



*Castle House  
Great North Road  
Newark  
NG24 1BY*

*Tel: 01636 650000*

[www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk)

**Wednesday, 29 April 2026**

**Chair: Councillor A Freeman  
Vice-Chair: Councillor D Moore**

**Members of the Committee:**

**Councillor C Brooks  
Councillor L Dales  
Councillor S Forde  
Councillor P Harris  
Councillor M Home  
Councillor K Melton  
Councillor P Rainbow**

**Councillor S Saddington  
Councillor M Shakeshaft  
Councillor T Smith  
Councillor M Spoor  
Councillor L Tift  
Councillor T Wildgust**

<b>MEETING:</b>	<b>Planning Committee</b>
<b>DATE:</b>	<b>Thursday, 7 May 2026 at 4.00 pm</b>
<b>VENUE:</b>	<b>Civic Suite, Castle House, Great North Road, Newark, NG24 1BY</b>

**You are hereby requested to attend the above Meeting to be held at the time/place  
and on the date mentioned above for the purpose of transacting the  
business on the Agenda as overleaf.**

If you have any queries please contact Catharine Saxton on [catharine.saxton@newark-sherwooddc.gov.uk](mailto:catharine.saxton@newark-sherwooddc.gov.uk).

## AGENDA

	<u>Page Nos.</u>
1. Notification to those present that the meeting will be recorded and streamed online	
2. Apologies for Absence	
3. Declarations of Interest by Members and Officers	
4. Minutes of the meeting held on 9 April 2026	4 - 11
<b>Part 1 - Items for Decision</b>	
5. Review of the Protocol for Planning Committee and the Planning Committee Scheme of Delegation to Officers	12 - 13
6. Land at Foxholes Farm, Bathley Lane, North Muskham (22/01983/FULM) Site Visit: 10.15am to 10.35am	14 - 104
7. Land to Rear of Mill Lane, Caunton (25/01952/FUL) Site Visit: 10.45am to 10.55am	105 - 140
8. Land to the East of Hockerton Road, Upton (26/00382/PIP) Site Visit: 11.10am to 11.20am	141 - 161
9. Land Adjacent Apple Cottage, Bilsthorpe Road, Eakring (26/00377/PIP) Site Visit: 11.35am to 11.45am	162 - 179
10. Land South-East of Caunton Road, Hockerton NG25 0LP (26/00448/PIP) Site Visit: 12pm to 12.10pm	180 - 195
11. Forest Centre Indoor Market and Former Lloyds Bank, Forest Road, Ollerton (26/00235/ADV)	196 - 207
<b>Part 2 - Items for Information</b>	
12. Annual Report Detailing the Exempt Reports Considered by Planning Committee	208 - 209
13. Appeals Lodged	210 - 211
14. Appeals Determined	212
<b>Part 3 - Statistical and Performance Review Items</b>	
None	

**Part 4 - Exempt and Confidential Items**

None

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Thursday, 9 April 2026 at 4.00 pm.

PRESENT: Councillor A Freeman (Chair)  
Councillor D Moore (Vice-Chair)

Councillor C Brooks, Councillor L Dales, Councillor S Forde, Councillor P Harris, Councillor M Home, Councillor K Melton, Councillor P Rainbow, Councillor T Smith, Councillor M Spoons, Councillor L Tift and Councillor T Wildgust

ALSO IN ATTENDANCE: Councillor N Allen

APOLOGIES FOR ABSENCE: Councillor S Saddington and Councillor M Shakeshaft

### 128 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chair informed the Committee that the Council was undertaking an audio recording of the meeting and that it was being live streamed.

### 129 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors L Dales, A Freeman and K Melton declared an other registerable interest for any relevant items as appointed representatives on the Trent Valley Internal Drainage Board.

### 130 MINUTES OF THE MEETING HELD ON 12 MARCH 2026

AGREED that the minutes from the meeting held on 12 March 2026 were agreed as a correct record and signed by the Chair.

### 131 FARNDON WINDMILL, CREES LANE, FARNDON - 25/00869/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the change of use and ‘Self Build’ conversion and alterations of windmill and bakehouse to form a dwelling. The application proposed to demolish an outbuilding and erect a replacement garage and workshop and create a new driveway.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

Mr A Northcote, the Agent spoke in support of the application.

Members considered the application and welcomed the proposals which would protect a listed building and heritage site. It was commented that the windmill would offer a safe space given the height of the building in the event of a flood. Members also requested a flood evacuation plan if the Committee were minded to approve the application given that the site was in flood zone 3A. Members also commented that the attenuation pond would also mitigate any flooding, although it was noted that the site to date had not flooded. Members also sought clarification regarding the dualling of the A46 and whether the noise level impact on the property would be acceptable. The Business Manager – Planning Development informed the Committee that National Highways, County Highways and the Environment Agency had all been consulted and there were no objections raised. It was considered that the dwelling was a distance away from the A46, the trees surrounding the site would provide a buffer and the ability for good insulation would overcome any noise issues.

The Business Manager – Planning Development informed the Committee that Condition 10 required amendments to clarify custom self-build.

AGREED (with 12 votes For and 1 vote Against) that:

- (a) Planning Permission be approved, subject to the conditions contained within the report;
- (b) an additional condition ensuring that occupation of the development hereby permitted shall be in accordance with an approved flood warning and action plan; and
- (c) delegated approval be granted to the Business Manager – Planning Development to amend condition 10 regarding custom self-build.

132 FARNDON WINDMILL, CREES LANE, FARNDON - 25/00870/LBC

The Committee considered the report of the Business Manager – Planning Development, which sought the change of use and conversion and alterations of windmill and bakehouse to form a dwelling. The application included demolish outbuilding and erect replacement garage and workshop and create a new driveway.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

Members considered the application, and it was commented that there were some iron caseworks that did not appear to be protected. The original cap on the windmill was onion shaped, the proposed cap gave the appearance of a light house and was not in keeping with the original design, consideration was sought in terms of heritage for both the ironworks and capping arrangement.

The Business Manager - Planning Development confirmed that he had inspected the ironworks himself, and they were unlikely to be salvaged. Effort could be made to retrieve them and use them somewhere else in the windmill. There were also practicable problems, trying to do a timber onion shaped cap which was also expensive and would require regular maintenance. The flat cap offered practicable solutions and was designed for water to drain off. It was advised that to ask for the onion cap would be considered unreasonable.

AGREED (with 12 votes For and 1 vote Against) that Planning Permission be approved, subject to the conditions contained within the report and a schedule of works prior to commencement of works.

133 FIELD REFERENCE NUMBER 7509, DALE LANE, BLIDWORTH - 26/00191/PIP

The Committee considered the report of the Business Manager – Planning Development, which sought permission in principle for proposed residential development of a minimum of 4 dwellings and a maximum of 6 dwellings.

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received from a local resident.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

Mr J Holmes, spoke in objection to the application.

Mr N Baseley, the Agent spoke in support of the application.

Councillor T Thompson, Local ward Member spoke in objection to the application.

Members considered the application, and clarification was sought regarding whether this site was in the Green Belt or Grey Belt as detailed within the report. Members debated the loss of Green Belt sites and the Government’s objective of delivering 1.5 million new homes. The Business Manager – Planning Development provided a detailed explanation regarding what constitutes Grey Belt. There was debate about the location in terms of services and the suitability of the footpath, as well as general concerns about trees and ecology. Members commented that the proposed site was too small for any form of housing given it was the edge of the woodland and that there were other available sites suitable for housing within the village. There was debate about location and number of dwellings proposed, with concerns raised about development potentially being cramped with 4 to 6 dwellings.

A vote was taken and lost for approval with 1 vote For, 11 votes Against and 1 Abstention.

AGREED Moved Councillor A Freeman and Seconded Councillor L Dales (with 9 votes For, 2 votes Against and 2 Abstentions) that Permission in Principle be refused. Reason for refusal: inappropriate location for any housing. The wording for reason of refusal to be delegated to the Business Manager – Planning Development.

In accordance with paragraph 18.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
C Brooks	For
L Dales	For

S Ford	Against
A Freeman	For
P Harris	For
M Home	For
K Melton	Against
D Moore	For
P Rainbow	For
T Smith	For
M Spoons	Abstention
L Tift	Abstention
T Wildgust	For

134 LAND ADJACENT CHURCH VIEW FARM, SWINDERBY ROAD, SOUTH SCARLE, NG23 7JW - 25/02049/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought two dwellings with attached garages.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

Mr P Rowlands, South Scarle Parish Meeting Chair spoke in objection to the application.

Mr J Halton, the Agent spoke in support of the application.

Members considered the application, and it was commented that South Scarle was an unsustainable village, a car was required to get to any public transport. The site location was outside the village envelope and in open countryside. The Planning Committee had recently refused an application for planning in principle on a site across the road from this location, on the basis of SP1 and DM8 – being in the open countryside. The residents of the village were against this development. There however were still infill opportunities within the village. Members considered the need to protect the open countryside. The development was considered disproportionately large especially when entering the open countryside, a lower level would have been considered more appropriate. If the development was for bungalows or affordable housing the scheme may have been supported. The village was an old working farming village. The development would have an impact on the conservation area and the listed buildings, with no public benefit. There was also an important strip of land for barn owls, it was commented that the development may have an adverse impact on the barn owls.

*During the debate of this item, the Chair indicated that the meeting duration had expired therefore a motion was moved and seconded to continue the meeting. A motion was voted on with unanimous agreement to continue for a further hour.*

A vote was taken and lost unanimously for Approval.

AGREED Moved Councillor L Dales and Seconded Councillor D Moore (unanimously) that contrary to Officer recommendation Planning Permission be refused. Reason for refusal: SP1 – unsustainable location; DM8 – open space: DM9 – Character and appearance of the open countryside; and DM5 – over intensive. The wording for reason of refusal to be delegated to the Business Manager – Planning Development.

In accordance with paragraph 18.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
C Brooks	For
L Dales	For
S Ford	For
A Freeman	For
P Harris	For
M Home	For
K Melton	For
D Moore	For
P Rainbow	For
T Smith	For
M Spors	For
L Tift	For
T Wildgust	For

135 LAND OFF BILSTHORPE ROAD, EAKRING - 26/00259/PIP

The Committee considered the report of the Business Manager – Planning Development, which sought permission in principle for proposed residential development of a minimum of 1 dwelling and a maximum of 1 dwelling.

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received from the Agent.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Mrs D Corah, the Applicant spoke in support of the application.

Members considered the application, and it was commented that this application was in the open countryside, it was not a sustainable village and was not allocated site and therefore should not be supported. Other Members commented that there had been no objection form Eakring Parish Council, there were no neighbour objections and the applicant already resided in the village and would move into this property, providing an additional property in the village.

AGREED (with 10 votes For, 2 votes Against and 1 Abstention) that Permission in Principle be approved.

*Councillor T Smith left the meeting.*

The Committee considered the report of the Business Manager – Planning Development, which sought part-demolition and rebuilding of dwelling, single storey extension, roof re-construction to a slightly higher ridge height, introduction of dormer windows and external alterations (part retrospective).

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

*The Planning Committee Chair indicated that the meeting duration of an additional one hour had expired therefore a motion was moved by the Chair and agreed by Members to continue the meeting for a further hour.*

Mrs H Richmond, spoke in objection to the application.

Members considered the application, and concern was raised regarding the amount of demolition that had taken place on the dwelling although the application was for part demolition and rebuilding of dwelling, single storey extension, roof re-construction to a slightly higher ridge height, introduction of dormer windows and external alterations, although part of the works were retrospective. Members expressed concern that the proposal had not considered the impact on the conservation area and therefore had an overbearing nature on both the conservation area and the neighbouring property, Redean Lodge.

After extensive debate, the key concern was detrimental impact on the special character and appearance of the conservation area.

A vote was taken and lost for approval with 4 votes For and 8 votes Against.

*Councillor L Dales left the meeting during the wording for refusal.*

AGREED Moved Councillor K Melton and Seconded Councillor C Brooks (with 6 votes For, 4 votes Against and 1 Abstention) that Planning Permission be refused. Reason for refusal: overbearing impact on the Conservation area. The wording for reason of refusal: The increased roof height and addition of dormer windows would result in less than substantial harm to the character and appearance of Bleasby Conservation Area which would not be outweighed by public benefits. The wording for reason of refusal to be delegated to the Business Manager – Planning Development.

In accordance with paragraph 18.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
C Brooks	For
S Ford	For
A Freeman	Against
P Harris	For

M Home	For
K Melton	For
D Moore	Abstention
P Rainbow	Against
M Spoors	Against
L Tift	For
T Wildgust	Against

137 PLANNING COMMITTEE REFORM: STATUTORY CONSULTATION ON DRAFT REGULATIONS AND GUIDANCE & CONSULTATION ON FEES FOR PLANNING APPLICATIONS

The Committee considered the report of the Business Manager – Planning Development which provided an overview on the committee reforms proposed and fees for planning applications.

*The Planning Committee Chair indicated that the meeting duration of an additional one hour had expired therefore a motion was moved by the Chair and agreed by Members to continue the meeting for a further hour.*

It was reported that the government proposed to bring forward the regulations and statutory guidance for a national scheme of delegation and size of planning committees so that the reforms would be in place by the end of September 2026. A consultation on the proposals had commenced and would last for 4 weeks from 26 March 2026, closing on the 23 April 2026.

A discussion took place as to how the changes would affect Members and also how the Planning Committee would function. Members raised their concerns that they would lose the opportunity to provide their local knowledge in the democratic process.

AGREED that:

- a) the consultations on planning committee reform and fees for planning applications be noted; and
- b) the Council’s representations on planning committee reform and local fee setting be delegated to the Director for Planning & Growth in consultation with the Chair and Vice-Chair of Planning Committee.

138 APPEALS LODGED

AGREED that the report be noted.

139 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 9.27 pm.

Chair



Report to: Planning Committee - 07 May 2026

Director Lead: Matt Lamb, Planning & Growth

Lead Officers: Oliver Scott, Business Manager – Planning Development, x5847; and Bryony Norman, Principal Legal Officer – Commercial & Deputy Monitoring Officer

Report Summary	
<b>Report Title</b>	Review of the Protocol for Planning Committee and the Planning Committee Scheme of Delegation to Officers
<b>Purpose of Report</b>	To provide an update for the review of the Protocol for Planning Committee and the Planning Scheme of Delegation
<b>Recommendations</b>	<p>It is recommended that:</p> <p>a) Members agree that no changes are currently required to the Protocol for Planning Committee or the Planning Scheme of Delegation: and</p> <p>b) Members note that there will be a review of the Protocol and Scheme alongside any required updates to the Council’s constitution following the publication of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.</p>

## 1.0 Background

- 1.1 The Planning Committee have adopted the Protocol for Planning Committee (the “Protocol”) and the Planning Scheme of Delegation (the “Scheme”). The Protocol and Scheme allow for the delegation of decisions to officers and circumstances when matters should be reserved to Planning Committee for decision as well as guidance for Members in respect of the planning process.
- 1.2 The Council’s constitution requires that the Protocol and Scheme be reviewed as necessary and at least on an annual basis.
- 1.3 The last full review of the Protocol and the Scheme was undertaken and approved by Planning Committee in March 2025 with additional amendments agreed by the Planning Committee in May 2025.
- 1.4 Members will remember that a report was presented to the Planning Committee on 09 April 2026 on Planning Committee reforms including draft regulations (The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (the “Regulations”)) for a national scheme of delegation. The consultation period for this ended on 23 April 2026.

1.5 It is the Government's intention that the following consideration of the consultation responses, the Regulations and statutory guidance will be finalised and come into effect in Autumn 2026 (noted to be 30 September 2026 in the draft Regulations) and will provide a statutory framework for the decision making of Planning Committee.

## **2.0 Proposal**

2.1 It is proposed that a comprehensive review of the Protocol and the Scheme be deferred until such a time that the Regulations have been published. This will save any abortive work and allow for the full review of both the Protocol and the Scheme alongside the changes to the Council's constitution which aligns with the requirements of the Regulations.

2.2 Throughout the year, Officers keep the Scheme and Protocol under review, noting any issues that may arise that do not require immediate action for full review with Members on an annual basis.

2.3 Officers have reviewed the Protocol and Scheme and are content that there are no changes required to either document.

## **3.0 Implications**

In writing this report and in putting forward recommendation's officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

### **Legal Implications – LEG2627/9667**

3.1 Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Planning Committee Scheme of Delegation to Officers
- Protocol for Planning Committee
- Report to Planning Committee on 09 April 2026: Planning committee reform: statutory consultation on draft Regulations and guidance & Consultation on fees for planning applications



Report to: Planning Committee – 7 May 2026  
 Business Manager Lead: Oliver Scott – Planning Development  
 Lead Officer: Anna Horn – Senior Planner

Report Summary			
<b>Application No.</b>	22/01983/FULM		
<b>Proposal</b>	Construction of Solar farm with associated works, equipment and necessary infrastructure.		
<b>Location</b>	Land At Foxholes Farm Bathley Lane North Muskham		
<b>Applicant</b>	Foxholes Solar Limited	<b>Agent</b>	Pegasus Planning Group Ltd
<b>Web Link</b>	<a href="#">22/01983/FULM   Construction of Solar farm with associated works, equipment and necessary infrastructure.   Land At Foxholes Farm Bathley Lane North Muskham</a>		
<b>Registered</b>	28/11/2022	<b>EOT Date</b>	08/05/2026
<b>Recommendation</b>	Application be GRANTED, subject to the conditions in section 10.		

**This application is presented to Planning Committee at the request of the Authorised Officer in line with the Council’s Scheme of Delegation due to scale and public interest.**

The application was due to be presented at Committee on 27<sup>th</sup> April. However, this committee was cancelled. The application is now presented at 7<sup>th</sup> May Committee. The report remains as it was previously published, with only the consultation section and other material planning consideration section updated, as specified below:

Consultation section at paragraph 6.24 – This section has been updated to account for further representations received:

- An additional representation from the Norwell Solar Farm Steering Group regarding Construction Traffic is summarised in section 6.24.

The matters of the haulage route, access and visibility are addressed in the Highway section of the Committee report. The Highway Authority commented in their recent submission that the applicant has submitted additional drawings to detail passing places and road widening works. Whilst the Highway Authority noted some of these may not be delivered

exactly as shown, due to the impact on trees and/or proximity to watercourses, they accept the overarching principles and the broad magnitude of work required on both Bathley Lane and Vicarage Lane is identified. It is stated by the Highway Authority that the exact locations and other details of the design can be secured during the detailed S278 process through appropriately worded conditions, which are included on the recommendation. A condition securing a more detailed Construction Traffic Management Plan has also been included, which is common practice. Any other details relating to Highways matters can be finalised through the submission of the CTMP.

- 3 additional public representations received objecting, raising concerns including number of comments on the application, extensive solar development across wider area, visual impact on local village of Norwell, impact on future ownership of listed buildings, noise and disruption to local community and loss of views from properties. These have been incorporated into the consultation section of the report.

The additional concerns and comments are noted and understood. The Committee report provides an assessment on cumulative landscape impacts. The extent of solar in the District is acknowledged. Other impacts like heritage are also considered in depth in the Committee report. The two properties, The Old Hall and the Old Windmill, have been identified as two of the listed buildings affected by the proposal. The heritage section of the report identifies that less than substantial harms will arise on the Conservation Area and the setting of the listed buildings as a result of this proposal. This has been weighed in the planning balance.

The visual impacts of the proposal in terms of landscape character and visual impact have also been considered extensively in the Committee report. The impacts of the loss of open views for nearby residents of Norwell are not underestimated; however, these are private views, and the proposal would not cause actual harm to living conditions of these residents. This was also the conclusion of the Inspector in the recent Kelham Appeal. So whilst the loss of open views are acknowledged and identified, the Council cannot protect private views.

That said, in terms of visual landscape impacts, these have been identified as major or moderate adverse for several sensitive receptors, and the landscape impacts in terms of both visual and character have been given significant weight in the planning balance.

- Following the publishing of the Council's Landscape Sensitivity Assessment (LSA), the applicant has provided a letter and a technical note addressing this. The letter confirms that although the site is 75ha, the developable area is 54.8ha. It raises points relating to the Committee report, BMV Land and an appeal at Caudwell Farm, maximum height of the panels, mitigation proposed for the users of the footpaths and the inclusion of the Consultation version of the NPPF in the report. The appeal decisions at Knapthorpe Lodge and Muskham Wood are referenced regarding public rights of way, landscape impacts and mitigation. The technical note outlines how the Landscape and Visual Assessment (LVA) is consistent with the newly published LSA. The note outlines how the LVA takes account of landscape sensitivity strategically and assesses the specific site/proposals. The LSA does not alter the methodology or findings of the LVA submitted. The LSA considers inherent

sensitivity only and does not take account of mitigation, material change over time or the reversibility of development. The LVA extends the assessment by considering existing landscape structure, boundary retention, landscape mitigation, changes over time and the temporary and reversible nature of solar PV development. The LVA acknowledges the higher sensitivity associated with very large solar PV development.

Lastly, section 5.3 'Other Material Planning Considerations' has been updated to include:

- Clean Power 2030 Action Plan (December 2024)
- Net Zero Strategy: Build Back Greener (2021)

## 1.0 The Site

- 1.1 The site comprises approximately 75 hectares of agricultural land, comprising 5 arable fields with hedgerow and tree boundaries around the majority of the perimeter. The fields range in size from relatively small to large, and are of variable shape, some are predominantly rectilinear. The site is currently open and undeveloped, free from built form.
- 1.2 The site lies within the open countryside and is positioned to the west of the A1, north of the settlement of Bathley, to the southeast of the village of Norwell and southwest of the settlement Cromwell. The surrounding landscape comprises very gently undulating arable and pastoral farmland.
- 1.3 The topography of the site is undulating, with the land sloping downwards in a northerly direction, and the land level varying and sloping across the site. Due to the undulating topography of the site, the land level rises within the site and drops to the northern and northwestern parts of the site, with views afforded across the open landscape looking north and north westwards towards Norwell and beyond. A stream, known as The Beck, follows the northwest boundary of the Site.
- 1.4 The proposal site comprises Grade 3a and 3b agricultural land, with 53% made up of BMV land (subgrade 3a or above), which equates to an area of 39.8ha.
- 1.5 Beyond the site to the northwest is the village of Norwell, which is a designated Conservation Area and has several Listed Buildings and a scheduled monument. The key heritage assets considered as part of this assessment are listed below:
- Church of St Lawrence – Grade I Listed
  - The Old Hall – Grade II Listed
  - Stable at The old Hall – Grade II Listed
  - The Old Windmill – Grade II Listed
  - School House – Grade II Listed
  - Old Hall schedule monument
  - Norwell Conservation Area
- 1.6 The southern boundary lies adjacent to an unnamed minor road between Main Street which runs through the village of Norwell to the northwest and Vicarage Lane which

runs from North Muskham to the southeast. The unnamed road is referred to as 'Bathley Lane' for the purposes of this assessment and is referred to as such within the application documents also. Two small pockets of woodland lie just beyond the south-west corner of the Site.

- 1.7 Two public rights of way run through and along the site. Bathley Bridleway BW13 runs from the access road in northeastern and southwestern directions to Norwell Lane. Bathley Footpath FP5 routes in a southeast and northwest direction from the access road and extends to Norwell.
- 1.8 Environment Agency Flood Maps confirm the site is predominately Flood Zone 1, where there is a low probability of flooding. However, the site contains an isolated area of Flood Zone 2 and 3a in the northwestern top corner of the site. There are some very limited areas of low-high surface water flood risk as well within the site.

## **2.0 Relevant Planning History**

21/SCR/00008 - Request for screening opinion for proposed solar farm development. Environmental Impact Assess Not Required.

PREAPM/00211/21 - Proposed Solar Farm Development. Advice given.

## **3.0 The Proposal**

- 3.1 The proposal is for a solar photovoltaic (PV) farm on land at Foxholes Farm, Newark. The development would have the capacity of up to 49.9MW of renewable energy. The description of development is as follows:
- 3.2 *"Construction of a solar farm with all associated works, equipment and necessary infrastructure."*
- 3.3 The proposed development will include arrays of PV panels, access tracks, ancillary equipment including inverters, a District Network Operator (DNO) connection point and Substation building, security fence, CCTV cameras and poles and proposed landscape and ecological enhancements. The development will have an operational life of 40 years, after which time it will be decommissioned, the equipment removed, and the land restored to its original condition.
- 3.4 The maximum heights of the infrastructure proposed are below:
  - Panels – 4m high
  - Substation and DNO – 2.5m high
  - Inverter – 2.2m high
  - CCTV security posts – 2.6m high
  - Security fence – 2.4m high
- 3.5 The photovoltaic panels will be mounted on a supporting metal framework laid out in parallel arrays running north to south across the fields. The bottom edge of the panels will be approximately 1.7m above the ground, with the top edge set at up to 4m above

the ground. The panels are designed to move and track the movement of the sun across the day, increasing their efficiency.

3.6 A substation is also proposed to house the equipment that connects the solar park to the local energy distribution network. The proposed scheme may require works beyond the site boundaries to facilitate a viable grid connection. The applicant has shared the grid connection point and the suggested cabling route. Any cabling proposals fall under permitted development and separate highways legislation and are therefore not considered as part of this planning assessment.

3.7 Ecological and landscape enhancements are also proposed, including:

- Retention, protection and enhancement of the existing hedgerows and the creation of new lengths of native hedgerows.
- Planting of new trees as part of a screening belt to the northwest corner of the site.
- Creation of wildflower/grass seed mix habitats which would form the ground cover beneath the solar panels and the margins of the site to deliver improvements to the condition of the grassland habitats on site.
- Improving the water habitats on site through the creation of new wet ditches.
- Off-site mitigation for Skylarks comprising of 16 skylark plots for nesting.

3.8 The lifespan of the development is 40 years. Upon decommissioning, the panels will be removed and taken away for disposal/recycling and the land shall be returned to its original form, in this instance agricultural land.

3.9 It is noted that during the application, the scheme has been amended. The amendments included inserting an Archaeological exclusion zone and removing panels from the southwestern edge of the site. Also, removing panels from the northwestern edge of the site and instead proposing new tree planting here.

3.10 Documents assessed in this appraisal:

3.11 Drawings:

- Site Location Plan P21-1378\_001 Rev C
- Layout Plan P21-1378\_EN\_002 Rev H
- Landscape and Ecological Masterplan P21-1378\_EN\_003 Rev E
- Typical Access Track Detail P21-1378.106
- Typical Fence Detail P21-1378.105
- Typical CCTV, Post and Security Speaker Details P21-1378.104
- Typical Inverter Detail P21-1378.103
- Typical Client and DNO Substation Detail P21-1378.102
- Typical Panel Elevations P21-1378.101
- Proposed Access Arrangement P21-1378 Rev A
- Visibility on Vicarage Lane P21-1378 SK03, SK03/01, SK03/02, SK03/03 Rev F
- Visibility on Bathley Lane P21-1378 SK07/01 and SK07/02 Rev F

3.12 Technical Reports / Supporting documents

- Statement of Community Involvement received 12 Oct 2022
- Soil Resource Assessment received 12 Oct 2022
- Planning, Design and Access Statement received 12 Oct 2022
- Heritage Statement received 12 Oct 2022
- Glint and Glare Assessment received 12 Oct 2022
- Construction Traffic Management Plan received 12 Oct 2022
- Site Selection Assessment received 28 Nov 2022
- Preliminary Ecological Appraisal received 28 Nov 2022
- Noise Impact Assessment received 28 Nov 2022
- Landscape and Visual Impact Assessment received 28 Nov 2022
- Geophysical Survey Report 28 Nov 2022
- Flood Risk Assessment and Surface Water Drainage Strategy received 28 Nov 2022
- Ecological Impact Assessment received 28 Nov 2022
- Arboricultural Impact Assessment Survey and Report received 28 Nov 2022
- Planning Addendum – Additional Information received 13 Nov 2024 ref. P21-1378.005v2
- Heritage Addendum received 13 Nov 2024
- Construction Traffic Management Plan Rev A received 13 Nov 2024
- BNG Calculation Metric received 19 Nov 2024
- Skylark Mitigation Strategy received 19 Nov 2024
- Response to Highways Comments email received 28 March 2025
- Flood Risk Technical Note received 25 April 2025
- Additional Information Document received 12 Sept 2025 ref. P21-1378
- Additional Statement and Response to LPA received 6 Feb 2026 ref. P21-1378

#### **4.0 Departure/Public Advertisement Procedure**

- 4.1 Occupiers of 96 properties have been individually notified by letter.
- 4.2 A site notice was displayed on 6<sup>th</sup> December 2022 and an advert was printed in the press on 15<sup>th</sup> December 2022.
- 4.3 Site visit undertaken on 31<sup>st</sup> July 2025.

#### **5.0 Planning Policy Framework**

##### **5.1. Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

Spatial Policy 1 - Settlement Hierarchy  
 Spatial Policy 2 - Spatial Distribution of Growth  
 Spatial Policy 3 – Rural Areas  
 Spatial Policy 7 - Sustainable Transport  
 Core Policy 9 – Sustainable Design  
 Core Policy 10 – Climate Change  
 Core Policy 12 – Biodiversity and Green Infrastructure  
 Core Policy 13 – Landscape Character

## Core Policy 14 – Historic Environment

### 5.2. **Allocations & Development Management DPD**

DM4 – Renewable and Low Carbon Energy Generation

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

DM9 – Protecting and Enhancing the Historic Environment

DM10 – Pollution and Hazardous Substances

DM12 – Presumption in Favour of Sustainable Development

The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of ‘main modifications’ to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification took place between Tuesday 16 September and Tuesday 28 October 2025. The next stage in the Examination process will be the Inspector issuing their draft report.

Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

- Not subject to a proposed main modification;
- The modifications/clarifications identified are very minor in nature; or
- No objection has been raised against a proposed main modification

Then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

[Submission Amended Allocations & Development Management DPD](#)

[Schedule of Main Modifications and Minor Modifications / Clarifications](#)

Policies relevant in the Draft Amended Allocations & Development Management DPD:

Policy DM4 – Renewable and Low Carbon Energy Generation

Policy DM5(a) – The Design Process

Policy DM5(b) – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM10 – Pollution and Hazardous Materials

### 5.3. **Other Material Planning Considerations**

- Newark Sherwood District Council’s Climate Emergency Strategy 2020
- Newark and Sherwood Landscape Character Assessment SPD, 2013
- Newark and Sherwood Non-Designated Heritage Asset Criteria, 2021
- Newark and Sherwood District Council’s Solar Energy Supplementary Planning Document
- Newark and Sherwood Landscape Sensitivity Assessment for Wind and Solar PV Development (March 2026)
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (PPG) online resource
- Overarching National Policy Statement for energy EN-1, 2025
- National Policy Statement for Renewable Energy Infrastructure EN-3, 2025 (can be a material consideration in determining applications under the Town and Country Planning Act 1990)
- Written Ministerial Statement ‘Solar and protecting our Food Security and Best and Most Versatile (BMV) Land’ - 15th May 2024
- The Climate Change Act 2008
- UN Paris Agreement 2016
- Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15 (February 2021)
- The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (2nd Edition)
- Conservation of Habitats and Species Regulations 2017, as amended
- Natural Environment and Rural Communities (2006) Act
- Clean Power 2030 Action Plan (December 2024)
- Net Zero Strategy: Build Back Greener (2021)

### 5.4. **Relevant Appeal Decisions:**

Kelham Solar Appeal – Land North of Main Road, Kelham, Appeal Ref: APP/B3030/W/25/3364181, 23/01837/FULM – a proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work. Appeal Allowed.

Staythorpe Appeal – Staythorpe, Newark, Appeal Ref: APP/B3030/W/23/3334043, 22/01840/FULM – the construction of a battery energy storage system and associated infrastructure. Appeal Allowed.

Hockerton Road Appeal – Field Reference 2227, Hockerton Road, Caunton, Appeal Ref: APP/B3030/W/24/3344500, 22/00976/FULM - construction of a solar farm, access and all associated works, equipment and necessary infrastructure. Appeal Allowed.

Knapthorpe Appeal – Land at Knapthorpe Lodge, Hockerton Road, Caunton, Appeal Ref: APP/B3030/W/24/3344502, 22/00975/FULM – construction of a solar farm, access and all associated works, equipment and necessary infrastructure. Appeal Allowed.

Halloughton Appeal – Land north of Halloughton, Southwell, Appeal Ref: APP/B3030/W/21/3279533, 20/01242/FULM – the construction of a solar farm and battery stations together with all associated works, equipment, and necessary infrastructure. Appeal Allowed.

## **6.0 Consultations and Representations**

Please Note: Comments below are provided in summary - for comments in full please see the online planning file.

### **Statutory Consultations**

#### **6.1. NCC Highways**

Originally objected to the scheme (comments received 06/12/2022, 10/12/2024 and 09/05/2025). Previous objections are summarised below, but full comments are available online:

- Concerns regarding the information submitted, including the tracking diagrams, visibility and lack of accident information
- Concerns regarding the width of Vicarage Way (not 8m as stated in draft CTMP) and impact of construction traffic, comments on the suitability of the construction route proposed, comments suggest further mitigation is required
- Concerns around the clustering of construction vehicles and how this will be realistically managed, reliance on banksmen not acceptable
- The use of a minibus for transporting staff to the site is outside Highway Authority control and cannot be reasonably controlled through condition
- Gates into site should be set back at least 10m from edge of highway
- Comments provided on the mitigation for Vicarage Lane and passing places, recommend reviewing the passing bay layout and positioning
- Counter points on the roles and jurisdiction of banksmen
- Requests conditions regarding compound layout and road condition survey

Most recent comments: No objection, recommends conditions (27/01/2026 and 12/02/2026)

- The applicant has submitted additional drawings to address the matters previously raised with regards to passing places. It is noted that some of these cannot be delivered as shown due to the impact on trees and/or proximity to watercourses. However, as they now outline the overarching principles and identify the broad magnitude of work required on both Bathley Lane and Vicarage Lane, exact locations and other details of the design can be secured during the S278 process through appropriately worded conditions (to also include conditions for tree protection and drainage).
- Recommend conditions requiring Construction Management Plan, road condition survey, visibility splays, site access arrangements and implementation of passing places, highway drainage arrangements and highway tree protection.

## 6.2. **National Highways**

Holding objection – recommend permission not be granted until further info on traffic impact in the construction phase is provided. Requests full vehicle trip generation for construction phase be clearly set out and justified. (10/02/2023)

Further comments: No objection, recommend conditions be attached to any permission, accepts further details regarding traffic impact and states they are satisfied that predicted number of movements for both construction traffic and workforce during construction period will not adversely impact safe operation of SRN. Recommends condition re signage strategy. (27/11/24)

Further comments: Previous comments remain, recommend condition. (15/09/25)

Further comments: The amended information will not adversely impact the safe operation of the Strategic Road Network. As such National Highways response remains as set out in their previous letter, requesting a condition for a signage strategy. (11/02/2026)

## 6.3. **Lead Local Flood Authority**

No objection, recommend condition re detailed surface water drainage scheme. (19/12/22). Further comments received flagging anomalies in submitted info between the FRA and the design layout. (13/03/23). Please refer to previous comments (03/12/24)

Further comments: No objections, recommend condition to secure a detailed surface water drainage scheme. (24/09/25)

Further comments: No further comments, previous response should be taken into consideration. (27/02/2026)

## 6.4. **Environment Agency**

No objection (19/12/2022)

Further comments: Objection due to absence of adequate FRA, the FRA does not adequately assess whether development will increase flood risk elsewhere. Lacks assessment of flood risk from The Beck on western boundary. Flood zone 2/3 on western boundary. Require revised FRA. (26/09/25)

Further comments: After review of the submitted information the EA withdraw the previous objection to the proposals. This is because all water sensitive equipment is to be located outside of flood zone 3. Further comments on standing advice, 8m easement to riverbanks and environmental permits. (13/02/2026)

#### 6.5. **Natural England**

No specific comments (10/02/23).

No comments, refers to standing advice (26/11/24)

No objection – subject to appropriate mitigation being secured. Consideration of sustainable management of the soil needs to be included, recommends a condition requiring a ‘soil resource and management plan’. (09/10/25)

No objection - the proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. (11/02/2026)

#### 6.6. **Historic England**

No comments, seek advice from specialist advisers. (22/12/22, 14/11/24, 02/10/25 and 11/02/2026).

#### **Non-Statutory Consultation**

#### 6.7. **Tree Officer**

Requested clarifications within the Arboricultural Impact Assessment. (18/12/25)

Requested the Arboricultural Impact Assessment is updated to address required information regarding the impacts of the southern site access on trees. (12/02/2026)

No objection, subject to conditions (13/03/2026)

An updated Arboricultural Impact Assessment has been provided dated March 26. The updated AIA identifies the previously missing impacts of the latest plan proposals. The trees requiring removal to facilitate development now include T2 (Category U) and T3 (category C), and the partial removal of G10 (Category B) and H6 (category C). ‘No-dig’ hard surface installation has been recommended where there are RPA breaches for T58, T59 and T61 from the proposed substation hard standing. Better resolution Tree Impact Plans are provided in the updated AIA and there are no significant RPA encroachments from the internal site access tracks for retained trees. 1 tree (T3) will be removed to facilitate the internal access track installation. Regarding mitigation, no mitigation for the tree removals has been outlined in the AIA but this can be secured through new planting in the Landscape Masterplan. The overall Arboricultural impact

of the proposed removals is low. Whilst tree protection measures are provided, finalised measures can be secured by condition. An Arboricultural Method Statement and detailed Tree Protection Plan can be secured by condition.

#### 6.8. **Environmental Health**

No objections (09/04/2026). Environmental Health have reviewed the acoustic assessment submitted with the application. Final details of plant and exact layout are not yet known, so a full assessment is not possible. However, background noise levels have been assessed. The proposed noise limits at receptors are considered appropriate, and the scheme should be designed to ensure these are achieved.

#### 6.9. **NCC Public Rights of Way**

Bathley Bridleway no.13 and Bathley Footpath no.5 cross the site. Section of bridleway has been missed off plans. No information on the distance panels will be 'set back' from PRoW. Need further detail on how impact on footpath users will be mitigated. Welcome the inclusion of a 'pre-condition walk over survey' for the PRoW in the CMTP. Any new planting adjacent to PRoW needs to be set back from footpath to retain an open feel and allow for maintenance. Requests condition: approval of the details of the maintenance, width corridor for the public rights of way, including the positioning of fencing and hedge planting shall be obtained from the LPA before development commences and is implemented in accordance with the approved plans. (15/12/22)

Further comments: Notes additional information, notes applicant will retain 10m buffer either side of the PRoW, management company will maintain grassed areas where PRoW passes through. (21/11/24)

#### 6.10. **Nottinghamshire Area Ramblers**

Request clarification on the set back distance of panels from footpath and clarification of bridleway route no.13 within site, adequate width needs to be maintained on the bridleway. (30/01/23)

Further comments: Objection – construction of such a project in countryside is detrimental to its beauty and openness, views into CA impeded by works, harms setting of CA due to rising land and introduction of industrial landscape, inadequacies in the CTMP, position of sub-station and grid connection and impact on footpath due to noise, and cumulative impacts from other solar developments. (19/12/24)

Further comments: Previous comments re-submitted. (01/10/25)

#### 6.11. **Network Rail**

No objection in principle, but outlines requirements which must be met re. haulage routes, raise concerns if during construction or operation of site abnormal loads / HGV traffic use routes that include Network Rail assets. (07/03/23)

No further comments to make (18/02/2026).

**6.12. Trent Valley Internal Drainage Board**

Boundary features close to Boards watercourse, requires amending, comments on cable works crossing board-maintained watercourses, comments on discharge to Boards systems and consent required. (30/01/23)

**6.13. Nottinghamshire Wildlife Trust**

Reviewed the ecological appraisal and are satisfied with methods used and conclusions of surveys, requests EIA be sent to them. (22/02/23)

**6.14. Ecology**

No objections, works would not result in significant harm to biodiversity and gains can be provided, recommends landscape ecological management plan (LEMP) and a CEMP be conditioned. (22/11/23)

Upon re-consultation no further comments were received.

**6.15. Archaeology**

High potential for late pre-historic and Roman archaeological remains, full extent of which has not been determined, only a desk-based assessment provided, lack of evaluation data from geophysical survey and trial trench evaluation. Recommend refusal until evaluation work is completed. This is required to provide for an appropriate mitigation strategy. (28/12/22)

Further comments: notes inclusion of an archaeological exclusion zone due to fieldwork showing this area of potential, no panels will be in this area, recommends condition to ensure protection of this area through submitting a management plan. (21/11/24)

Further comments: Previous comments remain valid. (25/09/2025 and 09/02/2026)

**6.16. Conservation**

Site is within the setting of the CA and several LBs, proposal would result in a utilitarian form of development that would starkly contrast from current unspoilt natural landscape. Concerns raised due to enclosure of footpath limiting views of the heritage assets and views of the village as a whole. Fencing and works overall will significantly alter the natural open landscape and setting of the heritage assets, creating a dominating and alien feature. Advise that more viewpoints are required in the landscape review to fully assess impacts, 2 additional viewpoints suggested from School Lane and Church of St Laurence. (02/05/23)

Further comments: additional viewpoints have been provided, still concerns regarding the proposal, primarily due to the sloping land rising above Norwell. As land rises panels will be visible above proposed screening. Concerns raised about movement tracker panels, as panels move throughout day this adds to industrial nature of proposal. Disagree with the heritage assessment regarding St Laurence's Church that

views do not facilitate appreciation of heritage significance of the asset and there is no harm to buildings setting. Acknowledged that schemes size has been reduced but the removed areas are small and low lying so have a lesser impact on setting of heritage assets. The setting and appreciation of Church of St Laurence, The Old Windmill, The Old Hall and Stable, when viewed from within the site, will be affected. Development also harms the setting of the CA. Screening may help mitigate some of this harm, however, development will still significantly impact the experience of the assets from the footpath and the site. The temporary nature of the panels does not eliminate this harm. Development is contrary to sections 66 and 72 of the Act, development causes less than substantial harm on a lower to moderate scale, and this should be weighed against the public benefits of the scheme. (04/12/24)

Further comments: Previous comments are still applicable. Development will cause less than substantial harm and should be weighed against public benefits as per para 215 of NPPF. (10/11/25)

**6.17. British Horse Society**

Raise queries regarding how risks on highway will be managed during construction period, how will design protect and enhance bridleway for project lifetime, are there plans to add permissive bridleways during project? (28/09/22)

**Town/Parish Council (PC)**

**6.18. Cromwell PC**

Comments neither objecting nor supporting – location is too far from village to cause excitement. (22/12/22)

**6.19. Norwell PC**

Object (04/01/23) due to concerns re drainage/flooding and harm to heritage assets (St Laurence's Church Grade I LB).

Objection received 25/03/2026 raising further concerns of heritage and the effect of the development on the heritage of Norwell and surrounding landscape, consideration of the setting of heritage assets, including the intervisibility of Norwell and the site, and impacts on public rights of way.

**6.20. Norwell and Norwell Woodhouse PC**

Concerns regarding:

- Damage to heritage assets, CA and historic landscape (Old Windmill Grade II LB, School House Grade II LB and St Laurence's Church Grade I LB, and impact on CA), 17 LBs and a schedule monument in Norwell
- Agricultural land classification and site selection – loss of BMV
- Flooding and FRA – increase flood risk elsewhere
- Visual intrusion, encroachment and harm to landscape character area – sloping land, dominate village, visual encroachment to countryside, impact of footpaths

- Construction traffic and road safety
- Loss of / damage to local amenities and negative impact on health and wellbeing
- Lack of consultation and engagement with local community (04/01/23)

Further comments: Objection, concerns regarding: heritage assets, construction traffic and road safety, loss of recreational amenity to footpaths and bridleway, flooding, glint and glare and harm to neighbouring residential properties and landscape visual impact. (03/10/25)

#### 6.21. **Bathley PC**

Objection (26/01/23)

- Loss of agricultural land
- Flooding
- Heritage
- Construction traffic and road safety
- Health and wellbeing

#### 6.22. **Caunton PC**

Objection (16/03/2026)

Concerns regarding the cabling route and requests further consultation and an Environmental Impact Assessment for the cabling works. Concerns centre around disruption of cabling works to residents including noise, dirt, fumes and pollution.

#### 6.23. **North Muskham Village Council**

Objection (02/12/24) on the following grounds:

- Impact on construction traffic on North Muskham Village
- Cumulative affects considering other solar developments in the area
- Concerns with CTMP
- Concerns with A1 accidents, closures and delays
- A1 Road bridge at Vicarage Lane
- Road widths
- Road users
- East Coast Main Line and impacts on level crossing

Further comments (05/11/25): Original concerns regarding Vicarage Lane remain.

Further comments: Objection (24/02/2026)

- Concerns around the cabling route provided by the applicant
- Lack of methodology for the site selection process
- Questions over suitability of the site for solar

- Queries over previous screening opinion and need to reconsider this due to cumulative impacts
- The cabling route should be assessed as part of EIA Legislation
- Timing of available connection and contribution of scheme to 2030 energy targets
- Lack of information on carbon emissions – need for whole life carbon assessment
- Impacts on the parish including traffic and highways impacts
- Concerns over conditioning a Construction Management Plan and lack of consultation
- Lack of information on decommissioning phase
- Comments on the transport route and request for off-site highway improvements to the footway at Vicarage Lane and A1 slip road

### **Representations/public comments**

6.24 151 objections have been received. The objections raised are on the following grounds:

- Inefficient site and poor orientation:  
A significant proportion of the panels would be north-facing or north-westerly, resulting in sub-optimal solar yield. Objectors dispute the applicant's generation figures and consider the scheme inefficient for its scale, particularly given UK climate conditions. Comments also raised the impact of high fencing, loss of good quality agricultural land, and character impacts when viewed from the A1, public footpaths and nearby properties. It was also suggested that alternative locations would be more appropriate.
- Landscape, visual impact and openness of the countryside:  
The development would be visually intrusive, dominating views from Norwell village, Bathley Hill and surrounding countryside. It would harm panoramic rural views, erode the openness of the landscape and adversely affect the tranquil, rural character of the area.
- Impact on Norwell Conservation Area and heritage assets:  
The solar farm would be visible from the Norwell Conservation Area and would harm its setting. Concerns were raised regarding impacts on listed buildings, including the Church of St Laurence (Grade I), School House (Grade II), nearby historic properties on School Lane, and the Grade II listed windmill. The proposal conflicts with previous refusals for smaller developments due to conservation impacts and would undermine the Norwell Heritage Trail.
- Rights of way, bridleways and public amenity:  
The development would adversely affect public footpaths and bridleways used regularly by walkers, cyclists and horse riders. Objectors fear loss of amenity, safety concerns, reduced enjoyment, and that some routes may become unusable or force users onto dangerous roads. Not all rights of way are believed to be accurately recorded or adequately safeguarded.

- Ecology, biodiversity and wildlife:  
Significant concerns were raised regarding impacts on habitats and species, including hedgerows, woods, bats, hedgehogs, deer, common shrews, great crested newts, owls, birds of prey, green woodpeckers, jays, kestrels, buzzards, red kites, tawny owls and kingfishers. Glint and glare may disorientate wildlife, and construction and operation would disrupt habitats during an ongoing biodiversity crisis.
- Flood risk, drainage and water contamination:  
The site lies adjacent to the Beck, which is prone to frequent flooding. Objectors believe the development would increase surface water run-off due to soil compaction and panel coverage, exacerbating flood risk to the village, farmland, roads, properties, the churchyard and St Laurence Church. Long-term soil erosion and water contamination were also raised.
- Glint, glare and safety impacts:  
Concerns were raised that glint and glare would be harmful to residents, road users, cyclists and horse riders, particularly on nearby dangerous bends and roads with existing low-sun visibility issues. The glare assessment is considered inadequate as it does not reflect the full panel height or all affected properties.
- Traffic, transport and highway safety:  
Construction traffic and HGV movements would be unsuitable for narrow, poorly maintained rural lanes, worsening road conditions and posing safety risks to residents, cyclists and walkers. Norwell already experiences congestion when the A1 is blocked. No suitable parking for construction workers has been identified.
- Loss of agricultural land:  
The scheme would result in the loss of Grade 3 best and most versatile agricultural land. Objectors argue that productive farmland should be protected, particularly in light of food security concerns, and that brownfield or non-agricultural land should be prioritised.
- Scale, density and overbearing nature of the development:  
The size, scale and layout are considered excessive and out of keeping with the surrounding area, creating an overbearing and industrial presence that would dominate the village. Loss of views to properties in Norwell.
- Fencing, lighting, security and character impacts:  
The proposed fencing, CCTV, security measures and floodlighting are considered inappropriate in a rural setting and would increase light pollution and harm local character and residents' amenity.
- Construction and long-term amenity impacts:  
Concerns include noise, vibration, dust, visual disruption during construction, loss of informal exercise space, impacts on health and wellbeing, and the long-term "temporary" nature of the development effectively becoming permanent.
- Consultation and procedural concerns:  
Objections cite inadequate consultation, poor publicity, lack of direct notification to

nearby residents and listed building owners, submission over the Christmas period, conflicting information, and failure to engage meaningfully with Norwell residents.

- Economic and community impacts:  
The development offers no tangible benefit to the local community, such as discounted energy or a community fund. Concerns were raised about negative effects on tourism, local businesses, events and the village's attractiveness.
- Cumulative and precedent concerns:  
Objectors fear approval would set an undesirable precedent for further inappropriate development in sensitive rural and heritage locations.
- Other concerns:  
These include fire risk, hazardous materials, lack of clarity on grid connection, battery storage, decommissioning after 40 years, recycling of panels, long-term soil degradation, and overall failure to conserve the natural and historic environment.

6.25 5 comments neither objecting nor supporting were received, raising concerns involving the following:

- Glint and glare assessment limitations:  
The Glint and Glare Report is considered incomplete as it fails to assess impacts on individual farmsteads and properties that are closer to the site than some of the village included in the assessment.
- Heritage impacts and assessment methodology:  
The bridleway crossing the site is historically significant, known locally as the "Old Coal Track," and is considered a heritage asset in its own right. Objectors dispute statements within the submitted heritage assessment that downplay the importance of setting and describe the relationship between the site and the Norwell Conservation Area as "purely visual." Concerns were also raised that heritage evidence relies on outdated sources and does not fully reflect the extent of Norwell's heritage assets.
- Community benefit and wider considerations:  
While recognising that modern farming faces economic challenges and that diversification can support farm viability, it was suggested that the scheme should deliver tangible community benefits, such as supplying free or discounted electricity to Norwell, similar to arrangements at other energy developments.

6.26 5 representations in support were received. The following points were raised in favour of the proposal:

- a) Support for low-carbon energy and energy security:  
The proposal is supported as a means of contributing to the transition to low-carbon energy, helping to reduce reliance on fossil fuels and imported energy. Schemes of this nature are considered necessary to meet green energy targets.

b) Suitability of the site:

It is considered that the land has been properly assessed by the landowner and developers and selected as an appropriate location. The use of less productive arable land is not viewed as a threat to food security in the UK.

c) Limited impacts on public rights of way:

Supporters consider that public rights of way would only be temporarily affected during construction and would not be diverted or permanently altered as part of the development.

d) Landscape and visual considerations:

In supporters' views, the development would not harm important public views of Norwell village or the Conservation Area, with any adverse effects limited to private views rather than wider public or heritage assets.

e) Other perceived benefits and mitigations:

It was suggested that concerns regarding construction traffic have been overstated and that the development could help address existing fly-tipping issues on the site. Flooding concerns were noted, but responsibility for drainage maintenance was considered to rest with landowners.

6.27 It is noted that several representations have been received from the Norwell Solar Farm Steering Group. These have also been reviewed and are documented/summarised below:

**Norwell Solar Farm Steering Group Comments:**

6.28 20/04/2026 – Construction Traffic

- Passing Places and Road widths – the representation raises concerns on the stretch between Vicarage Lane and Foxholes Farm where road widening is not possible and the safety of cyclists, dog walkers, horses and other vehicles.
- Questions whether the Highway Authority removing their objection now considers this safe.
- Several scenarios are presented in the submission, and it is requested that guidance be provided to drivers for how to deal with them.
- The representation states the passing places do not make the route safe.
- The representation runs through three legal cases regarding highways safety and risk.
- It also acknowledges it is not uncommon for a Construction Traffic Management Plan to be conditioned.
- It states that the roads cannot be widened sufficiently, and this impacts the acceptability of the proposal.
- The representation concludes by questioning the safety of the access route to and from the site.

6.29 03/03/2026 – Response to latest submission by applicant

- Comments on the site selection process and BMV agricultural land

- Environmental impacts of the cable route including noise, fumes and dust pollution, lack of information on this part of the development
- Support for comments made by North Muskham PC regarding the screening opinion and need for EIA
- 3 separate solar projects submitted under separate applications, rather than an NSIP

#### 6.30 10/10/25 – Response to highways matters

- Latest plans incorporate some HS2 passing place dimensions, this is welcomed
- Bathley Lane – concerns with HGVs and horse riders, problems with over taking due to width of lane, drivers will have to wait for passing places to overtake
- Junction widening at Crossroad Junction – some of the land here is privately owned, how will highway authority permit the carriageway changes off the road if they do not own the land, also have concerns re impact on ancient hedgerow
- Foxholes Lane – widening here will cause loss of drainage ditch, culvert will be needed, but there is substantial hedgerow here, how will NCC have authority to authorise its removal to allow culvert.
- Passing place 5 does not appear possible without substantial damage to ancient hedgerows, without PB5 distance between other places will be 290m with no intervisibility
- Concerns that proposed carriageway widening will impact existing drainage ditches and lead to removal of ancient hedgerows, also will encroach onto privately owned land
- Queries over who owns the drainage ditches and hedgerows – private landowners
- Vicarage Lane – some issues have been resolved but still have concerns re intervisibility between passing places 6 and 7 and 10 and 11, also concerns re private land ownership and widening, widening here is on southern side of lane, but this poses issues for hedgerow, more scope for widening on other side of lane
- Buried cables – 2 buried cables on south verge of Vicarage Lane (assumed to be Network Rail cable) and a BT cable under northern verge
- Concerns these highways proposals are not feasible and concerns the single track is not safe or suitable for HGVs.

#### 6.31 29/09/25 – Response to applicant's September 2025 submission

- Grid connection – lack of info on grid connection
- Cumulative impact and GNR solar
- Noise and vibration – noise impact assessment does not meet current standards as set out by EA, impact of vibration not considered on nearby hive honey business, consideration of more sensitive bridleway users e.g walkers and horses
- Site selection – other sites available, lesser quality land is available, BMV land
- Ecology – do compensation fields adequately compensate for habitat loss, argues surveys are out of date now as carried out in 2021/2022, lack of up-to-date info

#### 6.32 07/05/25 – Further response

- Site selection – case law and appeal decisions re suitable sequential site assessments
- Site characteristics – lack of info on ‘site search area’ in the site selection report, flood risk and changes to flood mapping, not clear if scrutiny of alternative sites occurred
- BMV land – avoiding development on BMV land, lack of effort to find sites of a lower grade, case law and appeals
- Grid connection – questions over how much weight should be given to the grid connection argument, appeal decisions, is there a grid connection argument to be had here? Will the site rely on GNR to connect. Vagueness of detail over the grid connection. Will it involve digging up roads and laying underground cables.
- Willing landowner – questions over process of selecting the site and timeline of events

#### 6.33 07/05/25 – Ecology Response

- Comments on badgers on the site
- Skylarks – loss of nesting sites
- Applicant should commission more up to date ECIA

#### 6.34 15/01/25 – Response to LVA and planning addenda

#### 6.35 05/12/24 – Response to heritage addendum

#### 6.36 19/11/24 – Response to revision A CTMP

#### 6.37 26/03/24 – Residential visual amenity assessment

#### 6.38 20/03/24 – Impact on non-residential heritage assets

#### 6.39 08/12/23 – Objection response and comments (NPPF)

#### 6.40 07/03/23 – response on alternative HGV access routes

#### 6.41 08/02/23 – comparative assessment with the Halloughton Solar Farm Appeal

#### 6.42 29/01/23 – summary of key objections

#### 6.43 Summarised concerns of above representations grouped together:

- Missing / contradictory information e.g panel design, gaps in glint and glare assessment
- Noise impacts, concerns with the noise assessment submitted, impacts of noise on horses using bridleway

- Landscape impacts, including harm to landscape character, visual intrusion and encroachment into open countryside
- Harm to residential amenity e.g visual impact on residential properties, residential properties not included in LVIA, site topography increases magnitude of impacts, residential visual amenity assessment submitted, health/wellbeing impacts
- Enhancements and mitigation to landscaping e.g lack of detail on species of trees and size they will be in order to screen development, hedgerows assumed to grow tall enough in 5 years to block panels
- Visual impact of development from road network, loss of views over open countryside
- Highways safety concerns including unsuitability of HGV routes, road widths, construction traffic impacts, suitability of local road network for construction and heavy vehicles, impacts on other road users e.g walkers and horse riders.
- Agricultural land classification and site selection process – loss of BMV agricultural land
- Concerns surrounding food security
- Soil and land issues e.g soil disturbance, soil health, sheep grazing
- Cumulative effects including concerns over GNR Solar
- Concerns regarding impact on heritage assets, less than substantial harm to individual listed buildings, less than substantial harm to the conservation area and industrialisation of landscape
- Concerns regarding flood risk
- Combination of harms is significant
- Policy conflicts with NPPF
- Differences to Halloughton Solar Farm Appeal which was allowed following public inquiry

## 7.0 **Appraisal**

7.1 The key issues are:

- Principle of development
- Impact on Agricultural Land
- Impact on Heritage
- Landscape Character and Visual Impacts
- Impact on Residential Amenity
- Impact on the Highway
- Impact on Ecology and Biodiversity Net Gain
- Flood Risk and Drainage
- Other matters
- Planning Balance

7.2 The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance

with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

### **Principle of Development**

- 7.3 The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). It is noted that certain policies in the Amended Allocations and Development Management Policies DPD can now be given substantial weight.
- 7.4 The site is located within the open countryside. Spatial Policy 3 of the Amended Core Strategy DPD states that the rural economy will be supported by encouraging tourism, rural diversification and by supporting appropriate agricultural development and that the countryside will be protected and schemes to enhance heritage assets, increase biodiversity, enhance the landscape, and increase woodland cover will be encouraged. Development in the open countryside will be strictly controlled and restricted to uses which require a rural setting. Policies to deal with such applications are set out in the Allocations & Development Management DPD.
- 7.5 Policy DM8 of the Allocations & Development Management DPD is silent on the appropriateness of renewable energy in the open countryside but provides support for rural diversification projects which should be complimentary and proportionate to the existing business in their scale and nature. However, the main Development Plan policy considerations for this type of development are set out within Core Policy 10 of the Amended Core Strategy DPD and Policy DM4 of the Amended Allocations & Development Management DPD.
- 7.6 The District Council's commitment to tackling climate change is set out in Core Policy 10 which states that the Council is committed to tackling the causes and impacts of climate change and to delivering a reduction in the District's carbon footprint. This provides that the Council will promote the provision of renewable and low carbon energy generation within new development. The proposed solar farm will produce 49.9MW of renewable energy, therefore contributing to the Council's commitment to tackling climate change and promoting energy generation from renewable sources.
- 7.7 Core Policy 10 signposts to Policy DM4 which states that permission shall be granted for renewable energy generation development, as both standalone projects and part of other development, and its associated infrastructure where its benefits are not outweighed by detrimental impact from the operation and maintenance of the development and through the installation process upon various listed criteria. The criteria include landscape character from the individual or cumulative impact of the proposals, heritage assets and their setting, amenity including noise pollution, highway safety and ecology of the local and wider area.

- 7.8 The approach outlined above is also echoed by the NPPF which states in para. 168 that *“When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:*
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future;*
  - b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions;*
  - c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site.”*
- 7.9 Paragraph 161 of the NPPF also states that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 7.10 The Council has adopted a Solar Supplementary Planning document, this provides guidance on the application and interpretation of local and national policy on major stand-alone ground mounted solar developments in Newark & Sherwood District, with special consideration given to protected local features.
- 7.11 In determining this application, it is necessary to balance the strong policy presumption in favour of applications for renewable technologies against the environmental impact. The wider social and economic benefits of the proposal are also material considerations to be given significant weight in this decision, as set out in para. 8 of the NPPF. It also stated in para 10 that at the heart of the Framework is a presumption in favour of sustainable development.
- 7.12 Given the nature and scale of renewable and low carbon development, particularly larger scale projects like this, it is inevitable that such development will have impacts, particularly if sited in rural areas. In this context, both National and Local development plan policies adopt a positive approach, indicating that development will be approved where the harm would be outweighed by the benefits of a scheme.
- 7.13 The PPG states that whilst Local Planning Authorities should design their policies to maximise renewable and low carbon energy, there is no quota which a Local Plan has to deliver.

### Renewable Energy

- 7.14 In the Climate Change Act 2008, the UK Government set a legally binding target to reduce its greenhouse gas emissions by 80% by 2050, compared with 1990 levels. In 2019, the Government raised the 80% target to a 100% target by 2050. This is referred to as the net zero target. To meet this target, the Government has set the aim of a fully decarbonised, reliable and low-cost power system by 2035 which would be composed predominantly of wind and solar energy. The aim is to achieve 70 gigawatt (GW) of solar power by 2035 (up from 15.7 GW at the end of 2023). Solar farms are widely recognised as one key way to achieving net zero targets.
- 7.15 The UK Government recognises that climate change is happening through increased greenhouse gas emissions, and that action is required to mitigate its effects. One such action is for the planning system to support the transition to a low carbon future in a changing climate, with actions to achieve radical reductions greenhouse gas emissions and support renewable and low carbon development.
- 7.16 To globally tackle climate change and its negative impacts, world leaders at the UN Climate Change Conference (COP21) in Paris (2015) reached agreement on a legal binding international treaty to substantially reduce global greenhouse gas emissions. This is known as ‘The Paris Agreement’, which entered into force on 4 November 2016. Under The Paris Agreement, the UK has committed to a target of cutting carbon by 68% by 2030.
- 7.17 The Government has published various plans and strategies detailing how the above targets could be met, including through accelerated deployment of low-cost renewable generation. Since the application was originally submitted there has been a change in Government, however, there remains a clear commitment to decarbonising the power sector and achieving net zero as outlined within the Great British Energy Bill, which was introduced to Parliament on 25 July 2024<sup>1</sup>.
- 7.18 In addition, the Government is working on proposed reforms to the National Planning Policy Framework (and other changes to the planning system) which continue to prioritise planning for climate change. Indeed, the previous changes to the NPPF (in December 2024) require that Local Planning Authorities give “significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future” as part of the decision-making process that is a material consideration in determining this planning application.
- 7.19 Moreover, a Climate Emergency was declared by Newark & Sherwood District Council on 16 July 2019. The District Council has committed to measures to try and reduce its own carbon footprint as well as that of the local community, and published a Climate Emergency Strategy in September 2020. This strategy recognised the importance of climate change and the Council’s role in reducing carbon emissions and driving change in the District. The Council therefore takes the matter of improving carbon emission schemes seriously and, alongside Central Government, see this as part of ongoing agenda priorities.

---

<sup>1</sup> <https://www.gov.uk/government/publications/great-british-energy-bill-factsheets/great-british-energy-bill-overarching-factsheet>

- 7.20 The Planning Statement submitted in support of the application asserts the scheme will provide electricity to approximately 15,750 homes and assist towards reducing CO2 emissions per annum. It is therefore accepted that, by its very nature, the proposal would contribute to renewable energy generation and a net zero future, in accordance with the abovementioned legal and planning frameworks.

### Site Selection

- 7.21 The applicant has provided a Site Selection Assessment. This outlines that there are several fundamental considerations to understanding whether a solar farm can be accommodated on the land. These include the capacity of the electricity network, availability of a viable grid connection and environmental and other planning constraints such as landscape, flood, heritage and ecological designations. It further advises that a sufficient area of land is required to maximise efficiency and yield to achieve viability and maximise renewable energy benefits. Having reviewed the Site Selection Assessment, Officers considered it to lack detail, overlook certain points and raised several questions. Subsequently, the applicant has submitted a supplementary Location Justification Report to provide further information on the site selection process.
- 7.22 Regarding grid capacity, the applicant emphasises that viable grid connections across the UK are limited due to the decarbonisation of the energy system, and that this is a key driving factor to site selection for solar development. A solar farm needs to be capable of connecting to the Electricity Network at a viable point where there is existing capacity, and agreement from the Distribution Network Operator (DNO) to export electricity at that location. A high voltage connection is required for a solar development of this scale. Proximity to a viable and suitable grid connection is key and this restricts the search area for available sites.
- 7.23 The application site is considered to be preferable as it allows for a viable connection to the Electricity Network. The proposed solar farm would connect to Staythorpe Substation, which is located approximately 5.7km to the south of the site. The proposed cable route would run underground within the highway. The cable route is shown in Appendix 1 of the supplementary Location Justification Report. Chapter 4 of the supplementary Location Justification Report outlines how the site was selected through a criteria-based search exercise and land availability analysis, with a key determining factor being the availability and proximity of the local distribution network i.e., the grid and achieving a viable scale.
- 7.24 The applicant asserts that a review of the Council's Brownfield Register does not identify land of a sufficient size to accommodate the proposed development within proximity of the point of connection. Moreover, the statement indicates there is no suitable rooftop space to accommodate the scale of the development either. As such, there is no unconstrained non-agricultural land on which the scheme could alternatively be provided. Moreover, the Government understand the need for large scale projects to meet climate targets, for example in the Solar Road Map document.

- 7.25 It is understood there are around 180 400kV substations across Britain of which 6 are located in Nottinghamshire – namely West Burton, Cottam, High Marnham, Ratcliffe on Soar, Staythorpe and Stoke Bardolph. It is understood that Solar Farm developments are needed (and planned) at all substations in Nottinghamshire and elsewhere in the UK to meet the net zero target. In this case, the Distribution Network Operator (DNO) identified the existing substation at Staythorpe as being suitable for a grid connection. Centrally located, Staythorpe substation is connected to four transmission lines and covers a wide geographic area and is therefore strategically important. Decommissioning of coal/gas power stations has created available connection capacity.
- 7.26 Consideration of sites closer to the point of connection were considered but discounted due to limited availability of landowners willing to lease their land. Having narrowed the search area, the reason this particular site was chosen is because the landowner agreed to a solar farm on the site and the site was a suitable size for the scale of development to ensure the project is viable. Other features such as screening, land quality, neighbouring development and the contained nature of the site were also considered in favour of this site.
- 7.27 It is acknowledged that the application site comprises Grade 3a and 3b agricultural land, with 53% made up of BMV land (subgrade 3a or above), determined by the detailed Agricultural Land Classification and Soil Resource Assessment prepared by Land Drainage Consultancy Ltd. However, the application asserts that there are limited alternative unconstrained sites within proximity to the grid connection of lower grade, noting that other sites within the search area have not been subjected to detailed soil surveys but graded using Agricultural Land Classification (ALC) survey data for the purposes of the assessment. Whilst the previous Site Selection Report was considered insufficient due to a lack of detail, the supplementary report received is considered to give more detail on the site selection process and criteria considered.
- 7.28 In summary, the national and local policy support for renewable energy projects is clear. It is also clear that Nottinghamshire is a desirable location for such development due to the available grid connections and electricity network capacity. The project would undoubtedly make a significant contribution to renewable energy production and support the Government's aim of achieving net zero. Officers are satisfied a more thorough site selection assessment has now been provided that outlines the site selection process in more detail, a key factor being the proximity to a viable grid connection and the scale and availability of land. Further considerations are discussed below and the benefits and harms of the development will be assessed and weighed in the Planning Balance.

#### **Impact on Agricultural Land**

- 7.29 Policy DM4 of the Amended Allocations & Management DPD is silent on the loss of best and most versatile agricultural land (BMV), while Policy DM8 seeks a sequential approach in respect to the loss of the most versatile areas of agricultural land and requires proposals that cause the loss of such land to demonstrate environmental or community benefits that outweigh the land loss.

- 7.30 The Inspector at the Staythorpe BESS Public Inquiry concluded that *“This approach does not accord with the national policy as set out in the National Planning Policy Framework. Moreover, it is unclear as to whether the section on agricultural land within Policy DM8 is intended to apply to categories of development such as renewable energy that are not referred to in that policy. The most relevant policy to the appeal scheme is Policy DM4 which allows for renewable energy schemes subject to certain criteria and does not refer to agricultural land quality as a criterion. But whatever the intention of Policy DM8, it is relevant to consider the effect on agricultural land; the National Planning Policy Framework seeks to protect soils and recognises the benefits derived from natural capital, including the best and most versatile agricultural land.”*
- 7.31 It is further noted that in the most recent Kelham Appeal the Inspector considered that greater weight should be given to policy DM4 as it is relevant to renewable energy projects: *“For proposals which result in a loss of BMV DPD Policy DM8 requires a sequential approach to site selection and that environmental or community benefits outweigh the land loss. I have set out above that the policy does not specifically relate to energy developments and as such I give greater weight to Policy DM4 which does not refer to BMV as one of its policy considerations.”*
- 7.32 Paragraph 187(b) of the NPPF requires recognition of the economic and other benefits of BMV. Footnote 65 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. The Planning Policy Guidance sets out the need to consider whether the proposal allows for continued agricultural use. The National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3) seeks to avoid the use of BMV where possible, but states that land use should not be a predominating factor in determining the suitability of site location. Although this relates to Nationally Significant Infrastructure proposals, it is noted Inspectors have previously had regard to it as a material consideration in other appeal decisions, including the recent Kelham Appeal. As such, consideration is also given to it here.
- 7.33 The Written Ministerial Statement ‘Solar and protecting our Food Security and Best and Most Versatile Land’ (15 May 2024) reiterates national policy and sets out the need to balance energy security and use of BMV. The Government’s Solar Roadmap (June 2025) supports shared use of land for solar and agriculture (such as grazing) and says that increased solar does not pose a threat to food security. It goes on to say that the biggest risk to food security and the natural environment is the climate and nature crisis. Neither national nor local policy therefore prevents the use of BMV land for other purposes.
- 7.34 The Agricultural Land Classification and Soil Resource Assessment prepared by Land Drainage Consultancy Ltd states that 53% of the site area comprises subgrade 3a (good quality) soil and 47% of the site comprises subgrade 3b (moderate quality) soil. As such, the proposal site comprises Grade 3a and 3b agricultural land, with 53% made up of BMV land (subgrade 3a or above), which equates to an area of 39.8ha. See the breakdown in the table below.

ALC Grade	Area (Ha)	% Site Area
Subgrade 3a (BMV)	39.80	53
Subgrade 3b	35.58	47
<b>Total</b>	<b>75.38</b>	<b>100</b>

- 7.35 In terms of how this compares to local, regional and national levels, table 3 in the soil report details the site soil gradings when compared to the wider district, Nottinghamshire County and nationally, see below:

<b>Table 3. Foxholes Farm: Comparison of ALC grades with published DEFRA Statistics</b>				
ALC Grade	% of Agricultural Area			
	Site	Newark and Sherwood District	Nottinghamshire County	National
Grade 1	0	0	<1	3
Grade 2	0	15	21	16
Subgrade 3a	53	42	37	28
Subgrade 3b	47	41	36	27
Grade 4	0	2	6	16
Grade 5	0	0	0	10
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

NB: The reference data were created prior to the sub-division of Grade 3 into Sub-grades 3a and 3b. Consequently, there may be limitations to the statistics which reflect the high-level mapping from which these statistics were derived. Approx. 3a/3b breakdown assumed to be 50:50.  
Data have been adjusted to reflect land in agricultural production, excluding non-agricultural or urban use

- 7.36 The soil report outlines that the proportion of BMV land is slightly less than that likely to be found in the wider geographical area, and less than that found regionally, but is more than the national distribution. In the overall local and regional context, the proportion of BMV land affected on the site is broadly comparable with what would reasonably be expected on a site of this size in this geographical location.
- 7.37 Natural England's 'Guide to assessing development proposals on agricultural land' states that the policies to protect agricultural land and soil 'aim to protect the best and most versatile (BMV) agricultural land and soils from significant, inappropriate or unsustainable development proposals.' It emphasises the role of Natural England as the statutory consultee in assessing the likely long term significant effects of development proposal on these resources. Section 6 of the Guide advises LPAs to use Agricultural Land Classification (ALC) survey data to assess the loss of land or quality of land from a proposed development, noting that any decision should avoid unnecessary loss of BMV land. Natural England have raised no objection to the proposal, subject to appropriate mitigation being secured. They consider a Soil Resource and Management Plan would be suitable to be conditioned.

- 7.38 From looking at the Natural England 'Likelihood of Best and Most Versatile Land Strategic map of the East Midlands Region', the areas surrounding the site have a moderate to high likelihood of BMV land. The Natural England Agricultural Land Classification Map for the East Midlands Region further shows that soil gradings for the surrounding context in this part of the district are good to very good (grades 3 and 2). There is no evidence before the Council to suggest there is unconstrained land within the local area, in proximity to a grid connection, with a lower level of BMV land than the proposal site. Therefore, the Council accepts that it is necessary to use BMV agricultural land as proposed.
- 7.39 The proposed development will require agricultural land to be removed from arable production for the operational lifespan of the development (40 years) but will not preclude its use for grazing of livestock, grass cutting or conservation. The vast majority of the impacted land will remain capable of agricultural function throughout the lifetime of the development. The parameters that soil quality is derived from are unlikely to be changed by the proposed development and the higher quality BMV land will not be permanently lost or degraded as a result of the scheme. The development will not lead to the permanent loss of soil resources and any impacts on soil through construction, operation and decommissioning would be short term. A Soil Management Plan can be secured by condition to ensure this is effectively managed.
- 7.40 The proposals include the intention to graze sheep on the land beneath the panels, so some agricultural use would continue. Whilst the Council accept that the land would not be used to its maximum potential for food production for the period of the development (40 years), some agricultural use of the land could therefore continue. Moreover, this reduction in productivity would not be permanent and the resource would not be lost to future generations. The planning regime does not control the use of agricultural land, and even without the development it would be possible for the land to be used for non-food crops, for grazing, or even be left fallow.
- 7.41 Having regard to the above factors, the use of BMV land does not weigh against the granting of planning permission and there is no identified conflict with local or national policy in this regard. This is also consistent with the approach taken in the recent Kelham appeal regarding the use of BMV land.

### **Impact on Heritage**

- 7.42 By virtue of the scale, siting, form and appearance of the proposed development, it is capable of affecting the historic environment. As the application concerns designated heritage assets of the setting of Listed Buildings, sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is particularly relevant. Section 66 outlines the general duty in exercising planning functions in respect to listed buildings, stating that the decision maker "*shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

- 7.43 The duty in s.66 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving the settings of Listed Buildings as a mere material consideration to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a Listed Building, it must give that harm considerable importance and weight. Section 66 places a high duty on the preservation of the settings of listed buildings.
- 7.44 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines the general duty of Local Planning Authorities to ensure the preservation or enhancement of the character and appearance of a Conservation Area. This duty is crucial when considering planning applications that may affect the character of a Conservation Area. Both section 66 and 72 act as a legal framework to protect heritage assets from inappropriate changes or developments that could harm their character and significance.
- 7.45 The NPPF defines the setting of a heritage asset as: *“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surrounding evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*
- 7.46 CP14 and DM9 of the Council’s Development Plan Documents, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the setting of designated heritage assets, furthermore, is expressed in Section 16 of the NPPF and the accompanying PPG. The NPPF advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development.
- 7.47 Planning Practice Guidance states in relation to large solar farm development: *‘...great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset.’*
- 7.48 Importantly, paragraph 215 of the NPPF states that *“Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”* This is echoed by Policy CP14 set out in the Core Strategy that that states *“where adverse impact is identified there should be a clear and convincing justification, including where appropriate a demonstration of clear public benefits.”*

- 7.49 There are no designated heritage assets within the application proposal site. However, the application site is located to the south of Norwell village, which was designated as a Conservation Area in 1972. Located within Norwell are 17 listed buildings and a scheduled monument. Norwell is situated on the claylands west of the Trent Valley and the village is located on a plateau located above The Beck. The land also rises to the south of The Beck, with the undulating agricultural land contributing to the rural setting of the village and the listed buildings within Norwell. The Conservation Area boundary covers the whole of the historic village of Norwell which is linear in development form. The village is dominated by two storey buildings largely constructed of red brick and pantile roof dating to 18th and 19th century. However, the village has some buildings that are of timber frame construction with 16th century origins.
- 7.50 During the medieval period the village was dominated by three Manor houses. On the southwest edge of village is a Grade II listed dwelling called Palis Hall, which has 16th century origins. The site of the Old Hall was located to the south of the Church of St Lawrence and the site is designated as a schedule monument, a moated site which also includes two fishponds. Records indicate that a third fishpond and a dovecote lay to the west of the moat, but the extent and state of survival of these is not sufficiently understood for them to be included in the scheduling. The location of the third Manor house, Tertia Pars, has not been clearly established.
- 7.51 The eastern part of the village is dominated by the Church of St Lawrence, which is Grade I listed. A church in Norwell was mentioned in the Domesday book and the Church has parts that date to the 13th, 14th, 15th, 16th and 18th century. It was significantly restored in 1874 by Ewan Christian, a British architect who notably restored Southwell Minster. The closest prominent listed buildings within the vicinity of the application site include:
- Church of St Lawrence (LEN 1369970) – Grade I
  - The Old Hall (LEN 1045955) – Grade II
  - Stable at The Old Hall (LEN 1179230) – Grade II
  - The Old Windmill (LEN 1302090) – Grade II
  - School House (LEN 1179237) – Grade II
- 7.52 The proposal is for a solar farm with the capacity of up to 49.9MW for 40 years on land to the south of Norwell, comprising of five fields (73.89 ha). These fields rise above the village of Norwell. The siting of the panels, at the closest point, measures some 570m from the Grade I listed Church of St Lawrence and some 410m from the edge of the Conservation Area. As highlighted, the agricultural fields surrounding the village contribute positively to the rural setting of the Conservation Area and the identified Listed Buildings. The site is not part of any formal designation, however, the proposal site is within setting of Norwell Conservation Area and several of the listed buildings within the village.
- 7.53 Historic England’s good practice Guidance Note 3 ‘The Setting of Heritage assets’ defines setting as: *‘setting is the surroundings in which an asset is experienced, and*

*may therefore be more extensive than its curtilage.* Due to the topography of the fields to the south of Norwell and the types of listed buildings found within the Conservation Area these buildings have a wide setting. Setting is not dependent on ownership, parish boundaries or historic functional relationships. Historic England's good practice Guidance Note 3 'The Setting of Heritage assets' further states that: *'Careful analysis is therefore required to assess whether one heritage asset at a considerable distance from another, though intervisible with it – a church spire, for instance – is a major component of the setting, rather than just an incidental element within the wider landscape'*.

7.54 The originally submitted Heritage Statement acknowledged that the application site is visible from some of the listed buildings, including the Church of St Lawrence and The Old Windmill. It states that the development would represent a 'slight erosion' to the Conservation Area's undeveloped rural surrounds and that this would be considered a 'very minor' amount of harm, at the lowest end of less than substantial. No harm was identified to the listed buildings and the assessment was silent on the nearby scheduled monument at Old Hall. The scope and methodology of this document is very limited and it was considered by Officers to lack key assessment on the impact of the proposal on the setting and significance of these heritage assets. In particular it had no mention of the nearby scheduled monument, and failed to properly assess the other key listed buildings identified.

7.55 It is acknowledged that the heritage assets most affected by the proposal are:

- Church of St Lawrence
- The Old Hall
- Stable at The old Hall
- The Old Windmill
- School House
- Old Hall schedule monument
- Norwell Conservation Area

7.56 In light of this, the applicant submitted an Addendum to their Heritage Statement. This detailed the changes to the proposed layout, including the reduction in panels in the northwestern and southwestern corner of the site, and provided more analysis on the seven identified heritage assets. Moreover, two additional viewpoints were provided, including the view from School Lane and the view from the churchyard of the Church of St Lawrence (labelled plate 3 and 4 in the Heritage Addendum).



Plate 3 View looking south from School Lane, Norwell



- 7.57 The Heritage addendum concludes that the development site does not contribute towards the heritage significance of the identified assets through setting, and that whilst the development may result in changes to the landscape surrounding the assets, it would not result in any heritage harm to the significance of these assets through change within their setting. It concludes that wider views of the assets from public footpaths were amenity and landscape issues and the views do not contribute towards heritage significance of the identified assets.
- 7.58 Officers dispute this position and do not wholly agree. Despite the Addendum document, the Council's Conservation Officer upholds concerns regarding the scheme. The application proposes tracking solar panels, meaning the individual panels move to track the sun. Therefore, the panels at certain times may be at different angles and will lack a uniform or consistent view from the identified heritage assets. This has the potential of enhancing the industrial nature of the development. It is considered that the proposed panels, internal access tracks and ancillary structures will result in a utilitarian form of development that would provide a stark contrast from the current unspoilt natural landscape that positively contributes to the setting of the identified heritage assets.
- 7.59 The panels will be orientated east – west and would move from facing eastwards away from the village of Norwell. At the end of the day, when the panels are orientated to the west they will be orientated towards Bathley Road, where Grade II listed Palis Hall can be found. Part of the experience of the Listed Buildings and Conservation Area is from views along the Public Right of Way through the application site. This experience is enhanced due to the topography of part of the site, which results in open views over the village (Conservation Area) and Listed Buildings. From a site visit these views overlooking the village from the public footpath were noted, as was the open and rural character of the surrounding fields within the setting of the Conservation Area and Listed Buildings.
- 7.60 It is proposed to enclose the footpath in the southwestern part of the site with new hedgerows either side and fencing. As the footpath/bridleway moves northwards towards the northwestern corner of the site, a hedgerow and fencing is proposed on

the side nearest the panels, leaving the views open looking west and north from the site. New tree planting is proposed in the landscape buffer in the revised layout to help screen and soften the appearance of the panels when viewed from the village. Whilst the landscaping on this part of the site and along the footpath are designed to break up the massing of the panels from views along the footpath and from the village looking towards the site, it will disrupt the current open views from the footpath towards the Conservation Area and heritage assets in Norwell.

- 7.61 The enclosure of the footpath will significantly alter the experience of the public when walking toward Norwell, despite the 10m buffer either side proposed. Along with the planting and fencing either side of the footpath, numerous other fences are proposed as well as additional planting. The proposed screening will significantly alter the natural open landscape and therefore the setting of the heritage assets. The proposed screening, panels and associated infrastructure will create a dominating and alien feature in the setting of the heritage assets.
- 7.62 Whilst additional viewpoints have been provided, including viewpoints from School Lane and the Church of St Lawrence, there remain concerns regarding the proposal. Primarily, the topography of the land rising and sloping above Norwell. As the land rises, the panels will be visible above the proposed screening, therefore increasing the visibility of the panels within the setting of the heritage assets. The concerns raised about the movement of the tracker panels are not related to the speed or visibility of the movement. As the panels track the sun, they will be in different positions throughout the day, adding to the industrial nature of the panels. When the sun is at its highest, the panels will be horizontal, approximately 2.8 metres high. While the panels closest to the screening will not be visible, those further away are likely to be visible above the proposed screening due to the rising land levels on the site.
- 7.63 There is disagreement between Officers and the submitted Heritage assessment that views from the site towards the Church of St Lawrence do not facilitate the appreciation of the heritage significance of the asset and that there is no harm to the building's setting.
- 7.64 It is acknowledged that the scheme's size has been reduced in the southwestern and northwestern parts of the site. The areas removed are small and on low-lying land, which will have a lower impact on the setting of the Listed Buildings and Conservation Area. However, the setting and appreciation of the heritage assets, particularly the Church of St Lawrence, The Old Windmill, and The Old Hall and Stable, when viewed from within the site, will still be affected. The development will also harm the setting of the Norwell Conservation Area. The proposed screening will help mitigate some of this harm when experiencing the development site from the heritage assets. However, the installation of panels will significantly impact the experience of the heritage assets from the public footpath and the site.
- 7.65 While it is acknowledged that the proposed development is temporary, this does not eliminate the harm during its 40-year lifespan. It is considered that the proposed development will harm the setting of several Listed Buildings and the Conservation

Area, as outlined above. The proposed development is therefore contrary to sections 66 and 72 of the Act and policies CP14 and DM9.

- 7.66 The proposed development is considered to cause less than substantial harm on a lower to moderate scale. As set out in paragraph 215 of the NPPF, where development causes less than substantial harm, this should be weighed against the public benefits of the development. This is done in the planning balance section further below in the report.

#### *Impact on Archaeology*

- 7.67 Core Policy 14 sets out that the Council will seek to secure the continued preservation and enhancement of the character, appearance and setting of the district's heritage assets and historic environment including archaeological sites. Policy DM9 states that development proposals should take account of their effect on sites and their settings with potential for archaeological interest. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation.
- 7.68 The application is accompanied by a Heritage Statement whereby section 5 addresses the historic environment and the potential for below-ground archaeological remains. The Heritage Addendum sets out the programme of trial trenching that was undertaken between September and October 2023, following an earlier programme of geophysical survey work across the site to assess the archaeological impact of the proposed development. The results of the fieldwork indicated that archaeological activity was focussed in the southwestern corner of the site and that the rest of the site had very low to negligible archaeological potential. As a result of the fieldwork and the identification of an area of archaeological potential in the southwestern part of the site, the proposed layout has been amended to remove panels from this area of archaeological potential. It is stated that no activity of any kind shall take place in this identified area.
- 7.69 The County Archaeologist advised that the field work be carried out pre-determination due to the high potential for late pre-historic and Roman archaeological remains. Having reviewed the additional Heritage Addendum and the revised layout plans, the Archaeologist confirms that a suitably worded condition should be attached to ensure the current and future protection for the identified archaeological exclusion zone in the southwestern corner of the site. This condition should include monitoring and maintenance arrangements specified as part of a management plan, including details of boundary treatment, access arrangements, and the exclusion of this area during construction and decommissioning phases.
- 7.70 Overall, subject to condition, the proposal is not considered to result in any adverse impact upon archaeological remains in accordance with Policies CP14 and DM9.

#### **Landscape Character and Visual Impacts**

- 7.71 Core Policy 9 of the Amended Core Strategy DPD states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Core Policy 13 requires the landscape character of the surrounding area to be conserved and created. Policy DM4 states that renewable energy projects should be approved whereby the benefits are not outweighed by detrimental impact from the operation upon the landscape character or urban form of the district, arising from the individual or cumulative impact of proposals.
- 7.72 Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside. When reading paragraphs 187 to 191 of the NPPF, whilst the intrinsic character and beauty of countryside should be recognised, the NPPF does not seek to protect, for its own sake, all countryside from development; rather it concentrates on the protection of valued landscapes. The site does not form part of any designated landscape and for the purposes of the Framework, the site is not considered to be a valued landscape in planning designation terms.
- 7.73 The Council has published an updated Landscape Sensitivity Assessment in relation to wind and solar PV development. This assessment is a supporting guidance document to the Wind and Solar SPDs and is designed to give guidance on assessing landscape sensitivity to new wind and solar development across the District. It uses certain criteria to assess landscape sensitivity, including landform, scale, landcover, historic landscape character, visual character and perceptual and scenic qualities. More broadly, it identifies the areas of highest sensitivity to wind and solar development to be the west and centre west of the District, with the east of the District identified as broadly having lower sensitivity at a District level view.

*Landscape character*

- 7.74 The proposed site is located in Natural England National Landscape Character Area 48: Trent and Belvoir Vales. This Landscape Character Area is characterised by undulating, strongly rural and agricultural land, centred on the River Trent. The area is generally low-lying and rural in nature with little woodland cover and long, open views and undulating in form. Agriculture is the dominant land use, with much of the pasture converted to arable, although grazing is still significant. There is a regular pattern of medium to large fields enclosed by hawthorn hedgerows and ditches in low-lying areas, these elements dominate the landscape. It is a rural and sparsely settled area with small villages and dispersed farms linked by quiet lanes.
- 7.75 At a local level the site is located within the Mid-Nottinghamshire Farmlands Character Area and falls within the 'Knapthorpe Village Farmlands with Ancient Woodland' Policy Zone (MN PZ 30), as defined within the Newark and Sherwood Landscape Character Assessment (2013). Policy Zone MN PZ 30 is described as an area of undulating and rolling topography with medium to long distance landscape views. The majority land use is arable agriculture, and the field patterns are generally irregular, bound by hedgerows. Along with some linear sections of woodland along

field boundaries, there are fragments of mixed deciduous woodland throughout the character area. The landscape condition is defined as 'very good', and the landscape sensitivity is defined as 'moderate'. The policy actions for this zone are to conserve, including conserving the deciduous blocks of woodland and hedgerows to prevent fragmentation and conserving the historic field patterns. It is also highlighted to conserve the rural character of the landscape and local vernacular.

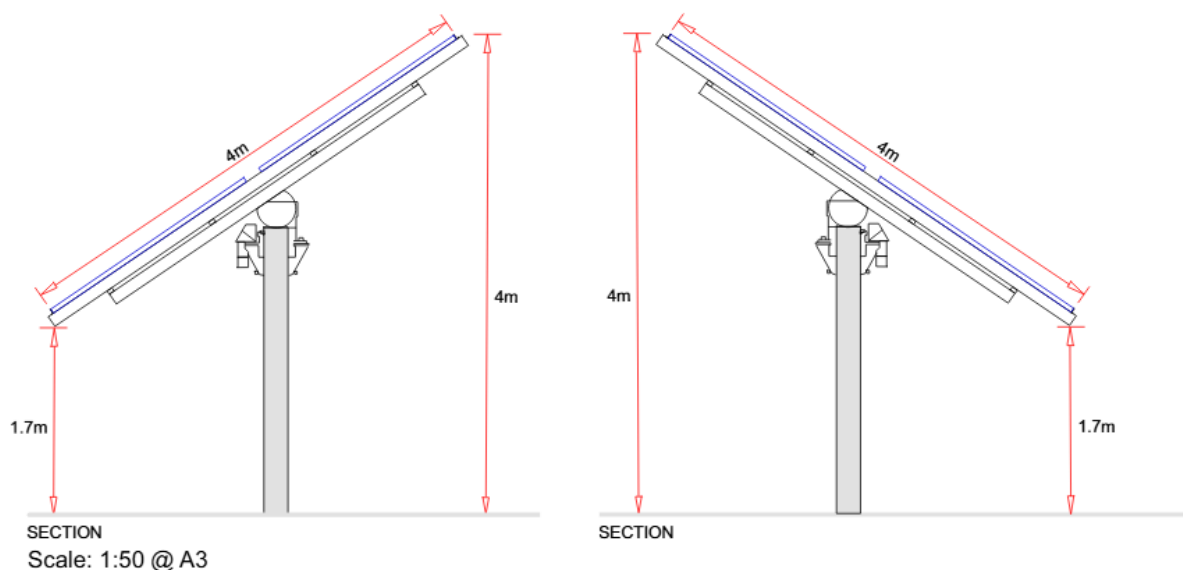
- 7.76 The Council's Landscape Sensitivity Assessment for Wind and Solar PV Development identifies that the Mid-Nottinghamshire Farmlands Landscape Character Area has a high sensitivity to very large solar PV development. The sensitivity assessment regarding the identified criteria is summarised in the table below for this character area:

Criteria of assessment	Sensitivity score
Landform and scale (including topography)	Low
Landcover (including field and settlement patterns and presence of human features)	Moderate
Historic landscape character (including conservation areas)	Moderate
Visual character and amenity	Moderate – high
Perceptual and scenic qualities	Moderate

- 7.77 The sensitivity assessment identifies that the rural character of the area is locally strong and that open and elevated areas, and the historic villages and Conservation Areas, including the background formed by the surrounding rural landscape, are sensitive features and characteristics of this character area. The undulating landforms and relative openness of the landscape increases the sensitivity of this area to solar development. It states that larger scale plateau areas in the north of the character area, away from the more sensitive area surrounding Laxton, are of lower sensitivity to solar development than the southern parts of the wider character area. As such it is acknowledged that there are variations in sensitivity within this character area.
- 7.78 Looking at the site more specifically in the context of the Sensitivity Assessment, it is considered that the characteristics that contribute to the sensitivity of the site include the setting of Norwell Conservation Area and the typography and undulating nature of the site within its context. These features contribute to the sensitivity of the site and are considered further below.
- 7.79 The proposed built form would be spread across five fields to the north of Bathley Lane. The development would be set behind the existing tree line along the northern side of Bathley Lane, with a softly landscaped buffer proposed between the existing

tree line and the proposed fence line, which would separate the access track and panels beyond. There is a pocket of woodland to the southwestern corner of the site which, moving westward, means the panels are set further back from Bathley Lane as the tree line thins, the road bends and the boundaries along the road turn to lower hedgerows. Moving northwards through the site the boundaries open up and the sense of enclosure experienced from Bathley lane with the tree lined boundaries and pocket of woodland changes. The site feels more like an open expanse of agricultural land, with scattered hedgerows throughout the site to the north and east, and small to large trees scattered throughout. The site has an open and rural character, with the land undulating and clear views afforded looking west and northwards.

- 7.80 The solar panels would have a maximum height of 4m when tilted and 2.8m when flat. The DNO Substation building would have a maximum height of 2.5m and the Inverter buildings would have a maximum height of 2.2m at the tallest point. The CCTV poles would measure some 2.6m high and the fencing elevation show a fence height of 2.4m.
- 7.81 When viewed from Bathley Lane, the development would be behind existing tree lines and newly proposed hedgerow and planting, and the area of woodland to the southwest of the site would somewhat limit views of the site from the immediate vicinity of Bathley Lane. However, due to the undulating topography of the site, the land level rises within the site and drops to the northern and northwestern parts of the site, with views afforded across the open landscape looking north and north westwards towards Norwell and beyond. Due to the land levels and topography, the site rises above Norwell and therefore the site reads as more prominent in the wider landscape, particularly in views from the north looking back towards the site.
- 7.82 The panels themselves would be at a maximum height of 4m from the ground to the top edge of the panel when angled. Also, considering the other infrastructure like the Substation and Inverters, CCTV cameras on security poles and security fencing, the proposal would significantly alter the landscape from its current open, arable farming



fields. The highest proposed features on the site would be the panels themselves when angled, as detailed in the cross section below.

7.83 As discussed in the heritage section above, the height and amount of panels would have an industrial appearance, and combined with the internal access tracks, ancillary structures and security measures, the proposal will result in a utilitarian form of development that would read as a stark contrast from the current unspoilt natural landscape. It is noted that the scheme has been amended with panels removed from the westernmost projection of the site to allow for an Archaeological Exclusion Zone. Panels have also been removed from the northwestern portion of the site, and new landscaping and planting proposed to soften the appearance of the panels. A new native hedgerow is to be planted on the northern side of the fence along the northwestern edge of the panels, and new trees are shown on the Landscape Masterplan to aid in filtering the views towards the proposal from the north. The Landscape Master Plan states the proposed hedgerow will be maintained at 3m+ and that the new trees will be approximately 4.5-5m in height, including species such as Hornbeam or Beech, planted at intervals of no more than 10m. Whilst the hedgerow at 3m+ and the tree planting at 4.5-5m would likely screen the majority of the development on a relatively level and even site, the land here undulates and the site is much higher in land level compared to the lower level land to the north and northwest. This increases the visual prominence of the site in the wider landscape and means that despite the screening, the proposal will likely still be clearly visible over the mitigation planting, as the land slopes upwards.

7.84 A Landscape and Visual Assessment (LVA) has been submitted with the application to identify and assess the potential effects of the development on landscape features, landscape character and visual amenity of the surrounding area. In relation to landscape character, the assessment states the below (bold added for emphasis):

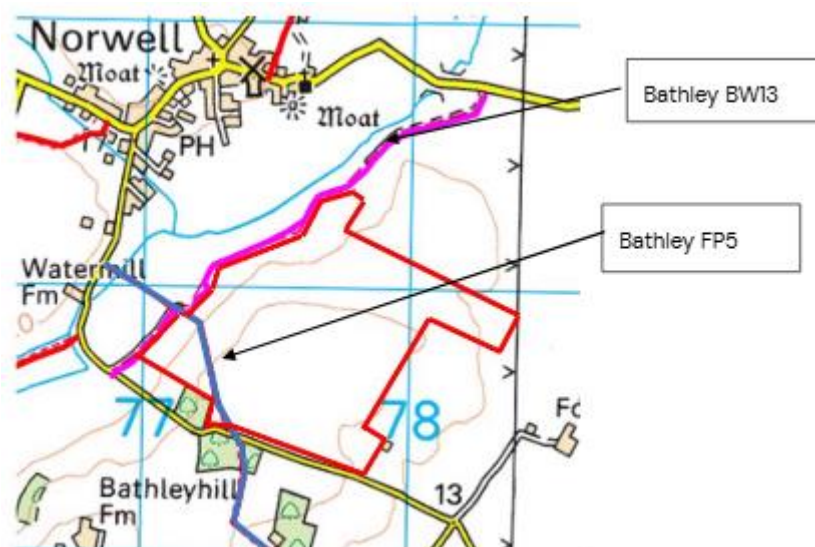
*“The Proposed Development would result in the conversion of the fields within the Site from intensively farmed arable farmland to a solar farm (with species-rich grassland managed by sheep grazing beneath the solar arrays). This would result in a long-term **major adverse effect** on the landscape character of the Site and its immediate environs, reducing to **moderate adverse** with increasing distance from the Site. By Year 5, the growth and development of retained, enhanced and newly planted hedgerows and trees within the Site would reduce the visibility of the Proposed Development from the landscape surrounding the Site, with a corresponding reduction in the scale of effect on this landscape to **moderate or minor to moderate adverse**.*

*For Policy Zones MN30: Knapthorpe Village Farmlands with Ancient Woodland and MN29: Caunton Meadowlands, within the Mid-Nottinghamshire Farmlands LCA, the overall scale of effect on landscape character would be **moderate adverse**, reducing to **minor adverse** with increasing distance from the Site.*

*For other nearby LCAs, LCTs and Policy Zones which may undergo indirect perceptual/experiential effects, the scale of effect would be **minor adverse**, decreasing to **negligible** with increasing distance from the Site.*

*All adverse effects on landscape character would be fully reversed following decommissioning of the proposed solar farm at the end of its life, with all site infrastructure being removed. Any enhancements to field boundary vegetation would remain after the decommissioning of the Site."*

- 7.85 It is noted that the landscape character effects on the immediate site and surrounds would be **major adverse**, and Officers agree with this analysis.
- 7.86 Two public rights of way run through and along the site, as shown below. Bathley Bridleway BW13 runs from the access road in northeastern and southwestern directions to Norwell Lane. Bathley Footpath FP5 routes in a southeast and northwest direction from the access road and extends to Norwell. This footpath cuts through the site and offers open and uninterrupted views across the arable farmland, the open countryside and across to Norwell and beyond. Due to the topography the site, the footpath offers wide open views over the fields and the village. From a site visit these views overlooking the village from the public footpath were noted, as was the open and rural character of the surrounding fields. This identified character of both the footpath and bridleway is a fundamental part of the enjoyment users get and is therefore of high value. The impact on the character of these routes changing from open arable farmland to renewable energy infrastructure is therefore significant and their sensitivity to change is considered to be high.



- 7.87 It is proposed to enclose FP5 as it cuts through the site, with new hedgerows either side and fencing, with a 10m buffer maintained either side of the path. As BW13 intersects the site and runs along the northwestern boundary, a hedgerow and fencing are proposed on the side nearest the panels, with a 10m buffer also proposed.
- 7.88 The submitted LVA states that by setting the panels back from the routes and by enhancing and creating hedgerows the changes will be limited and would only affect

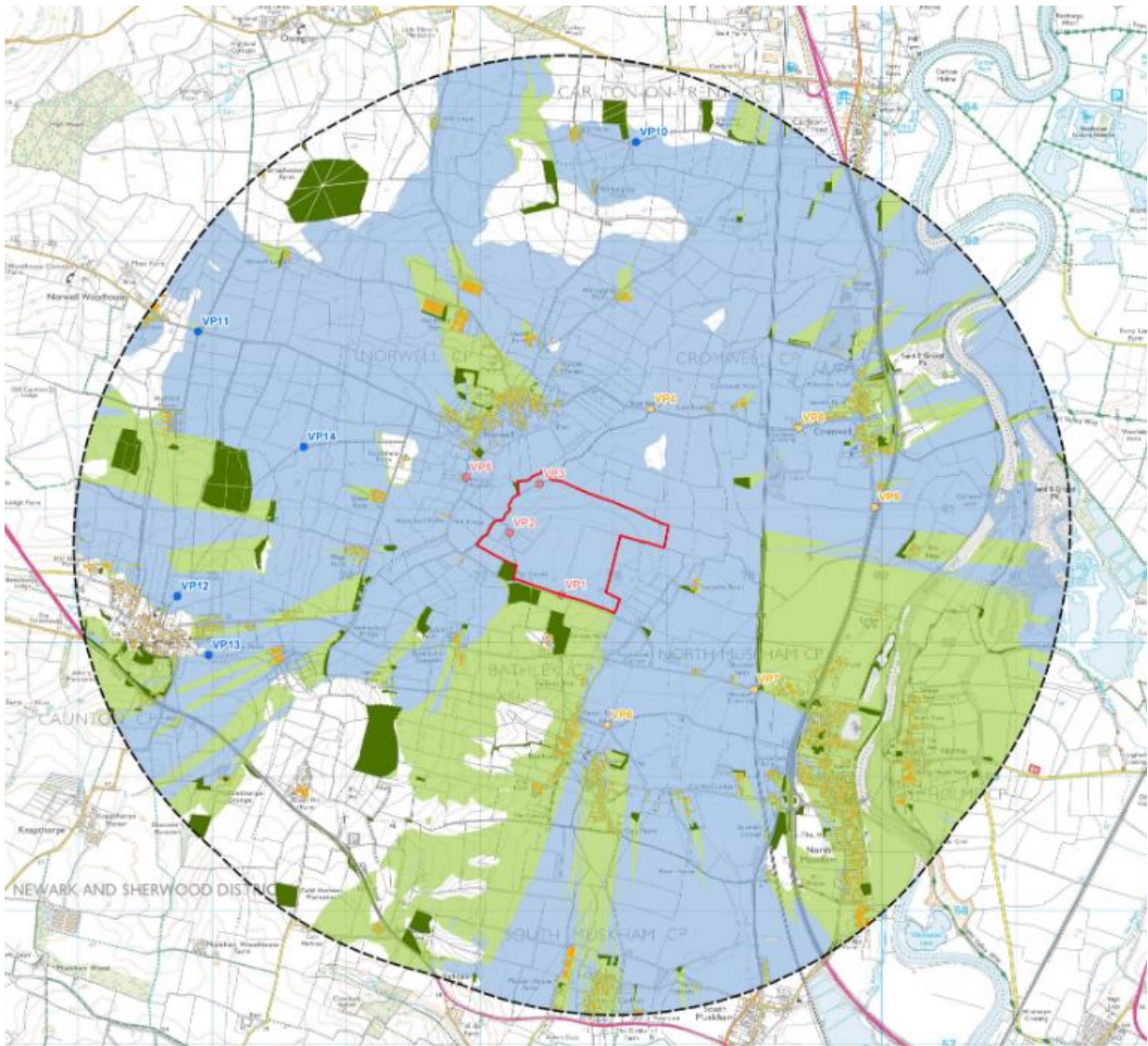
limited sections of the routes, with the majority of the routes maintaining their character. The changes identified are considered in the LVA to be medium in scale and limited to within and adjacent to the site. Such changes would be long term but reversible after the operational life of the development ceases and the land returns to agriculture. The magnitude of change to the character of these routes is assessed in the LVA as being 'medium' and due to the sensitivity would result in **major adverse effects**.

- 7.89 Officers largely agree with this level of impact on the character of the rights of way. The currently open and uninterrupted views will be significantly reduced and altered. The footpath will feel more enclosed due to the planting either side, albeit the total width would be 20m. The character of the bridleway will also change due to the sense of enclosure on the southern and eastern sides towards the development. Whilst the development would be separated from the rights of way by buffer zones and planting, the character and experience of the rights of way will be altered as a result of the proposal.
- 7.90 The landscape character effects identified by the LVA are summarised in table 6.2 in the document. It is accepted that the greatest degree of landscape character change would result from the development itself on the site and the immediate surroundings, including the major adverse impact on the rights of way. The LVA identifies this impact as a '**major adverse effect**' on immediate and surrounding adjacent landscape character. The proposal would also impact on the character of the wider landscape surrounding the site, although this impact is acknowledged to diminish with further distance from the site. The LVA categorises this wider effect on landscape character as a '**moderate adverse**' effect. The site is part of the surrounding landscape around Norwell and the Conservation Area, meaning that the proposal will change the character of this backdrop to the Conservation Area, a sensitive feature in the landscape character in this locality. Moreover, further impacts on landcover, visual character and scenic qualities will also arise. With greater distance from the site, the landscape character impacts will diminish, this is accepted. Whilst the mitigation planting may help reduce wider character impacts over time, once planting is established and developed, the topography of the site and the sensitive landscape features highlighted above means there will still be an impact on wider landscape character, even if it is lessened over time and with distance from the site. The proposal is introducing an industrial scale feature into an open and undeveloped rural landscape. As such, harm to immediate and wider landscape character would arise, but would lessen with greater distance from the site. This harm will be weighed in the planning balance.

### *Visual Impact*

- 7.91 An assessment of visual effects considers the potential for changes in views and the effects of this on visual amenity. Visual effects are assessed by considering the sensitivity of the receptor against the proposed magnitude of change to determine a level of visual effect. Effects are considered during construction, at year 1, at year 5 and beyond, and are assessed in relation to particular viewpoints.

- 7.92 14 viewpoints were selected, and 2 additional viewpoints added later for the analysis (at School Lane and the Church of St Lawrence). The locations of the viewpoints are shown below:



- 7.93 Both bare-earth (light green in the ZTV) and screened Zones of Theoretical Visibility (light blue in the SZTV) have been modelled in the LVA (see image above). The development was modelled at 4m above ground level as this represents the tallest proposed structures, the panels themselves. Whilst the screened ZTV (SZTV) models existing built development and larger blocks of woodland, smaller blocks of woodland, screen belts and hedgerows have not been modelled, so the LVA anticipates that the visibility is likely to be smaller than that shown on the ZTV. The LVA states that the effects on visual amenity arising from the proposal would be limited, and notable effects would be restricted to receptors within the immediate vicinity of the site. More distant views of the site would be limited through topography and screening due to vegetation. In more distant views any changes arising from the development would be assimilated into the wider landscape. This finding is accepted, but the SZTV does show extensive areas where the development will likely be visible in the wider landscape so the visual impacts of the development within the site context should not be downplayed. Although it is noted that visibility does not necessarily equate to harm.

7.94 The LVA identifies residential and recreational receptors and summarises the effects on visual amenity of these in table 7.1 of the LVA. The residential receptors with the highest likely effects are identified as Foxholes Farm The Lodge and the Farmhouse, properties on Vicarage Lane, properties on the south western edge of Norwell and properties at New Farm and other locations on Norwell Lane to the east. These five residential receptors with the highest effects are included in the table below:

Receptor	Sensitivity	Development Phase	Magnitude of Change	Scale of Effect
Foxholes Farm – The Lodge	High	Construction	Large	Major adverse
		Year 1		
		Year 5	Medium	
Foxholes Farm – Farmhouse	High	Construction	Medium	Major adverse
		Year 1		
		Year 5	Small	
Properties on Vicarage Lane to SE of site	High	Construction	Small	Moderate adverse
		Year 1		
		Year 5		
Properties on the southwestern edge of Norwell	High	Construction	Medium	Major adverse
		Year 1		
		Year 5	Small	
Properties at New Farm and other locations on Norwell Lane on the western edge of Cromwell	High	Construction	Small	Moderate adverse
		Year 1		
		Year 5		

7.95 The LVA sets out that recreational receptors with the highest effects include:

- Footpath Bathley FP5 and Bridleway Bathley BW13/Cromwell BW4 – **Major adverse**
- Footpath Norwell FP3 (to the west of the site) and Bridleway Cromwell BW4 (to the north of the site) – **Major adverse**
- Footpaths Norwell FP4 and Bathley FP6 (to the south-west of the site) – **Minor to moderate adverse**

- Footpaths Norwell FP1 and FP2, and Carlton-on-Trent FP5A and FP7 (north of Norwell) – **Minor to moderate adverse**
- Routes to the east of Norwell Woodhouse – **Minor to moderate adverse**

- 7.96 Other receptors including road and rail are also considered. Regarding the visual impacts on the rights of way, the PRoWs would largely be screened from the development by the proposed hedgerows and new planting. The hedgerows are proposed to be planted to a height of 3m+, as detailed on the Landscape Masterplan, with the security fencing to be 2.4m in height beyond. However, it is noted that the panels at full tilt reach a height of 4m so will likely still be visible in views from the footpath and the bridleway, this would be exacerbated by the topography of the site and rising land levels experienced. It is noted that the bridleway will only have views interrupted by the development and new planting on one side, with the northwestern side facing Norwell remaining open and uninterrupted. The exception to this would be the additional mitigation tree planting in the northwestern corner of the site that may restrict the views to a degree, but do not detract from the rural and countryside feel of the bridleway. As such the visual impacts on the bridleway users would be lesser, with views remaining in other directions and a 10m buffer proposed to the adjacent hedgerow.
- 7.97 In terms of visibility for users of FP5, the right of way would have a 20m width in total, 10m either side before the 3m hedgerow planting and 2.4m security fencing beyond. The current open and uninterrupted views from this footpath will be altered and reduced, and the panels will likely be visible over the hedge, as they have a maximum height of 4m. Whilst Officers acknowledge this impact on the users of FP5, it is also noted that the planting will reduce visibility of the development and the footpath will retain some openness given its total width of 20m. These mitigating factors are considered to lessen the severity of visual impact of the development on users of FP5.
- 7.98 The submitted LVA considers the visual effects on the rights of way within and adjacent to the site to be **major adverse**. This is because the users of the routes would have clear views of the proposal and the scale and geographic extent of these changes would be large and long-term in duration. The effects on FP3 to the west of the site are also considered to be **major adverse** due to the proximity of this right of way to the site. The impacts on other footpaths, such as FP4 and FP6 to the southwest of the site is considered to lessen to **moderate adverse** as they increase in distance from the site. As such, the development will impact on views from the identified footpaths and bridleway, due to the sloping topography of the site, the development will remain visible in wider views despite the mitigation proposed, albeit this impact will reduce with distance from the proposed development site. It is agreed that these impacts will have **major adverse effects** on the visual amenity of the routes, with this diminishing with greater distance from the site.
- 7.99 Overall, the LVA concludes that major effects on visual amenity would be limited to receptors within the site or within approximately 500m of the site boundary, including: residential receptors at Foxholes Farm and properties along the south eastern edge of Norwell, PRoW users on routes within or close to the site and road users travelling along the road passing along the southern boundary of the site

between Vicarage Lane and Norwell. Whilst visibility is noted from other locations within the surrounding landscape, it would generally be seen as a minor component within a complex landscape and would not be prominent in view. This is largely accepted.

- 7.100 It is noted that the LVA does not run any analysis on School Lane, on the southern edge of Norwell and within proximity of the development site. An additional viewpoint of School Lane has been provided but no further analysis of these residential properties as sensitive receptors and the potential effects has been carried out. The proposed development will be visible in views from School Lane as the land undulates and rises upwards.
- 7.101 It is acknowledged that the Norwell Solar Farm Steering Group have submitted their own Residential Visual Amenity Assessment Report. This runs separate analysis on the visual impacts of the development on residential receptors. It concludes that the effectiveness of the screening to mitigate visual impacts will be limited as the development will be on a hillside, and therefore the planting will only screen so much. It highlights 5 properties that may benefit from the planting, noting that this relies on the planting being effectively implemented and managed, and that in some instances it can take up to 5-8 years for planting to mature. The assessment submitted gives a likely effect rating for individual properties, opposed to clusters of houses, to give a fuller picture of the impacts of the proposal. Whilst the effects on individual properties are presented, it is also noted that these receptors are also likely to be impacted when travelling through the local area, leading to greater magnitudes of effect. Many receptors currently have open views over the landscape, with the development considered to have a significant impact on visual landscape amenity of these receptors. Topography is highlighted as the key factor, limiting the effectiveness of mitigation planting. Officers agree that this is a key constraint that makes the site more visually prominent in localised landscape views from nearby residential and recreational receptors.
- 7.102 Overall, the LVA submitted highlights that the key receptors likely to experience the most visual impacts are nearby residential properties, properties along the south western edge of Norwell and footpath users on and adjacent to the site. These impacts highlighted do not likely diminish over time, except in the case of properties along the south western edge of Norwell in which they do lessen after 5 years due to vegetation maturing. The proposal will have a visual impact on several residential and recreational receptors, equating to harm in landscape terms. The findings of the Steering Group's Residential Visual Amenity Report are noted.
- 7.103 The overall conclusion of landscape and visual effects in the LVA are not disputed in that any major adverse effects would be largely localised and would be reduced over the lifespan of the development through additional planting, noting that the proposals remain reversible in the longer term. It is also agreed that major adverse impacts will arise due to the development on nearby residential receptors and users of the public rights of way. Due to the site topography and the way the site rises above the land levels in Norwell, it is considered the development would erode the rural and open landscape character of the site when viewed from Norwell and other public

vantage points this side of the site. Moreover, the development would be visible in views from the village and would alter the landscape visually when viewed from the northwest of the site, particularly when viewed from School Lane and the road running in a northerly direction to the west of the site into the village. Whilst the methodology of the LVA is broadly accepted, despite lack of analysis of School Lane as a receptor, Officers consider the LVA to underestimate visual and character impacts arising from the development on the receptors in and surrounding Norwell. It is agreed that **major adverse impacts** will result from the proposal, however, impacts when viewed from Norwell and the receptors within the village are considered to be underestimated. The reason for this view is that the land clearly rises up above the village and therefore this increases the visual prominence of the site when viewed from receptors in Norwell and the surrounding area.

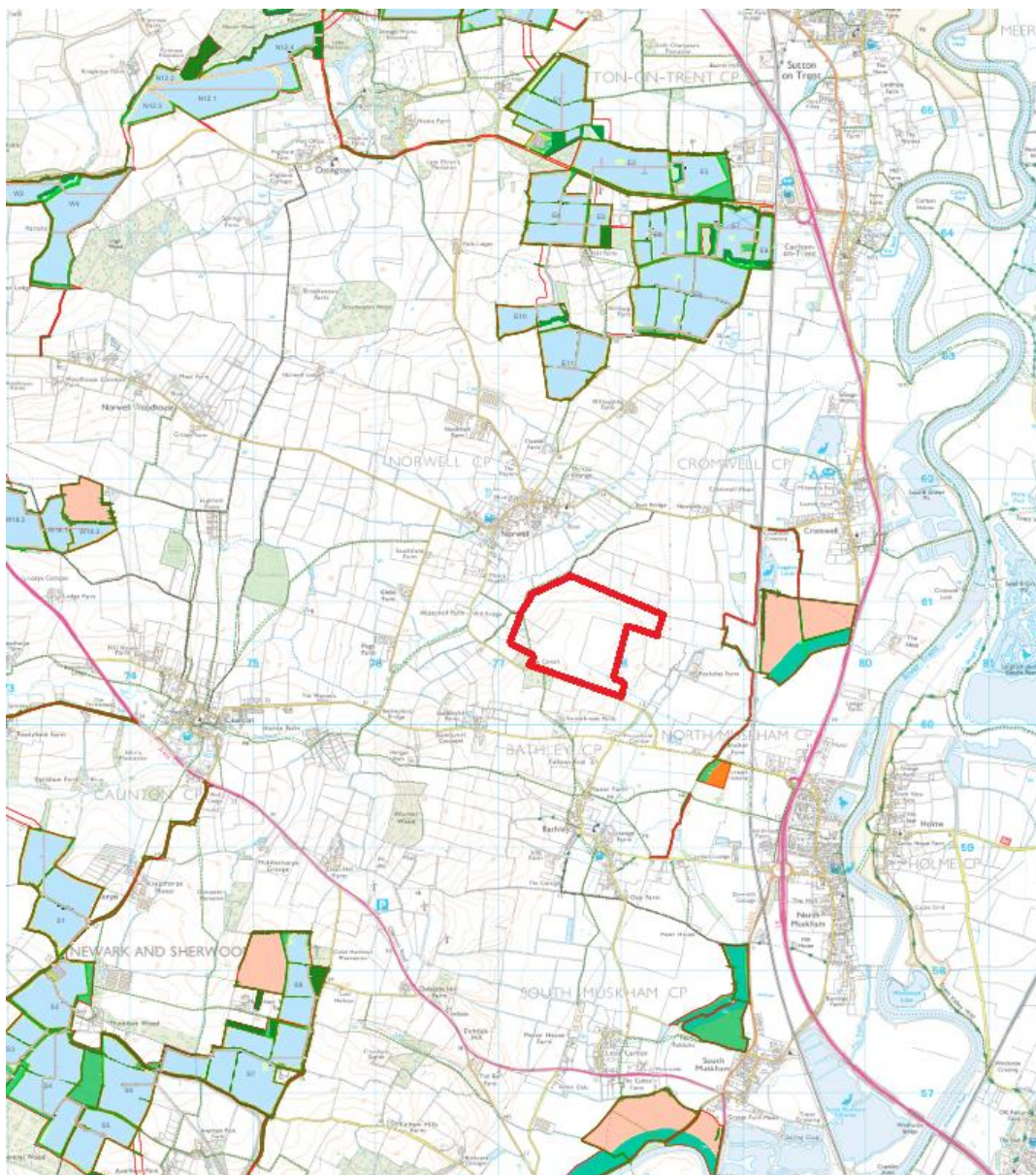
- 7.104 As such, whilst the majority of findings in the LVA are accepted, Officers consider the proposal will cause harm to the landscape character of the site and will impact the character of the landscape in this location. Whilst visual impacts may be less prominent, they do contribute to the concerns raised in that the proposed development would be visible from Norwell and nearby identified residential and recreational receptors, resulting in major adverse impacts. Nevertheless, the potential harm (particularly to landscape character, users of the footpath and the effected residential receptors) will need to be considered in the overall planning balance and weighed against the benefits of the proposal.

#### *Cumulative Impacts*

- 7.105 There have been several large scale solar and BESS schemes approved within the District. Since the submission of this application, two BESS schemes, Staythorpe North (23/00317/FULM) and Staythorpe South (22/01840/FULM), have been granted planning permission. Further solar developments at Knapthorpe Lodge (22/00975/FULM), Hockerton Road (22/00976/FULM) and Halloughton (20/01242/FULM) have also been approved. Most recently, a solar and BESS development at Kelham (23/01837/FULM) was approved. Details of these schemes and approximate distances from the development site are below:
- Staythorpe North: 23/00317/FULM Construction and operation of Battery Energy Storage System (BESS), transformer/sub-station and associated infrastructure – roughly 5.5km to the south of the site.
  - Staythorpe South: 22/01840/FULM Construction of Battery Energy Storage System and associated infrastructure – roughly 6.7km to the south of the site.
  - Knapthorpe Lodge: 22/00975/FULM Construction of a solar farm, access and all associated works, equipment and necessary infrastructure – roughly 2.8km to the southwest of the site.
  - Halloughton: 20/01242/FULM Construction of a solar farm and battery stations together with all associated works, equipment and necessary infrastructure – roughly 11.8km to the southwest of the site.

- Kelham: 23/01837/FULM Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work – roughly 4.4km to the south of the site.
- Hockerton Road: 22/00976/FULM Construction of a solar farm, access and all associated works, equipment and necessary infrastructure – roughly 3.5km to the southwest of the site.

7.106 In addition to the above, the Great North Road Solar and Biodiversity Park (the GNR scheme) is at an advanced stage of its Development Consent Order process with the hearings drawn to a close and a decision expected in the near future. However, as a decision has not yet been reached, Officers can only have regard to what may be granted consent. From looking at the masterplan for the GNR Scheme, the element within closest proximity to the development site would be to the west, an area indicated for arable agricultural and a riparian corridor, as part of the biodiversity works. There are areas of panels to the north of Norwell and further southwest near



Caunton and Knapthorpe. The proposed GNR panels to the north of Norwell measure approximately 1.6km and 2.2km away from the development site, and to the southwest of the development site they measure some 3km in distance. The image below is taken from the GNR Masterplan, with the blue areas showing the likely location for proposed panels, the pink showing the arable agricultural areas and the turquoise/green showing the riparian corridor. The development site has been outlined in red for reference.

- 7.107 Therefore, given the significant level of solar development in the wider landscape, including already consented schemes and the GNR project, it is important to consider the cumulative harm to the character and appearance of the area that could be caused by the proposed development in the context of these other developments that lie in proximity of the development site here.
- 7.108 Whilst the concerns of the public regarding the wider impacts of increased solar and energy development on the wider landscape as a whole are acknowledged, for the purposes of this cumulative assessment the landscape guidance for cumulative impacts states that such an assessment should be *'reasonable and in proportion to the nature of the project under consideration'*. Therefore, whilst the scale and number of solar projects in the District are noted and recognised, it is accepted that the projects more than 3km away will unlikely result in cumulative harm in relation to this specific project. Therefore, it is noted that the BESS schemes at Staythorpe, and the solar at Halloughton and Kelham, will unlikely result in cumulative landscape harm due to the larger separation distances of these sites with the proposal site, and the fact they are in different Landscape Character Areas from the proposal site. As such, the more relevant sites included in the cumulative assessment are the Knapthorpe Lodge scheme, the Hockerton Road scheme and the GNR scheme to the north of Norwell and to the southwest of the site at Caunton and Knapthorpe.
- 7.109 In the applicant's LVA there is an assessment of cumulative impact. It is noted that this considers two other sites in relation to the proposal, the solar developments at Knapthorpe Lodge and at Hockerton Road (referred to in the LVA as Muskham Wood) and does not provide any assessment in relation to the GNR sites. This is because the GNR site was submitted as a Nationally Significant Infrastructure Project (NSIP) after the submission of this application. The cumulative assessment provided is based on the two other sites having been built out, with effects arising from the Foxholes Farm solar being in addition to those that would arise from the two other sites. A cumulative SZTV has been modelled by the applicant and is included at Figure 6 of the LVA. This shows there are a number of areas where there could be theoretical visibility of both the proposed development and one or both of the other identified schemes, mainly within the area between Norwell and Norwell Woodhouse, and to the east/northeast of Norwell. However, the applicant notes that from a field survey, the field boundaries and other vegetation within the landscape is not modelled in the cumulative SZTV. This means that there are only very limited locations from where Foxholes Solar and one or both the other schemes would really be visible. Where there may be visibility of multiple solar projects, the separation distances between the sites themselves and between potential cumulative receptors, means that any cumulative effects on landscape character and visual amenity would be limited.

- 7.110 The LVA considers how the three projects are all within the same policy zone in the Landscape Character Area, MN PZ 30. Therefore, there is the potential for cumulative effects on this specific policy area. The assessment provided states that whilst there would be an increase in solar development in this policy zone, due to the relatively large size of the area this would be marginal and the perceived effect of this would be further reduced by the limited intervisibility within the surrounding landscape between the three sites. The LVA concludes that the cumulative magnitude of change to MN PZ 30 would be very small, and with the medium sensitivity of the area, the cumulative scale of effect would be **minor adverse**.
- 7.111 In terms of visual amenity, the LVA states that there may be some limited successive or sequential visibility of the two identified solar farms and the proposed development site from a limited number of locations to the west / southwest of Norwell. However, the two sites are approximately 2.5-3.5km away from these receptors and this separation distance combined with the intervening vegetation mean the sites would be barely discernible components in the view. The cumulative magnitude of change is therefore assessed as negligible and with a high-medium landscape sensitivity, the cumulative effect on visual amenity would be **negligible**.
- 7.112 However, whilst the above is noted, the LVA lacks analysis of the GNR scheme that has come forwards since the submission of this application. It is noted that the GNR scheme to the north of Norwell lies in a different policy zone to the development site (MN PZ 21), but within the same broader Landscape Character Area (Mid-Nottinghamshire Farmlands). If the GNR scheme is approved, the cumulative effect of the proposed development, the GNR scheme and the solar schemes consented at Knapthorpe Lodge and Hockerton Road would result in a cluster of energy infrastructure developments located in the south west of the MN PZ 30 Landscape Character Area, and the adjacent Character Area to the north, MN PZ 21. Cumulatively, these developments would alter the character of these specific parts of the wider Landscape Character Area from primarily agricultural land to land containing a mixture of agriculture and energy infrastructure. Indeed, this would be the effect even without the GNR solar scheme to the north.
- 7.113 Nevertheless, the existing field boundary structure on the site and in the wider area would remain, as would hedgerow boundaries, which would be reinforced along the site boundaries. Furthermore, large parts of the Character Area would remain unchanged by these energy infrastructure developments. Agricultural land, road networks and existing settlement patterns would remain between the development site and the Knapthorpe Lodge and Hockerton Road schemes. The GNR Solar to the north of Norwell would mean the village would be surrounded on two sides by solar development. That said, agricultural fields, field boundaries and land parcels would create a degree of separation between the two schemes. Agricultural land would also remain to the north, east, south and west of the site.
- 7.114 As was assessed as part of the Kelham Appeal, it would be the case that around Norwell, Caunton, Knapthorpe, Averham, Staythorpe and Kelham, energy infrastructure would be viewed more often when passing through the landscape. But

the clustering of these developments would arguably leave large parts of the landscape within the wider Character Area unaffected. As the Inspector stated in the Kelham appeal, any impact on the wider Character Area by the wider GNR scheme will be for the examiners of that development to consider. It is accepted that the cluster of energy schemes in this part of the Landscape Character Area will be experienced sequentially when moving through the landscape. Whilst this may be the case, as was considered in the Kelham appeal regarding cumulative impacts, there would remain a large amount of rural, agricultural land between the development site and these two other solar farms, and the GNR schemes. Any drivers or users of public footpaths passing these areas would travel through other rural areas which are currently unaffected by solar or other energy development. Again, any future impact of the GNR scheme on these areas will be for the examiners of that development to consider.

- 7.115 Therefore, Officers consider that the proposed scheme, together with the identified developments, would change the landscape character of this part of the Landscape Character Area. Nevertheless, the above considerations lead to the conclusion that the cumulative impact on landscape character would not be significant and would be experienced in a localised area only. This was also considered the case in the most recent appeal decision at Kelham.
- 7.116 Regarding cumulative views, the proposed development would be seen in combination with the proposed GNR solar to the north, proposed to be some 1.6km away at the closest point (if consent is granted for that scheme). Whilst the schemes may both be visible within the landscape, considering the intervening land, separation distance, built form, field boundaries and hedgerows that break up the intervisibility, there would likely be fairly limited intervisibility between the two schemes. Within Norwell itself views of both schemes would be fairly limited by the intervening settlement pattern and height of buildings, some views of both schemes may be possible from Ossington Road and Carlton Lane further north of the village, however the impact would not be considered to be harmfully significant due to the intervening built form of the village and field boundaries. As was considered the case in the Kelham appeal when considering cumulative visual impacts, the two developments would be seen in the context of the agricultural land in the foreground and screening would be provided by the boundary hedges and planting.
- 7.117 The views possible of both schemes would not detract from or significantly degrade the wider landscape views possible and available at these points. Much of the land surrounding Norwell will remain open and free from solar development. Therefore, whilst effects may be noticed, there is not considered to be significant cumulative harm arising from the proposed development and the GNR solar to the north of Norwell. Whilst the increase in solar development will be noticeable when passing through the landscape and the schemes will be visible from public footpaths at certain points, in combination the two schemes are not considered to result in significant cumulative visual harm. The developments would not be so close together, neither would they be so numerous or extensive that the sequential or cumulative visual impacts would cause significant harm.

- 7.118 In the Kelham Appeal the Inspector stated: *“There are elevated views of the site and the wider Trent Washlands landscape from Kelham Hills and Micklebarrow Hill to the west and south west. However, the appeal site only forms a small part of these views and would not be the most prominent feature in the surroundings. At the distances involved, where it is visible, the development would be seen as a darker surface sitting within the surrounding agricultural landscape. It would not cause significant visual harm from these locations either alone or in combination with other energy developments. The development would be for a time-limited period of 40 years after which the land would be returned to agriculture. Whilst this is a significant length of time, the landscape and visual harm would not be permanent. The landscaping would remain and as such the increased enclosure of views would persist beyond the life of the development.”*
- 7.119 This assessment is also considered to be relevant here, in that whilst the schemes may be visible from certain points, this would not be a massively detracting feature when viewed in the context of the wider landscape, nor would it result in permanent harm, as the scheme is reversible through decommissioning.

#### Summary

- 7.120 Bringing together the above, in combination with other developments the proposal would cause harm to the landscape character of the area due to the change in the nature of the land use in this part of the Landscape Character Area. The development would also result in the loss of open views and visual intrusion within the site and from parts of the immediate surroundings and it would erode the character and visual amenity of the footpath and bridleway as it crosses and intersects the site. The visual harm would be greatest close to the site and would diminish with distance. The harm identified to the character and appearance of the site and immediate surroundings is considered to be significant and will be weighed in the planning balance.
- 7.121 In terms of policy conflict, the Solar Energy SPD acknowledges that Policy SP3 of the ACS and DM8 of the ADM DPD do not specifically address renewable energy schemes, and the SPD refers to ACS Core Policy 10 ‘Climate Change’ and ADM DPD Policy DM4 ‘Renewable and Low Carbon Energy Generation’ as being the most directly relevant policies for assessing solar developments. Both Core Policy 10 and DM4 support renewable energy generation where the benefits outweigh harm to landscape character. In the Kelham appeal, the Inspector gave more weight to policies CP10 and DM4, opposed to SP3 and DM8, as they are more relevant to the nature of the development, opposed to being more generalised policies. Therefore, DM8 and SP3 were not seen as the most relevant and held less weight in the Inspector’s decision.
- 7.122 ACS Core Policy 9 relates to sustainable design. It is aimed at ensuring development is resource efficient, uses sustainable energy and is sustainable in its location, design and construction. The development would conflict with this policy in so far as it relates to the protection and enhancement of the natural environment. Policy DM5(b) of the Amended ADM DPD requires the local distinctiveness of the landscape and character of built form to be reflected in (amongst other matters) the scale, layout, and design of new developments. Regard should be had to the Landscape

Character Assessment SPD. In causing harm to landscape character, the proposal would conflict with this part of the policy (part 4) but does not conflict with the policy as a whole.

- 7.123 The harms arising from landscape character, in terms of the site itself and the cumulative impact of solar development on the immediate Character Area, as well as the visual impacts on nearby residential and recreational receptors as highlighted, and the policy conflicts identified will be weighed in the planning balance.

#### **Impact upon Residential Amenity**

- 7.124 Policy DM4 of the Amended ADM DPD states that development for renewable energy should be approved where the benefits are not outweighed by detrimental impacts on amenity, including noise pollution. DM5 of the ADM DPD, and policy DM5(b) of the emerging Amended ADM DPD, states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF seeks to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 7.125 The nearest residential properties to the site are The Lodge and Farmhouse, situated at Foxholes Farm to the east of the development site. Further afield, there is a residential property at Watermill Farm and others scattered northwards on the approach into Norwell. There are properties scattered further south along Caunton Road and Vicarage Lane, and then the properties within the village of Norwell on the south and southwestern side of the village, along lanes off Norwell Lane and Main Street, including School Lane, Fair Vale, Old Hall Lane, Foxhall Close.
- 7.126 To the south of the site, the land levels out and flattens. As such, due to tree coverage, clusters of woodland and field pattern boundaries, the dwellings to the southeast, south and southwest of the site along Vicarage Lane and Caunton Road would largely be screened from the development. The solar array would be stepped back from the nearest residential properties at Foxholes Farm to the east as the array does not occupy the first three fields on this side, creating an adequate separation distance to not overwhelm or overbear these properties, or cause a harmful loss of outlook.
- 7.127 Moving to the residential properties to the west of the site on Bathley Lane as it approaches the entry into Norwell, again the array is set back from these dwellings by intervening fields. The proposal has also moved further away on this side due to the need for the archaeological exclusion zone on the western side of the site. Whilst the array would be visible from these dwellings scattered along the road to the west of the site, it would not be considered harmful to amenity in terms of loss of light, outlook, privacy or visual amenity impacts.
- 7.128 This is also the case with dwellings located on the south and southwestern side of Norwell, closest to the site to the north and northwest. Whilst the panels would be visible in views from these properties and would erode the current open countryside views from these dwellings, these views are largely private and cannot be protected. There is also adequate separation from these dwellings to prevent the array having

an oppressive or overbearing impact or causing a harmful loss of outlook. New tree and hedgerow planting will also aid in screening and softening the development from the properties closest to the site in Norwell. As such, Officers do not anticipate any significant harmful impacts on residential amenity for the residential properties closest to the site, through loss of light, outlook or an overbearing visual impact.

7.129 In the recent Kelham Appeal, concerning the nearest residential properties and amenity concerns, the Inspector stated that:

7.130 *“I do not underestimate the impact of the loss of open views to those residents who currently look over the fields. However, these are private views. The development would not cause actual harm to the living conditions of the residents of those properties. As such, impact on the amenity of those living opposite the site would not warrant dismissing the appeal and I cannot have regard to any potential reduction in property values, which is not a planning matter.”*

7.131 The Inspector here is highlighting that whilst open views of the countryside may be lost as a result of the proposal, this would not result in actual harm to the living conditions of nearby residents. This is considered relevant to the development at hand. Due to the rising land levels and how the site rises upwards above the dwellings located to the southwest, west and northwest, on the fringes and edge of the village, the development will be visible in views from these residential properties. However, in line with the assessment made by the Inspector in the recent Kelham Appeal, this would not equate to actual harm to living conditions through an overbearing or oppressive form of development that would impact upon outlook and living conditions of the residents. Landscape harm is different to amenity harm, so whilst the loss of open views is acknowledged and regrettable for nearby residents, it would not constitute a reason to refuse the scheme.

7.132 The applicant has submitted a Glint and Glare Assessment. The results of this assessment are shown in the table below:

Receptor	Impact	Significance
Nearby Dwellings	Glint and glare not geometrically possible, therefore proposed development is not anticipated to have an impact towards residential receptors.	No Impact
Road Infrastructure	Glint and glare not geometrically possible, therefore proposed development has no impact towards road infrastructure receptors. Any nearby roads were found to be minor single-track roads that are either private or have an obstructed view of the proposed development due to vegetation.	No Impact
Rail Infrastructure	No railway infrastructure exists within 100 m of the proposed development's grounds.	N/A
Aviation Infrastructure (Caunton Airfield)	No glare predicted towards the airport's FP21 and FP29. Glare with low potential for temporary after image (green glare) predicted towards FP03 and FP11 for a small annual duration.	Acceptable

7.133 The report states that a computer modelling tool has been used to run the analysis, to model and assess solar reflectivity of the proposal in relation to highlighted key

receptors, following the relevant guidance. The fact the panels are proposed as tracker panels has also been factored into the modelling. The report notes that residential properties within 1km of the site were assessed but due to the amounts and siting of vegetation in the surrounding areas, the views of the solar farm are largely obstructed. Receptors in Norwell and Bathley were considered the main receptors and were also included as part of the assessment. As the results show, the development would not pose risks to the considered (receptors, residential, road, rail or aviation) in terms of glint and glare.

- 7.134 Regarding noise, the applicant has submitted a Noise Impact Assessment prepared by Environmental Noise Solutions Ltd. The assessment states that noise surveys were carried out in November 2021 with two adopted noise monitoring locations 180m north of Watermill Farm and 450m southwest of Foxhole Farm Lodge. The surveys were conducted to assess the prevailing noise conditions in the vicinity of the site of nearby noise sensitive receptors. The closest noise sensitive receptors are the dwellings closest to the proposed development, identified as dwellings west and south of the site boundary, some 300-330m from the site boundary. Section 4 of the assessment outlines the fixed plant noise limits which all future items of plant should adhere to on the site. The limits have been set at a level not exceeding the representative day or night background noise levels, based on the results of the noise survey. It is considered that fixed plant on the site should adhere to the noise limits outlined in the assessment. This can be controlled through a suitably worded condition.
- 7.135 Regarding the appeals at Knapthorpe (APP/B3030/W/24/3344502) and Muskham (APP/B3030/W/24/3344500) the Planning Inspector imposed conditions that the rating level of sound emitted from any fixed plant/machinery shall not exceed the stated noise levels set out in the Noise Impact Assessment. The inspector also imposed a condition for a CEMP which would control and manage noise and dust during construction phase. In the recent Kelham Appeal this approach was also adopted, with conditions used to control noise levels within agreed limits, and to secure a Construction Traffic Management Plan to deal with construction noise. With the necessary limits in place, it is not considered that the scheme would have a negative impact on the nearest sensitive residential receptors and on this basis, no objection is raised regarding operational noise.
- 7.136 Regarding the above, it is the construction phase of development (estimated at 6 months) that will likely have a greater impact on residential amenity than the operational phase. Although a Construction Traffic Management Plan (amended through Revision A) has been submitted, this largely addresses highways matters and does not include specific details relating to noise control and mitigation. It covers topics such as site access arrangements, routing for construction traffic, vehicle numbers and mitigation measures for construction traffic including use of banksmen and wheel washing. These matters will be considered further in the Highways section of the report. It is recommended to impose a condition requiring a Construction Environmental Management Plan (CEMP) to better understand and control matters like working hours and noise, dust and vibration control measures and mitigation, in the interests of residential amenity.

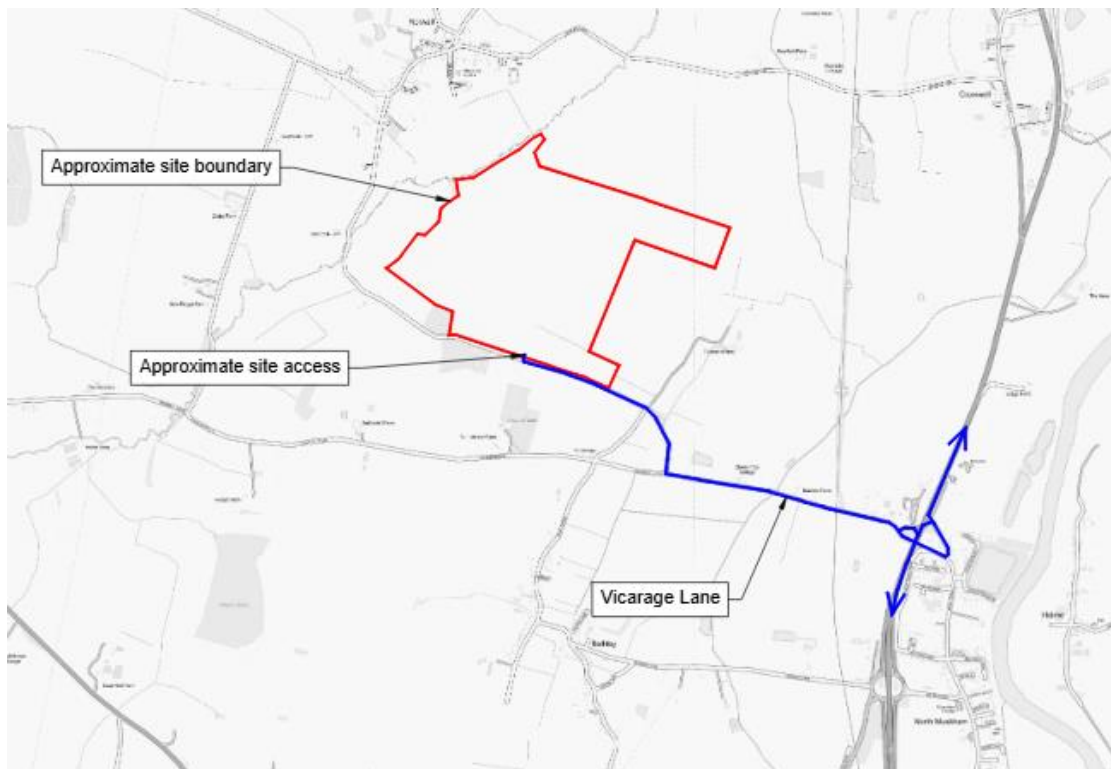
- 7.137 The submitted Construction Traffic Management Plan sets out in detail the likely expected traffic movements to and from the site, which would be substantial over a 6-month construction period. This outlines that assuming a 6-month construction phase and a 6-day working week (144 days in total) the vehicular movements from the site would average out to around 7 HGVs, or around 14 two-way vehicle deliveries per day by the largest vehicles. In addition, there would also be a number of construction trips from smaller vehicles such as skip collection for waste and transportation of sub-contractors and construction workers. Whilst the main point of access would be to the south, away from the closest residential dwellings, there would still be construction traffic within the site itself and on the local roads near neighbouring properties. It would therefore be important to control hours of construction and deliveries, through the submission of a full Construction Management Plan, in the event of approval being granted. In principle the operational phase would be automatically / remotely controlled so operational traffic will be very limited relating to maintenance and inspections and on average movements would be a maximum of 20 per year done in 4x4 vehicles or transit vans.
- 7.138 The development would result in no emissions during the operational phase and therefore no harm would result in relation to the air quality. Any impacts from the construction phase could be adequately controlled through the details of a detailed Construction Environmental Management Plan that could be conditioned on any approval.
- 7.139 Whilst it is acknowledged that the construction phase of the development has a significantly greater capacity to negatively impact on the amenities of local residents, this could be mitigated by the details of a Construction Environmental Management Plan. Once operational, given no impact on air quality would result and that light and noise emissions, could be controlled by conditions, it is not considered that the proposal would have a significant adverse impact on neighbouring land uses in accordance with the aims of the NPPF and Policy DM4 and DM5 of the DPD.
- 7.140 Overall, the proposal would not be considered to pose detrimental impacts on neighbouring residential amenity that would warrant refusing the scheme. Impacts have been considered in regard to outlook, privacy, overbearing visual impacts, harm to living conditions, noise pollution and emissions. Through the use of conditions, the proposal is considered acceptable in this regard, in accordance with policies DM4 and DM5(b) of the Amended ADM DPD.

#### **Impact upon Highway Safety**

- 7.141 Spatial Policy 7 'Sustainable Transport' of the Amended Core Strategy DPD supports development proposals that are appropriate for the highway network in terms of the volume and nature of traffic generated and ensure that the safety and convenience of all users of the highway are not adversely affected. Policy DM5(b) of the Amended Allocations & Development Management DPD states provision should be made for safe and inclusive access to new development, and parking provision for vehicle and cycles should be based on the scale and specific location of development. Policy DM4

also makes provisions for highway safety when considering large scale renewable energy projects.

- 7.142 Paragraph 115 of the NPPF states, amongst other things, that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.
- 7.143 Paragraph 116 of the NPPF states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”*
- 7.144 The site can currently be accessed via two separate field gates from Bathley Lane, one located fairly centrally on the southern site boundary and one in the southwestern most corner of the site. It is proposed to use the more central access on the southern site boundary with Bathley Lane as the main vehicular access point during construction and operational phases. Within the site multiple access tracks are required to the substation area and inverters, as well as within and around the solar farm deployment areas which will provide vehicular access around the site as part of inspections and maintenance.
- 7.145 The existing public right of way through the application site would remain open throughout the life of the proposal. A condition securing a detailed CEMP will provide a strategy to ensure the safety of footpath users will not be adversely affected.
- 7.146 The submitted Construction Traffic Management Plan (CTMP), as amended through revision A, confirms that the construction period would likely be over a 6-month period. The proposed route for construction vehicles is outlined in section 4 of the CTMP, it has been selected to try and avoid heavy construction traffic from passing through villages and to minimise use of smaller local roads. Vehicles will leave the A1 and travel west along Vicarage Lane, then driving northwards onto Bathley Lane to access the site. The same route is proposed for vehicles leaving the site heading back towards the A1.
- 7.147 The applicant notes in their CTMP that the level crossing to the east of the site is subject to a height restriction of 5m and Vicarage Lane has a weight restriction of 7.5 tonnes, except for access. The applicant states in the CTMP that these restrictions will not prevent the access to the site for construction vehicles. It is proposed to utilise signage to direct vehicles and ensure they use the designated route. The applicant has also proposed further off-site highways improvement works for Vicarage Lane to ensure it is suitable, this includes passing spaces and road widening.
- 7.148 The proposed route for construction traffic utilises A-roads wherever possible, to try minimise impacts on local residents and the local road network. It is proposed that construction traffic and delivery vehicles will be limited to outside peak hours on Monday – Friday (10:00-16:00) and on Saturdays (08:00-13:00). Table 5.1 in the CTMP outlines the HGV movements during the construction phase. Assuming a 6-month



construction period and a six-day working week (144 days in total), the 2156 estimated two way movements averages out to around 7 HGV or around 14 two-way vehicle deliveries per day by the largest vehicles. In addition to HGV movements, there will also be a number of construction movements associated with smaller vehicles such as skip collections for waste management, sub-contractors and transport of construction workers. Overall, a maximum of 14 HGV two-way movements per day is expected for larger vehicles during the construction phase over a 6-month period. The level of traffic generated is not considered to pose impacts to the local highway network that would be 'severe' or detrimental to the safety or operation of both the local and strategic highway network.

- 7.149 An average of around 50 construction workers are forecast to be on site at peaks times during the construction phase of the development. A temporary construction compound will be provided on the site for storage, parking for contractors and turning of HGVs. Parking will therefore be contained to within the site. The applicant proposes using minibuses to transport workers onto the site to reduce overall vehicular movements from construction staff. NCC Highways have raised concern that the use of a minibus cannot be reasonably conditioned and that private modes of transport must be considered and accounted for when the site compound details are put together for any potential discharge for condition stage. The applicant emphasises that it is reasonable for any condition for an updated CTMP to require compliance with all mitigation proposed, including use of a minibus and that the requirement for suitable parking in the temporary compound will be considered as part of any discharge of condition stage.
- 7.150 The proposed mitigation regarding the site access and construction traffic is proposed in the CTMP, and detailed below. These measures can be secured and delivered as part of a suitably worded condition.

- Use of Banksmen at the site access to assist larger vehicles entering and accessing the site.
- A signage scheme will be put in place for HGV drivers to follow.
- Temporary signage will be put in the vicinity of the access during the construction phase.
- Construction trips will be limited outside typical peak hours on the A1 and Vicarage Lane with no trips permitted Monday to Friday between 08:00-09:00 and 17:00-18:00 and on Saturdays between 08:00-13:00.
- Contact details of the contractor and an emergency contact number will be made available.
- A call-ahead system of deliveries will be implemented.

7.151 NCC also request a condition survey for the local roads to be secured by condition, this is agreed by the applicant. Regarding NCC comments on highway safety and the use of accident data, the applicant has advised that they have reviewed the most recent Crashmap data (up to 2023) and there are no further reported Personal Injury Accidents recorded on Vicarage Lane. They have conducted a full topographic survey of Vicarage Lane which has informed the design of the off-site highways works to ensure the local road network is suitable for the construction phase of the proposal.

7.152 Regarding the HGV movements, NCC raised concern that 2 HGVs may need to pass each other. The applicant has asserted that HGV movements can be strictly controlled and managed through a 'call-ahead' system which would allow the site manager to control HGVs approaching the site to ensure they are adequately timed, this can be secured as part of the CTMP condition.

7.153 Regarding the operational phase, traffic will be very limited relating to maintenance and inspections and on average movements would be a maximum of 20 per year done in 4x4 vehicles or transit vans. Whilst the construction compound would have been removed, there will remain adequate space for vehicles to park and turn safely on the site.

7.154 There have been extensive discussions between the applicant and NCC Highways to address highway matters relevant to the scheme. In response to concerns raised by NCC Highways on the suitability and width of local lanes to accommodate HGVs and larger vehicles (in particular Vicarage and Bathley Lane), the applicant has proposed off site highway improvement works, to ensure the local road network can accommodate construction vehicles. This comprises a scheme of passing places and road widening works in conjunction with the Highway Authority. NCC has referred the applicant to the HS2 guidance in relation to the design of the passing places. The passing places will therefore be 5.5m wide, 15m long with 5m tapers at each end, and at no more than 200m spacing with suitable intervisibility between them. The detailed design of the passing places and road widening works would be the subject of a Section 278 agreement with the Highway Authority in due course, whereby construction materials and traffic management would be agreed.

7.155 The applicant has made further submissions in respect of this matter including three plan showing visibility on Vicarage Lane, visibility on Bathley Lane and a revised

Proposed Access Arrangement Plan. These plans have been updated to reflect passing place guidance provided by NCC and include tracking of an articulated HGV and the visibility between the passing places. The Proposed Access Arrangement Plan (reference P21-1378 Figure 3.1 Rev A) includes updated visibility splays to account for the speed surveys undertaken in vicinity of the access point. The Highways Authority has raised no objections to these plans and the off-site highway works will be subject to a Section 278 agreement.

- 7.156 National Highways have also provided comments raising no objections to the scheme. They state that the further information provided by the applicant is suitable and they are satisfied that the predicted number of movements for both construction traffic and workforce during the construction period will not adversely impact on the safe operation of Strategic Road Network. They recommend that the signage strategy be secured by condition. This could form part of the CTMP condition and could be assessed in conjunction with both NCC and National Highways at the discharge of condition stage.
- 7.157 It is acknowledged that during the construction period, traffic levels to and from the site would increase and will require additional traffic management measures, but this would be for a temporary period during the construction and de-commissioning periods only. Overall, the proposed access arrangements are considered to be acceptable, subject to appropriate conditions, and there are no highway related objections to the proposed development. It is not considered that any adverse impact upon highway safety or efficiency would result, in accordance with Spatial Policy 7 and Policy DM5(b) of the DPD. In light of the above, the proposal is now considered acceptable on highways grounds, and the previously raised highway concerns have been suitably addressed.

#### *Impact on Public Rights of Way*

- 7.158 The NPPF highlights the important of public rights of way and access, as the effect of a development on a right of way is a material planning consideration. Public Rights of Way (PROW) are also afforded the same level of protection and control as the major highway network. Two public rights of way run through and along the site. Bathley Bridleway BW13 runs from the access road in northeastern and southwestern directions to Norwell Lane. Bathley Footpath FP5 routes in a southeast and northwest direction from the access road and extends to Norwell. The visual impact of the proposed development from the PROWs has already been considered above.
- 7.159 The applicant confirms that the existing public right of ways through the application site would remain open throughout the life of proposal. The Public Rights of Way Team at NCC have been consulted on the proposals. They welcome the inclusion of a 'pre-condition walk over survey' for the PROWs as set out in the CTMP Rev A. The applicant has also confirmed they will retain a buffer of 10m either side of the PROW, as detailed on the revised site layout plan. The revised Landscape Master Plan also shows separation between new hedgerow planting and fencing and the PROWs. It has been confirmed a management company will maintain the grassed and landscaped

areas where the PRoW passes through the development. The PRoW Team at NCC raise no objections to the proposal.

- 7.160 It is noted that there are two points where internal access tracks will need to cross FP5 on the site. Once operational the applicant asserts that up to 20 visits per year will be made to the site for maintenance and management. Therefore, conflict arising from users of the footpath and personnel onsite doing maintenance is not likely to occur frequently to warrant further intervention at these points.
- 7.161 It is proposed to enclose FP5 as it cuts through the site, with new hedgerows either side and fencing, with a 10m buffer maintained either side of the path. As BW13 intersects the site and runs along the northwestern boundary, a hedgerow and fencing are proposed on the side nearest the panels, with a 10m buffer also proposed. As such the PRoWs would be screened from the development by hedgerows and new planting. The hedgerows are proposed to be planted to a height of 3m+, as detailed on the Landscape Masterplan, with the security fencing to be 2.4m in height beyond.
- 7.162 During the construction phase significant levels of built development, machinery, plant and workers and vehicular movements would be present and needing to cross the PRoW which are likely to result in harm to users. However, this would be for a limited period and can be managed through suitably worded condition. It is assumed that the PRoW would remain open for the majority of the construction phase and a Construction Environmental Management Plan, secured by condition, can confirm how this will be managed and any alternative access management measures that will need to be put in place to ensure user safety. Moreover, an updated CTMP can also be secured by condition to address this aspect of the proposal.
- 7.163 Overall, with conditions to secure the proper management of the PRoWs during the construction phase, it is not considered that the routes of the existing or potential future PRoW routes would be adversely affected by the proposed development.

### **Impact upon Ecology, Biodiversity and Trees**

- 7.164 Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5(b) of the Amended ADM DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.
- 7.165 DM7 states *“New development, in line with the requirements of Core Policy 12, should protect, promote and enhance green infrastructure to deliver multi functional benefits and contribute to the ecological network both as part of on site development proposals and through off site provision.”* The impacts of the proposed development on local wildlife and ecology also needs to be considered in line with paragraphs 187 and 193 of the NPPF.
- 7.166 Policy DM4 states that the ecology of the local or wider area should also factor into assessments for renewable energy projects and they should only be approved where the benefits are found to outweigh any detrimental impacts upon ecology.

*Species*

- 7.167 The application is supported by a Preliminary Ecological Appraisal, an Ecological Impact assessment, an Arboricultural Impact Assessment (amended in Rev2) and a Skylark Mitigation Strategy. It is acknowledged that biodiversity net gains are sought to be achieved on the new development, although mandatory BNG is not applicable due to the date the application was submitted. This is welcomed and will be considered below.
- 7.168 The Preliminary Ecological Appraisal (PEA) set out that for breeding birds, grassland, trees and hedgerows on site provide suitable nesting habitat for a number of bird species. Six bird species were recorded during the site assessment, including common whitethroat, skylark, great spotted woodpecker, yellow wagtail and song thrush. Based on a review of the habitat types on the site, the site is considered to support an assemblage of bird species including some species considered to be of high conservation concern, such as skylark.
- 7.169 In response to representations from the public and the Norwell Solar Farm Steering group, the applicant has provided a Skylark Mitigation Strategy. This was not requested by the Council Ecologist and has been provided in direct response to the third-party comments. This Strategy details that in addition to the surveys undertaken in 2021, further surveys have been conducted in 2024. This shows that there is up to 6 skylark pairs present in the site. The Strategy outlines that a proposed mitigation area will be brought forwards in other land in the applicant's ownership, comprising two arable fields located immediately to the south and southwest of the appeal site, currently under crop rotation. A total of 16 skylark plots are proposed in the two mitigation areas and indicative locations of these are shown in figure 2 in the Strategy.
- 7.170 The proposed development is anticipated to displace nesting skylarks in the site, that said, skylarks can be observed in and around solar farms, so the impacts relate to the loss of breeding sites. The main site will remain available as a foraging resource for nearby breeding pairs and will provide new permanent meadow grassland which is more abundant in food sources. The proposed mitigation areas will provide new plots for Skylarks to nest within proximity of the site. Officers consider this off-site mitigation acceptable. The mitigation area is within other land within the applicant's ownership, so a Grampian style condition can be attached. The mitigation is put forwards by the applicant and is considered suitable. The Strategy incorrectly refers to the site as 'the appeal site' however this does not prejudice the mitigation proposed.
- 7.171 Regarding bats, the PEA states that a data search shows records of bats operating on the site. The site survey shows that mature trees and adjacent woodland to the site could support roosting bats, as well as high suitability to support foraging and commuting bats.
- 7.172 Regarding great Crested Newts (GCN), hedgerows and grassland on the site were considered during the PEA to support terrestrial phase GCN, with water bodies within

500m of the site. Drainage ditches found on the site were not holding water at the time of visit so were deemed unsuitable to support breeding GCN.

- 7.173 Regarding reptiles, the site is in a rural location with good connectivity to surrounding land via hedgerows and the beck. The grassland margins and banksides of the watercourse were considered suitable to support reptiles.
- 7.174 Other mammal species like the hare, otter, badger, hazel dormouse and water vole were also considered as part of the PEA. The PEA put forwards recommendations, for example to leave at least a 10m buffer between the watercourse and the development in the northwestern corner of the site, as well as construction buffer zones for the adjacent woodland next to the southwestern site corner. Further surveys regarding breeding birds, bats, GCN and reptiles were also recommended.
- 7.175 The Ecological Impact Assessment (EIA) outlines that bats, breeding birds, wintering birds, badgers, otters and mammal species of importance had the potential to be impacted by the proposal and as such mitigation measures have been put forwards to safeguard these protected and notable species, reducing the effect to neutral or positive. The EIA recommends that the mitigation strategies outlined in section 6 of the EIA should be secured by condition.

#### *Habitats*

- 7.176 In terms of habitats, most of the site is formed by arable land with semi-improved grassland margins, both of which are of low to negligible biodiversity value. The field compartments are bounded in part by hedgerows that are to be retained and in places enhanced. The hedgerows within the site and field margins were assessed as being 'native species poor' in the Preliminary Ecological Appraisal. Trees are considered below in the report.
- 7.177 The EIA outlines that the habitats found in the site are locally frequent and of low ecological value. As a result, the impact of the proposal in these habitats is not considered significant and enhancement of habitat beneath and adjacent to the arrays will improve the diversity of the site and enhance the site's ecological value.
- 7.178 The Landscape Masterplan is showing retention of the existing hedgerows and the creation of new lengths. It also shows that the field would be sown with a commercial wildflower/grass seed mix which would then form the ground cover beneath the solar panels and the margins of the site. Although the Ecologist at NSDC considers that a seed mix containing a greater diversity of wildflower species would be preferable, and how this will be managed, these are matters which can be addressed through a suitably worded condition requiring a Landscape Environmental Management Plan (LEMP) or a Biodiversity Management Plan condition (BMP).
- 7.179 As such, the NSDC Ecologist considers it likely that the proposals would result in a measurable net gain for biodiversity on the site. They agree with the recommendation within the Ecological Impact Assessment that a Biodiversity Impact Assessment (i.e. Biodiversity Net Gain calculation) should be undertaken to inform a

LEMP/BMP at discharge of condition stage. The applicant has provided a BNG metric which outlines considerable gains in area and linear habitat features as a result from the proposal.

- 7.180 The BNG metric details that the baseline of the site is made up of cereal crops, modified grassland, sealed surface, rural trees and built linear features. In terms of on-site habitat creation, the metric details that other neutral grassland, modified grassland and rural trees will be created to 'moderate' condition. The metric also details the hedgerow creation and enhancement that is proposed through planting species rich native hedgerows on the site. Regarding water course units, the baseline accounts for ditches and rivers/streams on the site, considered in 'poor' condition. Gains in water habitat units are proposed in the form of creating new wet ditches. The metric summaries that these gains equate to a 73.30% uplift in habitat units, a 114.96% uplift in hedgerow units and a 95.99% uplift in watercourse units.
- 7.181 These are significant gains in biodiversity units on the site. Officers are satisfied the proposed enhancement works will uplift the biodiversity and ecological value of the site. These enhancements can inform the measures to be agreed in the LEMP/BMP. As mandatory BNG is not applicable to this application, as it was submitted prior to it being brought into force, it is not considered necessary to secure monitoring fees. The biodiversity net gains outlined in the metric can be secured and monitored as part of the LEMP/BMP condition.
- 7.182 Overall, the NSDC Ecologist considers that with an approved LEMP/BMP and CEMP in place, and the measures contained within them being implemented and complied with, the proposals would not result in significant harm to biodiversity and would likely represent a net gain for biodiversity, thereby meeting the principles regarding biodiversity set out in the NPPF. Similarly, these measures are likely to meet the requirements of Core Policy 12.
- 7.183 Natural England also do not object to the proposals, but request a condition securing a Soil Resource Management Plan. Nottinghamshire Wildlife Trust have provided comment stating they are satisfied with the methods used and conclusions of the surveys.

#### *Trees*

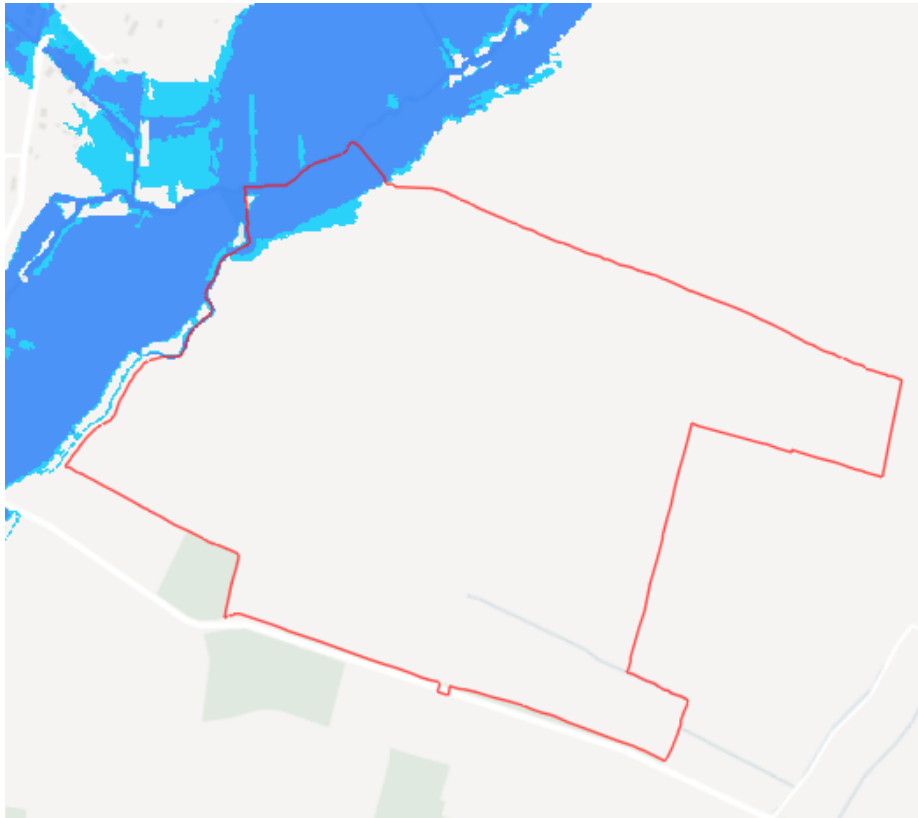
- 7.184 68 individual trees, 10 groups, 3 hedges and 1 woodland have been recorded in the Arboricultural Survey work. There are a mix of retention categories, generally consisting of categories C or B. T38 Oak is the only retention category A tree recorded within the site.
- 7.185 To facilitate the proposed development, 2 trees (T2 and T3) have been identified for removal, and the partial removal of G10 (Category B) and H6 (category C). T2 and T3 are category U trees and as a result this tree loss would have a negligible impact. T14, T20, T31 are other category U trees located on site that have been recommended for removal due to poor condition. There are no objections to this and all other trees are to be retained, with mitigation planting proposed.

- 7.186 An updated Arboricultural Impact Assessment (AIA) has been provided following the comments from the Tree Officer. This addresses the queries raised regarding G10 and T48 and the impacts of the southern site access. The updated AIA identifies the trees requiring removal to facilitate the development now include T2 (Category U) and T3 (category C), and the partial removal of G10 (Category B) and H6 (category C). No objections are raised to these removals and mitigation planting can be secured on the site.
- 7.187 Root Protection Area (RPA) encroachment by hard surfaces has been noted for some trees along the woodland edge of W1, where the site compound is proposed. 'No-dig' hard surface installation has been recommended where there are RPA breaches for T58, T59 and T61 from the proposed substation hardstanding. Better resolution Tree Impact Plans are provided in the updated AIA and there are no significant RPA encroachments from the internal site access tracks for retained trees. 1 tree (T3) will be removed to facilitate the internal access track installation.
- 7.188 Overall, the arboricultural impact of the proposed removals is low and despite the occasional tree removal and some RPA incursions, the development aims to retain all the higher-value trees, which helps maintain the Arboricultural character of the site. Regarding mitigation, the proposed landscape masterplan shows the planting of hedgerows and trees which can mitigate for the identified tree losses. Regarding Tree Protection Measures, the tree report includes draft tree protection proposals, but detailed methodologies are yet to be confirmed. An Arboricultural Method Statement and detailed Tree Protection Plans can be secured by condition.
- 7.189 In summary, subject to conditions, the proposal is considered acceptable in terms of ecology and tree impacts. Whilst some degree of harm is inevitable, it is considered that the proposed development could be acceptably mitigated in ecology and biodiversity terms over time. As such, it is considered that the proposals would accord with Core Policy 12 of the Core Strategy, together with policies DM5(b), DM4 and DM7 of the Amended ADM DPD.

### **Flood Risk**

#### *Fluvial Flooding (rivers)*

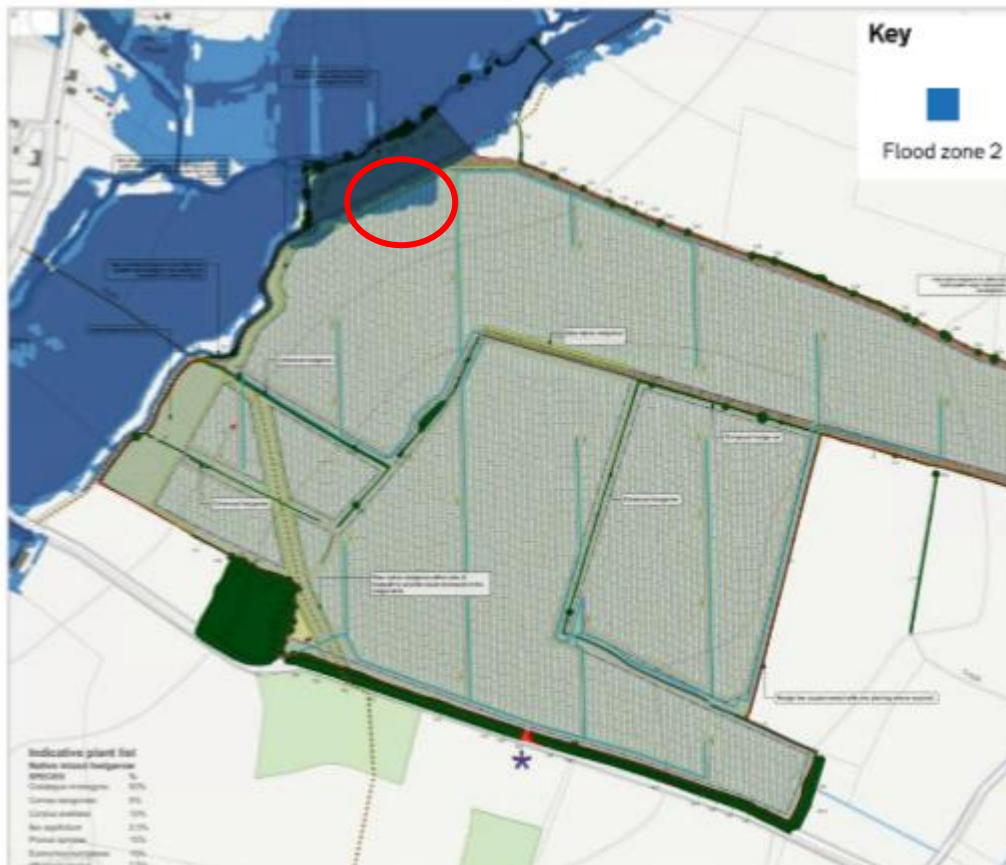
- 7.190 Environment Agency Flood Maps confirm the site is predominately Flood Zone 1, where there is a low probability of flooding. However, the site contains an isolated area of Flood Zone 2 and 3a in the northwestern top corner of the site. Council's mapping confirms that there is a 0.66% overlap into flood zone 2 and a 2.66% overlap into flood zone 3a. There are some very limited areas of low-high surface water flood risk as well within the site.



- 7.191 Core Policy 9 and Policy DM5(b) require that proposals pro-actively manage surface water and Core Policy 10 and Policy DM5(b) seek to mitigate the impacts of climate change through ensuring that new development proposals take into account the need to reduce the causes and impacts of climate change and flood risk. Policy DM5(c) of the Amended ADM DPD aims to steer new development away from areas at highest risk of flooding and outlines the sequential approach to development and flood risk. Policy DM4 is silent on flood risk.
- 7.192 Paragraph 161 of the NPPF states that the planning system should support the transition to a low carbon future, in a changing climate, taking full account of flood risk and that it should support renewable and low carbon energy and associated infrastructure.
- 7.193 The NPPF, Core Policy 10 and DM5(b) state that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere as set out in the application of the Sequential and Exception Tests.
- 7.194 Annex 3 (Flood risk vulnerability classification) of the NPPF identifies that essential infrastructure includes *“essential utility infrastructure which has to be located in a flood risk area for operational reasons, including infrastructure for electricity supply including generation, storage and distributions systems; including electricity generating power stations, grid and primary substations storage; and water treatment works that need to remain operational in times of flood.”* It goes on to list

wind turbines and solar farms in this category. The proposed Solar Farm therefore falls within the definition of essential infrastructure.

- 7.195 Table 2 of the NPPF outlines flood risk vulnerability and flood zone 'compatibility', the notes to this table state that in Flood Zone 3a essential infrastructure should be designed and constructed to remain operational and safe in times of flood. The NPPG states that a sequential test is required for major development in flood zone 2 or 3, with Table 2 showing the exception test may be required for essential infrastructure in flood zone 3a.
- 7.196 The application is supported by a site-specific Flood Risk Assessment (FRA) and Drainage Strategy prepared by Pegasus Group (February 2022), which outlines the flood risk to the existing site and proposed development; the proposed surface water drainage for the site; the potential impacts of the proposed development on surface water drainage; and details of mitigation measures to manage flood risk. A Flood Risk Technical Note was also submitted more recently in light of the site now falling within flood zone 2 and 3a, as the Environment Agency updated their maps.
- 7.197 It is noted that no development is proposed in the area of the site that lies within flood zone 3a, this is where the landscape buffer is proposed in the amended layout and no part of the development will be in this area. There are a very small number of tracker panels proposed in the limited area of flood zone 2 in the northwestern corner of the site, see overlap below:



- 7.198 The applicant advises that 0.47% of the site occupied by panels now falls within flood zone 2, but that this is mitigated by the elevated height of the panels, some 4m in total height and 1.7m in height from the ground to the lowest edge when fully tilted. When lying flat the tracker panels measure some 2.8m in height. Considering the limited extent of the panels in flood zone 2 and the fact they have been designed and constructed to remain operational and safe in times of flood, it is not considered that the sequential or exception tests apply in this instance, however, this has been considered in more depth below.
- 7.199 The Environment Agency have withdrawn their previous objection because all water sensitive equipment is to be located outside flood zone 3. Whilst a very limited part of the proposal falls within flood zone 2, this does not warrant any concerns from the EA from a flood risk perspective. They refer to their standing advice on suitable flood risk assessments and drainage strategies. It is also highlighted that the Lead Local Flood Authority also raise no objections to the proposal and recommend a condition to secure the detailed surface water drainage strategy prior to the commencement of works.
- 7.200 The submitted FRA states that *“the proposed solar panels mounting structures will be a ‘fixed system’ and will be manufactured from galvanized steel sections. The vertical supports are to be driven directly into the ground with no need for concrete foundations. The panels are mounted above the ground and so are not expected to interfere with any overland flow routes”*. However, tracker solar panels are proposed on site that are designed to move and track the movement of the sun during the day

to increase their efficiency. The Flood Risk Technical Note addresses this and states that from a flood risk and drainage perspective the use of tracker panels rather than fixed panels at the site makes a negligible difference. It goes on to state that the cross section provided of the panels shows that that proposed tracker panels are supported by a support frame that does not require concrete foundations and adds a negligible area of impermeable hardstanding to the site. The tracker panels are also raised above the ground to allow continued flow of surface water below. The use of tracker panels on site is therefore not considered to impact on the overall conclusions of the submitted FRA and surface water drainage strategy, as agreed by the LLFA and the EA.

#### *Sequential and Exception Test*

- 7.201 The site is predominately Flood Zone 1 and therefore primarily located in a low-risk area. Whilst Officers considered the limited extent of panels in flood zone 2 to not trigger the full need for a sequential test, a sequential test has been done anyway for thoroughness, as the site boundary includes small areas within Flood Zones 2 and 3a.
- 7.202 Planning Practice Guidance confirms that, for individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. As noted under 'Site Selection', a criteria-based approach to site selection has been undertaken, with availability and proximity to the local distribution network or 'grid' being a key determining factor. Following consideration of sites within a set radius, the distance determined (by the applicant) to support a financially viable connection to Staythorpe Power Station, the application site was identified as the most suitable, least constrained in terms of flood risk, size, use, and in terms of land availability.
- 7.203 Therefore, based on the applicant's search for and assessment of suitable and available sites, and considering land availability and the predominately low flood risk to the site as a whole, it is accepted that there are no 'reasonably available', lower-risk sites, suitable for the proposed development, to which the development could be steered.
- 7.204 With reference to Table 2: Flood risk vulnerability and flood zone 'incompatibility' contained within the Planning Practice Guidance for Flood Risk and Coastal Change, 'Essential Infrastructure' within Flood Zone 1 and 2 does not require the application of the Exception Test. The submitted Technical Note confirms that no built development would be located within Flood Zone 3, so the Exception Test is not required.

#### *Pluvial flooding (surface water)*

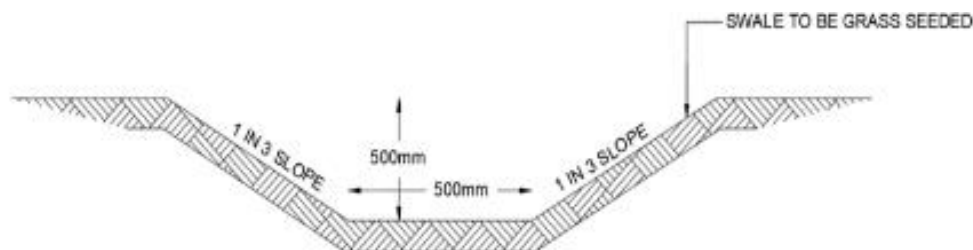
- 7.205 Regarding pluvial flooding and surface water flood risk, the site is generally at low risk of surface water flooding, with some localised areas of higher risk predominantly around the existing watercourse in the northern part of the site. Detailed mapping of water depth and velocity indicate that the depth of inundation in areas at medium risk within the site is predominantly below 300mm, with a flow rate of 0.25m/s.

therefore, the development is considered to be at low risk of flooding from surface water flows overall.

- 7.206 The submitted FRA outlines the increase in impermeable surface areas as a result of the development in table 6.1. the proposed development will only increase the percentage of impermeable surface area by 3-5%. The panels, whilst tracker panels so will move, would still allow precipitation to run off and drain to the ground below. Consequently, the run-off from the post-development site would remain almost as the existing land use and it is therefore proposed to allow the development to drain to the soil surface, where infiltration to the underlying soils would occur, to mimic the existing hydrological characteristics of the site.

Infrastructure/Features	Increase in surface Area
Solar Panels	Although the 15° sloped panels will deflect precipitation, the panels will <b>not</b> increase the impermeable area of the site. The area covered by the panel vertical supports is considered negligible.
Permanent Access Roads	These will be of permeable nature (i.e. gravel therefore additional area is minimal.
Inverters and Substation	130 m <sup>2</sup>
Temporary Compound Area	2500 m <sup>2</sup>

- 7.207 The drainage strategy outlines how the development has followed the SuDs hierarchy, and involves using swales on the site, with a cross-section detail provided on the revised layout plan. It is proposed to allow the site to drain as naturally as possible to the existing situation with run-off intercepted by swales and filter trenches adjacent to the proposed access tracks and at the lower parts of the site to collect and slow surface water prior to discharging into the watercourses.



TYPICAL SWALE SECTION DETAIL

- 7.208 The Drainage Strategy outlines that “The proposed development site will not affect the existing permeable areas, apart from very small areas as previously discussed, and

run-off will be as existing greenfield rates, with additional sustainable features added to slow flows and also improve water quality.”

- 7.209 No objections have been raised to the drainage strategy as proposed by the LLFA, therefore the principles outlined in the FRA and the updated Technical Note are accepted. The proposal is considered acceptable when considering flooding from a range of sources and will not be considered to impact flood risk elsewhere.
- 7.210 It is noted that the Trent Valley Internal Drainage Board have commented on the scheme raising concerns that boundary features are unacceptably close to the Board’s Parish Drain, an open watercourse that runs to the west of the site. Due to the amended layout, panels have been moved away from the southwestern and western parts of the site. The archaeological exclusion zone means the panels and fencing are some 70m to 95m from the western site boundary in this part of the site. The only other works proposed along the western boundary here are stated on the Landscape Masterplan to comprise of infilling gaps in the existing native hedgerow. No other boundary treatments are proposed along the western part of the site by the archaeological exclusion zone. Further up the western boundary a new hedgerow and fencing is proposed some 18-25m from the western site boundary. In the northwestern part of the site, again panels have been removed here, replaced with new tree planting. This is where The Beck runs adjacent to the site boundary and a separation distance of some 70m to the new hedgerow is proposed. Considering this, Officers do not find any boundary treatments to be unacceptably close to adjacent, or neighbouring, watercourses. It is noted that the applicant will need to seek the Board’s consent for any works in, over or under a Board maintained watercourse or culvert, including any planting within 9m of the top edge of the watercourse. This would be a separate process outside the remit of this planning assessment.

### **Public Comments**

- 7.211 All the public comments received have been thoroughly reviewed and considered as part of this application. It is noted the application has attracted a significant level of public interest. The majority of the concerns raised have been addressed throughout the report and have been considered as part of this assessment. Some further points are summarised and addressed below:

#### *Highways*

- 7.212 The development would use the existing, but upgraded, field access from Bathley Lane. Once operational, traffic to and from the site would be minimal and would mainly be for maintenance vehicles generally visiting sporadically through the year. The main traffic to and from the site would therefore take place during the proposed 6 month construction period. The Highway Authority and National Highways raise no objections to the scheme on the grounds of safety or road capacity. A condition can be imposed requiring the submission of a Construction and Traffic Management Plan. This will control matters such as hours of construction and deliveries, control of noise and dust, parking of vehicles, wheel washing and traffic management signage during the construction period. Moreover, the off-site highway improvement works can be secured by a Section 278 Agreement with the Highway Authority, the details of which

have not raised any objection from Highways in the latest consultation. On this basis, Officers are satisfied that there would be no unacceptable or significant highway impacts from the proposed development.

#### *Flood risk*

- 7.213 The majority of the site is in Flood Zone 1, with a low probability of flooding. Small parts of the site are in Flood Zones 2 and 3 but none of the solar infrastructure would be located in flood zone 3 and only a limited area of panels in flood zone 2. The Lead Local Flood Authority and Environment Agency raise no objections to the proposal on flood risk grounds either on or off site. Again, a condition can be imposed to ensure the submission and implementation of surface water drainage proposals.

#### *Glint and Glare*

- 7.214 The impact of reflection from the panels has been raised given the proximity to the A617. However, the glint and glare assessment indicates this would not be a significant issue and neither the Highway Authority nor National Highways raise concerns in this regard. A condition is proposed to ensure that any issues that do arise from glint and glare are investigated and mitigated against once the scheme is operational.

#### *Environmental and social impacts*

- 7.215 Concerns have been raised regarding the environmental and social impacts of production, transportation and disposal of solar panels. The Solar Roadmap sets out the Government's position and actions being taken regarding modern slavery in supply chains, the efficient use of primary resources such as critical minerals, and recycling. Whilst action regarding these matters is evolving, there is no evidence to demonstrate that these factors should weigh against the proposal.

#### *Cable route*

- 7.216 The applicant has shared the grid connection point and the suggested cabling route to achieve this. Whilst this is not a matter under consideration as part of the application, it was in the interests of transparency that this was shared by the applicant to address concerns regarding viable grid connections and where the connection point will be.
- 7.217 Any cabling proposals fall under the New Roads and Street Works Act 1991 (NRSWA). Under this legislation, the only bodies that can lay plant and equipment in the public highway are statutory undertakers (utility companies such as water, gas, electricity and telecoms). These bodies have an automatic right to lay cables wherever required, meaning the Highway Authority cannot object.
- 7.218 A developer (or any non-statutory undertaker) cannot lay cables lengthways in the highway. Therefore, in this case, the developer will need to approach a statutory undertaker to carry out the works on their behalf.

- 7.219 Given the above, these works are not something that can be considered or objected to through the planning process, even if they were submitted as part of a planning application. The works are a statutory right (providing the equipment owner is a utility company), temporary in nature, and managed under separate highway legislation, outside of planning control.

### **Community Infrastructure Levy (CIL)**

- 7.220 The proposal is not CIL liable.

## **8.0 Implications**

- 8.1 In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

### **Legal Implications - LEG2627/1680**

- 8.2 Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

## **9.0 Planning Balance and Conclusion**

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

### *Benefits of the development – Need*

- 9.2 The first key benefit of the development is that there is an identifiable need for renewable energy in the UK. Both national and local planning policy place great emphasis on the creation of energy through renewable schemes where the impacts of the development are (or can be made through appropriately worded conditions) acceptable.
- 9.3 The Climate Change Act 2008 sets a legally binding target to reduce net greenhouse gas emissions and reach net zero by 2050. There have since been a number of Government policy statements and commitments produced in relation to energy and climate change. These include the Net Zero Strategy: Build Back Greener (2021), which sets an ambition for the UK to be powered entirely by clean energy by 2035, subject to security of supply. This is against the background of a predicted 40-60% increase in demand.
- 9.4 Moreover, the Clean Power 2030 Action Plan (December 2024) sets out the need to protect consumers from volatile energy prices and ensure secure and clean energy

generation in the UK. It seeks to significantly increase installed capacity of solar at a 'very significant scale and pace'. The Solar Roadmap restates the urgent need and sets out a strategy for achieving the significant increase in solar deployment needed in order to ensure affordable, secure energy as well as tackling the climate crisis.

9.5 There is therefore an identifiable urgent need for solar schemes to come forward to meet the challenges of the climate crisis, providing energy security and protection of consumers from volatile energy costs.

9.6 The solar farm would have the capacity to produce 49.9MW of renewable energy, sufficient to power approximately 15,750 homes per year and assist towards reducing CO2 emissions per annum. Whilst it is acknowledged that this would not be as large a generator of renewable energy as the proposed GNR facility, it would still be a significant contributor.

9.7 Both Core Policy 10 of the ACS and Policy DM4 of the Amended ADM DPD support renewable energy generation subject to there being no overriding adverse impacts. At national level, paragraph 161 of the NPPF sets out that the planning system should support the transition to net zero by 2050 and support renewable and low carbon energy and associated infrastructure. Significant weight must be given to the benefits associated with renewable and low carbon energy generation and the contribution to a net zero future. NPS for Energy, EN-1 and EN-3, both provide a positive framework for renewable energy schemes.

9.8 Having regard to the above, **substantial weight** is given to the need for and benefits of the scheme in relation to climate change and energy security.

#### *Other benefits*

9.9 The proposed development includes landscaping, habitat creation and enhancement, which can be secured through a LEMP / BMP. The biodiversity net gain assessment demonstrates a 73.30% uplift in habitat units, a 114.96% uplift in hedgerow units and a 95.99% uplift in watercourse units as a result of landscape and ecological measures. A condition requiring submission of the LEMP or a BMP would secure implementation, management and maintenance of the landscape and biodiversity net gain measures. Therefore, the scheme represents significant Biodiversity Net Gains and enhancements on the site compared to the existing situation, through creating new habitats and enhancing and improving existing which also weighs positively in the planning balance, given that there are no statutory requirements for mandatory BNG on this application. Given the scale of these enhancements proposed, and in line with the weighting given by the Inspector in the recent Kelham appeal, these benefits are given **significant weight** in favour of the scheme.

9.10 Although once in operational phase, the proposal is unlikely to result in significant jobs opportunities, there is no doubt that the construction and decommissioning phases of the development would contribute to employment in the area, with up to 50 construction works anticipated. Even though these economic benefits would be for a limited period of time, they still attract **limited** weight in favour of the scheme.

*Overall balance*

- 9.11 The identified harms associated with the scheme are the **less than substantial harm** identified to the Conservation Area and the setting of nearby Listed Buildings, in particular the Church of St Lawrence, The Old Windmill, and The Old Hall and Stable. This harm is ascribed at the **lower to moderate end** of the less than substantial scale.
- 9.12 Other harm identified is in relation to landscape impacts. In combination with other developments, the proposal would cause harm to the landscape character of the area due to the change in the nature of the land use in this part of the Landscape Character Area. The development would also result in the loss of open views and visual intrusion within the site and from parts of the immediate surroundings and it would erode the character and visual amenity of the footpath and bridleway as it crosses and intersects the site. The visual harm would be greatest close to the site and would diminish with distance. The harm identified to the character and appearance of the site and immediate surroundings is considered to be **significant**.
- 9.13 No other harms have been identified and the proposal is considered acceptable in relation to BMV agricultural land, archaeology, residential amenity, noise, air quality, highways safety, ecology, trees, drainage and flood risk.
- 9.14 Regarding the heritage harm, paragraph 215 requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. As outlined above, the public benefits of the proposal are meeting an identified need for renewable energy production to both assist the climate crisis and secure energy security. These public benefits are significant and are considered to outweigh the lower to moderate less than substantial harm identified to the heritage assets in the planning balance.
- 9.15 Regarding the landscape harm identified, NPS EN-1 advises that *“having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.”* It further states that a judgement is to be made as to *“whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project”* having regard also to whether the project is temporary and/or capable of being reversed, which this project is.
- 9.16 As such, national policy acknowledges that large scale solar farms may result in some landscape and visual harm. However, it adopts a positive approach to such developments indicating that they can be approved where the impacts are, or can be made, acceptable and where the harm is outweighed by the benefits.
- 9.17 The Solar Roadmap also outlines that it is important to strike a balance between local considerations, including impacts on the local environment, and securing a clean, secure energy system for the future.

9.18 Whilst the landscape harm identified is given significant weight, the benefits of the proposal, as outlined above, are considered to attract substantial weight. It is noted that the harms identified are greater in closer proximity to the site, and that the major adverse landscape effects identified to character and visual impact would diminish with distance from the site. The impacts are therefore more severe within the localised surroundings of the site. The mitigation planting will go some way at softening and screening the development, although the topography of the site will mean it is not fully screened and will remain visible in wider views.

9.19 However, Officers consider the substantial public benefits associated with the provision of renewable energy, together with the additional benefits from the biodiversity net gain and the employment benefits, decisively outweigh the harms identified on both heritage and landscape terms.

9.20 The development would conflict with Core Policy 9 in so far as it relates to the protection and enhancement of the natural environment. In terms of DM5, it would conflict in part to part 4. In terms of Core Policy 14 and Policy DM9, the heritage balance set out above results in no conflict to these policies. As set out above, the most important development plan policies for consideration of this application are Core Policy 10 and DM4. These support renewable energy generation where the benefits are not outweighed by harm, including to landscape character and heritage assets. Having regard to the conclusions above, the proposal would comply with these policies.

9.21 Nevertheless, some conflict with the development plan policies has been identified and the proposal would not comply with the development plan as a whole. However, the benefits in favour of the development are considered substantial to decisively outweigh the harms identified.

**Recommendation:**

9.22 That planning permission is **APPROVED** subject to conditions in section 10 below.

**10.0 Conditions**

01 – Time Limit

The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02 – Temporary permission

The planning permission hereby granted shall be for a temporary period only, to expire 40 years after the date of the first export of electricity from the development to the grid (the “Commission Date”). Written confirmation of the Commission Date shall be provided to the Local Planning Authority within one month after the event.

Reason: To define the temporary nature of the development and to comply with the requirements of the submitted application.

### 03 – Plans and Details

The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan P21-1378\_001 Rev C  
 Layout Plan P21-1378\_EN\_002 Rev H  
 Landscape and Ecological Masterplan P21-1378\_EN\_003 Rev E  
 Typical Access Track Detail P21-1378.106  
 Typical Fence Detail P21-1378.105  
 Typical CCTV, Post and Security Speaker Details P21-1378.104  
 Typical Inverter Detail P21-1378.103  
 Typical Client and DNO Substation Detail P21-1378.102  
 Typical Panel Elevations P21-1378.101  
 Proposed Access Arrangement P21-1378 Rev A  
 Visibility on Vicarage Lane P21-1378 SK03, SK03/01, SK03/02, SK03/03 Rev F  
 Visibility on Bathley Lane P21-1378 SK07/01 and SK07/02 Rev F

Reason: To define this permission and for the avoidance of doubt.

### 04 – Scheme for Decommissioning and Restoration

No later than 12 months before the expiration of a period of 40 years from the Commission Date, or within 6 months of a cessation of operation of the facility for a period of 12 months unless otherwise agreed in writing by the Local Planning Authority, a Scheme of Decommissioning and Restoration shall be submitted to and agreed in writing by the Local Planning Authority. The Scheme shall include:

- a) The removal of the solar panels and associated above ground works and infrastructure hereby approved
- b) The management and timings of any works;
- c) A Traffic Management Plan to address likely traffic impact issues during the decommissioning period;
- d) An Environmental Management Plan to include measures to be taken to protect wildlife and habitats during and after the decommissioning period;
- e) A De-construction Environmental Management Plan to include measures to protect the amenities of neighbouring residents during the decommissioning period as well as site restoration measures;
- f) Details of site restoration measures.

All equipment and associated works shall be removed within 12 months of the Scheme being approved by the Local Planning Authority and in accordance with the approved Scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, visual and residential amenity, biodiversity and environmental protection.

## 05 – Construction and Traffic Management Plan

Prior to commencement of development a full Construction and Traffic Management Plan (based largely on the submitted outline) shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt that shall include, but not be limited to:

- a) Construction details of the access including details of the length of hard bound surfacing beyond the public highway and the set back of any gates.
- b) A scheme to control noise and dust/dirt and mitigation measures;
- c) Measures to prevent mud and debris being carried onto the public highway with details of remedy should this occur.
- d) Except for emergency works, construction works on the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays and no time at all on Sundays or Bank Holidays;
- e) Details of the site compound including location and number of parking spaces for staff and operatives;
- f) loading and unloading of plant and materials;
- g) storage of plant and materials used in constructing the development;
- h) wheel washing facilities;
- i) details of the wooden fencing to enclose temporary compound areas;
- j) a traffic management signage scheme;
- k) full details of any temporary external lighting;
- l) A Traffic Management Scheme (TMS) to include:
  - i A defined restricted routing system for construction vehicles to minimise the chance of vehicles meeting on narrow lane sections.
  - ii A delivery scheduling system ensuring only one construction vehicle is travelling within the constrained lane network at any one time.
  - iii Identification of passing places, and arrangements for vehicles to wait at agreed holding points to prevent meeting conflicts on single-track lengths.
  - iv A system of driver communication, such as radio/phone coordination or banksmen at pinch points, to manage opposing movements

The approved Construction and Traffic Management Plan shall be fully complied with until the completion of construction on the site.

Reason: In the general interests of highway safety and to minimise the risk of vehicle conflict on narrow rural lanes in the interests of highway safety.

#### 06 – Highway Condition Survey

No development shall commence until a full video and photographic condition survey of the roads identified on plans P21-1378 Rev A, SK07/02 Rev F and SK03/3 Rev F has been submitted to and approved in writing by the Local Planning Authority. The survey shall include a complete photographic and video record of the carriageway and verges, together with a schedule of defects and chainages.

Within one week of completion of the development, a follow-up survey of the same roads shall be submitted to the Local Planning Authority and approved in writing.

Within one month of approval of the follow-up survey, a report shall be submitted identifying any deterioration attributable to construction traffic together with details and timescales for making good such damage. All repairs shall be undertaken in accordance with the approved details.

Reason: To ensure any damage to the highway network caused by construction traffic is identified and repaired in the interests of highway safety.

#### 07 – Noise Levels

The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed the stated noise levels set out at Table 4.1 of the Noise Impact Assessment undertaken by ENS, dated 19.05.2022 at the nearest sound-sensitive premises. All measurements shall be undertaken in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Reason: In the interests of residential amenity.

#### 08 – External Lighting

Notwithstanding any submitted details hereby approved, prior to the installation of any permanent external lighting to serve the operational use, full details of all external lighting proposed (to include methods to restrict times of illumination, luminance levels, glare potential) shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be designed to minimise the use of external lighting on the site, prevent light spillage and be directed away from sensitive receptors and high value and boundary habitats, such as woodland. External lighting for the operational phase shall be installed and thereafter maintained in accordance with the approved details for the lifetime of the development.

Reason: In the interests of residential amenity and biodiversity.

## 09 – Soil Management Plan

Prior to any site clearance, or the commencement of the development, a Soil Management Plan (SMP), having regard to the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Working, British Society of Soil Science Guidance Notes, in particular the note titled 'Benefitting from Soil Management in Development and Construction' must be submitted to and approved in writing by the Local Planning Authority. The SMP shall be prepared by a suitably qualified soils and agriculture expert. It shall include:

- a) An assessment of agricultural land and soil resource at the site pre-construction;
- b) An aftercare programme which would enable a satisfactory standard of agricultural after-use;
- c) Details of how the Agricultural Impact Assessment (Jan 2024) informs the Soil Management Plan to maintain agricultural production to the same standard after decommissioning;
- d) The methods by which the applicant intends to restore appropriate affected areas to agricultural use after works, including excavations and restoration, has finished post decommissioning; and
- e) Remediation in the event of compaction (including cultivating, reseeding, draining or irrigating, applying fertiliser, or cutting and grazing the site).

All development and site clearance shall be carried out in accordance with the approved SMP.

Before decommissioning commences, a suitably qualified soils and agriculture expert should review the SMP and make recommendations as to measures necessary to ensure the land is restored to its original condition at decommissioning, taking into account any updates in statutory or policy requirements. The SMP shall be updated to include such recommendations and submitted to and approved by the Local Planning Authority prior to the start of decommissioning works on site. All decommissioning works shall thereafter be carried out in accordance with the approved SMP.

Reason: To ensure soil quality is suitable maintained of the lifetime of the development and to ensure that its appropriately can be effectively restored to agricultural use, with no change in the agricultural capability (ALC grade) of the land.

## 010 – Construction Environmental Management Plan (biodiversity and arboriculture)

Prior to the commencement of the development hereby approved (including demolition, ground works and vegetation clearance) a Construction Environmental Management Plan (CEMP) specifically in respect of Biodiversity and Arboriculture shall be submitted to and approved in writing by the Local Planning Authority. The CEMP for Biodiversity and Arboriculture shall include the following:

- a) A risk assessment of potentially damaging construction activities for biodiversity.
- b) A scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a Tree Protection Plan (TPP) and details of tree protective measures and fencing to be installed and carried out throughout construction.

- c) An Arboricultural Method Statement (AMS) detailing the location and installation of services/utilities/drainage and the details of any construction works within the Root Protection Area (RPA) of any trees, including details of no-dig specification areas.
- d) Identification of “biodiversity protection zones” and tree protection zones.
- e) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction to both trees and biodiversity.
- f) The location and timing of sensitive works to avoid harm to biodiversity and retained trees.
- g) The times during construction when specialist ecologists and Arboricultural supervision by a suitably qualified tree specialist need to be present on site to oversee works.
- h) Responsible persons and lines of communication.
- i) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- j) Use of protective fences, exclusion barriers and warning signs.
- k) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- l) Details to confirm there shall be no excavation or raising or lowering of levels, nor temporary storage of soil, within the prescribed root protection area of retained trees.

The approved CEMP for Biodiversity and Arboriculture shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To secure development that protects the District’s ecological, Arboricultural and biological assets, and which maximises opportunities to conserve and enhance biodiversity in accordance with the Amended Core Strategy, Core Policy 12 Biodiversity and Green Infrastructure, and in the interests of residential amenity.

#### 011 – Biodiversity Management Plan

Prior to the commencement of the development hereby approved (including demolition, ground works and vegetation clearance) a Biodiversity Management Plan (BMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the BMP shall include the following:

- a) The location and summary description of the features to be maintained and/or enhanced, or created;
- b) The proposed actions to maintain and/or enhance or create the features, and the timing of those actions;
- c) The proposed management prescriptions for those actions;
- d) An annual work schedule covering the life time of the proposal (with the view that the management proposals would subsequently be reviewed every 5 years);

- e) Identification of who will be responsible for implementing the BMP; and
- f) A schedule for monitoring the implementation and success of the BMP, this to include monitoring reports to be submitted to Newark and Sherwood District Council at appropriate intervals. The provision of the monitoring reports shall then form part of the planning condition.

The approved BMP shall then be implemented in accordance with the approved details therein.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that biodiversity will be protected and the trees to be retained will not be damaged during construction and to protect and enhance the appearance and character of the site, biodiversity and the locality and pursuant to section 197 of the Town and Country Planning Act 1990, chapter 15 of the National Planning Policy Framework and Core Policy 12 of the Amended Core Strategy.

#### 012 – Surface Water Drainage

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy and accompanying technical note dated 4<sup>th</sup> April 2025, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 175.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.

- No surcharge shown in a 1 in 1 year.
- No flooding shown in a 1 in 30 year.
- For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

#### 013 – Archaeological Exclusion Area

Prior to the commencement of the development hereby approved (including demolition, ground works and vegetation clearance) an Archaeological Exclusion Zone Management Plan shall be submitted to and approved in writing by the Local Planning Authority, in accordance with plan reference P21-1378\_EN\_002. The Management Plan shall include details of how this area shall be protected during construction, operation and decommissioning phases, monitoring and maintenance work for the area including boundary treatments and access arrangements, and exclusion of this area during all phases of the development. The Management Plan shall also outline prohibited activities in the area and how this shall be managed, included but not limited to no tree planting or unapproved habitat creation.

The approved Management Plan shall then be implemented in accordance with the approved details therein and no unauthorised activity of any kind will take place in this area.

Reason: To ensure the protection and implementation of an appropriate scheme of management for the Archaeological Exclusion Zone in accordance with the National Planning Policy Framework and Core Policy 14 of the amended Core Strategy and Policy DM9 of the Allocations and Development Management Plan.

#### 014 – Ecological Mitigation Measures

The development shall be undertaken in accordance with the approved ecological mitigation measures as detailed in Section 6 of the Ecological Impact Assessment prepared by Brindle and Green Ltd dated November 2022, together with any subsequently approved details.

Reason: To satisfy the Local Planning Authority that biodiversity will be protected and to protect and enhance the appearance and character of the site, biodiversity and the locality and pursuant to section 197 of the Town and Country Planning Act 1990, chapter 15 of the National Planning Policy Framework and Core Policy 12 of the Amended Core Strategy.

#### 015 – Visibility Splays

Prior to any site clearance, site stripping or site establishment, the visibility splays shall be implemented in accordance with the approved plans P21-1378 Rev A, SK07/02 Rev F and SK03/3 Rev F unless otherwise agreed in writing by the Local Planning Authority. Nothing shall be planted, erected or allowed to grow above 0.6 metres within the visibility splays for the duration of the construction period and operational period of the development.

Reason: In the interests of highway safety by ensuring adequate visibility for vehicles accessing the site.

#### 016 – Access Arrangements and Passing Places

Prior to the commencement of works within the site, the site access arrangements and passing places shall be implemented as indicatively shown on plans P21-1378 Rev A, SK07/02 Rev F and SK03/3 Rev F, or such other details as may be agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason: To ensure suitable access and passing provision is provided in the interests of highway safety.

#### 017 – Highways Drainage

No development shall commence until details of the proposed highway drainage arrangements for the site access and passing places have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The details shall include the collection, conveyance and discharge of surface water from all areas within the affected adopted highway boundary. The approved works shall be completed prior to first use of the access.

Reason: To ensure satisfactory highway drainage, prevent ponding, and reduce flood risk in accordance with the NPPF.

#### 018 – Highway trees

No highway works shall take place within 20 metres of any retained tree until an Arboricultural Method Statement and Tree Protection Scheme for highway trees has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of ground protection, protective fencing, underground services and working methods, special engineering solutions, scaffolding, phasing and soil levels. All works within 20 metres of retained trees shall be carried out in accordance with the approved details.

Reason: To protect trees of amenity value which contribute to the character of the area.

#### 019 – Existing Access

The existing access as identified on drawing number P21-1378.002 rev B shall not be used either during construction or in the operational phase of the development and shall be reinstated as verge in accordance with highway authority specification and the existing gate replaced by a suitable boundary treatment to be agreed with the local planning authority, prior to the completion of the development on site.

Reason: In the interests of highway safety.

#### 020 – Skylark Mitigation

Prior to the commencement of the development, a Skylark Mitigation Strategy for delivery of mitigation measures shall be submitted to and approved in writing by the local planning authority. The content of the Skylark Mitigation Strategy shall include the following:

- a) purpose and conservation objectives for the proposed skylark nest plots;
- b) detailed methodology for the skylark nest plots following Countryside Stewardship Scheme option: 'AB4 Skylark Plots';
- c) locations of the compensation measures by appropriate maps and/or plans;
- d) persons responsible for implementing the mitigation measures;
- e) an annual monitoring schedule to certify the delivery of the Skylark Mitigation Strategy for the first five years of operation;
- f) a timetable for an assessment of the efficacy of the mitigation measures to be submitted for the approval of the local planning authority;
- g) review, and if necessary, update of the Skylark Mitigation Strategy if indicated as necessary by the assessment of the efficacy of the mitigation measures including any need for further monitoring beyond 5 years.

The skylark mitigation strategy shall be implemented prior to the operational use of the site in accordance with the approved details and all features shall be retained for the lifetime of the development.

Reason: To satisfy the Local Planning Authority that biodiversity will be protected and enhanced pursuant to section 197 of the Town and Country Planning Act 1990, chapter 15 of the National Planning Policy Framework and Core Policy 12 of the Amended Core Strategy.

#### 021 – Landscaping

Notwithstanding any details submitted, no development shall take place until details of hard and soft landscaping (the landscaping scheme) have been submitted to, and approved in writing by, the local planning authority. The landscaping scheme shall include details of the following:

- a) A timetable for implementation of the scheme.
- b) External hard surfacing materials.
- c) Means of enclosure, including any provision for mammal gates.

d) Soft landscape works including planting plans for trees, shrubs, grasslands and hedges, written specifications for cultivation and other operations associated with plant and grass establishment, and schedules of plants including species, plant sizes and proposed numbers or densities.

e) Finished levels and contours.

The landscaping shall be implemented in the first planting season following the completion of construction and in accordance with the approved scheme and timetable. Any tree or shrub which forms part of the approved landscaping scheme, and which, within a period of 5 years from planting, fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be agreed with the local planning authority.

Reason: To protect and enhance the appearance and character of the site, biodiversity and the locality and pursuant to section 197 of the Town and Country Planning Act 1990, chapter 15 of the National Planning Policy Framework, Policy DM5(b) of the Amended Allocations and Development Management DPD and Core Policy 12 of the Amended Core Strategy.

#### 022 – Landscape Management

Before the commencement of development hereby permitted, details of the management (including the management of any grazing on the site) and maintenance schedule for the areas of landscaping, shall be submitted to and approved in writing by the local planning authority. Thereafter these areas shall be managed and maintained in accordance with the approved details.

Reason: To ensure the landscaping scheme is delivered and maintained.

#### 023 – Contamination

If during works of construction contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect the natural environment from contamination and to protect users of the site.

#### 024 – Glint and Glare Assessment

Following the receipt of a written request from the local planning authority regarding glint and glare concerns, the solar farm operator shall investigate and assess the expressed concern. The operator shall then submit details of any proposed mitigation measures and a timescale for implementation of mitigation. Such information shall be provided within 3 months of the date of the written request of the local planning authority; the proposed mitigation measures shall be carried out in accordance with the approved details.

Reason: In the interests of protecting residential amenity.

#### 025 – Public Rights of Way Management Plan

Prior to the commencement of development, a Public Rights of Way Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include:

- a) details of the management and maintenance of the Public Rights of Way network within and around the site during the construction of the development;
- b) details of the future management and maintenance of the Public Rights of Way network within the site during the operational phase of the development;
- c) details of the management and maintenance of the Public Rights of Way network within and around the site during the decommissioning phase of the development.

The approved Public Rights of Way Management Plan shall be implemented for the lifetime of the development.

Reason: To ensure the proper management and maintenance for the public rights of way network impacted by the proposal.

#### **Informatives**

01

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

#### S278 Agreement

In order to carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued.

03

**Highways:**

Any works within the public highway will require a legal agreement under Section 278 of the Highways Act 1980. Please contact [hdc.north@nottscc.gov.uk](mailto:hdc.north@nottscc.gov.uk) to begin the process.

Depositing mud or water on the public highway is an offence under Sections 149 and 151 of the Highways Act 1980. The developer, contractors and landowner must ensure no material is deposited or washed onto the highway. Failure may result in legal action or recovery of costs by the Highway Authority.

04

**Environmental permit:**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit [https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-](https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits)

permits or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with the EA at the earliest opportunity.

05

Should a Temporary Closure of Bathley Bridleway BW13 and / or Bathley Footpath FP5 be needed, this may be granted to facilitate public safety during the construction phase, subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section contact [countryside.access@notsscc.gov.uk](mailto:countryside.access@notsscc.gov.uk), as least 5 weeks' notice is required to process the closure.

06

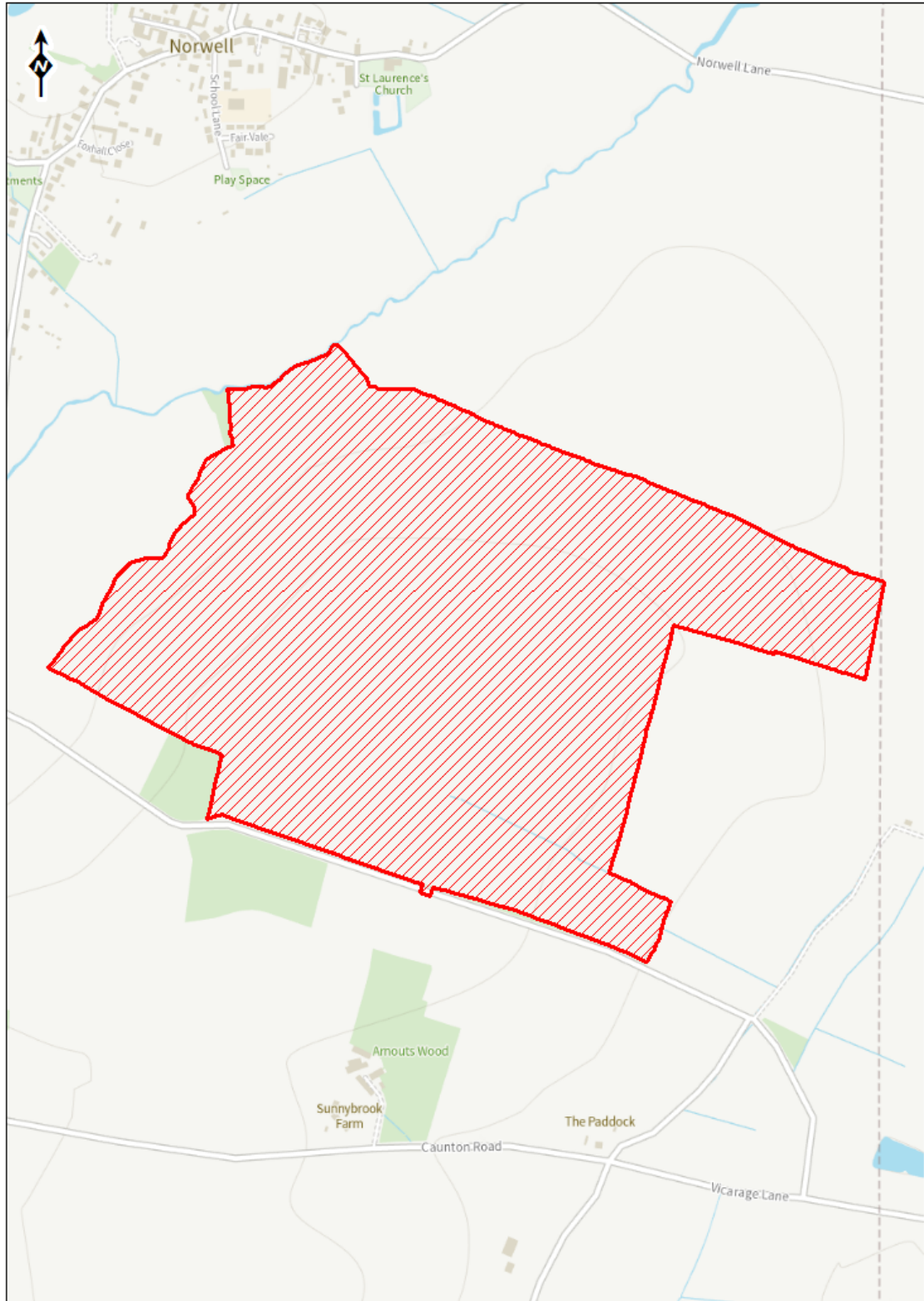
Planning permission is not permission to work on or from the public highway. In order to ensure all necessary licences and permission are in place you must contact [licences@viaem.co.uk](mailto:licences@viaem.co.uk)

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 22/01983/FULM



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to: Planning Committee 7 May 2026  
 Business Manager Lead: Oliver Scott – Planning Development  
 Lead Officer: Kirsty Catlow – Planning Development Officer

Report Summary			
<b>Application No.</b>	25/01952/FUL		
<b>Proposal</b>	Erection of Four Bungalows		
<b>Location</b>	Land to the rear of Mill Lane, Caunton.		
<b>Applicant</b>	Mr Ajay Reddy	<b>Agent</b>	Grace Machin Planning & Property – Mr George Machin
<b>Web Link</b>	<a href="#">25/01952/FUL   Erection of Five Bungalows   Land To The Rear Of Mill Lane Caunton</a>		
<b>Registered</b>	20.11.2025	<b>Target Date</b>	15.01.2026
		<b>Ext of time</b>	15.05.2026
<b>Recommendation</b>	That Planning Permission is Approved, subject to the conditions set out in Section 10.0, and a Unilateral Undertaking to secure Bio-diversity Net Gain.		

**This application is being referred to the Planning Committee for determination as the proposals represent a departure from the plan.**

## 1.0 The Site

1.1 The site is located to the rear of properties which front onto Mill Lane. The site comprises of a grassed field which is accessed via a track between two residential properties. A drainage ditch runs along the southern boundary of the site which is shared with properties fronting onto Mill Lane. The land rises from south to north and is bounded along the rear garden areas of properties on Mill Lane by hedging and fencing, with hedging and trees along the western boundary. A right of way (known as Caunton FP7) runs along the access track and heads in a north westerly direction.

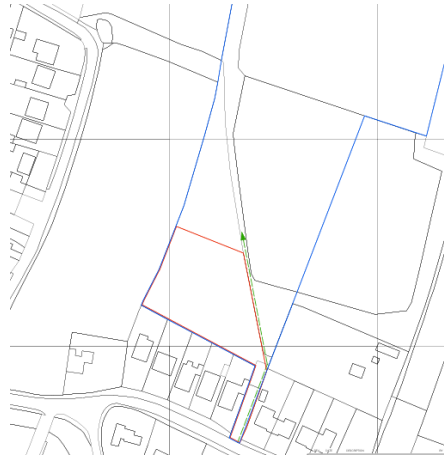


Access to the site off Mill Lane

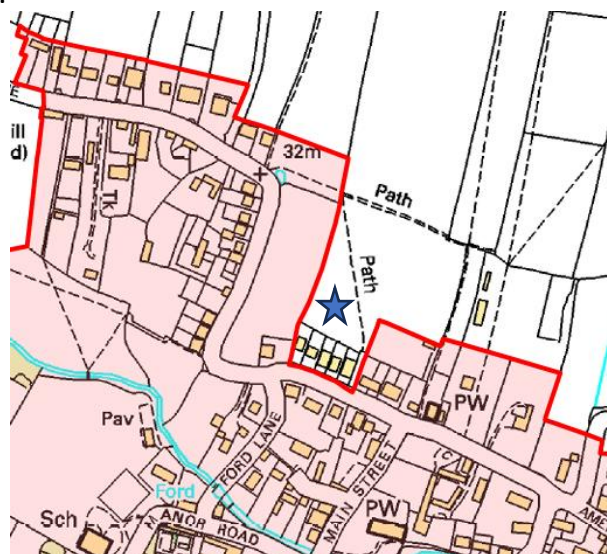


View across the site from the PROW

- 1.2 Properties on Mill Lane are predominantly detached and a mix of house types, with single storey dwellings located predominantly to the west of the access, and two storey dwellings located to the east. The form of development within the village is predominantly linear, with dwellings positioned around the local network of roads. The application site is considered to be outside the built-up settlement boundary of Cauntun and within the open countryside.



- 1.3 Land to the east and west of the site is defined as being within the Cauntun Conservation Area.



Cauntun Conservation Area boundary map

- 1.4 The site is designated as being within Flood Zone 1 and is at a low risk from surface water flooding in accordance with Environment Agency mapping. However, it is noted that properties immediately downstream of the application site, including those on Mill Lane and Main Street to the south are located within Flood Zones 2/3 and are therefore at a high risk of flooding. Representations have also been received from local residents, raising concerns that surface water run-off from the site exacerbates existing flooding issues within the village, and this is addressed in more detail within the subsequent report.

## 2.0 Relevant Planning History

- 2.1 **18/00737/OUT** – Outline planning application for up to 5no. dwellings. Application refused 20.06.2018 on the following grounds:

*'The proposed development would result in additional dwellings within the open countryside outside of the main built-up area of Caunton. Policy DM8 of the Allocations and Development Management DDP (2013) strictly controls and limits the types of development in the countryside. The proposal does not accord with any of the exceptions listed. This policy is consistent (as tested in adopting the DPD) with the National Planning Policy Framework (NPPF). The proposal is therefore considered to be contrary to Policies SP3 (Rural Areas), Core Policy 9 (Sustainable Design) and policy DM8 of the Development Plan as well as being contrary to the National Planning Policy Framework (NPPF) a material planning consideration.'*

*'In the opinion of the Local Planning Authority, the proposed development would result in a loss of rural character through the proposed intrusion of residential development into an area of open countryside. Furthermore, the proposal would it is considered represent a visually prominent form of back land development when viewed from Mill Lane which would be out of keeping with the linear grain of surrounding residential built form. The proposal would set a dangerous precedent for similar forms of development within the immediate area to the detriment of the rural character and appearance of the surrounding locality. Furthermore, the proposal is considered to result in less than substantial harm to the appreciation of the character and appearance of the Caunton Conservation Area, particularly when approaching the village from the footpath (Caunton FP7) to the east of the site. The proposed development is therefore contrary to Core Policy 13 (Landscape Character) and Core Policy 14 (Historic Environment) of the Core Strategy, Policy DM5 (Design), DM9 (Protecting and Enhancing the Historic Environment) of the Development Plan and the aims of the NPPF, a material consideration.'*

An appeal was subsequently submitted to the Planning Inspectorate, which was dismissed. In terms of whether the site is within the village of Caunton, the Inspector was not persuaded that the site lies within the village of Caunton. In terms of the impact on the character and appearance of the area the Inspector stated:- *'the development would intrude into the generally undeveloped land to the rear of the frontage dwellings and would appear as a sporadic form of back land development that would encroach into the countryside. Whatever its final form, the development would suburbanise the site, eroding the rural qualities of the area....reduce the openness....thus the development would have a detrimental impact on the character and appearance of the area.'*

The Inspector also held that the proposal would result in harm to the setting of the Caunton Conservation Area (CCA) through suburbanising the site and altering the perception of the CCA in views of the village to the south. The harm identified was '*less than substantial*'.

It should be noted that this appeal was determined in March 2019, prior to the changes to the NPPF in December 2024, regarding the calculation of the District's five year housing land supply.

- 2.2 25/01338/AGR - Application to determine if prior approval required for an erection of a portal framed agricultural building under Schedule 2 part 6. Prior approval not required 01.09.2025.
- 2.3 12/01311/FUL - Installation of a 730kW Ground mounted solar PV array and all associated electrical connections. Application Permitted 14.01.2013.
- 2.4 10/00072/FUL – Change of use from agricultural land to keeping of horses including erection of two stable blocks – Refused 28.04.2010.

### **3.0 The Proposal**

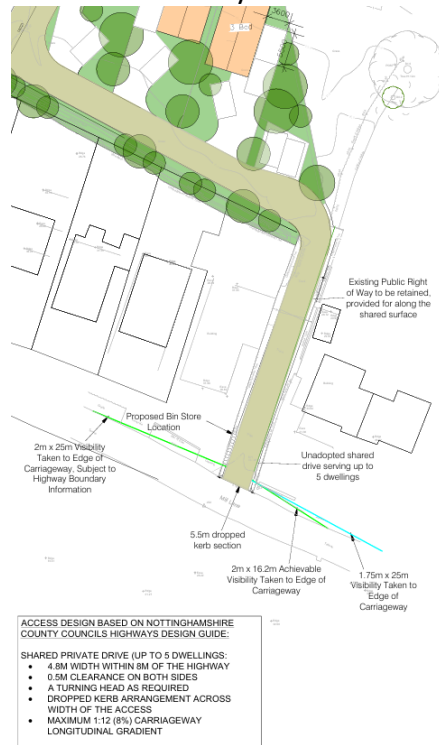
- 3.1 The application originally sought planning permission for the erection of five single storey dwellings, however, this has been reduced to four single storey dwellings during the consideration of the application. The revised site plan is shown below:-



- 3.2 All of the proposed dwellings would be 3-bedroom bungalows, with a floor area measuring 76 sqm. All of the properties would be single storey. The dwellings are proposed to be constructed of red brick with red clay pantiles.
- 3.3 The four bungalows would be identical and would provide an open plan kitchen/living/dining area, a bathroom and three bedrooms.



3.4 Access to the 4 dwellings would be via a shared drive off Mill Lane to the south. The proposed dwellings would each have three parking spaces. A turning head is also proposed to the west of the site. The existing Public Right of Way would be accommodated on the shared driveway.



3.5 Documents assessed in this appraisal:

- Application Form
- Location Plan 0241 01
- Planning Statement
- Arboricultural Report
- Transport Assessment
- Drainage Documentation
- Biodiversity Net Gain (BNG) Strategy Report
- Preliminary Ecological Appraisal Report

Statutory Biodiversity Metric  
Received by the Local Planning Authority 19.11.2025

Site Access Plan 17-0707-001 P02  
Revised Block Plan with site sections 0241 02 Rev J  
Received by the Local Planning Authority 05.03.2026

Drainage Addendum Note (email)  
Received by the Local Planning Authority 10.04.2026

Floor Plans and Elevations of 3 bed bungalow 0241 04 Rev C  
Received by the Local Planning Authority 23.04.2026

#### **4.0 Departure/Public Advertisement Procedure**

4.1 Occupiers of 10 neighbouring properties have been individually notified by letter. A site notice has also been displayed near to the site, and an advert has been placed in the local press.

4.2 Site Visit undertaken: 10.12.2025.

#### **5.0 Planning Policy Framework**

##### **5.1 The Development Plan**

*Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)*

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Core Policy 14: Historic Environment

##### **5.2 *Allocations & Development Management DPD (adopted July 2013)***

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM8: Development in the Open Countryside

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM10: Pollution and Hazardous Substances

Policy DM12: Presumption in Favour of Sustainable Development

5.3 The [Draft Amended Allocations & Development Management DPD](#) (DMADMDPD) was submitted to the Secretary of State on the 18th January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of 'main modifications' to the submission DPD. The purpose of these main

modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification took place between Tuesday 16 September and Tuesday 28 October 2025. The next stage in the Examination process will be the Inspector issuing their draft report.

Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

- Not subject to a proposed main modification;
- The modifications/clarifications identified are very minor in nature; or
- No objection has been raised against a proposed main modification

Then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

[Submission Amended Allocations & Development Management DPD Schedule of Main Modifications and Minor Modifications / Clarifications](#)

The following emerging policies are considered to carry weight in the consideration of this application.

Policy DM5(a) – The Design Process

Policy DM5(b) – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM10 – Pollution and Hazardous Materials

#### 5.4 **Other Material Planning Considerations**

- National Planning Policy Framework 2024 (amended 2025)
- Planning Practice Guidance (PPG)
- Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
- NSDC Landscape Character Assessment SPD (2013)
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

#### 6.0 **Consultations**

*NB: Comments below are provided in summary – for comments in full please see the online planning file.*

## 6.1 Caunton Parish Council original comments – Object.

- This development is outside of the Village envelope and is in the Green Belt, it is considered to be inappropriate back land development.
- The development would result in a loss of rural character through the proposed intrusion of residential development into an area of open countryside. The proposed plan does not accord with the current ribbon development of that area as it is designed in an irregular layout, this will have a significant visual impact.
- The Village suffered from serious flooding during 2023 with 39 houses flooded. Future flooding risks is the greatest concern of Caunton residents.
- The applicant identifies increased surface water arising from the 5 properties connecting into existing drainage pipes under the access road and along Mill Lane and Ford Lane discharging into the Beck watercourse. These drains are already inadequate and cannot cope as it is Regular surface flooding occurs on these roads and the gardens of adjacent properties. Additional water from any new development will exacerbate this drainage problem.
- This application has been previously rejected and was also rejected at appeal on 27th March 2019, all of the reasons for refusal still hold true today and should be considered.
- The development would be in conflict with policy SP3 of the core strategy and policy DM8 of the DPD which seek, amongst other things, to protect the countryside from unnecessary developments.
- The development would suburbanise the site and would alter the perception of the Caunton Conservation area as it would interrupt views of the village and the openness of this part of the Caunton Conservation area which would result in serious harm to its setting.
- It is considered that the development would be in conflict with policies DM5 and DM9 of the DPD, policies CP13 and CP14 of the core strategy and the framework which seek, amongst other things, to ensure that development proposals continue the preservation and enhancement of the character, appearance and setting of the District's heritage assets and resist inappropriate back land and other uncharacteristic forms of development

### Caunton Parish Council revised Comments - Objection upheld.

- The reduction in number of dwelling and alterations is noted. However, the Parish Council still object and restate the reasons for their objection, as previously submitted.

- 6.2 **NSDC Conservation comments on original proposal for five dwellings – Raised concerns.** This application is five new bungalows in a green field, located on the outside fringe of the Caunton Conservation Area. There are a row of modern C20 dwellings located fronting Mill Lane which are also on the outside edge of the CA. The application site sits behind these dwellings. To the immediate west of the application site the conservation area continues with the inclusion of an undeveloped green field.

There are no designated or non-designated heritage assets located in the immediate setting of the application site, although there is a Wesleyan Methodist Chapel located in the wider setting to the east along Mill Lane. Caunton is a typical medieval nucleated settlement, and the core of the village is located to the south of the application site. The C20 dwellings to the immediate south are an anomaly within the nucleated core, as the remainder of the built form here is historic in origin.

The scheme now submitted presents a high-density development of bungalows on a narrow plot - the frontages are not aligned because of land ownership boundary constraints and as such the overall site plan has a somewhat awkward composition. The planning statement references the landscaped plots, but the curtilages of each dwelling are limited and there is no landscaping plan submitted. The overall plan form of the new dwellings would not therefore be a seamless transition from the row of C20 dwellings located to the immediate south. Notwithstanding this, the scale and overall footprint of the new dwellings is modest; the bungalows are well designed with a well-considered over-sailing roof on each corner, supported on pillars, with contemporary glazing set into the gable ends.

The window apertures are modestly scaled and if a positive design code was applied to the bungalows (as there is only minimal supporting information at present) their stylistic qualities would not be harmful to the street scene of the Caunton Conservation Area. However, the neutral impact relates to the design code only; the plan form and overall arrangement of the dwellings does not present a balanced or aligned frontage, with the bungalows seemingly squeezed into the plot at different angles to maximise density.

This will serve to exacerbate the harm caused by the unsightly C20 dwellings which sit in between two sides of the conservation area boundary. The new dwellings would be visible across the field when traveling from the west along Mill Lane and it is here where there will be impact to the experience of the conservation area. Their overall scale is modest, so the impact is at the lower to moderate end of less than substantial harm, in accordance with Para 215 and 220 of the NPPF. The planning balance offered by the public benefits of additional housing provision must be considered against this. If it is determined that the scheme is acceptable, then NSDC Conservation should be re consulted as there will need to be a strict set of pre-commencement conditions.

The works are considered to cause a marginal to moderate degree of less than substantial harm to the street scene of the conservation area as the proposal presently stands and thus the public benefits of the proposal must be judged against the parameters of Para 215 and 220 of the NPPF, or Section 72 of the Listed Building and Conservation Areas Act (1990).

**NSDC Conservation updated comments on revised proposal for four dwellings – No objections.** I note the revisions relate to the removal of one dwelling from the plot. I previously identified a positive design code to the dwellings, but raised concerns around an over intensification of development in this plot, which would have resulted in a cramped layout and a set of properties; these were disproportionately aligned to account for the truncated site curtilage.

Following the reduction of one dwelling, the proposed site plan now results in a far more cohesive and balanced overall appearance. The front line of the dwellings is now broadly consistent and is stepped forwards in a coherent manner, as the dwellings are sited from west to east. As such, I consider my concerns have been addressed and I raise no further objections.

- 6.3 **NCC Rights of Way Officer original comments – Object.** Caunton Footpath No. 7 runs across the entrance to the site and adjacent to the border of the proposed development. The development recognises the existence of the PROW but has omitted details of how the maintenance of the footpath will be implemented. The safety of the public needs to be addressed and how the aspect is being changed. How will access to the public be managed during the development stages. Object until clarification on the outstanding issues are resolved.

**NCC Rights of Way Officer updated comments – Support.** In light of the recommendations being acknowledged in the correspondence on this date and the applicant recognising the PROW, we would have no reason to object to the proposal.

- 6.4 **NCC Flood Team – No specific response required.** Having considered the scale of this application the LLFA believes it is not required to respond to this application, however due to the proximity of the development to areas that are at risk of flooding and have experienced significant flooding in the past we ask that the following points are considered in detail as part of the application:
1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
  2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
  3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
  4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

- 6.5 **NCC Highways original comments – No objection.** Regarding the vehicle access to the site, adequate driver's visibility onto Mill Lane is achievable and parking provision within the curtilage of each dwelling is in accordance with Car Parking Standards. However, the layout of the parking on the driveways to the three dwellings on the eastern side of the site due to the angled arrangement drivers may find it difficult to manoeuvre out of the drives onto the new private road. An Autotrack swept path analysis should confirm this arrangement. Amendments are required in this regard.

In summary the erection of 5no. new dwellings would unlikely be detrimental upon highway safety in the area, with traffic attraction likely to be around 3 two-way trips in the busy hour. The proposed widened private access road is considered by the Highway Authority to be an acceptable width for use by vehicles accessing the dwellings and users of the footpath, subject to the requirements of the PROW team.

To conclude, the Highway Authority considers that in terms of traffic impact, the proposal will have a negligible effect on the surrounding highway network, subject to requested conditions.

**NCC Highways revised comments – No objection.** The proposed development has been amended and now proposes the construction of 4no. dwellings (bungalows) with curtilage parking areas, serviced off an existing access track to the highway at Mill Lane.

The site access at Mill Lane will be an upgraded dropped kerb arrangement with the proposed driveway generally a minimum width of 4.8 m.

Regarding the vehicle access to the site, adequate driver's visibility onto Mill Lane is achievable and parking provision within the curtilage of each dwelling is in accordance with Car Parking Standards. The revised block plan layout appears satisfactory.

It is noted that the site was previously refused planning permission in June 2018 for a similar scheme proposal; however, it should also be noted that reasons for refusal were not related to highways matters. Additionally, the later planning appeal was dismissed, highway matters were also not addressed within the said appeal statement.

In summary the erection of 4no. new dwellings would unlikely be detrimental upon highway safety in the area, with traffic attraction likely to be around 2-3 two-way trips in the busy hour. The proposed widened private access road is considered by the Highway Authority to be an acceptable width for use by vehicles accessing the dwellings and users of the footpath, subject to the requirements of the PROW team.

To conclude, the Highway Authority considers that in terms of traffic impact, the proposal will have a negligible effect on the surrounding highway network. On this basis there are no objections to the proposed development subject to conditions.

**6.6 Environmental Health Officer original comments – Further information required.**

Access to the proposed dwellings is via a single-track lane between existing properties and across the rear of domestic gardens. Vehicles using this access will therefore be passing in close proximity to the existing premises, with the potential to cause disturbance to the occupiers of these properties at all hours of the day and night. It is additionally noted that the plan shows the waste bin storage area to be immediately adjacent to a neighbouring properties wall, again having the potential to cause disturbance.

Would therefore request an acoustic assessment be submitted, demonstrating the proposal will not have an unacceptable impact on exiting property prior to permission being granted.

**Environmental Health Officer revised comments – No objection.** I have reviewed the acoustic report submitted with the application and amended plans. The bin store has been located away from the neighbouring dwelling as previously proposed, and the acoustic report indicates traffic entering and leaving the site will not cause unreasonable disturbance. I therefore have no objection to the proposed development.

- 6.7 **Ecology Officer – No objection.** The proposed development would not have an adverse impact on any site designated for its nature conservation interest. The site predominantly comprises a grassland field that was assessed to support other neutral grassland in 'moderate' condition.

Further surveys would be disproportionate, and I support the precautionary working methods (PWM) that have been recommended for amphibians and reptiles which is provided at paragraph 6.5 of the Preliminary Ecological Assessment Report (PEAR).

The trees within the hedgerow could provide roosting opportunities for a small number of individual bats. These are proposed to be retained but I agree that should these trees require removal or arboricultural works that further surveys would be required.

A sensitive lighting scheme is recommended during the operational period which I support, and I would advise that lighting during construction should be positioned to ensure the retained and adjacent boundary lines of trees and hedgerows remain unlit.

The PEAR did not record any evidence of nests, though the survey was undertaken outside of the breeding season. The grassland, and in particular the scrub, hedgerow and trees were considered to offer suitable nesting opportunities for a range of species. 3.10. The main mitigation measures required are ecological supervision if vegetation clearance cannot take place outside of the bird nesting season. In addition, two general use bird boxes are recommended to be installed on new buildings or retained trees to provide compensation for the loss of suitable breeding habitat.

Whilst the PEAR did not find evidence of the presence of badger or hedgehog, it considered that the habitats present provided suitable conditions to potentially be utilised by these species. Consequently, precautionary working methods are recommended in Section 6 of the PEAR, specifically in relation to these species. I would advise that these are appropriate and proportionate to the scale of development proposed and level of potential adverse effects on these species.

If the application were granted planning permission the general Biodiversity Gain Condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)) would apply. Consequently, the proposal has been supported by a Biodiversity Net Gain (BNG) calculation with the associated baseline habitat condition assessments (where applicable) provided within the User comments box of the SBM.

The majority of the post-development habitats will comprise new dwellings and associated vegetated gardens and access. The road verge is proposed to be sown with a species-rich flowering lawn mix and is targeted to provide modified grassland in 'moderate' condition. A new native hedgerow with trees is proposed along the southern boundary which is targeted to 'poor' condition.

As it currently stands, the proposed development would result in a small loss of -1.64 Habitat Units and -0.04 Hedgerow Units. This includes a trading rule error for medium distinctiveness units which comprise a loss of -0.61 other neutral grassland units and 0.16 scrub units. As such, an off-site solution is required as identified within the BNG report.

Within the assessment as it currently stands there are habitats that would class as 'significant on-site enhancement', these include the retained hedgerow in 'moderate' condition, provision of modified grassland in 'moderate' condition and a newly planted hedgerow with trees. Paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990 requires significant on-site enhancement to be subject to a planning condition, section 106 agreement or conservation covenant that requires the enhancement to be maintained for at least 30 years after completion of the development. In this instance, I would suggest that a planning condition would be the most appropriate mechanism should the application be granted approval.

As it is the local planning authority's obligation to ensure that proposed enhancements are achieved and maintained, there will be a need for the authority to monitor this. Consequently, a proportionate monitoring fee will be required, and should be secured by a separate, simple, Unilateral Undertaking, should the application be granted approval. Or if there is a requirement for a Section 106 Agreement for other matters, this should form part of that s106.

In addition to the bird boxes recommended at paragraph 6.17 of the PEAR, Section 6.4 outlines species-specific enhancements which include the provision of one general use bird box and one bat box either integrated within the new buildings or erected on mature trees. Access gaps within boundary fences for wildlife are also recommended. I support these recommendations; however, these should be provided as boxes integrated into the walls of the new houses to provide long-term sustainable benefits. Together these would represent proportionate species-specific enhancement, and I recommend that they are secured via a condition for a Faunal Enhancement Plan as outlined within Section 7 of these comments.

### **Representations/Non-Statutory Consultation**

6.8 30 letters of representation have been received from local residents, objecting to the proposals on the following grounds;

- Development in the open countryside and not in a sustainable location
- Inadequate drainage and significant risk to local drainage capacity
- There are critical drainage problems associated with the site
- A full FRA should be submitted

- Potential Flood Risk and localised flooding from increased surface water run-off
- Existing drainage has been interfered with, reducing its effectiveness
- Introducing additional hard standing will substantially increase the volume of water requiring drainage
- Without adequate attenuation measures the increased impermeable surfaces will accelerate surface water runoff into the village drainage network and low-lying areas
- Insufficient SUDs provisions
- There is a need for the proposed drainage to be independently assessed
- Access is unsuitable and too narrow
- Increase traffic
- Access is inadequate for lorries to deliver building materials
- Lack of public transport in the village
- Impact on privacy
- Noise and disturbance
- Impact to wildlife
- Destroy the area, site is part of the rural village setting
- Harm to the character and appearance of the area introducing uncharacteristic back land development and eroding openness
- Proposed mitigation planting cannot be guaranteed long-term
- Harm to the setting of the Conservation Area
- Impact on public footpath, dog walkers
- Failure to achieve BNG
- Impact to internet service which are already poor
- Location of bin store is close to other properties which could be unpleasant, also long way to walk for residents
- There is no gas in the village oil tankers will have to access the properties
- Oil tanks will be needed for each property, significantly reducing the area of vegetation
- Unsustainable location as a car is essential
- Would not address real local housing needs, no need for further single storey properties
- Loss of green area, open rural aspect
- Loss of grade 2 agricultural land

On receipt of amended plans a further 7 letters of objection have been submitted objecting on the following grounds;

- The reduction to 4 dwellings does not overcome the previous reason for objection
- The noise report contains inaccurate information
- Reducing to 4 dwellings does not negate the flooding issues
- Inadequate bin storage
- Reiterate previous objections

## 7.0 **Appraisal**

### Principle of Development

- 7.1 The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.
- 7.2 The NPPF states that good design is a key aspect of sustainable development and that decisions should ensure that developments are visually attractive and sympathetic to the surrounding built environment. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. This can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs (para 7). Sustainable development has three objectives including an economic objective to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth (para 8).
- 7.3 Policy DM12 of the DPD states *'A positive approach to considering development proposals will be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Development Plan is the statutory starting point for decision making. Planning applications that accord with the policies in the Development Plan for Newark and Sherwood (including, where relevant, policies in Neighbourhood Development Plans) will be approved without delay, unless material considerations indicate otherwise.'*
- 7.4 The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the district (Spatial Policy 1). The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres, and Principal Villages, which are well served in terms of infrastructure and services. Caunton is not identified in the hierarchy and is therefore classed as an 'Other Village'.
- 7.5 The village envelope of Caunton is not defined in the adopted Local Plan and therefore it is a matter of judgement as to whether the land in question falls within or outside of the settlement.
- 7.6 Under 18/00737/OUT it was concluded that the site was not within the main built-up area of the village and was therefore within the open countryside. The Inspector upheld this view. Officers of are the view that the site, which comprises of an open agricultural field adjacent to the main built-up part of Caunton, remains within the open countryside, and as such, the proposal will be assessed against Policy DM8 (Development in the Open Countryside) of the Allocations and Development Management DPD.



- 7.7 Policy DM8 states that Planning Permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.
- 7.8 Whilst the site is located to the north of the village of Caunton (a settlement identified as an 'other village' in the settlement hierarchy set out under Spatial Policy 2) outside the main built-up part of the settlement, it is immediately adjacent to existing residential development to the south and within walking distance of the centre of the village, which is served by a Church, a Primary School (due to close Summer 2026), a cricket club, a Public House and a restaurant open at weekends. Therefore, whilst the site is outside the main built-up part of the settlement, it is not in an isolated location. In terms of sustainability, the village of Caunton is not well served by public transport, future occupiers would be likely to travel by car to Southwell (a Service Centre located 9km from the site) or Newark (a sub-regional centre located 9.5km from the site) to access local services and facilities.
- 7.9 Following the publication of the NPPF on 12th December 2024, the Local Planning Authority can no longer demonstrate a 5-year housing land supply. The development plan is therefore not up to date for decision making in respect of housing, and the tilted balance will need to be applied as the NPPF is an important material planning consideration.
- 7.10 The NPPF (2024) has introduced changes to the way in which local authorities formulate the number of new homes needed to be delivered in their areas and as such the need for houses in the district has increased significantly which means that the Authority is no longer able to demonstrate a five-year supply of housing. The LPA is currently only able to demonstrate a housing land supply of 3.84 years. This means that the Development Plan is now out of date in terms of housing delivery and the tilted balance has come into effect.

- 7.11 The short fall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. This means the Authority has a duty to ‘...grant permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason restricting the overall scale, type or distribution of development in the plan area;
  - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.12 Footnote 8 (in relation to out of date policies) states, ‘this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’
- 7.13 As such, whilst the site is located within the open countryside and is contrary to the settlement hierarchy, the tilted balance is engaged, and the provision of housing is given additional weight in the planning balance. Smaller unallocated sites, such as this site, will play a small role in helping the district to meet its housing targets and identified housing needs and given its location adjacent to an existing settlement this weighs in favour of the proposal in the overall planning balance.
- 7.14 In terms of specific housing needs, the District Wide Housing Needs Assessment (Dec 2020) states that in the Sutton on Trent Sub Area, which Caunton is located within, the greatest need is for 4+ bedroomed houses (37.3%), followed by 3 bedroom houses (34.3%) and 3+ bedroom bungalows (15.2%). The proposed development of four 3 bed bungalows would not meet the greatest need in terms of dwelling types, but it would still meet an identified housing need in this particular area of the District, which weighs in favour of the proposals.
- 7.15 In terms of the loss of agricultural land, the final paragraph of Policy DM8 states that *‘Proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental and community benefits that outweigh the land loss.’* Having reviewed Natural England’s Regional Agricultural Land Classification Maps, the application site is Grade 3 land (good to moderate). Unfortunately, there is no database, nor has any soil testing been carried out, to distinguish whether the site is formed by Grades 3a or 3b land, and therefore it is not known whether the site comprises of ‘the best and most versatile agricultural land’. Given the very modest size of the site, the loss of this ‘good to moderate’ agricultural land would not weigh significantly against the proposal in the overall planning balance.

Impact on Visual Amenities and Character of the Area including designated heritage assets

- 7.16 Core Policy 14: Historic Environment (Core Strategy DPD) and DM9: Protecting and Enhancing the Historic Environment (Allocations and Development DPD) amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

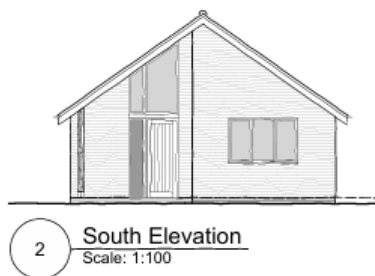
- 7.17 The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). Paragraph 212 of the NPPF states that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Section 16 goes on to advise that any harm to or loss of the significance of a designated heritage asset requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development. Local Planning Authorities should also look for opportunities for new development to enhance or better reveal the significance of heritage assets when considering development in conservation areas and such proposals should be considered favourably.
- 7.18 Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5(b) of the emerging DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. Core Policy 13 of the Core Strategy also addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.
- 7.19 The District Council has undertaken a Landscape Character Assessment (LCA) to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District, and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.
- 7.20 The site falls within the Mid-Nottinghamshire Character Area and policy zone MN PZ 28: Caunton Village Farmlands & Ancient Woodlands of the SPD where the detailed landscape action is to 'Conserve and Reinforce.' The landscape is defined as being generally undulating with some flat areas. The area has a coherent pattern of elements composed of arable fields, blocks of woodland and isolated farmhouses; overall the area is visually unified, that arises in a good landscape condition. The landscape sensitivity is defined as being moderate. In relation specifically to '*built features*', the policy action is as follows:-
- Conserve the rural character of the landscape by limiting any new development to within the settlements of Caunton;
  - Maintain use of vernacular materials, style and scale in any new developments;
  - Promote measures for reinforcing the traditional character of existing farm buildings using vernacular building styles.
- 7.21 The application site has been the subject of a previous application (18/00737/OUT) for the erection of up to 5 dwellings, which was refused on the following grounds:-

*“the proposed development would result in a loss of rural character through the proposed intrusion of residential development into an area of open countryside. Furthermore, the proposal would it is considered represent a visually prominent form of back land development when viewed from Mill Lane which would be out of keeping with the linear grain of surrounding residential built form. The proposal would set a dangerous precedent for similar forms of development within the immediate area to the detriment of the rural character and appearance of the surrounding locality. Furthermore, the proposal is considered to result in less than substantial harm to the appreciation of the character and appearance of the Caunton Conservation Area particularly when approaching the village from the footpath (Caunton FP7) to the east of the site”.*

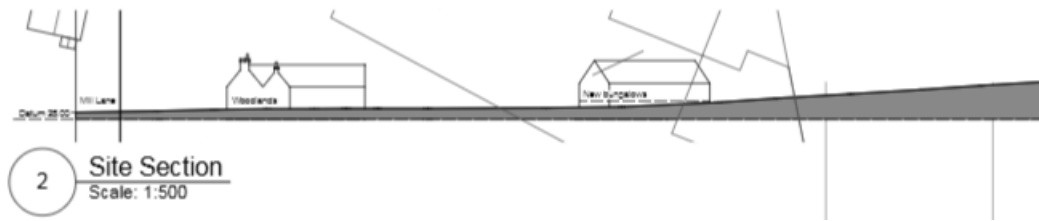
- 7.22 This refusal of the application was appealed (APP/B3030/W/18/3206741) and subsequently dismissed. In assessing the impact on the character of the area the Inspector stated that *“the development would intrude into the generally undeveloped land to the rear of the frontage dwellings and would appear as a sporadic form of back land development that would encroach into the countryside”* and *“the development would suburbanise the site, eroding the rural qualities of the area and would be clearly visible from Mill Lane, the public footpath that crosses the site and the surrounding properties”*. The Inspector concluded that the development would have a detrimental impact on the character and appearance of the area.
- 7.23 In respect of the designated Conservation Area the Inspector found *“that the significance of the setting of the CCA as a designated heritage asset is derived primarily by the spaciousness of the area where it meets the built extent of the village to the south. For the reasons given above the development would suburbanise the site and would alter the perception of the CCA as one views the village to the south. This would interrupt views of the village and the openness of this part of the CCA which would result in material harm to its setting”*. Whilst it was concluded that the harm would be ‘less than substantial’, there was no substantive evidence that there were any public benefits that would outweigh the great weight that the Framework requires at paragraph 215 to be given to the conservation of heritage assets.
- 7.24 The previous outline application for 5 dwellings sought approval of access and layout with all other matters reserved. The scheme comprised of a pair of semi-detached two storey dwellings (closest to the site entrance), a pair of semi-detached single storey dwellings and a detached single storey dwelling.
- 7.25 The number of dwellings the current application seeks approval for has been reduced from 5 to 4, and the layout has also been amended to reflect the character and form of existing residential development to the immediate south of the site.



- 7.26 The proposed scale and footprints of the dwellings, the pattern of development and the 'house to plot ratio' would all reflect the existing single storey bungalows located adjacent to the site on Mill Lane, and would therefore respect the character and appearance of the surrounding area. Whilst it is acknowledged that the proposal would still result in some intrusion into the open countryside, given the low density, and single storey nature of the proposals, the level of intrusion would be limited.
- 7.27 Each of the single storey dwellings would be identical, designed with a dual pitch roof, over-sailing on each corner, supported on pillars, with contemporary glazing set into the gable ends. The window apertures have been modestly scaled. Overall, subject to a condition requiring the final details of the external construction materials to be approved, the proposed design is considered to be acceptable.



- 7.28 The proposed dwellings would be visible from the Public Right of Way which runs along the access road and then crosses the field in a northerly direction beyond the north-eastern boundary. However, the level of visual intrusion would be limited, particularly given the reduction in the number and scale of the dwellings and the changes to their siting, in comparison to the previously refused scheme. Furthermore, glimpses of the dwellings from the designated Conservation Area may be possible along the access road, but given their single storey nature, they would be largely screened from view by the existing dwellings on Mill Lane, as shown on the cross section below:-



- 7.29 Following consultation with the Conservation Team, they raised no objections to the revised scheme, subject to the imposition of a condition to control the external construction materials. As a result, Officers are of the view that the revised scheme would not result in any harm to the setting of the Conservation Area and thus it is not necessary to consider the public benefits of the scheme.
- 7.30 If Members conclude that the proposal would result in (less than substantial) harm to the setting of the Conservation Area, paragraph 215 of the NPPF states that. *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*. Therefore, if any harm is identified, this must be weighed against any public benefits of the proposal, i.e. the lack of a five-year housing land supply, and the provision of housing which meets an identified need.
- 7.31 On balance, the revised scheme would not result in a detrimental impact on the character of the countryside nor harm to the setting of the Cauntton Conservation Area, and any limited harm must be weighed against benefits of the scheme. Furthermore, the proposal would be acceptable in design terms and would reflect the existing character and pattern of residential development in the immediate area, having regards to the aims of Policies CP9 and CP13 of the Core Strategy and emerging DM5 (b).

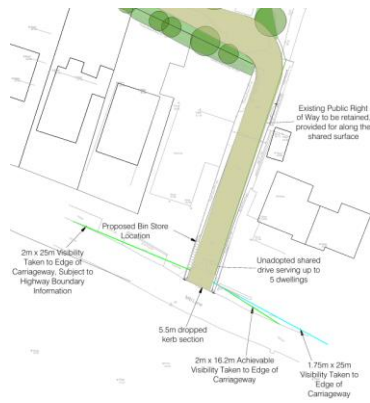
#### Impact upon Residential Amenity

- 7.32 The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings. Policies CP9 and emerging DM5(b) are relevant in considering impacts on residential amenity. Paragraph 135 of the NPPF requires that development should create places with a high standard of amenity for existing and future users.
- 7.33 The proposed dwellings would be a minimum of 30m from the rear elevations of properties to the south on Mill Lane and would all be single storey. The front facing southern elevation of each dwelling would contain an entrance door with side light and a ground floor bedroom window. Due to the separation distances, and the positions of the neighbouring dwellings, there are no concerns that there would be any loss of privacy, overbearing impacts or loss of light to neighbouring occupiers, as a result of the proposed development.

- 7.34 Concerns were originally raised by Environmental Health with regards to potential noise and disturbance from the use of the access and the location of the bin store, in relation to the two properties which flank the access. In response to this the proposed bin store was relocated further away from the dwelling located to the west of the access road, and an acoustic assessment report was submitted. The report concludes that the noise from the proposed access would be low and unlikely to significantly affect the acoustic climate in the area. It also states that a single heavier vehicle movement from the existing agricultural/equestrian use of the access would generate much higher noise levels than the proposed use. Following a re-consultation with Environmental Health, they raise no objections to the proposal. Officers also note that noise was not a ground for refusal under the previous application 18/00737/OUT for the erection of up to 5 dwellings on the site. On this basis it is not considered that the proposal would result in unacceptable impacts in relation to noise on the residential amenities of neighbouring residential properties.
- 7.35 In terms of future occupiers, having regard to the National Space Standards, 3 bedroom single storey dwellings for 4 persons require a Gross Floor Area of 74 sqm and the proposed dwellings would have a Gross Floor Area of 76 sqm with the requisite internal storage spaces. As a result, the proposed dwellings would comply with national living space standards. In terms of outdoor amenity space, each dwelling would be served by a private rear garden area commensurate with the size of the properties.
- 7.36 The proposed development would not therefore have a detrimental impact upon the amenities of surrounding dwellings, and would provide an acceptable standard of living for future occupiers. As such the proposed development is considered to be acceptable in this regard and therefore accords with emerging Policy DM5 (b).

#### Impact upon Highway Safety

- 7.37 Spatial Policy 7 states that new development should provide safe, convenient and attractive accesses for all, Policy DM5 states that provision should be made for safe and inclusive access to new development.
- 7.38 Paragraph 116 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.39 The proposed dwellings are to be accessed via an unadopted shared driveway. The submitted access plans show the access designed in accordance with the highway design guide. The access would have a 5.5m dropped kerb section leading to a 4.8m wide drive, for the first 8 metres. Adequate pedestrian and vehicular visibility splays have been provided along with a bin store close to Mill Lane. The existing Public Right of Way is also to be retained.



- 7.40 The Council’s Residential Cycle and Car Parking Standards Design Guide SPD advises that Caunton is within the ‘Rest of the District’ category and for a 3 bedroom dwelling, the minimum number of off-street car parking spaces required is 3. In addition to providing 3 car parking spaces per dwelling, a further two visitor car parking spaces and a turning head are proposed. As a result, adequate car parking and vehicular turning can be provided within the site and the proposal is unlikely to result in any severe detrimental impact on highway safety.
  
- 7.41 The highway authority raised no objection to the proposal and consider that in terms of traffic impact, the proposal would have a negligible impact on the surrounding highway network. They have suggest a number of conditions in relation to EV charging points, cycle parking, access provision and a construction management plan, which are recommended to be attached to any approval.
  
- 7.42 In terms of the impacts upon the Public Right of Way (shown below) which runs along the access to the site and beyond the north eastern boundary (as shown in green on the plan below), the agent has provided additional information in relation to its status, protection and maintenance during the construction phase, and future maintenance and operation. Subject to the safety of Public Rights of Way users being protected through a Construction Management Plan condition, and an informative advising on temporary closures, the proposed development would not have an unacceptable impact on the PROW or the safety of its users.



- 7.43 For the reasons outlined above, the proposal would not result in unacceptable harm to highways safety, and would accord with Spatial Policy 7, emerging Policy DM5(b), Part 9 of the NPPF and the Nottinghamshire Highway Design Guide.

#### Impact on Flooding and Drainage

- 7.44 Core Policy 10 (Climate Change) aims to steer new development away from those areas at highest risk of flooding, applying the sequential approach to its location. Policy DM5 (Design) supports this approach to new development in areas at risk of flooding.
- 7.45 DM5(b) (Design) and DM5(c) (Sequential Test) of the emerging Amended Allocations & Development Management DPD, aim to steer new development away from areas at high risk of flooding.
- 7.46 Paragraph 173 of the NPPF states when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere.
- 7.47 According to Environment Agency Flood Risk Maps, the site is within Flood Zone 1 which has a low probability of flooding from rivers and the sea. The site itself is largely at a low risk from surface water flooding, however, it is noted that the southern boundary of the site and the properties located immediately beyond on Mill Lane are at a high risk from surface water flooding.



*Extract from the Environment Agency surface water map*

- 7.48 It is also evident from the representations received from local residents that there are existing issues with surface water flooding affecting this section of Mill Lane and the properties along it.
- 7.49 Any proposed development cannot be expected to resolve existing surface water drainage problems, especially those which exist off the site. What new developments would be expected to do is not exacerbate existing surface water drainage problems. In accordance with Core Policies 9 and 10 and DM5, new development should **positively manage** its surface water run-off through the design and layout of development, to ensure that there would be no unacceptable impacts in terms of run-

off into surrounding areas or the existing drainage regime. Development proposals should wherever possible include measures to pro-actively manage surface water including the use of appropriate surface treatments in highway design and Sustainable Drainage Systems.

- 7.50 The PPG explains that sustainable drainage systems (or SuDS) are designed to control surface water run off close to where it falls, combining a mixture of built and nature-based techniques to mimic natural drainage as closely as possible, and accounting for the predicted impacts of climate change.
- 7.51 The types of sustainable drainage system which it may be appropriate to consider, will depend on the proposed development and its location, as well as any planning policies and guidance that apply locally. Where possible, preference should be given to multifunctional sustainable drainage systems, and to solutions that allow surface water to be discharged according to the following hierarchy of drainage options:
- i. into the ground (infiltration);
  - ii. to a surface water body;
  - iii. to a surface water sewer, highway drain, or another drainage system;
  - iv. to a combined sewer.
- 7.52 This hierarchical approach is advocated by both the County Council as Lead Local Flood Authority and Severn Trent Water. Members should note however, that as the application is not a major development, nor in a critical drainage area, the Lead local Flood Authority is not a statutory consultee on this application, and although they have commented, they have not provided detail specific comments for this reason.
- 7.53 The proposed development would result in the loss of an agricultural field into which infiltration would occur naturally, to an area largely finished in hard surfacing and buildings, which is likely to increase the levels of surface water run-off down to Mill Lane, unless suitably mitigated for.
- 7.54 The application has been supported by a Drainage Design Report, which includes a surface water drainage strategy.
- 7.55 The Surface Water Drainage Strategy concludes that due to the high water table in the clay strata, soakaways are not considered to be a feasible means of disposing of the surface water run-off generated by the development. Therefore, it is proposed to store surface water on-site before connected into the existing culverted section of the watercourse at a controlled rate, which would in turn discharge into Caunton Beck.
- 7.56 The current greenfield peak run off rates of the site have been calculated at 2.0 l/s. The site would be served by two outlets. Outlet 1 would serve the majority of the site. Surface water run-off would discharge into sub-surface attenuation in the form of tanking to provide on-site storage, with water then discharging through a controlled manhole at a peak of 1.5l/s. The peak water level would be fully contained within the structure, having regard for the 100yr + 40% climate change return period. Outlet 2 would serve the lower section of the access road. Again, sub-surface storage would be provided together with a controlled manhole to ensure that peak discharge rates were limited to 0.5l/s.



7.49 The applicants have followed the drainage hierarchy as set out above, and have discounted the first option upon grounds which Officer’s consider to be reasonable. Subject to limiting the surface water run-off rates from the site to 2 l/s (i.e. greenfield run-off rates), it is not considered that this would exacerbate existing flooding issues downstream. It is not considered necessary for the Local Planning Authority to condition the approval of the proposed drainage strategy, as this would be dealt with under separate legislation. In any event the Local Planning Authority does not have any in house drainage specialists who could review and approve such a scheme. The correct mechanism for approving surface water run-off rates from the site into the local drainage system sits outside of the planning process. Surface water run-off from the site would be restricted to the aforementioned run-off rates by Severn Trent Water under a S106 Drainage agreement.

7.50 For the reasons outlined above, future occupiers of the site would not be at risk from flooding, and the applicant has demonstrated that the site could be developed without resulting in surface water run-off which would exacerbate existing flooding issues downstream. As such, the proposal would accord with Core Policies 9, 10 and 10A, Policies DM5, DM5(b) and DM5(c), and guidance contained within the NPPF.

Impact on Ecology

7.51 Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District’s ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up-to date ecological assessment. Policy DM5 seeks to avoid adverse impacts upon ecological interest and protected species.

*Trees*

7.52 In terms of the impacts upon trees, the site is currently an open field with hedgerow and hedgerow trees along the southern and western boundaries. The application is supported by an Arboricultural Report which identifies the site as containing 14 tree

features, with 1 tree having moderate value (Category B) and 13 trees of low value (Category C). The Category B tree is located within the front garden of a neighbouring dwelling with minimal encroachment into the site access and will not therefore be affected by the proposal. Furthermore, the proposed site layout plan demonstrates that the existing low value Category C trees would not be directly impacted upon by the proposed development as the dwellings have been sited away from them. It is also noted that additional landscaping planting is proposed. Subject to a condition requiring the provision of a landscaping scheme to ensure the protection and retention of the existing hedgerows and trees, and to provide a detailed planting schedule, it is not considered that the proposals would result in unacceptable harm to trees, and would secure bio-diversity enhancement measures.

### *Ecology*

- 7.53 The application has also been submitted with a Preliminary Ecological Appraisal (PEA) report. The report identifies that the site was likely to provide suitable terrestrial habitat for amphibians, such as Great Crested Newts (GCN), and for foraging bats, as such suitable mitigation measures are proposed within the report, including the provision of bat boxes, bird boxes and wildlife corridors.
- 7.54 Subject to conditions requiring the submission of a fauna scheme, together with a condition to ensure that the development is undertaken in accordance with the mitigation measures set out in the PEA, the proposal would not result in harm to protected species and would secure bio-diversity enhancement measures., in accordance with Core Policy 12 of the Amended Core Strategy DPD, emerging Policy DM5(b), and guidance contained within the NPPF, which is a material consideration.

### Biodiversity Net Gain

- 7.55 Biodiversity Net Gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) for 'minor sites' such as this on 2 April 2024. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development.
- 7.56 The application is supported by a Biodiversity Net Gain Strategy Report and Statutory Biodiversity Metric. The BNG report identifies that the development would result in an overall habitat area unit change of -1.64 resulting in an overall net change of -92.61%. Therefore, to achieve 10% net gain for area habitats, there is a 1.82 unit deficit. The proposed development would also result in an overall unit change of -0.04 for hedgerow units resulting in a net change of -8.28%. Therefore, to achieve 10% net gain for hedgerows, there is a 0.09 unit deficit.

- 7.57 To provide some net gain on the site, the proposed scheme includes the planting of native hedgerow along the southern boundary of the site, together with the retention of the existing hedgerow along the western boundary. Such habitats would be classed as 'significant on-site enhancement'. In order to secure a proportionate fee associated with the 30-year monitoring of this on-site enhancement, a Unilateral Undertaking will have to be entered into prior to the determination of the application.
- 7.58 In order to make up for the shortfall of on site BNG, the applicant proposes to purchase off-site credits. Both the on-site and off-site BNG will be secured via the biodiversity gain condition, and it has been demonstrated that the development is capable of discharging the Bio-Diversity Net Gain condition.

#### Community Infrastructure Levy

- 7.59 The site is located within Housing High Zone 3 of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £70m2 for CIL purposes.

### **8.0 Implications**

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

#### **Legal Implications – LEG2627/2098**

- 8.1 Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

### **9.0 Conclusion**

- 9.1 Whilst the application site is located within close proximity to the village of Caunton, and is not therefore in an isolated location, it is located outside the settlement boundary and is therefore within the Open Countryside and contrary to Policy DM8.
- 9.2 Whilst the development of this site for housing would be contrary to the settlement hierarchy, given that the District cannot currently demonstrate a five year housing land supply (this currently stands at 3.84 years) the tilted balance under paragraph 11d of the NPPF is engaged, and the provision of housing is given significant weight in the overall planning balance.
- 9.3 In terms of material benefits of the scheme, the proposal would not only contribute to the District's housing supply, it would meet an identified housing need in the form of 3 bedroom bungalows, and provide economic benefits during the construction phase and beyond. The impacts of the proposal upon the setting of the Caunton Conservation Area, highway safety, residential amenity, flooding, trees and ecology are also considered acceptable, in Officer's opinion.

- 9.4 In terms of factors weighing against the scheme, the development of this site with four bungalows would result in some limited intrusion into the open countryside, and future occupiers are likely to require a car to access shopping and health services.
- 9.5 Taking the above into account, it is acknowledged that the proposal would give rise to some harm to the open countryside, but it is considered that the level of harm would be limited, and would not significantly and demonstrably outweigh the benefits. The provision of four additional 3-bed bungalows, together with the associated social and economic benefits, when considered in the context of the tilted balance, are judged to outweigh the identified harm. On this basis, the development is considered to be acceptable and compliant with the overall aims of the development plan and the NPPF, when read as a whole.

## **RECOMMENDATION**

### **10.0 Conditions**

#### **01**

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **02**

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:

Location Plan 0241 01  
Received by the Local Planning Authority 19.11.2025

Site Access Plan 17-0707-001 P02  
Revised Block Plan with site sections 0241 02 Rev J  
Received by the Local Planning Authority 05.03.2026

Floor Plans and Elevations of 3 bed bungalow 0241 04 Rev C  
Received by the Local Planning Authority 23.04.2026

Reason: So as to define this permission.

### **Pre-commencement Conditions**

#### **03**

A. The Biodiversity Gain Plan shall be prepared in accordance with the principles set out within the approved 'Biodiversity Net Gain Strategy' and Statutory Biodiversity Metric both dated 23/10/2025 and produced by JM Ecology.

B. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP) in the form of an annotated plan(s), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and been approved in writing by, the local planning authority and including:

(a) the roles and responsibilities of the people or organisations(s) delivering the HMMP;

(b) the location and details of the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan; and

(c) the management measures to maintain habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.

C. Notice in writing shall be given to the local planning authority when the HMMP works have started.

D. Notice in writing shall be given to the local planning authority when the site construction compound has been removed.

E. A completion report, evidencing the completed enhancements, shall be submitted to, and be approved in writing by the local planning authority within 9 months of the removal of the site construction compound.

F. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

#### **04**

The development hereby approved shall not commence until details of a Construction Management Plan have been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction),
- Locations for loading/unloading and storage of plant, waste and construction materials,
- Method of preventing mud and dust being carried onto the highway,
- Arrangements for turning vehicles,
- Arrangements to receive large vehicles,
- Highway Condition survey,
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents.
- Methods for maintaining safe public access along Public Footpath Cauntton No.7

Reason: In the interests of safe operation of the adopted highway during the construction phase of the development.

## **05**

The development hereby approved shall not commence until details of the existing and proposed ground levels, including finished floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved levels.

Reason: To ensure the development respects the character and appearance of the surrounding area and protects residential amenity.

## **06**

The development hereby approved shall not be constructed above damp-proof course level until drawings of the upgraded dropped crossing works at Mill Lane have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until those works have been constructed in accordance with the approved details.

Reason: To provide safe and suitable access arrangements.

## **07**

The development hereby approved shall not be constructed above damp-proof course level until a Faunal Enhancement Plan has been submitted to, and been approved by, the local planning authority. The plan is to show the type, location of, and details for fixing into place of:

- (i) Three integrated bird boxes on new dwellings;
- (ii) An integrated bat tube/box on a new dwelling; and
- (iii) Details of gaps in fences or walls of a minimum 13 x 13cm to create wildlife access.

The approved bat and bird boxes, and wildlife boundary gaps shall be installed prior to first use of the approved dwellings and prior to removal of the site construction compound. Photographic evidence of the installed boxes and gaps shall be submitted to, and be approved in writing by, the local planning authority to fully discharge the condition. The installed boxes and gaps shall thereafter be retained.

Reason: To provide a measurable gain for biodiversity and maximise opportunities to enhance biodiversity.

## **08**

The development hereby approved shall not be constructed above damp-proof course level until full details and manufacturer's specifications of all external facing materials to be used in the construction of the extension have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- the name of the manufacturer and product reference for all facing materials
- full technical data sheets for fixing methods, jointing details, coursing, profiles and edge treatment
- All new windows must be flush fitted and cannot feature visible trickle vents
- If uPVC or any other synthetic material for new windows are proposed, they must be timber effect with an imitation timber grain
- There must be no cloaking of the eaves or verges
- The roof cannot feature a dry ridge system
- All new Rainwater Goods must be cast metal or cast-metal effect and half round

Reason: To ensure the development preserves the character and appearance of the Caunton Conservation Area.

## **09**

The development hereby shall take place in strict accordance with the Precautionary Methods of Working detailed within Section 6 of the Preliminary Ecological Appraisal Report, October 2025, produced by JM Ecology, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species.

### **Pre-Occupation Conditions**

## **10**

Prior to first occupation of the development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- a) full details of all soft landscaping to be provided on site, to include every tree, shrub, hedge to be planted (including its proposed location, species and size). The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- b) Details of all existing trees, hedgerows and other vegetation to be retained, together with measures for their protection during construction in accordance with BS 5837;
- c) Proposed finished ground levels and any associated earthworks;
- d) Details of all boundary treatments;
- e) full details of all hard surfacing materials to be provided to car parking, pedestrian access and circulation areas on site.
- f) means of enclosure.
- g) A timetable for implementation of the approved works

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

## **11**

Prior to first occupation of the development hereby approved provision shall be made within the application site for an electric vehicle charging facility and cycle parking in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained for the life of the development.

Reason: In the interest of promoting sustainable modes of travel.

## **12**

Prior to first occupation of the development hereby approved the driveway from Mill Lane shall be surfaced in a bound material (not loose gravel) for a minimum distance of 8m from the highway boundary and shall be drained to prevent the unregulated discharge of surface water onto the public highway.

Reason: To ensure appropriate access arrangements are available, to reduce the possibility of deleterious material being deposited on the public highway.

### **Compliance Conditions**

## **13**

The soft landscaping scheme approved under condition 10 shall be completed during the first planting season following the occupation of the first dwelling, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping scheme shall be completed prior to first occupation.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

### **Informatives**

## **01**

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

## **02**

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as there is an increase in net floor area. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision

notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal:

[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

### **03**

For Part B c) of Condition 03 completion of the development, and therefore the start of the 30-year period is considered to be nine months after the removal of the site construction compound. This nine-month period is considered necessary to provide flexibility if this point in the development is reached at a time of the year that is incompatible for seasonal reasons to undertake habitat creation and enhancement works.

### **04**

There is a Public Right of Way running to and adjacent the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department to arrange a temporary closure of the right of way for the duration of any works.

### **05**

The development hereby approved includes the carrying out of work to the highway to improve a vehicular access/dropped crossing. The applicant is advised that before undertaking work on the adopted highway that it will require a Section 184 Licence from the Highway Authority which is available at [Licences@viaem.co.uk](mailto:Licences@viaem.co.uk) The works shall be constructed to the satisfaction of the Highway Authority.

### **06**

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work,
- Minimising the impact of deliveries, parking and work on the public highway,
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression and promoting the Code.

The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation.

## **07**

Please note that the District Council no longer provides wheeled bins for residential developments free of charge. Bins can be purchased from us or any other source provided they conform to appropriate standards and requirements of the Council. Our 'Guidance for new developments - Waste storage and Collection' sets out these standards and requirements and is available on our website at [www.newark-sherwooddc.gov.uk/spds/](http://www.newark-sherwooddc.gov.uk/spds/)

If you wish to purchase wheeled bins or discuss this matter further please contact a member of our Environmental Services Team (tel: 01636 655398 or email: [waste.management@newark-sherwooddc.gov.uk](mailto:waste.management@newark-sherwooddc.gov.uk)).

### BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972. Application case file.



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Delegated Report to: Planning Committee – 07 May 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Ellie Sillah, Senior Planner (Development)

Report Summary			
<b>Application Number</b>	26/00382/PIP		
<b>Proposal</b>	Application for permission in principle for proposed residential development of a minimum of 1 dwelling and a maximum of 5 dwellings		
<b>Location</b>	Land To The East Of Hockerton Road Upton		
<b>Applicant</b>	Isobel Key	<b>Agent</b>	GraceMachin Planning & Property
<b>Registered</b>	3rd March 2025	<b>Target Date/EOT</b>	23.04.2026 EOT 12.05.2026
<b>Recommendation</b>	Grant Permission in Principle		

## Procedural Matters

**Departure from the Development Plan - This application is being referred to the Planning Committee for determination as the recommendation is contrary to the Development Plan (contrary to Policy DM8 – Development in the Open Countryside). The application has also been called in by Cllr Melton.**

### **1.0 The Site**

1.1 The application site is an undeveloped field located to the east of Hockerton Road, covering approximately 0.77 hectares. The site is irregular in shape, with a diagonal boundary line cutting through the field. The remaining portion of the field is outlined in blue on the site location plan, indicating ownership of the applicant. The boundaries to the north, west and south are lined by hedgerow. A Public Right of Way runs just beyond the eastern boundary of the site as shown on the plan below.

1.2 The village of Upton lies to the south and south east of the site, with a modern development of bungalows immediately adjacent on Watchorn Close. Neighbouring the site to the north is the cricket pavilion which operates as a children’s nursery during the week. Surrounding the site are open fields. The site falls within Flood Zone 1 (lowest risk of flooding). The site is located within the Upton Conservation Area and there are no listed buildings within the immediate vicinity.

1.3 The site location plan is shown below:



1.4

1.5 The site has the following constraints:

- Open countryside
- Within the Conservation Area
- Public right of way (runs through the site)

1.6 Photos of the site and surroundings are shown below:

1.7



1.8



## 2.0 **Relevant Planning History**

2.1 No recent planning history.

## 3.0 **The Proposal**

3.1 This application seeks permission in principle for residential development of 1 to 5 dwellings on the site.

3.2 The proposed dwellings would be accessed from Hockerton Road. As the proposal is for permission in principle, no elevational details or plans have been submitted at this stage – details would be considered at the Technical Details Consent stage if permission in principle is approved.

3.3 Documents assessed in this appraisal:

- Application Form
- Site Location Plan received 13<sup>th</sup> March 2026
- Covering email received 13<sup>th</sup> March 2026
- Supporting Letter received 19<sup>th</sup> March 2026
- Copy of Appeal Decision received 19<sup>th</sup> March 2026
- Supporting Letter received 20<sup>th</sup> April 2026

#### **4.0 Departure/Public Advertisement Procedure**

4.1 Occupiers of 13 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visit undertaken on 04.04.2025.

#### **5.0 Policy Planning Framework**

##### 5.2 Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 3 - Rural Areas

Spatial Policy 7 - Sustainable Transport

Core Policy 9 - Sustainable Design

Core Policy 12 - Biodiversity and Green Infrastructure

Core Policy 13 - Landscape Character

Core Policy 14 - Historic Environment

##### 5.3 Allocations and Development Management DPD (2013)

DM5 - Design

DM7 - Biodiversity and Green Infrastructure

DM8 - Development in the Open Countryside

DM9 - Protecting and Enhancing the Historic Environment

DM12 - Presumption in Favour of Sustainable Development

5.4 The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of 'main modifications' to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification took place between Tuesday 16 September and Tuesday 28 October 2025. The next stage in the Examination process will be the Inspector issuing their draft report.

5.5 Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency

with national planning policy. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

- Not subject to a proposed main modification;
- The modifications/clarifications identified are very minor in nature; or
- No objection has been raised against a proposed main modification

Then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

5.6 [Submission Amended Allocations & Development Management DPD](#)

5.7 [Schedule of Main Modifications and Minor Modifications / Clarifications](#)

5.8 [Other Material Planning Considerations](#)

National Planning Policy Framework 2024  
Planning Practice Guidance (online resource)

## **6.0 Consultations and Representations**

Please Note: Comments below are provided in summary - for comments in full please see the online planning file.

### **Upton Parish Council:**

The Parish Council Object on the basis of location:

The field in question is in the Upton Conservation area and outside of the village envelope. Development on this land would alter the visual aspect of the area and create visual harm to the character appearance and significance of the UCA.

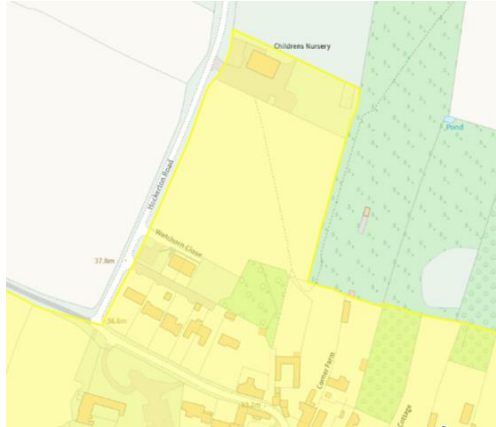
The development would be accessed from Hockerton Lane which is a narrow lane and constrained within its current form, visibility splays would be hard to achieve given the topography of the land and would be a highways safety concern.

This is not an extension of existing development within the village as is suggested but is new development outside of the existing settlement boundary and should be resisted.

### **Representations/Non-Statutory Consultation:**

#### **NSDC Conservation:**

This application seeks approval for development in principle for up to 5 dwellings located in the Upton Conservation Area. The applicant's agent has submitted a supporting statement which incorrectly states the site is not located in the conservation area. I understand this does not materially alter the requirements for a submission at this stage. As such I provide the following comments:



The mapping above shows the application site clearly located within the conservation area boundary. There are no designated or non-designated heritage assets in close proximity. The site is bookended by modern built form; to the south there is a single storey bungalow range of properties set back from Hockerton Road with a large tarmac parking area fronting the site; this makes a harmful contribution to the streetscene of the CA, although its impact is diminished by its single storey height which results in limited overall impact. To the north of the site is the Upton Cricket Pavilion which is a neutral structure and is clearly affiliated with the recreational area of the playing field to the north. The application site is an open piece of greenfield land that is currently used for agricultural purposes. The site boundary is a low rise hawthorn hedge characteristic of the rural location. To the opposite side of Hockerton Road is a similar arrangement of open countryside and green fields. The conservation area boundary is extended to the north of the built settlement of Upton, although the reason for including this field is uncertain. The CA Appraisal states the following:

*There are other overly modern developments in the village, notably "The Close", the houses on the north side of Hockerton Road and some individual modern houses on the east side of Main Road opposite Upton Hall. These developments have been assimilated into the village without significant detriment to it, as they are generally unassuming and their impact is softened by boundary walls, hedges and trees. The cumulative effect of all these developments to date may be described as "neutral" and their siting and design is such that they generally play little part in the composition of the street scene. However, this type of development could be repeated too often, and new development should aim to positively enhance the conservation area instead of merely avoiding offence.*

The Sanderson map of 1835 (see below) shows no built form in this location and it assumed the CA boundary was extended to this point to prevent the spread of modern housing,

following on from the bungalows at the foot of the road, where Hockerton Rd meets Main Street.



6.1.

### Assessment of Proposal

As the application is only for approval in principle, it is not possible to comment in detail at this stage. However, the CA boundary includes this open green field and consideration must be given to the erosion of character through newly built form. The loss of open green space within a CA setting will always amount to harm; in this instance the harm will be to the experience of entering / departing the village. At present, when travelling south / north along Hockerton Road, the experience of entering / departing the village is an open green country lane, which relates positively to the village's rural context. The bungalows at the bottom of Hockerton Road are low profile and do not substantially alter this green and open rural aspect, before the traveller arrives at Main Street, where the historic medieval core of the village begins.

Thus if the field was to be developed upon, it could be deemed harmful to the setting of the conservation area. The field is somewhat detached from the historic core of the village, yet it is still included within the CA boundary. Thus the CA character would have a fragmented and piecemeal layout with up to 5 dwellings on this location; it would not represent a seamless continuation of the urban grain and historic settlement pattern of the village. Notwithstanding this, there is built form with the bungalows at the foot of Hockerton Road. This means development has occurred along this rural secondary lane out of the village, although the nature of its siting, set back behind a tarmac parking area, is harmful. The CA Appraisal states: *However, this type of development could be repeated too often, and new development should aim to positively enhance the conservation area instead of merely avoiding offence.* Thus a repetition of low rise bungalows on this field 'offend' and would amount to harm. Without having further details of the proposal at this initial stage, it is not possible to identify the level of harm. However, it is possible to identify less than substantial harm to the experience of arriving / departing from the Upton Conservation Area, should

any development arise on this green field. The level of harm would be at the moderate to higher level, in accordance with Para 215 and 220 of the NPPF.

### Conclusion

The works are not considered to safeguard the street scene of the conservation area as the proposal presently stands and thus does not accord with the parameters of Para 215 and 220 of the NPPF, or Section 72 of the Listed Building and Conservation Areas Act (1990).

#### **6.2. Comments have been received from 16 third parties/local residents that can be summarised as follows:**

- Site is located outside of the village
- Site is not 'infill' – would be expansion of village
- Site is within the conservation area – information submitted states it is not in the conservation and this is incorrect
- Field is visually important to the conservation area – development would harm the historic environment of the village and rural character of lane
- Grade II\*Upton Hall is nearby and visible from the site – within wider setting
- Hockerton Road is a narrow single lane track with no footpaths or passing places
- Lane is in bad state of repair used by farm traffic and lorries
- Concern over increase in vehicles using lane, blind bends in the road
- Highway safety concerns – particularly for pedestrians, dog walkers, and people with pushchairs/children at the nursery
- Hockerton Road is used for emergency vehicles therefore it is vital it is kept clear at all times
- Hockerton Road is valued by pedestrians, dog walkers and horse riders – development would endanger use of the lane
- Negative impact on wildlife
- Loss of views across field - would be obscured by new housing
- Concern for safety of users of the public right of way and visual impact for users
- Water draining off field onto lane would need to be addressed
- Concerns over surface water and flood risk
- Cumulative impact of new development should be considered
- Adjacent bungalows were built as affordable community housing – exception site on edge of village
- Clearly conflicts with policies relating to conservation area, Landscape Assessment SPD and objectives in the NPPF

3 Comments in support of the application –

- There is a definite need within the village for affordable market housing for first time buyers and those wishing to downsize and stay in the location.
- New dwellings would be an asset to the village – there is waiting list for the adjacent bungalows proving a need for smaller properties within the village
- Increase in vehicle movements will be insignificant compared with existing users
- A small number of high quality bungalows could significantly improve the approach to the village
- Would not be visible from Main Street and not near listed buildings so impact on conservation area would be limited

The above matters are addressed within the appraisal section of this report.

## **7.0 Appraisal**

7.1 The key issues are limited to the following (all other issues would be dealt with at Technical Details Stage if permission in principle is approved):

- Location
- Land Use
- Amount of Development

7.2 The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 ‘Presumption in Favour of Sustainable Development’ of the Allocations and Development Management DPD.

## **7.3 Principle of Development**

7.4 This type of application requires only the principle of the proposal to be assessed against the Council’s Development Plan and the NPPF. The ‘principle’ of the proposal is limited to location, land use, and the amount of development. Issues relevant to these ‘in principle’ matters should be considered at the permission in principle stage. Any other details regarding the development are assessed at the second stage of the process under a ‘Technical Details Consent’ application which must be submitted within 3 years of the Permission in Principle decision (if approved).

### Location

- 7.5 Spatial Policies 1 and 2 of the Amended Core Strategy set out the spatial distribution of growth for the district. The focus for growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages'. In accordance with Spatial Policy 3, proposals outside of settlements and villages, within the open countryside will be assessed against Policy DM8 of the Allocations and Development Management DPD.
- 7.6 The site is located just outside the village of Upton, therefore is within the open countryside. The proposal is for the construction of 1-5 new dwellings. Policy DM8 strictly controls development within the open countryside and only supports new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and are sensitive to the defining characteristics of the local area.
- 7.7 Paragraph 84 of the NPPF seeks to avoid the development of isolated homes in the countryside unless certain circumstances apply. This includes where the development would re-use redundant or disused buildings and enhance its immediate setting.
- 7.8 It is not proposed that the dwellings would be of 'exceptional or innovative design' and with no design to assess at this stage, there is no provision in Policy DM8 to support the development in principle and there is clear conflict with the policy.
- 7.9 Notwithstanding the above, the Council cannot currently demonstrate a 5 year housing land supply (with a current demonstrable supply of 3.84 years). As such, the 'tilted balance' as set out in the NPPF is engaged.
- 7.10 Paragraph 11 of the NPPF (2024) sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination<sup>9</sup>.

- 7.11 Footnote 8 (in relation to out of date policies) states, ‘this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites.’ This means that the Council’s currently adopted Development Plan is out of date.
- 7.12 The proposal therefore falls to be assessed against the criteria set out in paragraph 11. This is discussed below, in relation to location, land use and amount only.
- 7.13 The existing site is undeveloped land in the open countryside and within the conservation area. There is built form to the south (dwellings on Watchorn Close), as well as the cricket pavilion to the north, therefore the dwellings would not be isolated and there would not be conflict with paragraph 84 of the NPPF.
- 7.14 Hockerton Road does not have a footpath and is a national speed limit country road before reaching Upton, which could be seen as a reason to suggest the location is unsustainable. It is noted that the village sign and 30mph limit is located just beyond the access to Watchorn Close, therefore vehicles would begin to slow upon approaching the site from the north. Conditions cannot be added to permission in principle, however there would be potential to require the relocation of the 30mph speed limit further north on Hockerton Road if it was felt necessary by NCC Highways at technical details stage. Although the lack of footpath is not ideal, it is noted that there is no footpath for the entire length of Hockerton Road including within the village, therefore it is not considered that the lack of footpath to this section should be reason to refuse permission in principle. Country roads are typically shared by a variety of users including pedestrians, cyclists, horse riders and vehicles therefore the development would not significantly alter the existing situation, nor significantly increase risk for users.



7.15

7.16 In terms of sustainability, Upton is defined as an 'other village'. There are limited services within Upton – there is a church, a public house, and the adjacent cricket pavillion and children's nursery. Southwell is approximately 3 miles west of Upton and is defined in the Amended Core Strategy as a 'service centre', whereby new development is directed as a sustainable location. A wide range of services would therefore be a short drive from the site and although occupants may somewhat rely on private vehicle, there is a bus service from Upton to Southwell as well as to Newark (from Main Street), therefore services could also be accessed via public transport. The distance to Southwell is also considered reasonable for cyclists. Therefore, on balance, the location of the site is considered sustainable.

#### *Conservation Area*

7.17 The site falls within the conservation area therefore Core Policy 14, DM9, Part 16 of the NPPF, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant. The policies seek to protect and enhance heritage assets within the district whilst Section 72 of the Act sets out a legal duty for local planning authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas when assessing planning applications which affect them.

7.18 At present there are no detailed designs to assess, therefore in relation to the impact on the conservation area, the only consideration is whether development on the land would result in harm (no matter the scale or design) which would provide a strong reason for refusal. The Conservation comments are included in the consultee comment section in full, and note the modern development adjacent to the site which does somewhat harm the character of the conservation area. The conservation area appraisal also acknowledges the modern development within the village, however states that *'this type of development could be repeated too often, and new development should aim to positively enhance the conservation area instead of merely avoiding offence'*.

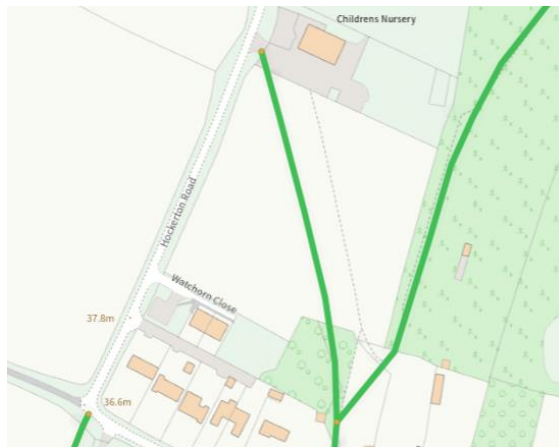
7.19 The conservation comments conclude that development on the site would result in less than substantial harm to the character of the conservation area, albeit the full impact at this stage cannot be assessed given the nature of the application. A full assessment would be made at technical details consent when the full details of the scheme would be submitted. Noting the wording in the conservation area appraisal, if permission in principle is approved, the scheme that comes forward should aim to positively enhance the conservation area.

7.20 Officers agree that development on the site would clearly alter the character of the site and the approach to the village from the north, and as such could result in less than substantial harm. The conservation comments state this would be a moderate to high level of harm (within less than substantial) however without the detail to assess, officers disagree with this level at this stage and consider the harm could be at the lower end of less than substantial harm dependent on design and final number and scale of dwellings.

- 7.21 In any case, Paragraph 215 of the NPPF directs that where there is less than substantial harm, this should be weighed against the public benefits of the proposal. Given the Council's current situation in relation to the lack of 5 year housing land supply, it is considered that small scale residential developments make a valuable contribution towards the Council's housing targets. This is considered a public benefit that would in officers' opinion outweigh the less than substantial harm identified at this stage.
- 7.22 Impact on the conservation area is therefore not considered a strong reason to refuse permission in principle. It should be noted that the Local Planning Authority can refuse a scheme at technical details consent if it is considered to result in harm to the character of the conservation that would not be outweighed by the public benefits – permission in principle only forms planning permission once technical details consent is also approved.

*Public Right of Way*

- 7.23 A public right of way runs through the site (see below). Depending on the proposed layout at technical details stage, the public right of way may require diverting, however it is considered there would be sufficient space on site to construct the proposal without impacting the route or resulting in unacceptable impacts for users. The existence of the public right of way through the site is therefore not a reason to refuse permission in principle.



- 7.24 *Extract from the Nottinghamshire PROW map*

*Land Use*

- 7.25 Although the site is within the open countryside, it is on the edge of the village and next to existing residential development (Watchorn Close). To the north is the cricket pavilion, used during the week as a nursery. It is therefore considered that residential use on the site would not conflict with surrounding uses in principle.

### Amount of Development

- 7.26 The application proposes between 1 and 5 dwellings. The site covers approximately 0.77 hectares which at the maximum number of dwellings proposed would equate to a density of approximately 7 dwellings per hectare (rounded up). This is well below the typical density of 30-50 dwellings per hectare for new residential development, however considering the rural character of the location, the conservation area, and the transition from the village into the open countryside, this amount is considered appropriate, and any more dwellings would likely be considered harmful to the rural character and the conservation area.

### Summary of the Principle of Development

- 7.27 Taking into consideration all of the above, a scheme of 1-5 dwellings would be acceptable in principle, despite the conflict with DM8, as the site would, on balance, be sustainable and would make effective use of land. Development of the site would likely result in less than substantial harm to the character and appearance of the conservation area however it is considered the additional dwellings would contribute to the Council's housing targets which would be a public benefit to outweigh the harm (subject to details at technical details stage). The impact on the conservation area is therefore not a strong reason for refusal at this stage. There are no other adverse impacts identified that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole, therefore, in accordance with paragraph 11, the proposal should be approved.

### Technical Details Consent

- 7.28 The Technical Details Consent application is required to be submitted within three years of the decision date.
- 7.29 Policy DM5(b) of the emerging DPD sets out the criteria for which all new development should be assessed against. These include (but are not limited to): safe and inclusive access, parking provision, impact on amenity, local distinctiveness and character, biodiversity and green infrastructure, and flood risk.
- 7.30 The Technical Details Consent application would need to carefully consider these criteria. These matters are discussed below.

### Impact on Visual Amenity and the Character of the Area

- 7.31 Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment. Policy DM5(b) requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

- 7.32 Core Policy 13 seeks to secure new development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced.
- 7.33 Paragraph 135 of the NPPF directs that development should be visually attractive, sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.34 The site is within Landscape Policy Zone MN PZ 32 Upton Village Farmlands as identified in the Landscape Character Assessment SPD. Characteristics of the landscape include gently undulating topography; medium distance views to frequently wooded skylines, although often enclosed by vegetation – hedgerows, woodland etc.; a mixture of intensive arable fields with strongly trimmed hedges and some low intensity farming with permanent improved pasture, within historic field systems; and some agricultural and leisure development (poultry sheds and Equestrian Centre). The landscape condition is defined as ‘very good’. The landscape action is to conserve, including conserving hedgerows and preventing fragmentation and conserving historic field patterns by containing new development within historic enclosed boundaries. In terms of built features, the SPD seeks to conserve the rural character by keeping new development within the settlement of Upton, and maintain the use of vernacular materials, style and scale in new development.
- 7.35 It is acknowledged that the site location falls outside of the settlement of Upton, however it is within the confines of an existing field and also between Watchorn Close and the cricket pavilion, therefore between existing built form. The design should aim to minimise visual impact and be designed to reflect the local vernacular within Upton.
- 7.36 As noted earlier in the report, the impact on the character and appearance of the conservation area would be a key consideration at technical details stage, and the conservation area appraisal should be taken into account when designing the scheme, to preserve and enhance the character and appearance of the conservation area in line with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the avoidance of doubt, it is not considered that developing the site would impact the setting of the Grade II\* listed Upton Hall which is located over 150m south of site with limited (if any) intervisibility.

#### Impact on Residential Amenity

- 7.37 Policy DM5(b) explains that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

- 7.38 Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users.
- 7.39 The closest dwellings to the site are the bungalows on Watchorn Close. These are separated from the site by hedgerow. It is considered there would be sufficient space on site to accommodate up to 5 dwellings whilst ensuring no unacceptable levels of overlooking, loss of light, or overbearing impact between dwellings on site and neighbouring dwellings. Although the adjacent nursery may be noisy at times such as when children are playing outside, given the hours of operation would be during the daytime, and that noise levels would vary, it is not considered that there would be any unacceptable levels of noise for future occupants of the development that could not be mitigated for. Subject to final layout and scale it is anticipated that impacts on residential amenity would be acceptable.

#### Impact on Highways

- 7.40 Spatial Policy 7 states that new development should provide appropriate and effective parking provision and Policy DM5(b) states that parking provision should be based on the scale and specific location of development.
- 7.41 The Newark and Sherwood Residential Cycle and Car Parking Standards and Design Guide SPD (2021) provides guidance in relation to car and cycle parking requirements. Table 2 of SPD recommends the number of parking spaces depending on the number of bedrooms and location of the dwelling.
- 7.42 Paragraph 116 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.43 Although no detail is provided at this stage, access would be gained from Hockerton Road to the west of the site. The access would be required to comply with the Nottinghamshire County Council Highway Design Guide, with adequate width and visibility splays demonstrated. It is not considered that up to 5 dwellings would result in a significant number of additional vehicle movements. The acceptability in relation to highway safety would be subject to demonstration of adequate access as well as subject to comments from the local Highway Authority. Parking provision would be expected to comply with the Parking Standards and Design Guide SPD.

#### Trees and Landscaping

- 7.44 Policy DM5(b) requires natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.
- 7.45 Paragraph 136 of the NPPF states trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

- 7.46 There are no trees within the site that would require removal and it would be expected that the boundary hedgerows would be retained (apart from partial removal for access). It is therefore considered that the impact on trees would be acceptable. A landscaping scheme which enhances the site would be expected at technical detail stage.

#### Ecology

- 7.47 Policy DM5(b) states that where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to-date ecological assessment. Given the size of the site and the open countryside location there is potential for protected species on site.
- 7.48 A preliminary ecology survey (and any further recommended surveys) would be required as part of the technical details consent application, to fully assess the impact on protected species and recommend any necessary mitigation measures. For the avoidance of doubt, this survey cannot be requested at the Permission in Principle stage (local validation lists do not apply to permission in principle applications).

#### **Community Infrastructure Levy (CIL) –**

- 7.49 The site is located within the Housing Very High Zone 4 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £100m<sup>2</sup> for CIL purposes. The development would be subject to CIL at technical details consent stage. As the proposed floorspace is currently unknown, the CIL charge cannot be advised.

#### **Biodiversity Net Gain**

- 7.50 In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. Permission in principle is not planning permission, and if approved requires the submission of a technical details consent application to form the full permission. Biodiversity Net Gain would be applicable at this stage.

#### **Other Matters**

- 7.51 The application has received a high number of objections. Many note the incorrect statement that the site is outside of the conservation area. This error has been corrected by the agent in a letter received 20<sup>th</sup> April 2026.

- 7.52 The majority of other points raised by the comments received have been addressed within the body of this report. Comments about private views being obscured are acknowledged however this is not a material planning consideration.
- 7.53 Flood risk and drainage would be a matter for the technical details stage, however for the avoidance of doubt, as the site is within Flood Zone 1, there are no concerns in principle with flood risk or drainage.
- 7.54 Housing Mix – At this stage it is unknown how many dwellings would be brought forward (up to 5). Core Policy 3 sets out that the District Council will seek to secure an appropriate mix of housing types to reflect local housing need. Such a mix will be dependent on the local circumstances of the site, the viability of the development and any localised housing need information. The most up to date needs survey for the district is the Arc Housing Needs Assessment 2020. The Needs Assessment was carried out using a multi method approach including a survey of households across the district (13,266 households), an online survey of key stakeholders including representatives from the council and neighbouring council’s district and county councils, councillors, housing associations, house builders, voluntary groups and some independent representatives; and a review of relevant secondary data including the 2011 Census, house price trends, CORE lettings data and MHCLG Statistics. For the purposes of the assessment the district is divided into sub areas. Upton is within the Southwell sub area. The following table sets out the anticipated future market need within the area.

**Table 5.13 Dwelling mix and future development priorities: Southwell**

Dwelling type and number of bedrooms	Current stock profile (%)	Market need profile (%)	Affordable rented need profile (%)	Intermediate need profile (%)
1 to 2-bedroom house	11.6	6.6	0.0	6.0
3-bedroom house	29.0	33.3	42.3	35.8
4 or more-bedroom house	42.8	24.0	0.0	35.8
1-bedroom flat	1.3	0.0	0.0	0.0
2 or more-bedroom flat	1.1	5.6	0.0	0.4
1-bedroom bungalow	0.5	0.0	0.0	2.4
2-bedroom bungalow	6.3	14.8	23.6	7.9
3 or more-bedroom bungalow	6.1	15.2	7.7	11.7
Other	1.4	0.5	26.4	0.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

- 7.55
- 7.56 The housing mix of new developments should broadly reflect the percentages in the market need profile column, however for small scale developments, it is not possible to provide for all needs in the table. An *example* for a development of 5 dwellings could be 2x 3bed dwellings (40%); 1x 4 bed dwelling (20%); 1x 2 bed bungalow (20%); and 1x 3 bed bungalow (20%). As the development is under 10 dwellings there is no affordable housing requirement. The example given may not be appropriate for the site in question, as large scale detached dwellings (such as a 4 bed) would likely be considered harmful in the rural setting. The

circumstances of the site in this case should therefore inform the final scheme over and above the dwelling mix, although the needs assessment should be taken into account.

## **8.0 Implications**

8.1 In writing this report and in putting forward recommendation's officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

### **8.2 Legal Implications – LEG2627/3497**

8.3 Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

## **9.0 Conclusion and Recommendation**

9.1 Further to the above assessment, it is recommended that permission in principle for a minimum of 1 and a maximum of 5 dwellings on the site is approved.

## **10.0 Conditions**

**It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. It is possible for the local planning authority to attach planning conditions to a technical details consent providing they meet existing requirements around the use of conditions.**

**Local planning authorities may agree planning obligations at the technical details consent stage where the statutory tests have been met. Planning obligations cannot be secured at the permission in principle stage. Local planning authorities can inform applicants that planning obligations may be needed at the technical details consent stage.**

### Informatives

01

An application for the approval of Technical Details Consent must be submitted within 3 years from the date of this decision.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to: Planning Committee – 07 May 2026  
 Business Manager Lead: Oliver Scott – Planning Development  
 Lead Officer: Jared Pailing – Planning Development Officer

Report Summary			
<b>Application Number</b>	26/00377/PIP		
<b>Proposal</b>	Application for permission in principle for proposed residential development of a minimum of 1 dwelling and a maximum of 4		
<b>Location</b>	Land Adjacent Apple Cottage Bilsthorpe Road Eakring		
<b>Applicant</b>	J Meanley	<b>Agent</b>	Grace Machin Planning & Property
<b>Registered</b>	16.03.2026	<b>Target Date</b>	20.04.2026 EOT – 11.5.26
<b>Recommendation</b>	That Permission in Principle is Approved		

**This application is brought to committee in line with the adopted LPA constitution as the proposal site lies outside of the village in open countryside and is therefore a departure from policy.**

## 1.0 The Site

- 1.1 The site (outlined in red) comprises of a rectangle parcel of undeveloped land measuring 0.39 hectares in area, fronting onto Bilsthorpe Road on the outskirts of the village. The site is enclosed by a level of foliage and is accessed via a posted entrance on the highway. Visibility to the site is clear and open with the site and wider field being clearly visible from the roadside.
- 1.2 The village of Eakring is located to the east. It has a strong residential character and is fairly densely populated for a village. The village of Eakring Conservation Area encompasses almost the entire village with a few areas to the west and south excluded with the site located just outside of it as shown on fig. 2 below.



Figure 1 - Red Line boundary of site

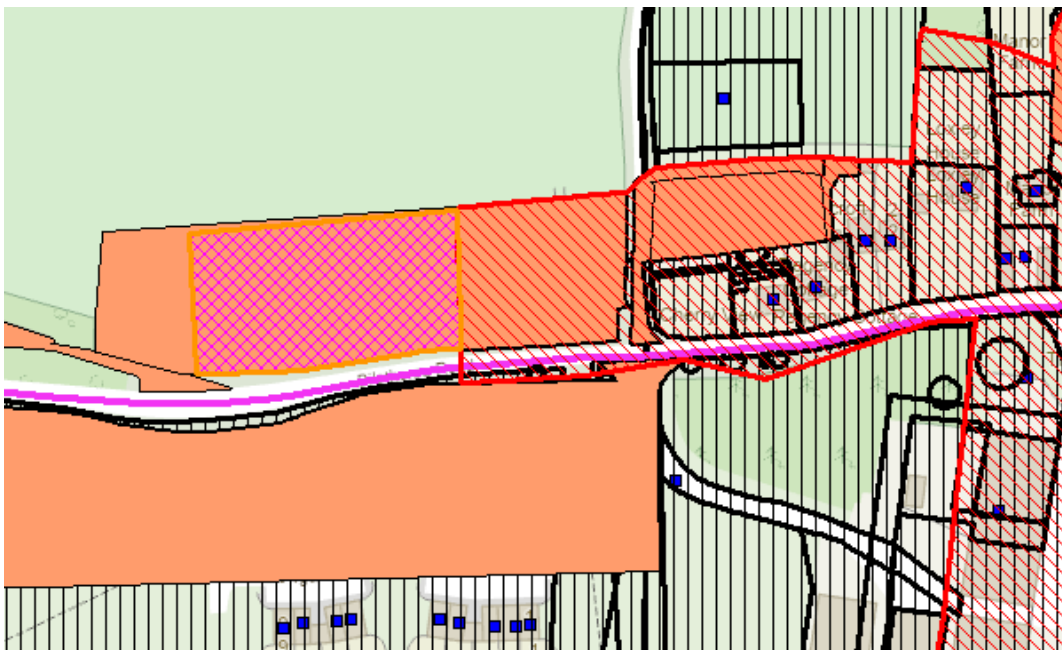


Figure 2 – Uniform map showing extent of Conservation Area in red

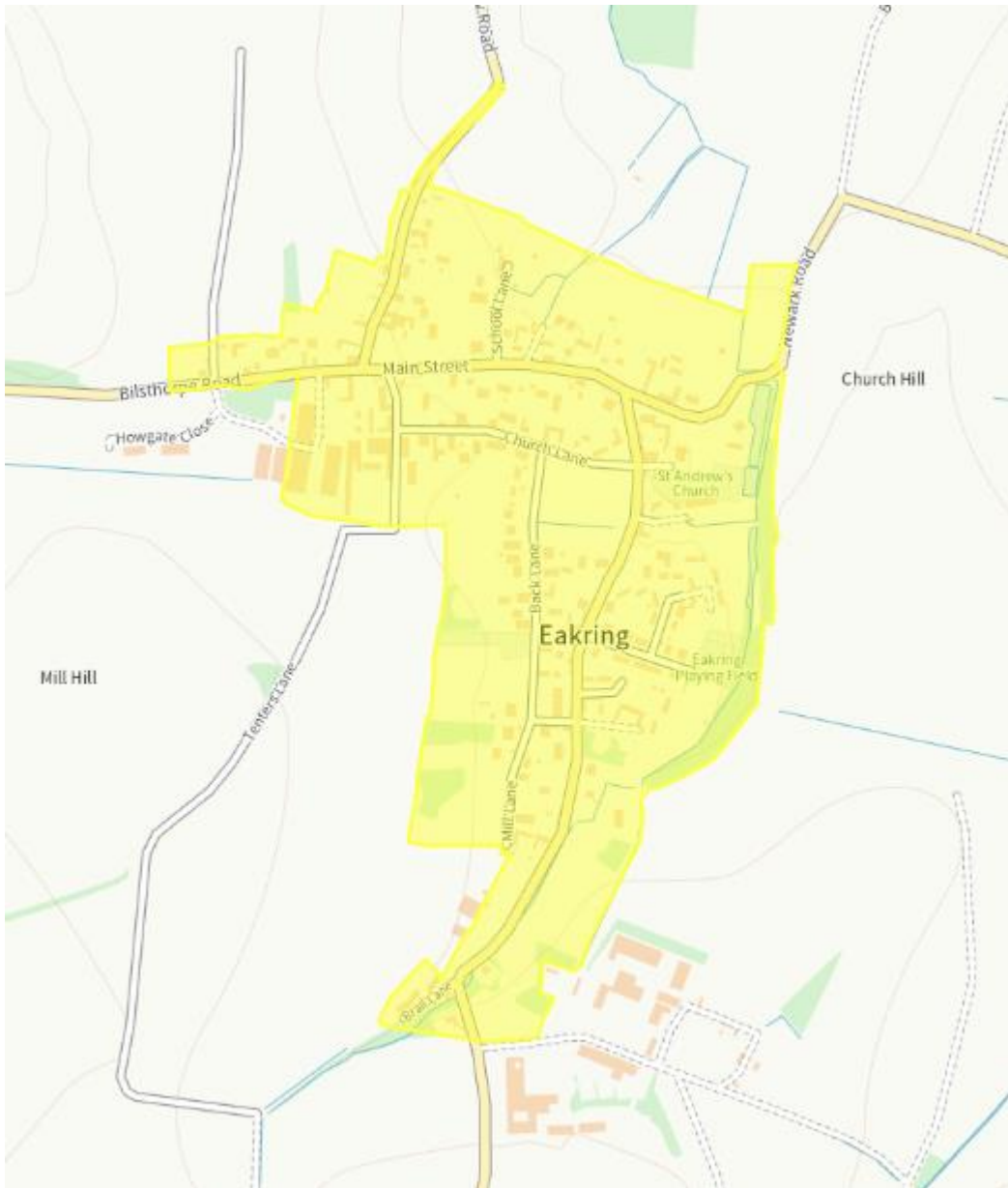


Figure 3 - Nottinghamshire Historic Environment Record showing CA

1.3 The site is not within a conservation area but immediately adjacent and there are no listed buildings nearby. The site has the following constraints:

- Flood Zone 1
- Non-designated Heritage Asset Of Apple Cottage immediately adjacent to the site
- Non-designated Heritage Asset Of Ashcroft and adjoining 2 Bilsthorpe Road located further along Bilsthorpe Road into the village.

## **2.0 Relevant Planning History**

2.1 PREAPP/00294/24 - Development of 12 new homes. – Considered to be acceptable.

## **3.0 The Proposal**

3.1 The application seeks Permission in Principle (the first of a 2-stage process) for residential development of up to 4 dwellings with a minimum of one. No specific details are required at this stage.

3.2 Permission in Principle requires only the location, the land use, and the amount of development to be assessed. If residential development (as is the case in this application), the description must specify the minimum and maximum number of dwellings proposed.

3.3 It is the second stage of the process, Technical Details Consent, which assesses the details of the proposal. This must be submitted within 3 years of the Permission in Principle decision.

3.4 Documents assessed in this appraisal:

- Application form – Submitted 13<sup>th</sup> March 2026;
- Site Location Plan (DRWG 01) – Submitted 13<sup>th</sup> March 2026;
- Supporting Letter from Agent – Submitted 20<sup>th</sup> March 2026;
- Appeal Decision – Submitted 20<sup>th</sup> March 2026;

## **4.0 Departure/Public Advertisement Procedure**

4.1 Occupiers of 11 properties have been individually notified by letter. A site notice has also been displayed near to the site expiring 2.4.2026

4.2 Site visit undertaken 18 March 2026.

## **5.0 Planning Policy Framework**

### **The Development Plan**

#### **5.1. Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 6 – Shaping our Employment Profile
- Core Policy 9 -Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

## 5.2. **Allocations & Development Management DPD (2013)**

- DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- DM8 – Development in the Open Countryside
- DM12 – Presumption in Favour of Sustainable Development

5.3. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of 'main modifications' to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification took place between Tuesday 16 September and Tuesday 28 October 2025. The next stage in the Examination process will be the Inspector issuing their draft report.

5.4. Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

5.5. Not subject to a proposed main modification; The modifications/clarifications identified are very minor in nature; or No objection has been raised against a proposed main modification then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

5.6. [Submission Amended Allocations & Development Management DPD](#)

5.7. [Schedule of Main Modifications and Minor Modifications / Clarifications](#)

- a. DM5b – Design

## 5.8. **Other Material Planning Considerations**

National Planning Policy Framework 2024

Planning Practice Guidance (online resource)

NSDC Landscape Character Assessment SPD 2013

NSDC Residential Cycle and Car Parking Standards 2021

NCC Highways Design Guide

## **6.0 Consultations and Representations**

- 6.1. Comments below are provided in summary - for comments in full please see the online planning file.

### **Statutory Consultations**

- 6.2. **NCC Highways** – Consider the development frontage width is adequate to provide suitable access to 1-4 dwellings. They have noted that the site is within close proximity to a change in speed limit to national speed limit and would consider it necessary for visibility splays to be provided in accordance with the measured 85<sup>th</sup> speed of the road.

### **Town/Parish Council**

- 6.3. **Eakring Parish Council** – no comments received at this stage

### **Representations/Non-Statutory Consultation**

- 6.4. NSDC Conservation – The site contributes to the rural setting of the CA and Non-designated heritage assets, and the proposal would therefore have some impact on their setting. Whilst there are concerns regarding the piecemeal erosion of the rural setting on the fringe of the CA, the impact would be limited, subject to the design, scale, massing, form, plot layouts and materials. They would be looking for a scale which sits comfortably with Apple Cottage and the design should reflect the NHDA and local vernacular. Overall, conservation do not object to the principle of 1-4 dwellings in the proposed location subject to technical detail factors.
- 6.5. Three neighbours have commented to object to the proposal. Their objections can be summarised as concerns over harm to the setting of the nearby conservation area, sustainability of the site being unachievable due to Eakring being an “other village” with a lack of services and loss of the rural limit of the village and its open spaces.

## **7.0 Appraisal**

- 7.1. The key issues are:
- Principle of Development
  - Location
  - Land Use
  - Amount of Development
- 7.2. All other matters would be considered as part of the Technical Details Consent (Stage 2) application which would be required if permission in principle (Stage 1) is approved.
- 7.3. The National Planning Policy Framework 2024 (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance

with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management Development Plan Document (DPD).

- 7.4. On 16 December 2025 the Government Published a consultation on proposed reforms to the NPPF (2024). The consultation and draft NPPF do not constitute Government Policy or Guidance. However, they are capable of being material considerations in the assessment of this application. As the policy document is in the early stages of consultation it has been afforded limited weight.

#### Principle of Development

- 7.5. This type of application requires only the principle of the proposal to be assessed against the Council's Development Plan and the NPPF. The 'principle' of the proposal is limited to location, land use, and the amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Any other details regarding the development are assessed at the second stage of the process under a 'Technical Details Consent' application which must be submitted within 3 years of the Permission in Principle decision (if approved).

#### Location

- 7.6. The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District (Spatial Policy 1). The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres, and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. In accordance with Spatial Policy 3 (Rural Areas), proposals outside of settlements and villages, within the open countryside, will be assessed against Policy DM8 of the Allocations and Development Management DPD.
- 7.7. Eakring is not defined within the settlement hierarchy and is therefore an 'other village'. Proposed Developments within these villages are assessed against Spatial Policy 3 'Rural Areas'. The locational criteria outlined in Spatial Policy 3 supports the development of sites within sustainable accessible villages. In decision making terms this means locations within the existing built extent of the village, which includes dwellings and their gardens, commercial premises, farmyards and community facilities. It would not normally include undeveloped land, fields, paddocks or open spaces which form the edge of built form.

- 7.8. Eakring, along with many other villages in the district, does not have an established village envelope. The site is located outside of the main built-up area of the settlement but just after the village sign if approaching from the west of the village. For these reasons it is considered the site falls outside of the village and is within the open countryside. There is a detached red brick cottage to the east of the site titled 'Apple Cottage' whilst to the south on the adjacent side of the road is the Howgate Close Development of up to 9 homes, previously refused at committee but allowed on appeal due to their high sustainability factor.
- 7.9. Previous pre-apps have considered the location of the site as 'adjacent' to Apple Cottage, which itself was questionable as to whether it is within the village or not. The officer conclusion was that Apple Cottage is within the village and the site in question is adjacent to it and therefore, adjacent to the village. It has been previously acknowledged that the Howgate development had extended the built form of the area, but not the village boundary of which there is no envelope and was only allowed on appeal. As such, the site was considered to be outside of the village and continues to be so for the purposes of this application.
- 7.10. Given the site's established location within the open countryside, the proposal needs to be assessed against Policy DM8 (Development in the Open Countryside).
- 7.11. Policy DM8 provides for a number of developments that may be acceptable subject to meeting defined criteria and states permission for new houses will only be granted where 'they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.'
- 7.12. Paragraph 84 of the NPPF states homes in the open countryside should be avoided unless there is an essential need for a rural worker dwelling or 'it is of exceptional quality and truly outstanding, reflecting the highest standards of architecture, and would help raise standards of design more generally in rural areas and significantly enhance its immediate setting'.
- 7.13. Eakring is considered an 'other village' and has a noticeable lack of services within the village. The Daffodil Tearoom is in operation and serves as a general café or similar rather than a service provider. There is a limited degree of specialist businesses operating within the village, none of which would be considered as providing a needed service.
- 7.14. The NPPF (2024) has introduced changes to the way in which local authorities formulate the number of new homes needed to be delivered in their areas and as such the need for houses in the District has increased significantly which means that the Authority is no longer able to demonstrate a five-year supply of housing. The LPA is currently only able to demonstrate a housing land supply of 3.84 years. This means that the Development Plan is now out of date in terms of housing delivery and the tilted balance has come into effect.

- 7.15. The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. This means the Authority has a duty to ‘...grant permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 7.16. Footnote 8 (in relation to out of date policies) states, ‘this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’
- 7.17. As such, whilst the site is located within the open countryside and is contrary to the settlement hierarchy, the tilted balance is engaged, and the provision of housing is given additional weight in the planning balance. Smaller unallocated sites, such as this site, will play a small role in helping the district to meet its housing targets and identified housing needs and given its location adjacent to an existing settlement this is considered acceptable.
- 7.18. In terms of sustainability, although nearby Eakring has very little services to offer, the site is located 2.4 miles away from the principal village of Bilsthorpe with a 4 minute drive between the two. It would take 49 minutes to walk from Eaking to Bilsthorpe but take c12 minutes on a bike. Further to this, the village has bus services of 28b which runs roughly every hour through Bilsthorpe, Rainworth and Mansfield. The 364 school service which offer regular services from Southwell to Bilsthorpe, Eakring, Wellow, Ollerton, Edwinstowe and Cavendish. The 27x bus also runs through the village once a day following the same path as 28b but omits Bilsthorpe, therefore providing access to the principal village of Bilsthorpe and the Service Centre of Clipstone through various bus services.
- 7.19. The site would provide up to 4 additional housing units on the edge of the village on land considered open countryside. At this stage it is not known whether these would be bungalows or houses, these details would come at the technical detail stage. It is considered that four 1-2 two storey houses are likely to be most appropriate however this will be dealt with at the technical details stage.
- 7.20. In terms of impact on the adjacent conservation area, there is a limited degree of impact on the non-designated heritage assets located to the east of the site at Apple Cottage and another further into the village. These buildings are typically of a traditional rural character in their design. Directly opposite the site is a modern eco

housing development. The site is an open piece of land bounded by trees and hedgerows with open countryside extending outwards from the site away from the conservation area. Naturally any loss of open spaces on the edge of the settlement could cause visual harm, however, it is noted that conservation have not considered there to be any harm in principle, subject to technical details at this stage.

- 7.21. Built form has already been established on the adjacent roadside of more modern dwellings which forms part of the areas character; however, the technical details stage offers an opportunity to have a degree of control over any potential impact. Sympathetic designs reflective of the rural nature and character, reflecting the wider village and nearby non-designated heritage assets would help minimise any impact on the Conservation Area.

#### Land Use

- 7.22. Residential is a suitable use of the land considering the proximity to the village of Eakring and the Service Centre of Clipstone and principal village of Bilsthorpe, as well as its position adjacent to a small number of other dwellings. The development of this site would also broadly reflect the existing pattern of development found along this section of Bilsthorpe Road with dwellings along the highway.
- 7.23. The site would be bounded by agricultural land to the north and west. Although the agricultural land appears to be continued to be used as such with no evidence to suggest otherwise, it is not considered that there would be no a conflict between the two uses of agricultural and residential operating side by side.

#### Loss of Agricultural Land

- 7.24. As the site lies in the open countryside, Policy DM8 is relevant insofar as the impact of the loss of agricultural land. The final paragraph of this policy states 'Proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental and community benefits that outweigh the land loss.'
- 7.25. Clearly agricultural land is an important natural resource and how it is used is vital to sustainable development. The Agricultural Land Classification system classifies land into 5 grades, with Grade 3 subdivided into sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a (as defined by the NPPF) and is the land which is most flexible, productive and efficient in response to inputs, and which can best deliver food and non-food crops for future generations. This is a method of assessing the quality of farmland to assist decision makers.
- 7.26. Estimates in 2012 suggest that Grades 1 and 2 together form about 21% of all farmland in England; Subgrade 3a also covers about 21%. The vast majority of land within the Newark and Sherwood District is Grade 3. There is no Grade 1 land (excellent quality) or Grade 5 land (very poor) in the Newark and Sherwood district. There are limited amounts of Grade 2 (very good) and 4 (poor) land.

- 7.27. Having reviewed Natural England's Regional Agricultural Land Classification Maps, the application site is Grade 2 land (Very Good).
- 7.28. The loss of this 'Very Good' agricultural land measuring a modest 0.39 hectares, should therefore be considered against any benefits the proposed development could potentially bring about, in the overall planning balance. The site forms part of a wider agricultural field that would remain in use. Therefore, in the wider scheme of things, a substantial amount of usable farmland would be retained.

#### Amount of Development

- 7.29. The application proposes 4 dwellings. The site covers approximately 0.39 hectares. The generally accepted density for new residential development within the district is 30 dwellings per hectare. The number of dwellings on site would be 4, which equates to an approximate density of 10.3 dwellings per hectare. Given the rural, open countryside location this ratio is considered acceptable, as any higher density would likely result in an unacceptable visual impact, traffic generation, drainage, sewerage or local infrastructure, in accordance with SP3 (this would be a matter for the TDC stage).

#### Planning Balance

- 7.30. In this instance, the location is considered to be within the open countryside adjacent the built village of Eakring. There are no impacts at this stage that would warrant refusal when applying the tilted balance in accordance with paragraph 11(d) of the NPPF, which favours the presumption in favour of development unless there are convincing issues which would warrant refusal. Whilst Eakring is an 'other village', with little in terms of the essential amenities, Eakring has transport connections to Clipstone which is a service centre with plenty of amenities through a bus service as well as proximity via bus, cycle and car to the principal village of Bilsthorpe. Considering the Council's lack of a five-year housing land supply, and an out-of-date local plan, the provision of housing is given additional weight in the planning balance. At this stage, there are no impacts that would significantly or demonstrably outweigh the provision of housing, in accordance with NPPF paragraph 11(d). The proposal is therefore considered acceptable in principle when applying the tilted balance.

#### **Matters for Technical Details Consent Stage**

- 7.31. The Technical Details Consent application would be required to be submitted within three years of the decision date if the application was approved. Policy DM5 of the DPD sets out the criteria for which all new development should be assessed against. These includes, but are not limited to, safe and inclusive access, parking provision, impact on amenity, local distinctiveness and character, and biodiversity and green infrastructure. These policies are now reflected in the emerging plan policy DM5b.
- 7.32. The technical details consent application would need to carefully consider these criteria. Residential is a suitable use of the land considering the proximity to the village.

### Impact on Visual Amenity and the Character of the Area

- 7.33. Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 7.34. Core Policy 13 seeks to secure new development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced.
- 7.35. Paragraph 135 of the NPPF states inter-alia that development should be visually attractive, sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.36. The site is located within the Mid Nottinghamshire Farmlands Regional Character Area in the Newark and Sherwood Landscape Character Assessment (2010). Just outside the site falls the MN PZ 31 Eakring Village Farmlands with Ancient Woodland and MN PZ 26 Eakring Brail Wood Village Farmlands with Ancient Woodlands
- 7.37. MN PZ 26 describes the area as having gently undulating rounded topography, blocks of mixed deciduous woodland, predominantly medium scale arable field systems and medium distance views to frequently wooded skylines. The landscape condition is defined as very good, and sensitivity as moderate. The intention of the policy is to 'conserve' the ecological diversity of woodland and maintain hedgerows as well as conserving the local character by the use of vernacular materials, styles and scale in any new developments around the conservation area of Eakring.
- 7.38. MN PZ 31 mirrors PZ 26 with gently undulating topography, medium distance views to frequently wooded skylines, blocks of mixed deciduous woodland and intensive arable fields with trimmed hedges and low intensity farming with permanent improved pastures. The landscape condition is defined as very good, and sensitivity as moderate with the intention to conserve.
- 7.39. The landscape of the area is rural with views of open fields with the village scene located close by. The immediate area is characterised by a rural road bordered with fields or grass land either side leading out of the village, past the proposed site and further into the distance. The settlement of Eakring is located close by to the east, with the conservation area starting at Apple Cottage immediately next to the site.
- 7.40. The topography of the site is flat and gradually sloping further into the field outside of the red line boundary. The immediate neighbour is a two story reflecting the rural character of the site in its red brick design. Therefore, regarding impact on the landscape, up to four dwellings of up to two storeys could be acceptable if developed with an appropriate rural design that reflects the agricultural nature of the area and historic fabric of the nearby village.

- 7.41. In terms of design, these details are to be considered at the technical stage and at this stage of the application hold little weight, however, any design put forward should be sympathetic to the rural character of the area, village and close proximity neighbours, that is to say for example a clear new build design as often seen in more urban areas would be unlikely to be supported. The design should aim to minimise the visual intrusion, to ensure there is no harm, or the level of harm is limited, to the character of the area and surrounding landscape. Soft landscaping should also be utilised to achieve an acceptable design.
- 7.42. Comments from neighbours regarding concerns on the historic fabric of the area and character are noted, however, these details are subject to appraisal in the technical details stage. No details have been submitted at this stage for appraisal, nor are they required.

#### Impact on Residential Amenity

- 7.43. Policy DM5 of the DPD states that development should have regard to its impact upon the amenity of surrounding land uses and neighbouring development to ensure that the amenities of neighbours and land users are not detrimentally impacted. The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.
- 7.44. Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users. The closest dwelling is Apple Cottage located immediately east of the proposed site with the site sharing a boundary. To the south on the adjacent side of the road is a limited number of properties on the Harrowgate development separated by the highway.
- 7.45. There are no indicative plans to determine what impact the development may have at this stage, but this would be covered under the technical details stage. Nonetheless, consideration should be given to the potential impact on the neighbours to the east. To avoid any unacceptable impacts on amenity for neighbouring occupants in relation to overbearing impact, loss of light or loss of privacy (subject to final details) the comments objecting to the proposal are noted and should be taken into consideration regarding the overall design.

#### Impact on Highways

- 7.46. Spatial Policy 7 states that new development should provide appropriate and effective parking provision and Policy DM5 states that parking provision should be based on the scale and specific location of development. The Newark and Sherwood Residential Cycle and Car Parking Standards and Design Guide SPD (2021) provides guidance in relation to car and cycle parking requirements. Table 2 of SPD recommends the number of parking spaces depending on the number of bedrooms and location of the dwelling.

- 7.47. Paragraph 116 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.48. No plans have been submitted that detail any entrance to the site at this stage. The current entrance to the site is located to the south. Highways have reviewed the application and stated that they believe the access for up to four dwellings could be achievable but require visibility splays to be certain. These will be expected in any technical details stage.
- 7.49. Parking provision would need to adhere to the recommendations set out in Table 2 of the SPD. For dwellings with up to 2-3 bedrooms 2 spaces would be required and for 4+ bedrooms 3 spaces would be required.

#### Trees, Landscaping and Ecology

- 7.50. Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. The NPPF also includes that opportunities to incorporate biodiversity in and around developments to provide net gains should be encouraged
- 7.51. The site is an undeveloped area of grassland lacking in any substantive features such as trees or landmarks. A limited degree of trees are located towards the boundary entrance. Nonetheless, it is important that all development does not adversely impact the natural environment or surrounding character unnecessarily and that construction is carried out proactively to protect existing ecological features. If development is proposed close to established trees/hedgerows or would result in the removal of such features, a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan, indicating where trees or hedgerows may be affected by the proposed development would be required. This includes on adjacent land or highways. The survey would need to include all the information required as per the specification of BS 5837: 2012, or by any subsequent updates to this standard. Further information can be found in the NSDC List of Local Requirements Validation Checklist.
- 7.52. Landscaping and green infrastructure should be incorporated into the proposal in line with Policy DM7. It is strongly recommended that replacement trees of a similar species should be included in the landscaping plan to replace any further trees that require removal (if any).

#### Flood Risk

- 7.53. Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD along with the NPPF set out a sequential approach to flood risk which is reflected in Policy DM5. Core Policy 9 requires new development proposals to pro-actively manage surface water.

- 7.54. Para 172 of the NPPF states that all plans should apply a sequential, risk-based approach to the location of the development taking into account all sources of flood risk and the current and future impacts of climate change.
- 7.55. The application site is located within Flood Zone 1, the lowest risk of flooding. As such, the sequential test is automatically satisfied. In accordance with national and local policy, any flood risk information to be submitted at the technical details stage should be proportionate to the level of risk. This is expected to include confirmation of the flood zone, demonstration of how surface water will be appropriately managed on site, suitable drainage and attenuation measures to ensure risk of flood is not increased elsewhere.

#### Contamination Risk

- 7.56. Policy DM10 of the DPD states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development.
- 7.57. Paragraph 196 of the NPPF states planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990
- 7.58. Aerial photographs show the site with clear signs of agricultural use from 2007 to potentially 2022 in the wider area and including the site. Due to the previous agricultural use of the site there is potential for contamination. A Phase 1 Contamination Survey would be required to be submitted as part of the Technical Details Consent application. The Council's Environmental Health team would be consulted for comments at Technical Details Consent stage.

#### Community Infrastructure Levy (CIL)

- 7.59. The site is located within the Housing Low Zone 1 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £0m<sup>2</sup> for CIL purposes. The development would be subject to CIL at Technical Details Consent stage. As the proposed floorspace is currently unknown, the CIL charge cannot be advised.

#### Biodiversity Net Gain (BNG)

- 7.60. Biodiversity Net Gain (BNG) – In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on

biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. The TDC application would need to clearly set out how the application complies with one of the exemptions for BNG or detail how BNG would be achieved on-site or in accordance with the BNG hierarchy.

## **8.0 Implications**

In writing this report and in putting forward recommendation's officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

## **9.0 Conclusion**

9.1. The purpose of this application is to assess the acceptability of the proposal on the application site, in relation to location, land use, and amount of development, in principle only. Any other issues should be assessed at Technical Details stage. Further to the above assessment, it is considered that the location and land use is suitable for a minimum of 1 and a maximum of 4 dwellings and is an acceptable amount of development for the site. The principle of development is therefore acceptable subject to final details, mitigation measures, access arrangements and site-specific impacts, which would be assessed in detail at Technical Details Consent stage.

9.2 It is therefore recommended that unconditional Permission in Principle is approved.

9.3 It should be noted that conditions cannot be attached to a Permission in Principle. Conditions would be attached to the Technical Details Consent. The Permission in Principle and the Technical Details Consent together form the full permission. No development can commence until both have been approved.

9.4 Technical Consent Submission Requirements:

- Completed Technical Details Consent Application Form
- Site Location Plan
- Existing and Proposed Site Plan (including details of access, boundary treatments and landscaping)
- Existing and Proposed Plans and Elevations
- Preliminary Ecology Assessment (and any follow-up surveys as recommended)
- Tree survey, Arboricultural Impact Assessment and Tree Protection Plan (where relevant)
- Contaminated Land Desktop Study/Preliminary Risk Assessment
- Details of BNG
- Comprehensive Flood Risk Assessment

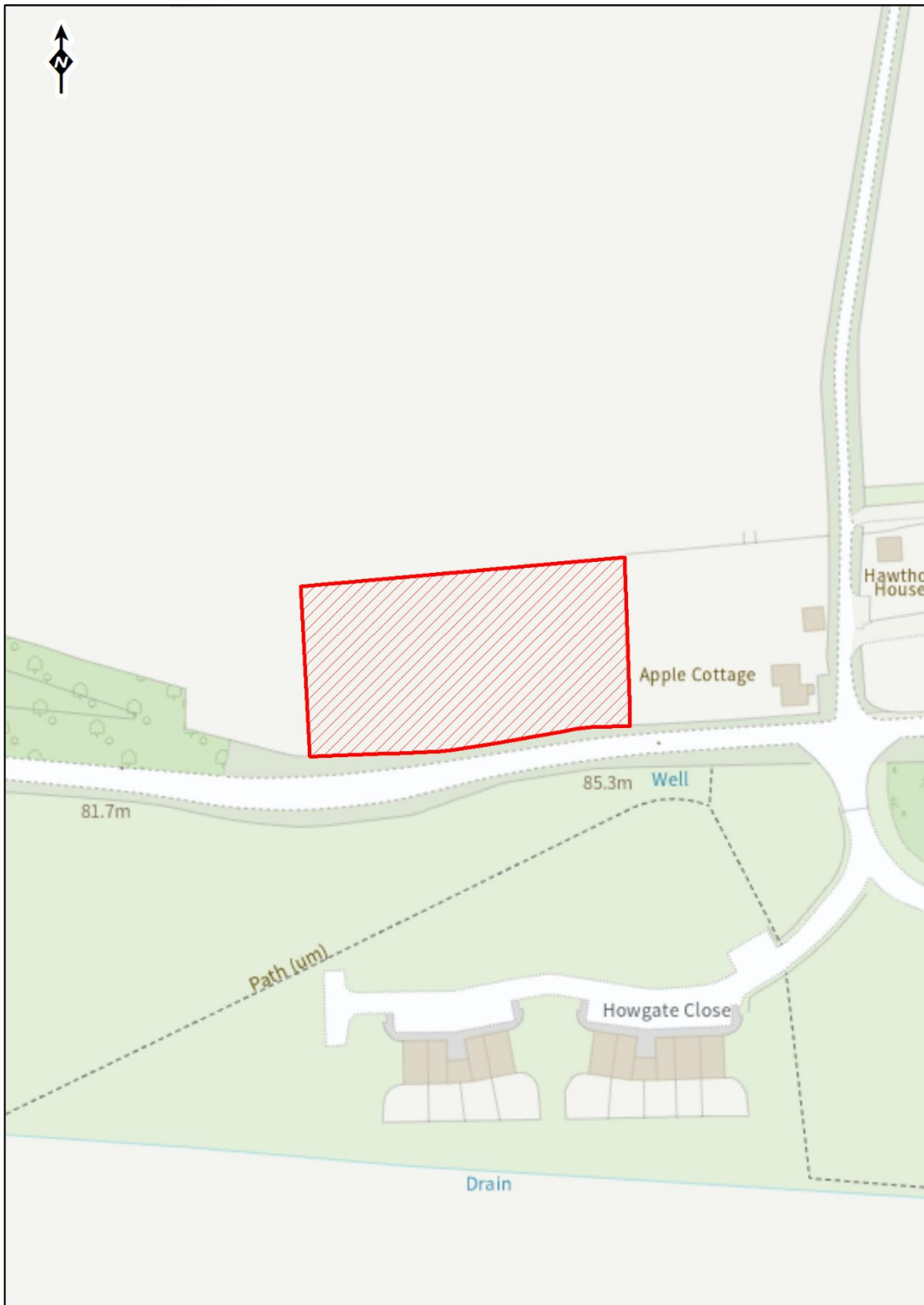
## **10.0 Informative Notes to the Applicant**

- 01 The Technical Details Consent application is required to be submitted within three years of the decision date. The Council's Development Plan Policy sets out the criteria for which all new development should be assessed against. These includes but is not limited to safe and inclusive access, parking provision, drainage, impact on amenity, local distinctiveness and character, heritage matters and biodiversity and green infrastructure. The technical details consent application would need to carefully consider these criteria and the Applicant's attention is drawn to the Officer Report that accompanies this decision for further advice on these criteria.
- 02 The grant of permission in principle is not within the scope of biodiversity net gain (as it is not a grant of planning permission), but the subsequent technical details consent (as a grant of planning permission) could be subject to the biodiversity gain condition.
- 03 You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Any subsequent technical details submission may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)
- 04 The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

### **Background Papers**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



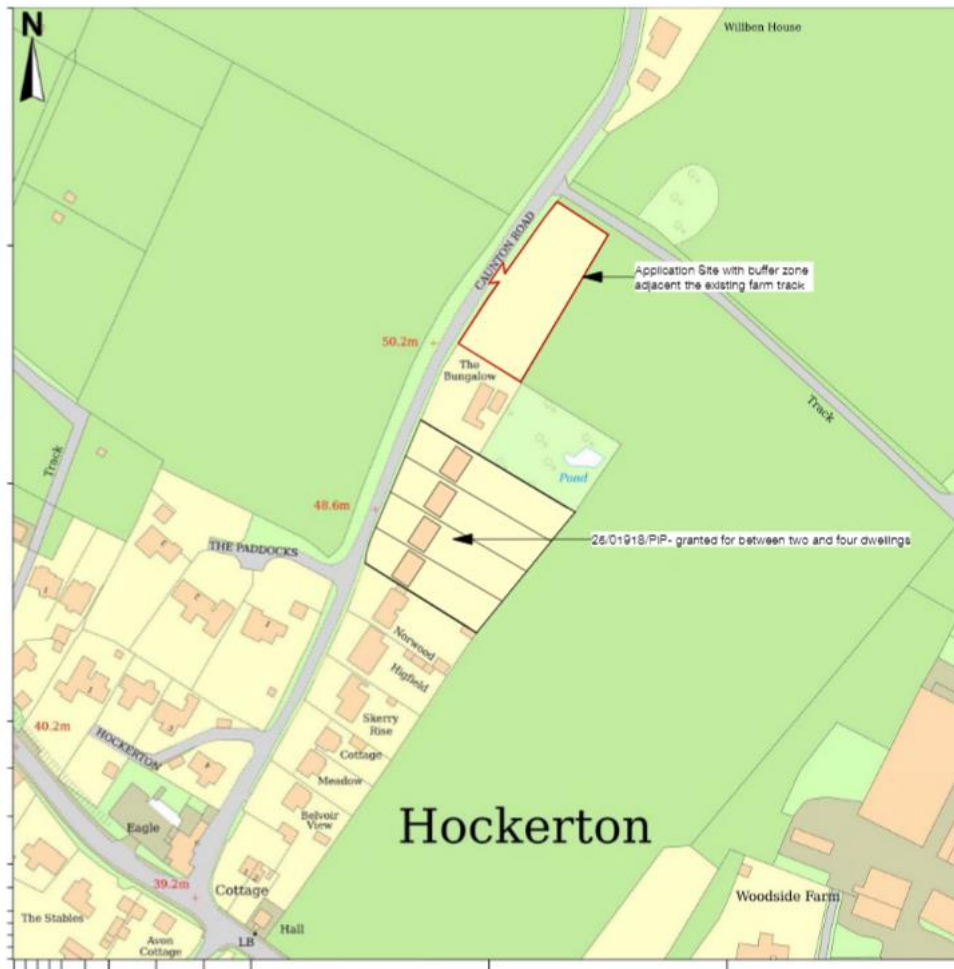
Report to: Planning Committee - 07 May 2026  
 Business Manager Lead: Oliver Scott – Planning Development  
 Lead Officer: Jamie Pegram – Planning Development Officer

Report Summary			
<b>Application Number</b>	26/00448/PIP		
<b>Proposal</b>	Application for permission in principle for a minimum of 1 dwelling and maximum of 2 dwellings		
<b>Location</b>	Land South East Of Caunton Road Hockerton NG25 0PL		
<b>Web Link</b>	<a href="#">26/00448/PIP   Application for permission in principle for a minimum of 1 dwelling and maximum of 2 dwellings   Land South East Of Caunton Road Hockerton NG25 0PL</a>		
<b>Applicant</b>	Mr Richard Craven	<b>Agent</b>	Mr George Machin
<b>Registered</b>	23.03.2026	<b>Target Date</b>	29.04.2026
		<b>Extension of Time</b>	08.05.2026
<b>Recommendation</b>	That Permission in Principle is Approved		

**This application is being referred to the Planning Committee for determination as the application represents a departure from the development plan.**

## 1.0 The Site

- 1.1 The site is located on Caunton Road just beyond the main built-up area of the village. The field is situated north of and adjacent to a single storey dwelling known as The Bungalow when heading away from Hockerton.
- 1.2 The site is within Flood Zone 1 and has no identified risk of surface water flooding.



## 2.0 Relevant Planning History

25/01918/PIP - Application for permission in principle for residential development for a minimum of two and up to four dwellings (Permitted 06.11.2025)

20/00042/DEC - Outline application for two detached dwellings (access only) (Appeal Dismissed 30.12.2020)

20/00225/OUT - Outline application for two detached dwellings (access only) (Refused 26.03.2020)

19/00661/OUT - Outline application for three affordable shared ownership dwellings (access only) (Refused 29.05.2019)

18/00016/DEC - Outline permission for 6 new homes for local people with a specific housing need; and provision of dedicated car parking for the Village Hall, areas around the Village Hall incorporating extension to building and new amenity area for the local community to use (Appeal Dismissed 27.03.2019)

17/02139/OUT - Outline permission for 6 new homes for local people with a specific housing need; and provision of dedicated car parking for the Village Hall, areas around the Village Hall incorporating extension to building and new amenity area for the local community to use (Refused 07.03.2018)

43891594 – Residential Development for Two Dwellings (Refused 30.01.1990)

### **3.0 The Proposal**

- 3.1 The application seeks Permission in Principle (the first of a 2-stage process) for residential development of a minimum of 1 and up to 2 dwellings. No specific details are required at this stage.
- 3.2 Permission in Principle requires only the location, the land use, and the amount of development to be assessed. If residential development (as is the case in this application), the description must specify the minimum and maximum number of dwellings proposed.
- 3.3 It is the second stage of the process, Technical Details Consent, which assesses the details of the proposal. This must be submitted within 3 years of the Permission in Principle decision.
- 3.4 The proposed dwellings would create a new residential access off Caunton Road which connects to Main Street which is the main road through the village. As the proposal is for permission in principle, no elevational details or plans have been submitted at this stage – details would be considered at the Technical Details Consent stage if permission in principle is approved.
- 3.5 Documents assessed in this appraisal:
- Application Form received 25.03.2026
  - Site Location Plan Drawing 01 received 25.03.2026
  - Letter from Agent Received 25.03.2026

### **4.0 Departure/Public Advertisement Procedure**

- 4.1 Occupiers of 8 properties have been individually notified by letter. A site notice has also been displayed near to the site expiring 16.04.2026
- 4.2 Site visit undertaken 31.03.2026

### **5.0 Planning Policy Framework**

#### **The Development Plan**

- 5.1. **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**
- Spatial Policy 1 - Settlement Hierarchy
  - Spatial Policy 2 - Spatial Distribution of Growth
  - Spatial Policy 3 – Rural Areas
  - Spatial Policy 7 - Sustainable Transport
  - Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
  - Core Policy 6 – Shaping our Employment Profile
  - Core Policy 9 -Sustainable Design
  - Core Policy 12 – Biodiversity and Green Infrastructure
  - Core Policy 13 – Landscape Character
  - Core Policy 14 – Historic Environment

## 5.2. **Allocations & Development Management DPD (2013)**

- DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- DM8 – Development in the Open Countryside
- DM9 – Protecting and Enhancing the Historic Environment
- DM12 – Presumption in Favour of Sustainable Development

*The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on 18 January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of ‘main modifications’ to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification took place between Tuesday 16 September and Tuesday 28 October 2025. The next stage in the Examination process will be the Inspector issuing their draft report.*

*Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;*

- *Not subject to a proposed main modification;*
- *The modifications/clarifications identified are very minor in nature; or*
- *No objection has been raised against a proposed main modification*

*Then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.*

[Submission Amended Allocations & Development Management DPD  
Schedule of Main Modifications and Minor Modifications / Clarifications](#)

## 5.3. **Other Material Planning Considerations**

- National Planning Policy Framework 2025
- Planning Practice Guidance (online resource)

## **6.0 Consultations and Representations**

- 6.1. Comments below are provided in summary - for comments in full please see the online planning file.

### **Statutory Consultations**

- 6.2. **NCC Highways** – The application is for minimum of one dwelling and maximum of two dwellings, the site is considered appropriate for a private vehicle-led form of development, as no pedestrian access is available. Given the site frontage vehicular access can be provided in accordance with the highways design guide and should be positioned centrally within the frontage to achieve appropriate visibility in both directions.

The proposed level of development is unlikely to result in a material increase in vehicular movements and, as such no highway safety concerns are identified in traffic terms.

Should the proposal proceed to the Technical Details Consent stage, full consideration will be required in respect of visibility splays in accordance with the highways design guide.

### **Town/Parish Council**

- 6.3. **Hockerton Parish Council** – No Comment.

### **Representations/Non-Statutory Consultation**

- 6.4. Neighbour & Public consultations – No comments received

## **7.0 Appraisal**

- 7.1. The key issues are:
- Location
  - Land Use
  - Amount of Development
- 7.2. All other matters would be considered as part of the Technical Details Consent (Stage 2) application which would be required if permission in principle (Stage 1) is approved.
- 7.3. The National Planning Policy Framework 2024 (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management Development Plan Document (DPD).

### Principle of Development

- 7.4. This type of application requires only the principle of the proposal to be assessed against the Council's Development Plan and the NPPF. The 'principle' of the proposal is limited to location, land use, and the amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Any other details regarding the development are assessed at the second stage of the process under a 'Technical Details Consent' application which must be submitted within 3 years of the Permission in Principle decision (if approved).
- 7.5. The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the district (Spatial Policy 1). The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres, and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the district. Applications for new development beyond Principal Villages, as specified within Spatial Policy 1, will be considered against the 5 criteria within Spatial Policy 3 (Rural Areas).

### Location

- 7.6. The site is located within the open countryside outside of the main built-up settlement, however adjacent to housing within the village. The village itself is an 'other village' as set out within the Settlement Hierarchy, therefore would fall to be assessed against SP3. Policy SP3 states Development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Policies to deal with such applications are set out in the Allocations & Development Management DPD.
- 7.7. Policy DM8 states that planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area. The proposal is for permission in principle, therefore the design and architectural merit of the proposal is unknown at this stage. Therefore, the proposal is in conflict with Policy DM8.
- 7.8. Following the publication of the updated NPPF on 12 December 2024, the LPA can no longer demonstrate a 5-year housing land supply. The development plan is therefore not up to date for decision making in respect of housing and the tilted balance will need to be applied as the NPPF is an important material planning consideration.

- 7.9. The NPPF has introduced changes to the way in which local authorities formulate the number of new homes needed to be delivered in their areas and as such the need for houses in the district has increased significantly which means that the Authority is no longer able to demonstrate a five-year supply of housing. The LPA is currently only able to demonstrate a housing land supply of 3.84 years. This means that the Development Plan is now out of date in terms of housing delivery and the tilted balance has come into effect.
- 7.10. The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. This means the Authority has a duty to ‘...grant permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, in particular those for the location and design of development (as set out in chapters 9 and 12) and for securing affordable homes’
- 7.11. Footnote 7 of the NPPF (2024) sets out the certain protected areas/assets that could provide a strong reason for refusing development, these include habitat sites, SSSIs, designated heritage assets and areas at risk of flooding. Where a protected asset or designation provides a strong reason for refusing development this would outweigh the tilted balance and the benefits of housing provision. There are no protected assets or areas that would provide a strong reason for refusing development on this site.
- 7.12. As such, whilst the site is located within the open countryside, contrary to the settlement hierarchy and policy DM8, the tilted balance is engaged, and the provision of housing (for 2 dwellings) is given additional weight in the planning balance. Smaller unallocated sites, such as this site, will play a key role in helping the district meet its housing targets and identified housing needs.
- 7.13. The site will provide a minimum of 1 and up to 2 units on the edge of the village but into land considered open countryside, at this stage it is not known whether these would be bungalows or houses, these details would come at the technical detail stage.

#### Land Use

- 7.14. Residential is a suitable use of the land considering the proximity to the village. The site is adjacent the village next to an existing dwelling and site that has been determined as acceptable for housing in principle. Therefore the proposal would expand the village rather than fragment it by using land that is adjacent to existing development and proposal land. Highways have raised no objection to the residential element of this proposal in principle subject to technical details having appropriate visibility splays. The site is not located within the conservation area and whilst there is a grade II\* church within the village there are no intervisible views from the site, with this in mind the land use proposed is considered appropriate.

### Loss of Agricultural Land

- 7.15. As the site lies in the open countryside, Policy DM8 is relevant insofar as the impact of the loss of agricultural land. The final paragraph of this policy states 'Proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental and community benefits that outweigh the land loss'.
- 7.16. Agricultural land is an important natural resource and how it is used is vital to sustainable development. The Agricultural Land Classification system classifies land into 5 grades, with Grade 3 subdivided into sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a (as defined by the NPPF) and is the land which is most flexible, productive and efficient in response to inputs, and which can best deliver food and non-food crops for future generations. This is a method of assessing the quality of farmland to assist decision makers.
- 7.17. Estimates in 2012 suggest that Grades 1 and 2 together form about 21% of all farmlands in England; Subgrade 3a also covers about 21%. The vast majority of land within the Newark and Sherwood District is Grade 3. There is no Grade 1 land (excellent quality) or Grade 5 land (very poor) in the Newark and Sherwood district. There are limited amounts of Grade 2 (very good) and 4 (poor) land.
- 7.18. Having reviewed Natural England's Regional Agricultural Land Classification Maps, the application site is Grade 3 land (Good to Moderate). Therefore, the site includes best and most versatile land. Policy DM8 is permissive of proposals where, sufficient land of a lower grade (Grades 3b, 4 and 5) is unavailable, or the benefits of the development justify the loss of high-quality agricultural land. The Natural England agricultural land classification data (LCD) indicates that there are no areas of lesser quality land surrounding Hockerton that would not be included as best and most versatile land. Regardless, the Council can only demonstrate a 3.84-year housing land supply, which is a significant shortfall. As such, the provision of 1-2 dwellings to the areas housing land supply would represent a notable benefit of the proposal. Further benefits to the local economy both short term during construction, but also longer term due to future occupants spend in the local area and use of services and facilities would also flow from the proposal. Given the small scale of the site and associated BMV, this would constitute a sufficient benefit justifying the loss of BMV.
- 7.19. The loss of this 'Good to Moderate' agricultural land measuring a up to 0.22 hectares should therefore be considered against any benefits the proposed development could potentially bring about, in the overall planning balance.

### Amount of Development

- 7.20. The application proposes between 1 and 2 dwellings, it is noted the other approved permission in principle on the land nearby is for 2 to 4 dwelling therefore a total of up to 6 new dwellings could potentially be developed off Caunton Road subject to technical details. This application proposes up to 2 on a separate parcel of land. The

site covers approximately 0.22 hectares. The general accepted density for new residential development within the district is 30 dwellings per hectare. The maximum number of dwellings on site would be 2, which equates to an approximate density of 9.09 per hectare. Given the rural, edge of settlement location, this is considered acceptable and would not be considered to introduce a harmful density in terms of wider impacts, such as visual impact, traffic generation, drainage, sewerage or local infrastructure, in accordance with SP3 (this would be a matter for the TDC stage).

- 7.21. The maximum number of dwellings proposed here would be up to 2 units which would not overwhelm the village, given the transport links to and from the village to larger service centre towns and principal villages, there would be sufficient services to serve the additional dwelling(s) at an appropriate distance. Furthermore 2 dwellings would not overwhelm services and facilities within the village such as the church and transports services, nor public house and schools within the catchment.

#### Planning Balance

- 7.22. In this instance, the location is considered to be within the open countryside adjacent the built village of Hockerton. There are no impacts at this stage that would warrant refusal when applying the tilted balance in accordance with paragraph 11(d) of the NPPF, which favours the presumption in favour of development unless there are convincing issues which would warrant refusal. Whilst Hockerton is an 'other village', with some but not all the essential amenities, Hockerton has transport connections to Farnsfield which is a principal village with plenty of amenities, and Newark which is a regional centre. Considering the Council's lack of a five-year housing land supply, and an out-of-date local plan, the provision of housing is given additional weight in the planning balance. At this stage, there are no impacts that would significantly or demonstrably outweigh the provision of housing, in accordance with NPPF paragraph 11(d). The proposal is therefore considered acceptable in principle when applying the tilted balance.

#### **Matters for Technical Details Consent Stage**

- 7.23. The Technical Details Consent application would be required to be submitted within three years of the decision date if the application was approved. Policy DM5(b) of the Amended ADM DPD sets out the criteria for which all new development should be assessed against. These includes, but are not limited to, safe and inclusive access, parking provision, impact on amenity, local distinctiveness and character, and biodiversity and green infrastructure. The technical details consent application would need to carefully consider these criteria.
- 7.24. It should be noted that the proposal is sited within a historic landscape and therefore policies DM9 and CP14 are relevant as well as Section 16 of the NPPF which is a material planning consideration, the site is located within historic landscape and has the potential for archaeological findings therefore a heritage assessment will be required at technical details stage and it may be appropriate for archaeological findings to be provided.

Impact on Visual Amenity and the Character of the Area

- 7.25. Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment. Policy DM5(b) requires the local distinctiveness of the district's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 7.26. Core Policy 13 seeks to secure new development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced.
- 7.27. Paragraph 135 of the NPPF states inter-alia that development should be visually attractive, sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.28. In relation to landscape impacts, the proposed site is within the Mid Nottinghamshire Farmlands Policy Zone (MN PZ 34) 'Hockerton Village Farmlands' character area as defined within the Council's Landscape Character Supplementary Planning Document (SPD). The landscape generally within the zone is very gently undulating. Visual features tend to be medium distance views to frequently wooded skylines, although often enclosed by vegetation, and there is a mixture of intensive arable fields with strongly trimmed hedges and low intensity farming with permanent improved pasture. The landscape condition is described as good with a few detracting features including the A617, and landscape sensitivity is defined as moderate. The policy action for the zone is to 'Conserve and Reinforce' with policy actions to conserve the rural character of the landscape.
- 7.29. Policy DM5(b) states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. In accordance with Core Policy 13, all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document.
- 7.30. No details of the proposed scheme have been submitted at this stage. The design, scale and layout of the dwellings will be a key consideration at Technical Details Stage. The proposed dwellings should not result in harm or detrimental impact on the character or appearance of the area. The construction of 1 to 2 new dwellings would be more prominent than the existing site. The design should aim to minimise the visual impact due to the adjacent to village open countryside location, to ensure there is no harm, or limited harm, to the character of the area and surrounding landscape. Soft landscaping should also be utilised to achieve an acceptable design.

### Impact on Residential Amenity

- 7.31. Policy DM5(b) of the Amended ADM DPD states that development should have regard to its impact upon the amenity of surrounding land uses and neighbouring development to ensure that the amenities of neighbours and land users are not detrimentally impacted. The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.
- 7.32. Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users.
- 7.33. There is a dwelling located directly south and one further north of the land, however the land is of substantial size whereby acceptable amenity and separation distances could be achieved. The proposed site is substantial in size, and it is considered that up to 2 dwellings with sufficient amenity garden space and parking would be achievable. The proposal could be located an acceptable distance from neighbours to avoid overbearing, overshadowing or privacy impacts. At this stage it is not possible to fully assess amenity due to there only being a site location plan provided, however sufficient spacing from neighbouring dwellings can be achieved given the scale of the site. This would be subject to technical details and further assessment.

### Impact on Highways

- 7.34. Spatial Policy 7 states that new development should provide appropriate and effective parking provision and Policy DM5 states that parking provision should be based on the scale and specific location of development. The Newark and Sherwood Residential Cycle and Car Parking Standards and Design Guide SPD (2021) provides guidance in relation to car and cycle parking requirements. Table 2 of SPD recommends the number of parking spaces depending on the number of bedrooms and location of the dwelling.
- 7.35. Paragraph 116 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.36. A new access would be created onto Caunton Road. The highways authority have commented and have no objection to the residential access in principle, provided appropriate visibility splays are provided at technical stage, the proposal can be achieved without impacting on highway safety.
- 7.37. Overall, it is considered that the scheme could accord with policy however this would be subject to a separate assessment of technical details.

### Trees, Landscaping and Ecology

- 7.38. Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5(b) of the DPD states that natural features of importance within or adjacent to development sites

should, wherever possible, be protected and enhanced. The NPPF also includes that opportunities to incorporate biodiversity in and around developments to provide net gains should be encouraged

- 7.39. An access can be created without impacting on any trees or hedges, the scheme does not appear to be proposing to remove any trees within the site or around the access. The site frontage does have overgrown foliage, but this is long grass and other species of wild shrubs, rather than a hedge. In order to consider the potential impact of the development a Preliminary Ecology Appraisal (PEA) and any follow up surveys that are recommended would be required to support the Technical Details Consent application.
- 7.40. Ultimately it is important that all development does not adversely impact the natural environment or surrounding character unnecessarily and that construction is carried out proactively to protect existing ecological features. If development is proposed close to established trees/hedgerows or would result in the removal of such features, the following would be required: a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan, indicating where trees or hedgerows may be affected by the proposed development. This includes on adjacent land or highways. The survey would need to include all the information required as per the specification of BS 5837: 2012, or by any subsequent updates to this standard. Further information can be found in the NSDC List of Local Requirements Validation Checklist.
- 7.41. Landscaping and green infrastructure should be incorporated into the proposal in line with Policy DM7. It is strongly recommended that replacement trees of a similar species should be included in the landscaping plan to replace any trees that require removal (if any).

#### Contamination Risk

- 7.42. Policy DM10 of the DPD states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development.
- 7.43. Paragraph 196 of the NPPF states planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990
- 7.44. Due to the previous agricultural use of the site there is potential for contamination. A Phase 1 Contamination Survey would be required to be submitted as part of the Technical Details Consent application. The Council's Environmental Health team would be consulted for comments at Technical Details Consent stage.

### Community Infrastructure Levy (CIL)

- 7.45. The site is located within the Housing Very High Zone 4 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £100m2 for CIL purposes. The development would be subject to CIL at Technical Details Consent stage. As the proposed floorspace is currently unknown, the CIL charge cannot be advised.

### Biodiversity Net Gain (BNG)

- 7.46. Biodiversity Net Gain (BNG) – In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. The TDC application would need to clearly set out how the application complies with one of the exemptions for BNG or detail how BNG would be achieved on-site or in accordance with the BNG hierarchy.

## **8.0 Implications**

In writing this report and in putting forward recommendation's officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

### Legal Implications – LEG2627/3212

- 8.1. Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

## **9.0 Conclusion**

- 9.1. The purpose of this application is to assess the acceptability of the proposal on the application site, in relation to location, land use, and amount of development, in principle only. Any other issues should be assessed at Technical Details stage. Further to the above assessment, it is considered that the location and land use is suitable for 1 – 2 dwellings and is an acceptable amount of development for the site. The principle of development is therefore acceptable subject to final details, mitigation measures, access arrangements and site-specific impacts, which would be assessed in detail at Technical Details Consent stage.
- 9.2 It is therefore recommended that unconditional Permission in Principle is approved.

9.3 It should be noted that conditions cannot be attached to a Permission in Principle. Conditions would be attached to the Technical Details Consent. The Permission in Principle and the Technical Details Consent together form the full permission. No development can commence until both have been approved.

9.4 Technical Consent Submission Requirements:

- Completed Technical Details Consent Application Form
- Site Location Plan
- Existing and Proposed Site Plan (including details of access, boundary treatments and landscaping)
- Existing and Proposed Plans and Elevations
- Preliminary Ecology Assessment (and any follow-up surveys as recommended)
- Tree survey, Arboricultural Impact Assessment and Tree Protection Plan (where relevant)
- Contaminated Land Desktop Study/Preliminary Risk Assessment
- Heritage Assessment (Archaeological surveys would be welcomed)
- Details of BNG

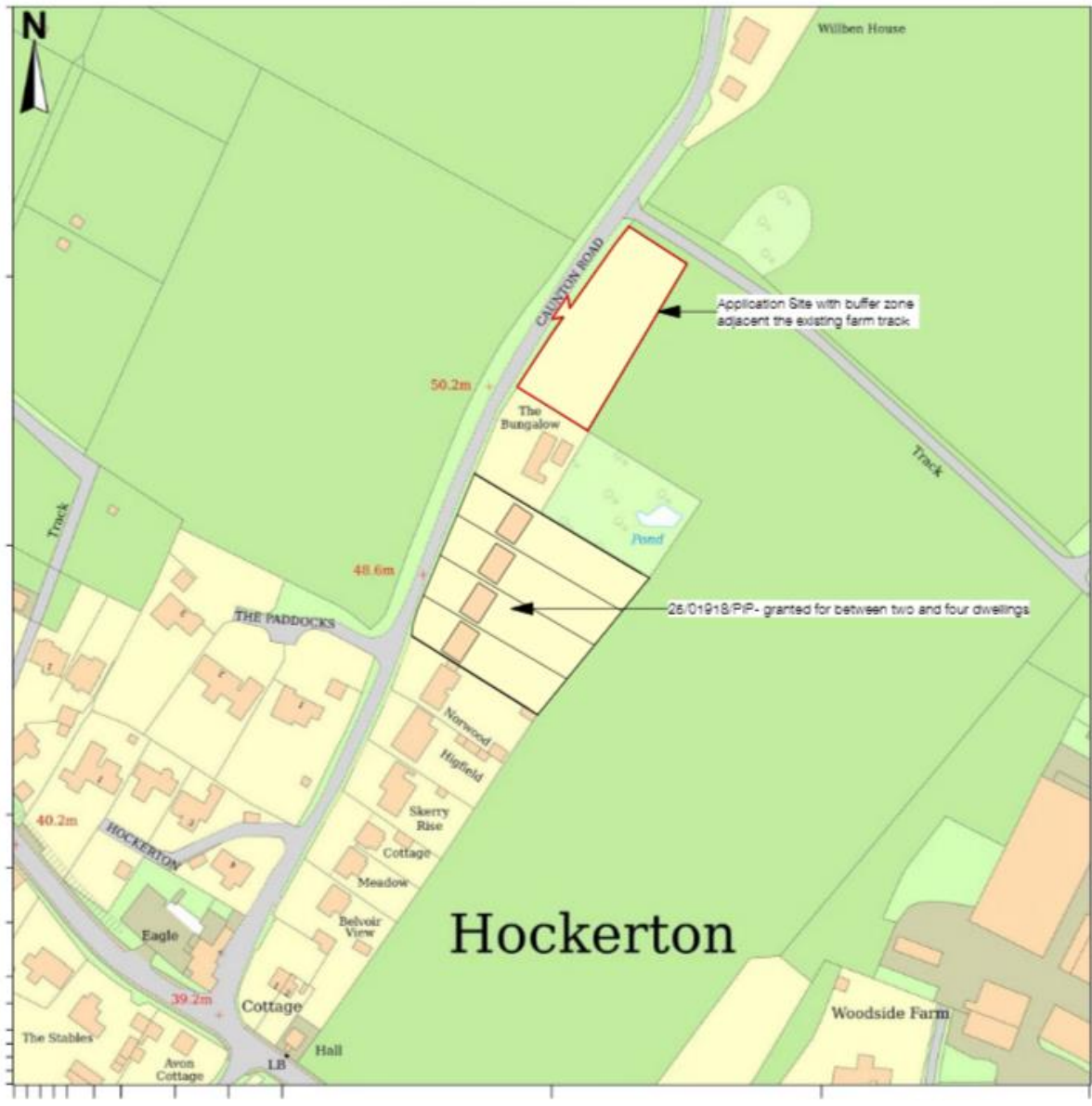
## **10.0 Informative Notes to the Applicant**

01 The Technical Details Consent application is required to be submitted within three years of the decision date. The Council's Development Plan Policy sets out the criteria for which all new development should be assessed against. These includes but is not limited to safe and inclusive access, parking provision, drainage, impact on amenity, local distinctiveness and character, heritage matters and biodiversity and green infrastructure. The technical details consent application would need to carefully consider these criteria and the Applicant's attention is drawn to the Officer Report that accompanies this decision for further advice on these criteria.

### **Background Papers**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.





© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to: Planning Committee - 07 May 2026  
 Business Manager Lead: Oliver Scott – Planning Development  
 Lead Officer: Yeung Browne – Planning Development Officer

Report Summary			
<b>Application Number</b>	26/00235/ADV		
<b>Proposal</b>	4 hoardings to existing windows		
<b>Location</b>	Forest Centre Indoor Market and Former Lloyds Bank Forest Road Ollerton		
<b>Applicant</b>	Newark & Sherwood District Council		
<b>Registered</b>	24.02.2026	<b>Target Date</b>	21.04.2026
		<b>Agreed Extension of Time</b>	14.05.2026
<b>Recommendation</b>	That Planning Permission is Approved subject to the conditions detailed at Section 10		

**This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation because Newark & Sherwood District Council is the applicant.**

## 1.0 The Site

- 1.1 The application relates to the Forest Centre Indoor Market and the former Lloyds Bank off Forest Road at Ollerton. The proposed site is part of the Ollerton Town Centre Regeneration Project (OTCRP). The proposed site is also within ‘New Ollerton Colliery’, the planned element of the historic colliery village identified as a Non-Designated Heritage Asset (NDHA) in accordance with the Council’s adopted NDHA Criteria.
- 1.2 The current application is for the windows displays to promote the OTCRP. These windows are positioned facing Forest Road, two on the current Forest centre (nos. 1 & 2) and two on the previous Lloyds Bank (nos. 3 & 4).



1.3 The site is within the Ollerton District Centre & Boughton Local Centre Policy OB/DC/1 for retail allocation, and section of the entire site is part of OB/Re/2 Ollerton & Boughton – Retail Allocation 2.

## 2.0 Relevant Planning History

2.1 25/01999/FULM – Pending consideration for ‘Demolition of The Forest Centre 111 Forest Road, the Former Lloyds TSB Bank Forest Road and the Town Hall, Sherwood Drive, and the erection of a mixed use proposed development including: a cinema/ leisure use/ café building; retail (Class E(a)), customer service/office facilities (class E(c)) and ancillary/shared areas; commercial office units (Class E(c)); and associated infrastructure; landscaping; public realm areas; and the erection of three dwellings with access and parking’

2.2 72910230 – Extend opening hours of hot food takeaway from 12:00pm to 12:00 am Monday to Sunday. Approved 04.06.1991

2.3 72910342 – Installation of extractor duck and cow. Approved 09.05.1991

2.4 72901472 – Change of use of shop unit to class A3 (hot food take away). Approved 21.01.1991.

2.5 72890407 – Alterations & extension to form 12 retail units. Approved 19.07.1989

## 3.0 The Proposal

3.1 The application seeks permission for four temporary window displays on the windows of the existing Forest Centre Indoor Market And former Lloyds Bank off Forest Road at Ollerton and relate to the Ollerton Town Centre Regeneration Project. The window displays/posters will be positioned on the windows fronting Forest Road.



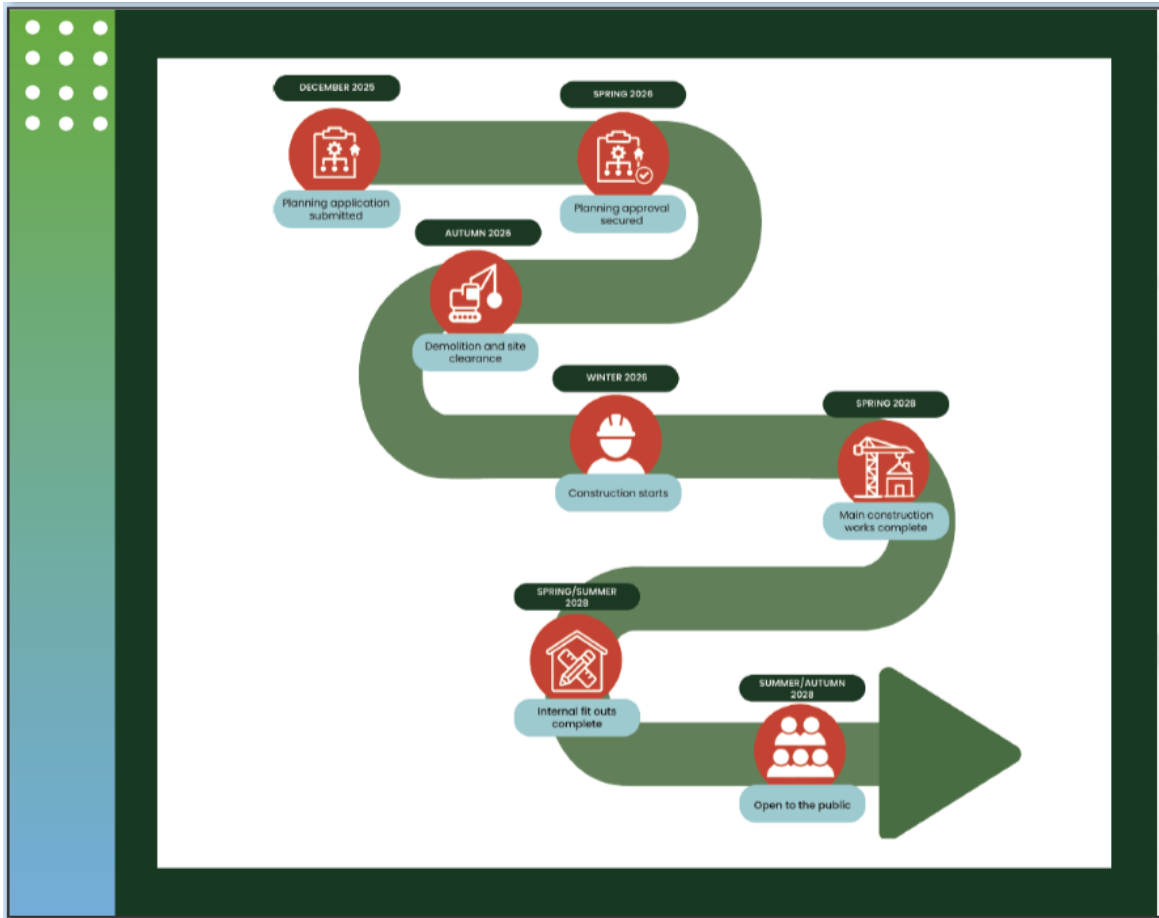
3.2 Sign 1 would be positioned on the left side of The Forest Centre, with the display measuring 2.20m in height and 2.73m in width in material Foamex (a type of PVC foam). The display would be 0.38m above ground level and would be non-illuminated as showing below:



- 3.3 Sign 2 would be positioned on the right side of The Forest Centre, with the display measuring 2.20m in height and 2.73m in width in material Foamex. The display would be 0.36m above ground level and would be non-illuminated as showing below:



3.4 Sign 3 would be positioned on the left side of the window of the of the former Lloyds Bank, with the display measuring 1.89m in height and 1.64m in width in material Foamex. The display would be 0.97m above ground level and would be non-illuminated as showing below:



3.5 Signs 4 would be positioned on the right side of the window of the of the former Lloyds Bank, with the display measuring 2.44m in height and 4.07m in width in material Foamex. The display would be 0.28m above ground level and would be non-illuminated as showing below:

The sign for Ollerton Works is designed to promote the regeneration project. It includes the following elements:

- Headline:** SHAPING THE FUTURE!
- Sub-headline:** AN EXCITING, TRANSFORMATIVE REGENERATION PROJECT FOR OLLERTON
- Key Message:** New public sector hub and three affordable homes.
- Call to Action:** Find out more on the District Council website: (with QR code)
- Visuals:** Two images showing architectural renderings of the Ollerton Works building and the surrounding residential area.
- Logos:** Logos for 'Funded by UK Government' and 'NEWARK & SHERWOOD DISTRICT COUNCIL'.
- Footer:** SERVING PEOPLE, IMPROVING LIVES

3.6 The assessment outlined below is based on the following plans and supporting information:

- Application form received 18 February 2026
- Site location plan ref: M00508 ZZ ZZ 2102 REV P01 received 18 February 2026
- Existing elevation showing positions for adverts 1 and 2
- Existing elevation showing positions for adverts 3 and 4
- Proposed window display positioning
- Proposed window display for window 1
- Proposed window display for window 2
- Proposed window display for window 3
- Proposed window display for window 4

#### **4.0 Departure/Public Advertisement Procedure**

4.1 Occupiers of three properties have been individually notified by letter.

4.2 A site notice was placed near the site on 02.03.2026.

4.3 Site visit undertaken 02.03.2026.

#### **5.0 Planning Policy Framework**

##### **The Development Plan**

##### **5.1 Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

- Core Policy 9 – Sustainable design
- Core Policy 14 – Historic Environment
- ShAP 2 – Role of Ollerton & Boughton

##### **5.2 Allocations & Development Management DPD (adopted 2013)**

- Policy DM5 – Design
- Policy DM9 – Protecting and Enhancing the Historic Environment
- Policy DM12 – Presumption in Favour of Sustainable Development
- OB/DC/1 & OB/LC/1 Ollerton District Centre & Boughton Local Centre

5.3 The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of ‘main modifications’ to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification took place between Tuesday 16 September and Tuesday 28 October 2025. The next stage in the Examination process will be the Inspector issuing their draft report.

5.4 Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either:

- Not subject to a proposed main modification;
- The modifications/clarifications identified are very minor in nature; or
- No objection has been raised against a proposed main modification

Then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

#### 5.5 **Other Material Planning Considerations**

- National Planning Policy Framework 2024 (as amended Feb 2025)
- Planning Practice Guidance (online resource)
- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Newark and Sherwood Shopfronts and Advertisement Design Guide SPD 2014
- Nottinghamshire County Council Highway Design Guide

#### 6.0 **Consultations**

*NB: Comments below are provided in summary - for comments in full please see the online planning file.*

##### **Statutory Consultations**

6.1 None

##### **Parish Council**

6.2 **Ollerton (and Boughton) Town Council** – Support the application.

##### **Representations/Non-Statutory Consultation**

6.3 **NSDC Conservation** – determined not to comment in this case. The site is located within New Ollerton Colliery, a Non-Designated Heritage Asset (NDHA). The effect of an application on the significance of a NDHA should be taken into account in determining applications and a balance judgment will be required in regards to scale of harm or loss to the significance of that asset. Policies CP14 and DM9 of the Council's LDF DPDs offer additional advice on the historic environment.

6.4 **No representations have been received from any other third/interested parties.**

## **7.0 Appraisal**

7.1. The key issues are:

1. Principle of Development
2. Impact on Amenity
3. Impact upon Public safety

7.2 The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking.

### Principle of Development

7.3 In line with the Town and Country Planning (Control of Advertisements) Regulations 2007 and paragraph 141 of the NPPF, the main issues in determining this application for advertisement consent relate to amenity and public safety, taking account cumulative impacts. The intentions of national policy are mirrored by Policy DM5 of the Allocations and Development Management DPD.

7.4 The above regulations advise that in determining advertisement applications, the local planning authority shall exercise its powers in the interests of amenity and public safety, taking into account – (a) the provisions of the development plan, so far as they are material and (b) any other relevant factors. Other factors that are considered relevant to amenity include the general characteristics of the locality, including those of historic, architectural, cultural or similar interest.

7.5 Advertisements are acceptable in principle provided that they cause no adverse impact on the safety of the public or local amenity including impact on the character of the area.

### Impact on Public Amenity

7.6 “Amenity” is not defined within the Advertisement Regulations but in practice it is usually understood to mean the effect on visual and aural enmity in the immediate neighbourhood of an advertisement, where residents or passers-by will be aware of it.

7.7 Core Policy 9 states that new development should achieve a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the district and is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. Matters of size, colour and brightness should reflect its locality.

- 7.8 Section 12 of the NPPF refers to achieving well designed places. Paragraph 131 states that good design is a key aspect of sustainable development by creating better places in which to live and work in and helps make development acceptable to local communities. Paragraph 139 of the NPPF advocates that where a development is not well designed and fails to reflect local design policies and government guidance on design, planning permission should be refused.
- 7.9 Given that the site is within New Ollerton Colliery, a NDHA, Core Policy 14 and DM9 are also relevant. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining applications and a balanced judgment will be required in regard to scale of harm or loss to the significance of that asset (par.216 of NPPF).
- 7.10 The proposed site fronts onto Forest Road which is also part of the site for the Ollerton Town Centre Regeneration Project. Given the connection with the regeneration project, the proposed temporary displays are not considered to appear out of character or overly dominant on the windows of the existing shops. Furthermore, the proposed signage locations are within part of the Ollerton Town Centre Regeneration Project that is being considered through application reference 25/01999/FULM. The proposed displays would provide the information for this regeneration project for the benefit of the public. Taking in consideration of the scale of the regeneration project, and the number of proposed displays, it is considered the proposal is acceptable and that it would not have an adverse impact on the character of the area or surrounding.
- 7.11 The Conservation Officer determined not to comment in this case. Given that the proposal is directly related to the wider site and the regeneration project, and the displays would be temporary and thus reversible, it is considered the proposed details would not directly or indirectly affect the non-designated heritage assets as required by paragraph 216 of the NPPF.
- 7.12 With the above in mind, it is considered that the proposed development would not result in harm to amenity and accords with the aims of Policies DM5(b), DM6 and DM9 of the emerging A&DM DPD, CP9 and CP14 of the Amended Core Strategy, and the provisions of the NPPF, which are material considerations.

#### Impact upon public safety

- 7.13 Policy DM5b of the Emerging DPD acknowledges that the assessment of advertisement applications in terms of public safety and visual amenity will be relevant in assessing proposals for advertisement consent, and public safety will normally relate to the impact on highway safety and visual amenity. The Highway Authority has been consulted on this matter, and they do not consider the application to have detrimental effect highway safety and capacity. The signage is not considered as an obstruction and is not likely to be a distraction to drivers, they would not result in any unacceptable detriment to highway safety for pedestrians or other highway users. The advertisements are therefore considered acceptable in terms of public safety.
- 7.14 Paragraph 141 of the NPPF states that 'Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'

- 7.15 Owing to the nature of the application, it falls to be considered against the Highway Authority's standing advice. The proposed window displays would not obstruct or confuse road users' view of any traffic sign or signal. They are not illuminated or animated advertisements that would likely distract the attention of road users and they would not obstruct the line of sight for drivers emerging from private accesses or junctions.
- 7.16 On the basis of compliance with the above standing advice, it is not considered that the proposed advertisements would result in any unacceptable detriment to highway safety in this case. The advertisements are therefore considered acceptable in terms of public safety, in compliance with Policy DM5.

## **8.0 Implications**

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

### **Legal Implications – LEG2627/1745**

- 8.1 Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

## **9.0 Conclusion**

- 9.1 The proposed advertisements are considered appropriate and proportionate to the purpose to which they serve, which is to inform members of the public of the Ollerton Town Centre Regeneration Project which is being considered at the site.
- 9.2 In conclusion, no issues have been raised in respect of public safety, appearance, or visual amenity impacts. The proposal is therefore considered acceptable and accords with policies CP9, CP14, DM5(b), DM9 and DM12 of the emerging A&DM DPD and the provisions of the NPPF, PPG and the Advertisements and Shopfronts Design Guide SPD, which are material considerations. Therefore, it is recommended that the application for advertisement consent be approved subject to the following conditions.

## **10.0 Approval**

01 - Time

This consent shall expire at the end of a period of 5 years from the date of this consent.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

## 02 - Plans

The development hereby permitted shall be built in accordance with the details and specifications included on the submitted application form and shown on the submitted drawings as listed below:

- Application form received 18 February 2026
- Site location plan ref: M00508 ZZ ZZ 2102 REV P01 received 18 February 2026
- Existing elevation showing positions for adverts 1 and 2
- Existing elevation showing positions for adverts 3 and 4
- Proposed window display positioning
- Proposed window display for window 1
- Proposed window display for window 2
- Proposed window display for window 3
- Proposed window display for window 4

Reason: To define this permission and for the avoidance of doubt.

## 03 - Materials

The advertisements hereby permitted shall be constructed entirely of the material details submitted as part of the planning application.

Reason: In the interests of visual amenity.

## 04 - Permission of owner

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

## 05 - Endanger, obscure or hinder

No advertisement shall be sited or displayed so as to:

- (a) endanger persons using any highway;
- (b) obscure, or hinder the ready interpretation of, any traffic sign; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

## 06 - Advert Maintained

Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

## 07 - Hoarding Maintained

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

## 08 - When Removed

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

## Notes to Applicant

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

## Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to: Planning Committee - 07 May 2026

Chief Executive: John Robinson

Lead Officer: Nigel Hill – Business Manager Democratic Services on Ext: 5243

Report Summary	
<b>Report Title</b>	Annual Report detailing the exempt reports considered by the Planning Committee
<b>Purpose of Report</b>	To consider the list of the exempt business considered by the Planning Committee for the period 6 June 2025 to date and which, if any, reports can be released into the public domain.
<b>Recommendations</b>	That the report be noted, with any items being released into the public domain if considered no longer exempt by report authors.

## 1.0 Background

- 1.1 The Councillors' Commission at its meeting held on 25 September 2014 proposed a number of changes to the Constitution, one of which being that 'the Committees undertake an annual review of their exempt items at their last meeting prior to the Annual Meeting in May', this was ratified by the Council on 14 October 2014.
- 1.2 Members will be aware that they have the opportunity to request, under the Access to Information Procedure Rules, that exempt information should be released into the public domain if there are substantive reasons to do so.

## 2.0 Proposal/Options Considered and Reasons for Recommendation

- 2.1 Officers have been requested to consider if any reports could now be released into the public domain or if the information contained in these reports remains confidential.
- 2.2 The following table provides the exempt business considered by the Planning Committee for the period 6 June 2025 to date:

Date of Meeting	Agenda Item	Exempt Paragraph	Opinion of Report Author as to current status of the report
2 October 2025	Land North of Main Road, Kelham, Nottinghamshire – 23/01837/FULM	3	Open

- 2.3 The reason this item was exempt originally was to ensure no prejudice to the Council's defence during appeal proceedings. Officers consider that this exempt item can be made public as the relevant appeal process has been completed and decision issued.

**Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Nil.

## **Planning Committee – 7 May 2026**

### **Appeals Lodged**

- 1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Development without delay.
- 2.0 Recommendation
- 2.1 That the report be noted.

### **Background papers**

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email [planning@newark-sherwooddc.gov.uk](mailto:planning@newark-sherwooddc.gov.uk) quoting the relevant application number.

Oliver Scott  
Business Manager – Planning Development

**Appendix A: Appeals Lodged (received between 27 March and 28<sup>th</sup> April 2026).**

Appeal and application refs	Address	Proposal	Procedure	Appeal against
6006410 26/00038/PIP	Cheverals Newark Road Hockerton Southwell NG25 0PW	Application for permission in principle for proposed residential development of a minimum of 1 dwelling and a maximum of 4 dwellings	Written Representation	refusal of a planning application
6007024 26/00074/PIP	Land West Of Eakring Road Bilsthorpe	Application for permission in principle for proposed residential development for a minimum of 1 dwelling upto a maximum of 9 dwellings	Written Representation	refusal of a planning application
6007168 25/02146/PIP	Land Off Sand Lane Spalford	Application for permission in principle for a residential development of up to a maximum of 2 dwellings and a minimum of one	Written Representation	refusal of a planning application

If you would like more information regarding any of the above, please do not hesitate in contacting the case officer.

## Planning Committee – 7 May 2026

### Appendix B: Appeals Determined (27 March 2026 and 28 April 2026)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
23/02141/FUL	Land At Highfields Gonalston Lane Epperstone NG14 6AZ	Change of use of agricultural field to dog exercise area, construction of hardstanding, fence and gates.	Planning Committee	Committee Overturn	Appeal Dismissed	20 April 2026
Click on the following link to view further details of this application: <a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=S54SW7LBN800">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=S54SW7LBN800</a>						
23/00417/ENFB	Highfields Gonalston Lane Epperstone NG14 6AZ	Without planning permission, "development" consisting of the material change of use of the land to a dog exercise area	Not Applicable		Appeal Dismissed	20 April 2026
Click on the following link to view further details of this application: <a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=STMWTLB0FL00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=STMWTLB0FL00</a>						

### Legal Challenges and Other Matters

App No.	Address	Proposal	Discussion

### Recommendation

That the report be noted.

### Background Papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email [planning@newark-sherwooddc.gov.uk](mailto:planning@newark-sherwooddc.gov.uk) quoting the relevant application number.

Oliver Scott

Business Manager – Planning Development