCG paragraph 7.32), through the implementation of the Proposed Development, which will exceed the national requirements of the Environment Act 2021.	Agricultural Land 7.38-7.41 Heritage 7.43-7.48 Biodiversity 7.32-7.34	CD 1.28 Environmental Enhancement Strategy, dated December 2021, prepared by Pegasus Group CD 1.40 Agricultural Land Classification Report, dated 9th January 2023, prepared by Amet Property CD 2.6 Agricultural Evidence and Soil Resources Management Plan, dated March 2024, prepared by Kernon Countryside Consultants CD 1.31 Environmental Statement Chapter 3 – Cultural Heritage and Archaeology CD 1.33.7 Appendix 3.1 Heritage Statement, dated January 2022, prepared by Pegasus Group CD 1.24 Planning Statement, dated February 2022, prepared by Pegasus Group
6	Steve Whitby	Objection: • Concerns regarding food security and loss of agricultural land.	Please see aforementioned Appellant's Response at Point 2 in regard to effect upon agricultural land quality, Point 3 in relation to landscape and visual impacts and Point 4 in respect of heritage considerations.	Site Selection 7.10-7.11	CD 1.24 Planning Statement, dated February 2022, prepared by Pegasus Group.

		• Alternative sites raised. • Cumulative impact. • Impact on tourism. • Proximity to village. • Criticisms of tracker panel technology. • Criticisms of mitigation screening proposed. • Impact on wildlife in particular red listed birds. • Concerns regarding noise pollution. • Concerns regarding construction period impacts. • Impact on heritage assets and archaeology. • Concerns regarding power production and emission figures.	The Solar Farm would consist of solar photovoltaic ("PV") panels placed on metal arrays arranged in rows, allowing for boundary landscaping, perimeter fencing and access. The arrays would utilise a tracking system that uses a north-south system (90 degrees in the morning and 270 degrees in the evening) with elevation angles of up to +/- 60 degrees. In terms of ecological considerations as part of the submitted Environmental Statement an Ecological Impact Assessment was undertaken by Avian Ecology. The Assessment sets out the results of the Extended Phase 1 Habitat Survey, Great Crested Newt Habitat Suitability Index (HSI) Assessment, Great Crested Newt Environmental-DNA (e-DNA) Survey, Breeding Bird Surveys and Wintering Bird Surveys. The Ecological Impact Assessment concludes with the proposed mitigation and enhancement measures in place, the Proposed Development is not considered to have any residual significant effects on any statutory or non-statutory site designated for nature conservation, nor on habitats or protected and notable species. In terms of noise matters the Environmental Statement Noise Chapter concludes (paragraph 7.8.8, Core Document 1.31.7) that if appropriate control measures adopted during the construction, potential noise impacts and effects would be minimised and would ensure that there would be no adverse noise impacts at the surrounding noise sensitive receptors. The construction of the Appeal Site would take place over approximately six to nine months. There will be a temporary construction compound in place during the construction period. Noise levels associated with the operation of the Proposed Development have been calculated and assessed on the basis of the proposed equipment. The calculations and assessment concluded that there would be no adverse noise impacts at surrounding noise-sensitive receptors (paragraph 7.8.5, Core Document 1.31.7).	Landscape and Visual 7.12-7.16 Agricultural Land 7.38-7.41 Biodiversity 7.32-7.34 Noise 7.21-7.24 Heritage 7.43-7.48	CD 1.27 Site Selection Report, dated March 2022, prepared by Pegasus Group. CD 1.28 Environmental Enhancement Strategy, dated December 2021, prepared by Pegasus Group CD 1.31 Environmental Statement Chapter 2 – Landscape and Visual Impact Assessment CD 1.38.1 Supplementary Environmental Information Note Appendix 1: Cumulative Landscape and Visual Impact Assessment, dated November 2022, prepared by Pegasus Group CD 1.43 Rebuttal of Belvoir Solar Farm Independent Landscape Review, dated February 2023, prepared by Pegasus Group CD 1.44 Rebuttal of Belvoir Solar Farm Independent Landscape Review, dated March 2023, prepared by Pegasus Group CD 1.40 Agricultural Land Classification Report, dated 9th January 2023, prepared by Amet Property CD 2.6 Agricultural Evidence and Soil Resources Management Plan, dated March 2024, prepared by Kernon Countryside Consultants CD 1.31 Environmental Statement Chapter 5 – Biodiversity CD 1.33 Appendix 5.1 Ecological Impact Assessment Methodology, dated December 2021, prepared by Avian Ecology CD 1.33 Appendix 5.2 Habitats and Species Baseline Report, dated 9th September 2022, prepared by Avian Ecology CD 1.33 Appendix 5.3 Wintering Bird Survey Report 2019-2020, dated 9th September 2022, prepared by Avian Ecology

					CD 1.33 Appendix 5.4 Breeding Bird Survey Report, dated 15th September 2022, prepared by Avian Ecology CD 1.31 Environmental Statement Chapter 7 – Noise CD 1.31 Environmental Statement Chapter 3 – Cultural Heritage and Archaeology CD 1.33.7 Appendix 3.1 Heritage Statement, dated January 2022, prepared by Pegasus Group
7	Mrs Alison Reason	Objection: • Landscape and visual impact. • Concerns regarding heritage impact. • Alternative sought.	Please see aforementioned Appellant's Response at Point 3 in relation to landscape and visual impacts and Point 4 in respect of heritage considerations.	Site Selection 7.10-7.11 Landscape and Visual 7.12-7.16 Agricultural Land 7.38-7.41	CD 1.27 Site Selection Report, dated March 2022, prepared by Pegasus Group CD 1.28 Environmental Enhancement Strategy, dated December 2021, prepared by Pegasus Group CD 1.31 Environmental Statement Chapter 2 – Landscape and Visual Impact Assessment CD 1.38.1 Supplementary Environmental Information Note Appendix 1: Cumulative Landscape and Visual Impact Assessment, dated November 2022, prepared by Pegasus Group CD 1.43 Rebuttal of Belvoir Solar Farm Independent Landscape Review, dated February 2023, prepared by Pegasus Group CD 1.44 Rebuttal of Belvoir Solar Farm Independent Landscape Review, dated March 2023, prepared by Pegasus Group CD 1.40 Agricultural Land Classification Report, dated 9th January 2023, prepared by Amet Property CD 2.6 Agricultural Evidence and Soil Resources Management Plan, dated March 2024, prepared by Kernon Countryside Consultants

Appendix 7

Letter from The Duchess of Rutland

BELVOIR CASTLE

To whom it may concern,

Belvoir Castle Estate has been home to my family since Tudor times. As current stewards of the Estate, following in the footsteps of our ancestors over hundreds of years, we are very conscious of our responsibility to protect and nurture the land in the best way possible so that future generations can enjoy it for many more centuries to come.

As a passionate advocate for heritage, creativity and innovation, it has been my role in recent years to ensure those priorities work together for the benefit of the Estate. Which is why I have been pleased to encourage renewable energy production on the land alongside our more traditional farming practices.

Estates such as Belvoir need to recognise the importance of adapting and innovating and playing our part in addressing climate change whilst ensuring the long term economic viability of our historic homes. Being able to view the beauty of history allows us to step back in time and comprehend the past whilst enabling us to understand aspects of society today.

The Belvoir Estate has over 16,000 acres of mixed farmland, woodland and aquatic habitats. We are very proud of the wide range of animal and plant species that visit, stay and breed here. Sadly, many of these species are threatened as a result of climate change and we are committed to doing what we can for these wildlife species. Solar energy production on the Estate will not only support us in our endeavours to further increase our commitment to the local flora and fauna but also provide green electricity that will help combat the damaging impact of climate change.

These proposals will help to power nearly 19,000 homes yet will only need 1.5% of the Estate's land to do so. Times and needs have changed and so too must our land management practices, however even with the introduction of solar technology, our sheep can still graze as they have done for centuries.

My family and I are proud custodians of a small part of England's wonderful heritage, constantly striving to protect and maintain the Estate. Diversification will not only allow us to continue this for many years to come but will also support improvements in the soil quality due to the absence of artificial fertilisers and chemicals, meaning it can be returned to more traditional farming methods in the future.

I also welcome the prospect of providing more educational opportunities to our local children through the creation of an outdoor classroom, community orchards and beehives. Encouraging our children to learn about how they can positively impact our climate and environment is something I am particularly supportive of and these new facilities will benefit the many school trips we already welcome to the Estate.

Belvoir remains one of our country's finest Regency castles and we are enormously privileged to call it home. I believe these proposals will bring substantial environmental, economic and community benefits to the area for many years to come and myself and my family would welcome your support in making these benefits a reality.

Yours sincerely,

Emma Rutland

The Duchess of Rutland

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Appendix 8

Business Rate Contribution Note

Business rates

1.1. Business rates are an important economic contributor to an area. It is estimated that the solar project element of the Proposed Development could generate approximately £165,000 per annum in business rates[1]. Over the intended 40-year lifespan of the Proposed Development, business rates generated could total around £6.6million in current prices, or around £3.7million in present value[2].

[1] Based on a rateable value of £6,450/MW, as per the 2017 revaluation. For a scheme of 49.9MW, this gives a rateable value of around £322,000. Applying an average multiplier of 0.512, this translates to annual business rates of around £165,000.

[2] Where future benefits are calculated over the operational timeframe, they have been discounted to produce a present value. This is the discounted value of a stream of either future costs or benefits. A standard discount rate is used to convert all costs and benefits to present values. Using the Treasury's Green Book, the recommended discount rate is 3.5% up to 30 years, after 30 years the discount rate is 3%.