



# The Planning Inspectorate

APPEAL BY JBM SOLAR PROJECTS 10 LTD – SOLAR FARM  
FIELDS OS 6700, 6722 & 5200, MUSTON LANE, EASTHORPE

## **Note of case management conference held on 24 June 2024 Venue - Teams**

### **Purpose of the conference and attendance**

1. The purpose of the conference was to consider the ongoing management of the case and arrangements for the inquiry to ensure that the appeal is dealt with in an efficient and effective manner. It was led by myself as the appointed Inspector. The text in italics relates to post CMC updates.
2. Participants on behalf of the parties were as follows:

#### Appellant:

- Thea Osmund-Smith, counsel (TOS)
- Paul Burrell

#### The Local Planning Authority (LPA), Melton BC:

- Andrew Parkinson, counsel (AP)

#### Bottesford Parish Council (PC):

- Councillor Bob Bayman (BB)

#### Save Our Vale Environment (SAVE):

- Steve Whitby

Other individuals associated with the Appellant and the LPA were in attendance.

### **Identification of the site and description of development**

3. There are differences in the documentation as to how the site is identified. Whilst the location on the decision notice referring to fields OS 6700, 6722 & 5200, Muston Lane, Easthorpe is more precise than that given on the application form, it is not clear if only three fields are involved, and Muston Lane appears to be to the north of, rather than adjacent to, the site. The main parties (the Appellant and the LPA) will review the location, and agree an accurate reference in the statement of common ground.
4. It was agreed that the description of development on the application form adequately describes the proposal.

### **Main issues and other matters**

5. My initial assessment of the likely main issues was set out in my pre-conference note (para 4). AP confirmed that the LPA would not be offering

evidence in support of reason for refusal 1 concerning the effect on agricultural land, since it considered that that harm would be outweighed by the benefits of the proposal.

6. BB referred to the proximity of the site to an SSSI and a nature reserve, and suggested that the effect on nature conservation interests should be a main issue. Whilst the PC intends to refer to this at the inquiry, it would be drawing on work undertaken in connection with the Neighbourhood Plan, and does not intend to present evidence from expert witnesses. Should that situation change, the PC would inform The Inspectorate. I undertook to give my view on nature conservation as a main issue in this note. *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.*
7. My current understanding of the main issues is, therefore, as set out in the pre-conference note.
8. Prior to the conference, the Appellant had sought clarification on the scope of the LPA's heritage concern. In reply, the LPA had identified specific heritage assets and made reference to the nature of its concern about glint and glare<sup>1</sup>. The Appellant suggested that some uncertainty remained, given that the letter on behalf of the LPA referred to the conservation area and since it considered that the LPA had not articulated how heritage assets would be affected.
9. The LPA advised that, in all cases, it considered the harm to heritage assets would be less than substantial. A table would be submitted by 3 July 2024 setting out the assets affected by the proposal, the contribution which setting makes to their significance, and the extent of harm.

### **Participation in the inquiry**

10. The Appellant is expected to be represented by:

- Thea Osmund-Smith - counsel
- Alister Kratt – landscape & visual considerations
- Hannah Armstrong – heritage
- Paul Burrell – planning.

TOS explained that Tony Kernon and Howard Fearn would provide statements on agricultural considerations and nature conservation respectively, and be available to appear if required. *In the light of my view of the main issues, the Appellant is requested to ensure that Mr Fearn is available to appear at the inquiry.*

11. The LPA is expected to be represented by:

- Andrew Parkinson – counsel
- Simon Higson – landscape & visual considerations

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<sup>1</sup> See letter of 24 May 2024 from Pegasus Group on behalf of the Appellant and letter of 17 June 2024 from Heatons on behalf of the LPA.

- Tim Mallin - heritage
- Peter Bond – planning.

12. Bottesford PC is expected to be represented by:

- Councillor Bob Bayman.

13. SAVE is expected to be represented by:

- Steve Whitby
- Another representative.

14. None of the parties was aware of any other likely participants.

### **The form of the inquiry**

15. The parties were content with a face-to-face event. The LPA would be able to host any virtual elements and arrange live-streaming. The Inspectorate's case officer should be informed if any remote participation is required.

16. It is intended that the inquiry should, for the most part, proceed on a topic basis, with evidence heard on landscape, heritage and planning in that order. Possible conditions would be the subject of a round-table session, and written representations from persons not appearing would be taken into account. Otherwise evidence is expected to be addressed through formal examination.

### **Timetable**

17. The inquiry is scheduled for six days, 10-13, 17 & 18 September 2024. For the Appellant, Mr Kernon will not be available from 10-13 September and Mr Fearn will not be available on 13, 17 & 18 September. No other problems of availability were raised. No suggestions were made to hold evening sessions.

18. It is intended that parties other than the Appellant and the LPA would present their evidence ahead of the topic sessions. *Changes may be made to accommodate the availability of intended participants.* Following the receipt of time estimates, I will prepare a timetable for the inquiry.

### **Inquiry venue**

19. The venue for the inquiry will be Chambers 1 & 2, Council Offices, Burton Street, Melton Mowbray, LE13 1GH. The LPA will endeavour to provide retiring rooms for both myself and the Appellant's team. Parking is available at the Council Offices, and the venue is close to the railway station.

### **Documentation**

20. All documents will be hosted on the Council's website. The Appellant and the LPA were asked to co-operate in the preparation of a set of core documents.

21. A draft statement of common ground has been prepared. The agreed document should be submitted by 5 July 2024.

22. On the list of application documents upon which the LPA made its decision the relevant plans are included at numbers 11-23. The Appellant has proposed a number of relatively minor amendments to the scheme; the relevant plans are numbers 2-4 on the list of additional plans, drawings or documents. The Appellant has undertaken consultation on the proposed amendments, and none of the other parties had any objection to their acceptance as part of the scheme. *In the circumstances, I do not consider that any prejudice would be caused by taking the amended plans and associated documents into account at the inquiry.*

23. Proofs of evidence from the Appellant and the LPA should be submitted by 13 August 2024 and any rebuttals by 3 September 2024. Statements from other parties should also be submitted by 13 August. The parties were reminded that material included in core documents does not need to be reproduced in appendices, and that appendices should be compiled separately from proofs and be paginated continuously.

24. I requested hard copies of proofs of evidence and the relevant application and revised plans for my use.

### **Planning obligations and conditions**

25. It is not intended that any planning obligations will be submitted.

26. Possible conditions are included in the LPA's report. The Appellant and the LPA were requested to review these, and prepare a list of suggested possible conditions by 13 August.

### **Site visits**

27. The parties will liaise on suggestions for a programme of site visits. It is my current intention to undertake site visits prior to hearing closing submissions.

### **Costs**

28. At present there were no intentions by the main parties to apply for costs. Should that position change ahead of the inquiry, applications should be submitted by 20 August 2024.

### **Document submission**

29. Documents and other information should be provided by the following dates:

By 3 July 2024 – clarification by the LPA of its position in respect of heritage matters.

By 5 July 2024 – statements of common ground, hard copies of relevant application plans and revised plans.

By 13 August 2024 (4 weeks beforehand) – core documents, proofs of evidence, possible conditions.

By 20 August 2024 (3 weeks beforehand) – any costs applications.

By 27 August 2024 (2 weeks beforehand) – time estimates.

By 3 September 2024 (1 week beforehand) – any rebuttals, site visit suggestions, costs responses.

*Richard Clegg*

INSPECTOR

26 June 2024