

## PLANNING COMMITTEE – 7 SEPTEMBER 2021

<b>Application No:</b>	<b>20/01242/FULM</b>
<b>Proposal:</b>	<b>Construction of a solar farm and battery stations together with all associated works, equipment and necessary infrastructure.</b>
<b>Location:</b>	<b>Land North Of Halloughton, Southwell</b>
<b>Applicant:</b>	<b>JBM Solar Projects 6 Ltd</b>
<b>Agent:</b>	<b>Mr James Walker - Pegasus Group</b>
<b>Status:</b>	<b>Application Refused 04.03.2021</b>
<b>Website link:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QD7J5ALBI8R00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QD7J5ALBI8R00</a>

### Update to Committee

Members will recall considering the above planning application to construct a 49.9 MW solar farm on approximately 106.07 ha of land/13 agricultural fields north of the village of Halloughton at Planning Committee in March of this year. Members resolved to refuse planning permission in accordance with the Officer recommendation for the following reason:

*In the opinion of the District Council the proposed development, by virtue of its sheer scale, siting and close proximity to Halloughton Conservation Area and designated heritage assets therein would have a long-term detrimental impact on the landscape character and visual amenity of the area. The proposal would result in a moderate adverse landscape impact on land cover and a major adverse scale of effects on the local landscape character (Mid Nottinghamshire Farmlands Policy Zones 37, 38 and 39) for the forty-year lifetime of the scheme. There would also be long-term visual impacts on well used public rights of way (PRoW Southwell 74 and PRoW Southwell 43) which would last at least until Year 10 of the development and likely longer. The proposal would also fail to conserve and enhance landscape character and visual amenity and therefore would be harmful to the character, appearance and visual perception of the area. The proposed development would also result in less than substantial harm on the setting and experience of Halloughton Conservation Area, as well as to the setting of listed buildings within the Conservation Area, notably the Church of St James (Grade II) and the Manor House (Grade II\*) in addition to resulting in less than substantial harm to the setting of designated heritage assets within the Brackenhurst complex (Grade II) and South Hill House (Grade II). This level of harm would result in loss of significance to these designated heritage assets.*

*Although the proposal would undoubtedly bring meaningful environmental and economic benefits to the District, in the context of paragraph 196 of the NPPF and in the overall planning balance, these are not considered sufficient to outweigh the harm identified on the setting of the abovementioned designated heritage assets or the landscape character and visual amenity of the area by the sheer scale and siting of the*

*proposal. The proposal would therefore be contrary to the objective of preservation required under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in conflict with the development plan with particular reference to policies CP9, 10, 13, 14 of the Amended Core Strategy (2019), policies DM4, 5, 9 and 12 of the Allocations and Development Management DPD (2013) in addition to the provisions of the Southwell Neighbourhood Plan (2016), Landscape Character Assessment SPD (2013) and the NPPF (2019) when read as a whole.*

The Council has recently received notification of a valid planning appeal from the Planning Inspectorate against this decision which is due to be heard at a Public Inquiry set to open on 7<sup>th</sup> December 2021. As part of this appeal the appellant (JBM Solar Projects 6 Ltd) has invited the Inspector to determine the appeal on the basis of a number of amendments to the original scheme considered by Members under the *Wheatcroft Principle*.

Good practice suggests that any intention to amend the appeal proposal should be highlighted to a council and any other interested party in advance of an Inquiry, in order to ensure an opportunity for all concerned to consider the changes and comment as appropriate. The appellant notified the Council of the intended amendments prior to submitting their appeal and has undertaken a consultation with local residents and consultees that were consulted and/or commented on the original planning application (which expired 31.08.2021). The appellant asked for responses to be sent to the Council for compiling to ensure openness and transparency. The purpose of this update report is to notify Members of these amendments, relay any comments received during the consultation process and provide an Officer assessment to allow Members to consider whether the amendments materially alter their previous assessment of the proposal.

In the interest of brevity this report will focus only on the scope of changes proposed and whether these changes materially alter the previous conclusions as set out in the committee report of March 2021.

The proposed amendments to the scheme are as follows:

- **Amendment 1: Removal of panels and associated infrastructure from a central field.**  
The consultation letter from Pegasus Group explains: *“As illustrated below an amendment is proposed to be made to the Site Layout and Planting Proposals plan by removing an area of solar panels and associated infrastructure from a central field. This is marked as “1” below and on the attached plan at Appendix 4. This amendment has been made to reduce the visual effects upon receptors at the western extent of Halloughton and users of Public Right of Way (PRoW) Bridleway (reference: Halloughton BW3) and pull the development back from the Halloughton Conservation Area.”*

Site Layout and Planting Proposals, Revision L



Site Layout and Planting Proposals, Revision M



- Amendment 2: Belt of new trees are proposed within an existing hedgerow which encloses a section of the Site boundary to the southwest.

The consultation letter from Pegasus Group explains: “As illustrated at “2” on Revision M of the Site Layout and Planting Proposals plan at Appendix 4 below, a belt of new trees are proposed within an existing hedgerow which encloses a section of the Site boundary to the southwest. These trees would be a mix of native standard trees which would aid in filtering and obscuring views of the proposals from locations on PRoW Footpath (reference: Southwell FP42) to the southwest of the Site.”

Site Layout and Planting Proposals, Revision L



Site Layout and Planting Proposals, Revision M



- Amendment 3: Additional native hedgerow with semi-mature hedgerow trees is proposed between the northern extent of the Proposed Development and PRoW FP43.

The consultation letter from Pegasus Group explains: “As illustrated below and at Appendix 4, a minor amendment has been added to Revision M of the Site Layout and Planting Proposals plan. This new hedgerow is proposed along the northern extent of the proposed built form, adjacent to the proposed security fencing. The hedgerow would be comprised of a mix of native hedgerow shrubs and semi-mature native trees and over time would aid in restricting and heavily filtering views of the proposals from locations along PRoW Footpath (reference: Southwell FP43).”

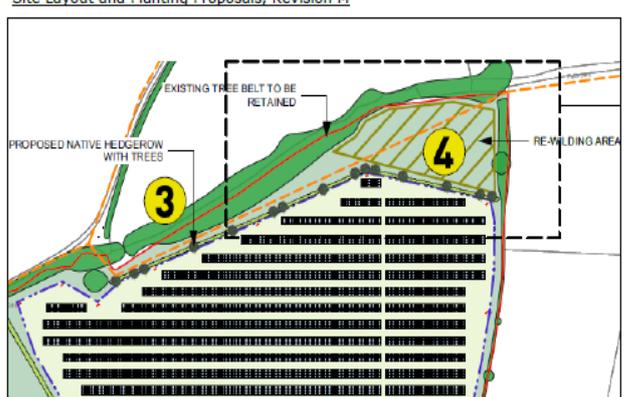
- Amendment 4: removing panels and associated infrastructure from the northeastern corner of the northern most field to facilitate the ‘re-wilding’ of this area.

The consultation letter from Pegasus Group explains: “As final amendment “4” illustrated on Revision M of the Site Layout and Planting Proposals plan at Appendix 4, the proposed solar panels and security fencing have been pulled back from the northeastern corner of the field located to the east of New Radley Farm. Removing the proposal from this corner will enable an area of existing re-wilding to continue to establish.”

Site Layout and Planting Proposals, Revision L



Site Layout and Planting Proposals, Revision M



- Appendix 1: Briefing Note outlining minor amendments to Site Layout and Planting Proposals Plan, dated 21st July 2021.
- Appendix 2: Indicative Landscape Site Sections Year 5 & 15, drawing no. P19-2590\_27, Rev A, dated 21st June 2021.
- Appendix 3: Site Layout and Planting Proposals, drawing no. P18-2917\_12, Rev L, dated 1st February 2021 (the version which was refused by Newark and Sherwood District Council).
- Appendix 4: Site Layout and Planting Proposals, drawing reference: P18-2917\_12 Rev M, prepared by Pegasus Group, dated 29th June 2021.

### Consultation Responses Received in Relation to the Pegasus Amendments Consultation

**Halloughton Parish Council** – No comments received.

**Southwell Town Council** – Extension requested to accommodate the Town Council Meeting - comments to be provided as a late item.

**NSDC Conservation Officer** – Verbal advice given. Written comments to follow as a late item upon receipt.

**Landscape Consultant VIA East Midlands** – Verbal advice given. Written comments to follow as a late item upon receipt.

**Comments have been received from 8 interested parties (against) that can be summarised as follows:**

- The minor amendments submitted do not in any way address sufficiently the potential harm and damage to the Halloughton Conservation Area, Brackenhurst and parts of Southwell.
- While climate change is an urgent issue, it is more important than ever that the correct decisions are taken as to the siting of green energy projects, so that what we are seeking to protect through developing clean energy sources is not irreparably harmed in the process. A development such as this lasting 40 years could reasonably be described as causing irreparable harm for the foreseeable future. Siting solar farms in appropriate locations must be a key part of the process of developing green energy. Newark and Sherwood District Council has a proud record of solar farm delivery over many years, through taking decisions based on the correct balance of green energy projects and ensuring that the needs of local people are met by protecting their environment. The pandemic has shown very starkly how important is our natural landscape for the health and well-being of local inhabitants and visitors.
- The overall scale of the solar farm would continue to be a harm to the landscape
- The removal of a central small field from the scheme does nothing to mitigate the harm to the setting of the Halloughton Conservation Area or the Listed Buildings therein.
- The planting of a 'new native hedgerow', presumably deciduous, at the Eastern boundary, would not provide effective summertime cover for around 10 years. The landowner has already planted additional 20-30cm twig hedgerow/trees in plastic tubes throughout the boundary of the site, including at the South-west, which will not mature sufficiently to provide additional cover – again deciduous – for 10 years. I presume that this planting has anticipated the current submission of 'minor amendments'.
- There would continue to be sight and sound of the development, with winter views the most blatant.
- The experience of those using the important PRow Southwell FP43 which crosses the site would continue to be damaged.

- Amendment 4 - This tiny concession to the importance of the fauna and flora of the Westhorpe area will only serve to provide a stark contrast for users of the PRoW between the natural scene and the industrial solar panels and security fencing that will confront them as they continue along the path. It is, however, an indication that the developer recognizes the harm that would be done to the flora and fauna of the area by this development.
- The proposed 'minor amendments' are in the developer's own terms minor and hence a wholly inadequate response to the harms that such a massive infrastructure project would cause to the immensely valued landscape surrounding Halloughton and Southwell/Westhorpe.
- Halloughton is a tiny hamlet and the proposed solar farm is excessive in both size and height and if it went ahead would be one of the largest in the country.
- The land selected is currently farmed successfully so doesn't fit with the recommendation that brownfield land should be used for solar farms. The land also undulates meaning some residents in Halloughton would be able to see the solar panels from both downstairs and upstairs. Any hedging or trees only provide coverage for approx 6 months of the year
- Flood risk and highways safety concerns reiterated.
- Approve of amendments 1 and 4 but 2 and 3 will contribute little to the concealment of the solar panels and fencing.
- The appellants themselves admit that these are only minor amendments. These are to a proposal which will place a crescent of panels and security fencing across a swathe of farmland land (which is recognised in the Mid-Nottinghamshire Farmlands Regional Character Area for its traditional rural appearance) between the busy highways of the B6386 and A612 into Southwell, leaving only minor wildlife corridors between the ancient and significant Halloughton Wood and Halloughton and Westhorpe Dumbles, an area which is appreciated locally as being part of a unique landscape known as The Country of the Dumbles.
- Despite the amendments the public rights of way would still be badly impacted and these are of great importance to local residents and visitors who enjoy them and are attracted to the setting of Southwell Minster.
- The actual minor amendments proposed have absolutely no material effect on the overall basis on which this large project has already been rejected.
- The land assigned for "re-wilding" is a north facing slope of scrubland, which has been left wild and un-cultivated for years. To suggest that they will be re-wilding an already wild area would appear to be somewhat disingenuous.
- The additional planting to screen the panels seems to miss the fact that the beautiful views across the fields down to Southwell will be lost - this additional screening will only serve to exacerbate the situation.
- Whilst removing a field from the plan is welcomed, it doesn't really address the impact that the proposal will have on the village of Halloughton. This field in question is hardly visible from the village.
- Solar panels should be enclosed by stock fencing rather than security fencing as this has less of a visual impact.
- Concerned by the evidence that the Applicant is not properly aware of the extent of the CA. There is ample evidence that the applicant's proposal lacks attention to detail.
- Open views around the footpaths are intrinsic to their character and blocking them in with additional planting will impact user experience of these networks.
- The visuals submitted are inaccurate and misleading and do not represent the changes proposed.

## Comments of the Business Manager

The amendments to the scheme would result in an approx. 4.4Ha reduction of overall land take from solar panels (amendment 1: approx. 4.1Ha reduction and amendment 4: approx. 0.3 reduction), resulting in a 71.6Ha overall scheme. Additional planting is also proposed to the north and south-west corner of the top portion of the site.

Amendments 1 and 4 (which reduce the overall quantum of solar panels) are intended to reduce the visual effects upon receptors at the western extent of Halloughton and users of Public Right of Way (PRoW) Bridleway (Halloughton BW3) and pull the development back from the Halloughton Conservation Area (amendment 1) and enable an area of existing re-wilding to continue to establish (amendment 4). The additional planting has been proposed to aid in filtering and obscuring views of the proposals from locations on PRoW Footpath (Southwell FP42) to the southwest of the Site (amendment 2) and aid in restricting and filtering views of the proposals from locations along PRoW Footpath (Southwell FP43) (amendment 3).

### *Impact on Visual Amenity Including Setting of Heritage Assets and Public Rights of Way*

#### Heritage

Having discussed these amendments with the Conservation Officer (CO) they have advised that the impact of the development on the setting of Halloughton Conservation Area (CA) and the listed buildings therein remains a key issue. Whilst the reduction of panels proposed is noted, concerns about the significant scale of the development remain. The CO has advised that whilst they accept that the removal of a whole field of panels close to the village would proportionately reduce the level of harm arising from the development, they still consider the overall level of harm to the setting of Halloughton Conservation Area and the Grade II listed buildings therein (notably the Church of St James (Grade II) and the Manor House (Grade II\*)) would remain at the upper end of the *'less than substantial harm'* bracket. The amended development would also continue to result in less than substantial harm to the setting of designated heritage assets within the Brackenhurst complex (Grade II), as well as South Hill House (Grade II).

The CO has reiterated that they could not reconcile the appellant's conclusion that the development would result in the *'lower end of less than substantial harm'* unless the development to the north of Halloughton was substantially reduced, or even removed from the scheme. It therefore remains our view that the sheer size of the proposal in the context of a small, idyllic rural conservation area with many attractive period buildings should not be underestimated. Whilst the proposal to increase landscaping buffers and planting is noted, the solar farm would remain a dominating and alien feature to this attractive rural landscape, which is a fundamental quality to the appreciation of Halloughton CA and the listed buildings therein. User enjoyment and experience of this landscape in the setting of the heritage assets identified within the Committee Report (March 2021) would be greatly diminished as a result of this proposal.

Despite the amendments, Officer consider they would still conclude the development would be contrary to the objective of preservation required under section 66 of the Act, heritage advice contained within CP14 and DM9 and the provisions of the SNP, in addition to section 16 of the NPPF. Therefore, referring to the original planning balance and conclusion in the context of heritage impacts and having regard to the statutory presumption in favour of preservation, Officer's consider the harm resulting from the amended development would continue to carry significant negative weight in the overall planning balance.

## Landscape and Visual Impact

In terms of landscape impact the amendments made to the scheme have removed panels from a field in the bottom section of the site (west) and a corner of the field in the top section of the site (NW corner) – the appellant advances that these amendments seek to reduce the visual effects upon receptors at the western extent of Halloughton and users of Public Rights of Way (PRoW) (Southwell FP 42 & FP43) and Bridleways (Halloughton BW3).

Previously it was concluded that there would be long term impacts on the ‘land cover’ element of the landscape, and long term impacts on the ‘landscape character’ of the site area as a result of the development. It was accepted that these impacts would diminish with distance from the site, however, there would still be a **moderate adverse landscape impact** on land cover and a **major adverse scale of effects** on the character of Policy Zones 37, 38 and 39 for the 40-year lifetime of the scheme.

In terms of visual impact it was previously concluded that there would be “*long term impacts on PRoW Southwell 74 particularly for the viewpoints 1 and 2 which last until year 1 and dependent on the success of vegetation establishment probably longer. The visual effects are reduced by the removal of the relatively small field of panels, but they are still important*”. It was also concluded that there would be long term impacts on PRoW Southwell 43 for viewpoints 14 and 15 which continue at year 10 and would be **major adverse**. These footpaths are well used, particularly PRoW Southwell 74 which links Southwell and Halloughton, and it was concluded that the visual amenity of these routes would be reduced as views would change from open farmland to views of solar farm infrastructure including the surrounding protective fencing and enclosing planting which would affect the visual perception of the village of Halloughton.

Having discussed verbally with VIA East Midlands (VIA) (landscape consultants) they have confirmed that despite the reduction of panels and reinforcement of landscaping they still consider that there would be long term impacts on the ‘land cover’ element of the landscape and long term impacts on the ‘landscape character’ of the site area – as such VIA remain unable to support the proposed scheme due to the landscape and visual impacts. Written comments from VIA will follow as a late item to this report.

In the context of the identified landscape and visual impacts and harm, the proposal would continue to be contrary to Core Policies 9 and 13 and the policy actions identified within the corresponding Landscape Character Assessment in addition to policy E6 of the SNP. Despite the amendments it remains that the landscape and visual impacts of the scheme should not to be taken lightly and the harm identified must continue to be weighed in the overall planning balance. Therefore, referring to the original planning balance and conclusion, in the context of landscape impacts, Officers consider that in summarising the overall level of harm, the degree to which the amended scheme would have an adverse impact on the character and appearance of the countryside would continue to merit significant weight.

### *Other matters*

Owing to the additional planting proposed Officers are mindful that there is likely to be a minor increase in biodiversity net gains compared to the original calculation reported in the Committee Report. As set out in the original planning balance and conclusion, ecological mitigation, management and enhancement reflects common practice in the development of solar farms. It also accords with the expectations of local and national planning policy for developments to

contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains where possible. As such, this potential for a slight additional biodiversity net gain on site would continue to attract moderate weight.

Officers are also mindful, as reported to Members in a late item in March 2021 that the applicant/land owner had chosen to plant approx. 7,989 trees in January 2021 along the southern boundary of the site. In March Officers noted that this planting had been undertaken by the applicant/land owner of their own accord and did not prejudice the application at hand. Notwithstanding the ecological benefits of this planting, Officers considered it could be argued that the planting that has already been undertaken should no longer be counted as a direct benefit that would be brought about by the scheme itself, given it had already been undertaken outside of any permission. It therefore remains our view that, despite the potential for a minor ecological benefit as a result of the amended scheme, consideration of the ecological benefits and enhancements overall must be considered in the context of the planting that has already been undertaken outside of the planning process.

It is also of note that a revision to the NPPF was published in July 2021 following the determination of this application. Whilst Officers acknowledge the revisions made to the NPPF they are of the view that the amendments do not materially alter the Council's previous assessment of the application.

### *Conclusion*

Despite the amendments proposed, the fact remains that the proposal would introduce numerous rows of solar arrays, deer fencing, and other associated structures that would be at odds with the prevailing rural character of the area – not only in simple visual terms, but also in terms of how the site links into the natural, cultural, historic and perceptual elements of the wider area. In the context of the overall planning balance and conclusion reported in the March 2021 Committee Report Officers consider that the changes made by the appellant remain relatively minor in the context of the scheme as a whole and overall do not fundamentally avoid or minimise the conflict that was identified in the original committee report.

However, Officers request Members to consider whether the amendments put forward by the Appellant as part of the appeal materially alters their previous assessment of the development.

### Background Papers

Application case file.

For further information, please contact Honor Whitfield on ext 5827

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**

