



Report to Planning Committee 08 December 2022
 Business Manager Lead: Lisa Hughes – Planning Development
 Lead Officer: Honor Whitfield, Planner, ext. 5827

Report Summary			
Application Number	22/01858/S73M		
Proposal	Variation of condition 6 attached to the appeal decision for planning application 20/01242/FULM to amend the approved plans		
Location	Land North of Halloughton, Southwell		
Applicant	Pegasus Group - Mr Mark Herbert	Agent	Pegasus Group - Mr Mark Herbert
Web Link	22/01858/S73M Variation of condition 6 attached to the appeal decision for planning permission 20/01242/FULM to amend the approved plans Land North Of Halloughton Southwell (newark-sherwooddc.gov.uk)		
Registered	10.10.2022	Target Date	09.01.2022
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the Conditions detailed at Section 10		

The application is referred to the Planning Committee in line with the Council’s Scheme of Delegation as the original application was determined by the Planning Committee and the amendment proposes material changes to the scheme.

1.0 The Site

The application site comprises 13 agricultural fields north of the village of Halloughton. Collectively all parcels of land are c.106.07Ha and given the isolated nature of the site it falls as Open Countryside. The site is gently undulating and rounded, resulting in views being medium to long distance throughout most of the area with frequent wooded skylines.

The southern portion of the site is located to the north of, and within the parish of Halloughton. This section of the site comprises five large linear fields with boundaries at their edge, including copses at the western and part of the southern boundary. Overhead electricity lines and pylons cross this parcel in an east-west direction. Halloughton village lies close to the southern boundary of the parcel and the A612 lies to the east of the eastern boundary. Agricultural land surrounds the parcel in other directions.

The northern section of the site is located further from Halloughton and largely lies within the parish of Southwell, comprising seven separate fields of various sizes. The parcel includes buildings associated with New Radley Farm, which has its own access track from the north. There are two Public Right of Ways (PRoW) within the Site boundary, footpath 209/43/1 (Southwell 43) is located in the far northern extent of the Site, situated adjacent to the northern boundary. Bridleway 209/74/1 (Bridleway Southwell 74) runs from the north-eastern edge of Halloughton Wood in a broadly east to west direction through the central portion of the site terminating at Stubbins Farm in the east. Footpath 209/42/1 (Southwell 42) also runs adjacent to the western boundary of the site and adjoins to Southwell 43 broadly centrally along the northern boundary. Southwell Byway No.80 which becomes Halloughton Byway No. 9 at the parish boundary is also adjacent to the south-west corner of the site. An overhead electricity line runs east to west through the southern section of the site and the Westhorpe Dumble crosses the site in the same direction just to the north of this.

Land around the Westhorpe Dumble (a characteristic dialect word meaning “wooded valley”) is defined as a Local Wildlife Site (LWS) ‘Westhorpe Dumble 2/524 – a characteristic dumble’. A number of other LWS’s surround the appeal site such as: Westhorpe Dumble Head Drain – 2/724 ‘An unlikely association of uncommon grassland species on the banks of a drain’, Radley House Scrub – 5/3390 ‘woodland’, Cotmoor Lane – 2/719 ‘Broad wooded trackside verges’, and Cotmoor Plantation – 2/723 ‘ A damp deciduous woodland with a diverse flora’. An area of Ancient Woodland 'Halloughton Wood' is located c.150m to the west of this site at its closest point.

The south-west parcel of the site lies close (between approx. 70 - 250 m) to the boundary of Halloughton Conservation Area (CA), however only the proposed access lies within the CA boundary. The northernmost portion of the site lies c.0.9km from the boundary of Southwell CA. With regard to other nearby historic designations there are a number of Grade II and II* listed buildings within Halloughton and Southwell along with the internationally significant Grade I listed Southwell Minster Church.

2.0 Relevant Planning History

20/01242/FULM - Construction of a solar farm and battery stations together with all associated works, equipment and necessary infrastructure – Refused 04.03.2021 and Allowed at Appeal 18.02.2022

19/SCR/00016 - Request for screening opinion for a proposed solar installation – Environmental Impact Assessment Not Required 28.08.2019

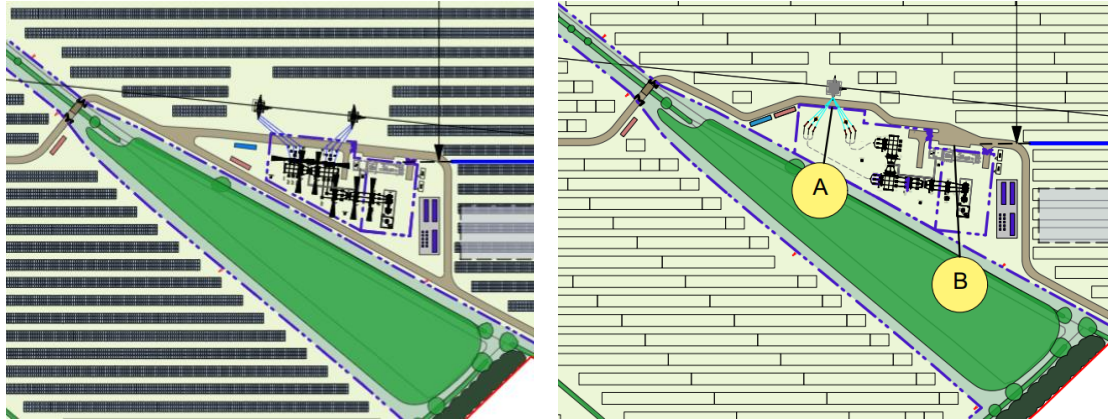
3.0 The Proposal

The application is a Section 73 application submitted to allow the variation of Condition 06 attached to planning permission 20/01242/FULM that was allowed at appeal in February 2022, to amend the approved plans as follows:

- Amendment A: Omission of one pylon and erection of two Point of Connection (POC) Masts: 29m in height and of steel construction. These are required to connect the generated electricity to the 132Kv pylon adjacent to the proposed substation. Two

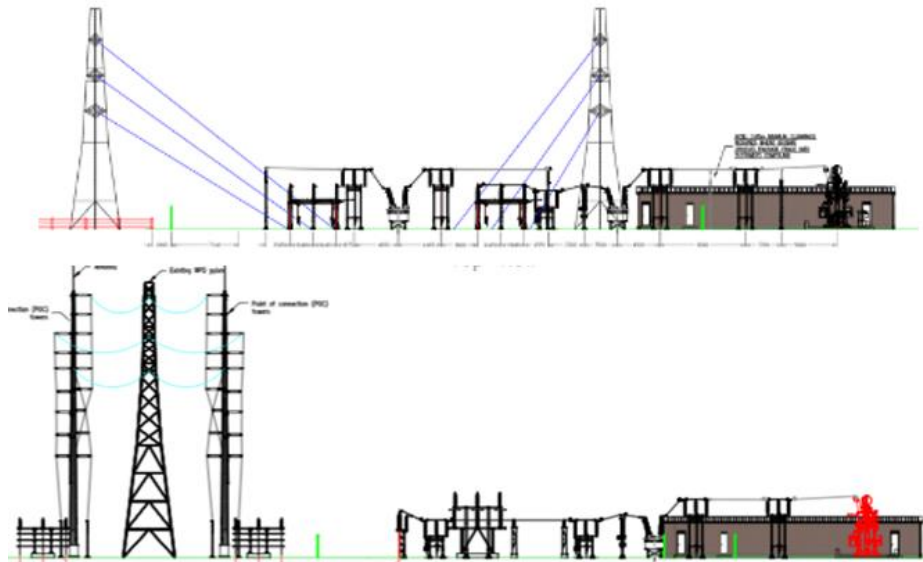
masts are required to connect to the pylon through a 'looped' cable and need to be positioned 10m distance from the pylon at a perpendicular angle in order to balance the weight of the structures. In order to accommodate the masts amendments have been made to the access track and one pylon proposed would be omitted.

- Amendment B: Access track within the substation compound realigned



L: Approved Plan

R: Proposed Amendments A & B



Top: Approved Plan Bottom: Proposed Amendments A & B

- Amendment C: Panels removed from southern field of the northern half of the solar farm and 2 no. battery stations relocated into the field to the north.



L: Approved Plan

R: Proposed Amendment C

- Amendment D: General realignment of solar panels in the northern and southern parcels

This application would substitute the following drawings:

- P18-2917_12 Rev M - Site Layout and Planting Proposal.
- HLG-01-2001 Rev 01 - Indicative WPD and Customer Compound Layout.
- HLG-01-2002 Rev 01 - Indicative WPD and Customer Compound Elevations.

with the following drawings:

- P18-2917_12 Rev P - Site Layout and Planting Proposal
- Substation Compound Details Rev. A

Documents assessed as part of this application:

- Site Location Plan – Ref. P18-2917_02 D
- Revised Site Layout and Planting Proposals – Ref. P18-2917_12 REV P
- Substation Compound Details Rev. A
- Revised Covering Letter (deposited 12.10.2022)

4.0 Departure/Public Advertisement Procedure

Occupiers of 74 properties have been individually notified by letter, a site notice has been displayed and an advert has been placed in the local press.

Site Visit Undertaken: 26.10.2022

5.0 Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan, made 11 October 2016

Policy SD1 - Delivering Sustainable Development
Policy E1 - Flood Risk Assessments and Mitigation
Policy E2 - Flood Resilient Design
Policy E3 – Green Infrastructure and Biodiversity
Policy E4 – Public Rights of Way
Policy E6 – Climate Change and Carbon Emissions
Policy DH1 – Sense of Place
Policy DH3 – Historic Environment
Policy TA3 - Highways Impact

NSDC Amended Core Strategy, adopted March 2019

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 6 – Infrastructure for Growth
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

Newark and Sherwood Allocation and Development Management DPD, adopted 2013

Policy DM4 - Renewable and Low Carbon Energy Generation
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 DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2021;
National Planning Practice Guidance (online resource);
Planning (Listed Buildings and Conservation Areas) Act 1990
Landscape Character Assessment Supplementary Planning Document Dec 2013UK
Government Solar Strategy 2014
EN-1: Overarching National Policy Statement for Energy (July 2011);
EN-3: National Policy Statement for Renewable Energy Infrastructure (July 2011)
The Climate Change Act 2008
Written Ministerial Statement on Solar Energy: protecting the local and global environment
made on 25 March 2015
Commercial Renewable Energy Development and the Historic Environment Historic England
Advice Note 15 (February 2021)
The Climate Crisis: A Guide for Local Authorities on Planning for Climate Change 2021

6.0 Consultations

NB: Comments below have been summarised. Full Consultee comments can be found on the online planning file.

Halloughton Parish Council – *No comments received.*

Southwell Town Council – Object:

- These variations are not minor and the new 29 metre connection mast[s] will be more visible and intrusive
- There is insufficient visual information provided. Photomontages are required from Stubbins Lane and Halloughton Road to access the visual impact of these changes.

Halam Parish Council - *No comments received.*

Southwell Civic Society – Object:

- This is a major departure from the original proposal and there is no explanation as to why this change is proposed.
- The two towers in conjunction with the existing pylon will cause a dominating and unacceptable feature on the landscape that will be visible from FP74 and further afield and may have changed the original approval.
- There has been no full landscape assessment.

The Thoroton Society – Oppose the scheme:

- These variations cannot be described as “minor”. The imposition of 29 metre connection masts would be even more intrusive, making the spoilation of this beautiful and precious landscape even more unacceptable. They will have a significantly increased impact on views from the ancient Stubbins Lane and the district round about than even the infrastructure which has already, regrettably, been previously approved.

Historic England – No comments to make.

NSDC Conservation – No objection.

LCC Archaeology – No objection

NCC Highways – *No comments received.*

NCC Rights of Way – *No comments received.*

Ramblers – *No comments received.*

NSDC Environmental Health – *No comments received.*

Public Health England – *No comments received.*

Nottinghamshire Wildlife Trust – *No comments received.*

Natural England – No comments to make.

NCC Ecology – *No comments received.*

NSDC Tree Officer – *No comments received.*

Ministry of Defence – No objection.

National Air Traffic Services – No safeguarding objection to the proposal.

DEFRA – No comments received.

Caunton Airfield – *No comments received.*

The Environment Agency – No comments to make.

NCC Flood Risk – No objection.

Trent Valley Internal Drainage Board – *No comments received.*

NCC Planning Policy - *No comments received.*

Comments have been received from ONE local resident(s)/interested party that can be summarised as follows:

- Removal of panels from the southern field of the northern half of the solar farm and relocation of battery storage stations to the north is welcomed.
- The two POC masts proposed would be a major alteration to the previous scheme which would introduce a significant new visual element to the scheme. The masts would result in further harmful landscape quality and visual amenity effects. The result would be further industrialisation of the site.
- How would the POC masts be transported to the site? Would this result in an amendment to the Construction Traffic Management Plan? How will this affect the swept path analyses undertaken for HGVs?

7.0 Comments of the Business Manager – Planning Development

An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This Section provides a different procedure for such applications for planning permission and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved development cannot be revisited as part of this application.

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. In determining such an application, the local planning authority is only able to consider the question of the conditions subject to which planning permission should be granted, and—

- (a) if the authority decides that planning permission should be granted subject to conditions differing from those subjects to which the previous permission was granted, or that it should be granted unconditionally, the authority shall grant planning permission accordingly, and
- (b) if the authority decides that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.

The NPPF is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission. Whilst the application has defined which conditions are sought to be varied, the local authority has the power to vary or remove other conditions if minded to grant a new planning consent.

Following an inquiry, full planning permission was granted in February 2022 by the Planning Inspector subject to a number of conditions, reference 20/01242/FULM. The condition to be varied in this application is Conditions 6 (the Approved Plans) to amend the design of the solar farm as set out in full in the description of the proposal, including the erection of two POC masts in the substation compound.

The agent has advised that POC masts are a more efficient way of connecting to existing powerline infrastructure and removes the need for introducing another tower (pylon) to the circuit as was initially proposed. From a construction perspective, using POC masts would remove the need for complex changes to the existing tower, the need for significant outage on the power lines and the surrounding area and can be constructed in significantly less time, providing connection into the network in a single day (once constructed). The POC masts would be constructed before energising and without interfering with the grid which means that the Distribution Network Operator (DNO) must turn off the network for a single day when connecting, rather than turning off multiple times over a period of weeks/during the construction period.

Given the changes proposed are limited to the physical infrastructure and track in the main substation compound, minor alterations of battery infrastructure positioning within the site and reconfiguration of the panels within each field, which would not result in any amendments to the access to the highway, drainage strategy or planting/landscaping proposals, it is considered that the main issues relate to how the proposed changes would impact the character and visual amenity of the area and heritage.

Impact on Character and Visual Amenity including Heritage Matters

Landscape Character and Visual Impact

Core Policy 9 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 new development to positively address the implications of the relevant landscape character policy zones that is consistent with the landscape conservation and enhancement aims for the area, ensuring that

landscapes have been protected and enhanced. Chapter 15 of the NPPF also supports the protection of the intrinsic character and beauty of the countryside in order to conserve and enhance the natural environment.

Given their nature and scale, it is inevitable that large scale solar farms may result in landscape harm. In this context, national and development plan policy adopts a positive approach indicating that development will be approved where the harm would be outweighed by the benefits of a scheme.

The application site does not form part of any designated landscape and for the purposes of the NPPF, the site is not a valued landscape. The site extends over 12 fields and it at the confluence of three Landscape Character Policy Zones (LPZ) as identified by the Council's Landscape Character SPD (LPZ 37, 38 and 39). The landscape characteristics of the site and immediate surroundings are consistent with the characteristic visual features listed for the LPZs. These are: a predominantly arable agricultural landscape with medium to large scale fields with some smaller pasture fields; field boundaries comprising well-maintained hedgerows albeit fragmented in places, with some mature hedgerow trees; blocks of woodland of varying age and linear sections of woodland along field boundaries, streams, and drains. Topography is gently undulating and rounded with medium distance skyline views enclosed by hedgerows and woodland.

The key elements that contribute to landscape character are topography, land use/land cover, tree/woodland, hedgerows, public footpaths, and watercourses.

In determining the Appeal, the Inspector drew the following conclusions in relation to Landscape Character:

- Taking the landscape characteristics, condition, and sensitivities of each of the 3 LPZs as a starting point and looking at value and sensitivity in the round, the site and its surroundings have a medium landscape value and medium sensitivity to change.
- Topography, land use/land cover: there would be no material change to topography and most of the site would be retained in agricultural use as grazing pasture. The degree/scale of effect would therefore be *Not Significant* in landscape character terms.
- Trees and hedgerows: there would be a *Major and Significant* beneficial effect as a result of additional tree and hedgerow mitigation planting.
- Public Footpaths: No change.
- Watercourses: *Not Significant* beneficial effect.
- Outside the boundaries of the site: Given their spatial extent there would be no significant adverse effect on the landscape character of the wider LPZs and no direct impacts on landscape character outside the boundaries of the site. Given the topography of the area and existing planting there are limited medium distance views and visibility of the site. Accordingly, whilst the solar panels and associated infrastructure would, in Environmental Impact Assessment terms, have a Significant Adverse effect on landscape character, it would be highly localised.
- Within the boundaries of the site: During the construction period and at Year 1 the scale of effect would be *Major* and have a *Significant* adverse effect on landscape character within the site, which would be experienced at several places where there are views into the site. However, given the relatively short construction period and at

a time when the mitigation planting would be young, such adverse impacts cannot be avoided. Thus, the weight attached to these early effects is limited. Over the lifetime of the scheme the planting would then increasingly mitigate the landscape impact of the solar panels and associated infrastructure - the adverse effect would be reduced to a largely *Moderate Adverse* impact and *Not Significant* in landscape character terms.

In determining the Appeal, the Inspector drew the following conclusions in relation to Visual Impact:

- At Year 10 the visual effect at Viewpoints (VPs) 1, 3, 5, 6, 7, 9, 10 to 13 and 16 to 18 are judged as *Negligible* and *Not Significant*.
- At Year 10 the visual effect at VPs 2 and 8, are judged as *Minor Adverse* and *Not Significant*.
- At Year 10 the visual effect at VPs 4 and 14 are described as a *Moderate-Negligible Adverse* effect and *Not Significant*.
- At Year 10 the visual effect at VP 15 (and between 14-15) is judged as *Major Adverse* and *Significant*. However, this is limited geographically and short in duration. As the planting matures, the solar panels would largely disappear behind the planting mitigating the visual harm.

Drawing the above together, the Inspector concluded that it is inevitable that, located in a countryside location, a solar farm of this scale would have some adverse landscape character and visual impact. However, through a combination of topography, existing screening and the introduction of landscape mitigation, the adverse effect would be limited and very localised. Moreover, as the existing and proposed planting matures, the adverse effects, would be acceptably mitigated. Whilst the 40-year lifetime of the scheme is significant, once the solar farm is decommissioned, there would be no residual adverse landscape effects. Rather the scheme would, through the mitigation planting, leave an enhanced landscape consistent with the objectives of the development plan and the SPD.

Whilst noting that the original application was recommended for refusal by Officers and subsequently refused by the Planning Committee on landscape character and visual impact grounds, the Planning Inspectorate's decision to allow the appeal is a material consideration. It is therefore in *this* context that the amendments to the scheme as proposed should be assessed.

The amendments proposed in this application would not result in any greater impact on topography, land use/land cover, trees and hedgerows, public footpaths or watercourses, which are the key elements that contribute to landscape character. Arguably the most potentially adverse change proposed is Amendment A, the erection of the two 29m high POC masts. However, in landscape character terms the impact of such additional infrastructure in addition to the other amendments proposed, are unlikely to result in any material change over the previous landscape character conclusions.

Turning now to visual impact, the general reconfiguration of the panels within each field (Amendment D) and change to the access track alignment within the substation compound (Amendment B) would likely be impercievable when considering the overall scale of the development. However, Amendments A and C are likely to result in perceivable visual changes

to the scheme as approved.

Amendment A would result in the addition of two 29m high POC masts either side of one of the pylons, within the substation compound and the omission of one pylon. VP4 is the viewpoint in the LVIA that most clearly shows this area of the solar farm development (which is taken from PRoW 209/74/1, looking south). No illustrative material has been submitted with this application, so Officers have annotated the approximate location of the POC masts on the photomontage image below to give a general indication of their visual impact and the pylon proposed to be omitted is shown circled green.



Officer Annotation of Photomontage View (Year 10) of VP4 (from PRoW 209/74/1, looking south) with POC masts shown approx. in red and Pylon omitted shown circled green.

In assessing the original proposal, the Year 10 effect at VP4 was concluded to be *Moderate-Negligible Adverse* and *Not Significant*. A moderate adverse effect is typically described as a Medium Magnitude of change where the proposal would result in a clear deterioration in the view. The POC masts would be contained within the approved compound area and would be no taller than existing pylon infrastructure immediately to the north of this compound (into which the POC masts would connect). The applicant asserts that the proximity to an existing pylon will ensure that impact is limited and will therefore not have any significant impact on previous landscape receptors. In the context of the solar farm as a whole, the substitution of one pylon for the proposed POC masts would assimilate into the wider development and ancillary infrastructure and are not likely to result in such a visual difference or adverse effect, in the context of the solar farm as a whole, that would increase the adverse effect above the original assessment. Therefore, considering the Inspector's previous conclusion the impact of this amendment is not considered to result in any significant visual effect.

Amendment C would see the removal of a whole field of panels from the southern field of the northern half of the solar farm with two battery stations relocated into the field to the north. VPs 2 and 3 are the viewpoints in the LVIA that would most clearly show this area of the solar farm development (which are taken from PRoW 209/74/1, looking west). In assessing the original proposal, the Year 10 effect was concluded to be *Minor Adverse* and *Not Significant* at VP2 and *Negligible* and *Not Significant* for VP3. Typically, a minor adverse effect is where a proposal would result in a low magnitude of change and/or the proposal would result in a slight deterioration of the view. With the removal of one field of panels this impact would only reduce. The repositioning of the battery stations to fields to the north, within the rows of panels and between landscaping is also not anticipated to result in any significant increase in adverse visual effect when considering the solar farm scheme as a whole. Therefore, considering the Inspector's previous conclusion the impact of this amendment is not considered to result in any significant visual effect.

Therefore, considering the Inspector's previous conclusions, whilst the solar farm would have some adverse landscape character and visual impact, the amendments proposed are not considered likely to result in any greater affect than the scheme as originally approved.

Heritage

By virtue of their scale, form and appearance, solar farms are capable of affecting the historic environment. As set out under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be given to the desirability of preserving listed buildings, including their setting. In this context, the objective of preservation means to cause no harm, and is a matter of paramount concern in the decision-taking process. Fundamentally, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be.

Section 72 of the Act places a high duty on the preservation or enhancement of the character and appearance of conservation areas. CP14 and DM9 of the Council's LDF DPDs, 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 Planning Practice Guidance (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 (paragraph 8.c).

PPG also states '...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' in relation to large solar farm applications."

The site lies partly within the Halloughton Conservation Area (CA), and within the settings of several Listed Buildings (Halloughton Manor Farmhouse Grade II*, Pigeoncote, Granary and Stable Block at Manor Farm Grade II, Church of St James Grade II, Barn at Bridle Road Farm Grade II, buildings within the Brackenhurst Complex Grade II and South Hill House Grade II). In the original application it was concluded that there would be no direct physical impact to any listed building, rather the potential for harm would be indirect. Furthermore, given the association of the land within the application site and listed buildings in Halloughton to Halloughton Prebend this was concluded as contributing to the heritage interest of these assets.

In determining the Appeal, the Inspector drew the following conclusions in respect of heritage:

- Halloughton Manor Farmhouse, Pigeon Cote, Granary and Stable: given the degree of separation between the solar farm site and these heritage assets and the nature of

existing and proposed screening, the development would result in no harm to the architectural interest of these heritage assets. However, given the association with the Halloughton Prebend, there would be some limited harm to the historic interest of these heritage assets albeit it would fall within the category of *less than substantial harm* and at the *lowest end of that spectrum*.

- Church of St James: Whilst in wintertime there would be heavily filtered views of a limited number of panels in the setting of the church, the way the heritage interest of the church is experienced would not be changed. However, given the association with the Halloughton Prebend, there would be some limited harm to the historic interest of this heritage asset, albeit it would fall within the category of *less than substantial* and at the *lowest end of that spectrum*.
- Barn at Bridle Road Farm: In views closer to the farmstead some panels would be seen in the same view as the barn. That said, glimpses of some panels over the roof of the barn would have a limited impact on its heritage interest. However, given the association of the village with the Halloughton Prebend, there would be some limited harm to the historic significance of this heritage asset, albeit it would fall within the category of *less than substantial* and at the *lower end of that spectrum*.
- Halloughton Conservation Area:
Whilst the agricultural land beyond the CA boundary, does contribute to the interest of the CA, this is of less importance than the contribution of the various heritage assets. There are few views out towards the solar farm from the CA and across it to the CA, resulting in only limited change to some views of the wider rural area and of the CA. In this context, the solar farm would have *no material impact* on the character and appearance of the CA.
The only element of the proposal to fall within the CA would be the vehicular access from Bridle Farm Road some 45 to 50m from the junction with the A612 Highcross Hill and a short length of access track running through an area of semi-mature woodland. Whilst this area forms the entrance to the CA, it is a wide engineered junction with extensive visibility splays that makes a limited contribution to the character of the CA. During the relatively short construction period, the access and its use would have an impact on the appearance of the CA. However, on completion, the character and appearance of the access would revert to that of an agricultural access of which there are several within the wider CA. Therefore, any harm would be limited and of a short duration.
Given the conclusions on the effect of the proposal on the various LBs within the CA, the relevance of the Prebend and the impact of the proposed access, there would be some limited harm to the historic interest of this CA, albeit it would fall within the category of *less than substantial* and at the *lower end of that spectrum*.
- Brackenhurst Hall Complex: The proposed solar farm would result in *no harm* to the heritage interest of these assets.
- South Hill House: The proposed solar farm would result in *no harm* to the heritage interest of this asset.

Drawing the above together, the Inspector concluded that the proposal would result in less than substantial harm at the lower/lowest end of that spectrum to the heritage significance of several heritage assets, however the harm would be temporary until the solar farm was decommissioned. In relation to the CA as a whole, the Inspector concluded that the proposal would, on balance, preserve its character and appearance.

Whilst noting that the original application was recommended for refusal by Officers and subsequently refused by the Planning Committee on heritage grounds, the Planning Inspectorate's decision to allow the appeal is a material consideration. It is therefore in *this* context that the amendments to the scheme as proposed should be assessed.

Turning to the amendments proposed in this application, the general reconfiguration of the panels within each field (Amendment D) and change to the access track alignment within the substation compound (Amendment B) would likely be impercievable when considering the overall scale of the development. However, Amendments A and C are likely to result in perceivable visual changes to the scheme as approved.

The Council's Conservation Officer (CO) has commented that the Amendment C would reduce the impact of the development on Halloughton CA, however Amendment A would be a more significant amendment to the scheme. The CO noted that masts in themselves are quite alien and are an unusual industrial element not commonly seen with pylons, however they acknowledge that the landscaping proposals would help soften views directly from Halloughton and the impact of the masts would vary depending on your viewpoint and topography. Overall, the CO concludes that whilst the masts would result in visual impact in height terms rather than the horizontal plane of the PV's, given the proximity to an existing pylon they are unlikely to be obtrusive in longer views. They therefore conclude, in the context of the Inspectorate's previous conclusions, that this amendment would not result in any significant wider visual impact. Therefore, considering the conclusions of the Inspectorate and in light of the conclusions drawn above in respect of visual effect it is not considered that the amendments proposed would result in any additional harm to the setting of the abovementioned heritage assets that would upgrade the level of harm from less than substantial at the lower/lowest end of that spectrum.

However, sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged which require the decision maker to pay special regard to the desirability of preserving LBs, their settings, and any architectural features they may possess (s.66) and to pay special attention to the desirability of preserving or enhancing the character or appearance of a CA (s.72). Where a proposal results in less than substantial harm to the significance of a HA, para. 199 of the NPPF requires the decision maker to attach great weight to its conservation. However, para. 200 says that where a proposal would lead to less than substantial harm to the significance of a HA, this harm is to be weighed against the public benefits of the proposal.

In the determination of the Appeal the Planning Inspector concluded that, recognising the great weight that is required to be attached to the conservation of a heritage assets, the imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant benefits of the scheme would clearly and decisively outweigh the temporary and less than substantial harm to the heritage assets involved. In light of this conclusion, the amendments proposed are not considered to result in any greater affect than the scheme as originally approved.

Other Matters

It is noted that comments received from a third-party query how the proposed POC masts would be transported to the site and whether this would require an amendment to the Construction Traffic Management Plan (secured by condition 20) and swept path analyses undertaken for HGVs for the proposed access (condition 06). The Applicant has confirmed that the POC masts would be transported to site in short sections using standard HGVs. The sections are then assembled on site horizontally before being raised vertically using hydraulics, with no need for large cranes. Given the POC masts would only result in 2-4 HGV deliveries and would remove the need for a large number of HGV deliveries that would have been associated with the new full tower/pylon construction, no amendment to the Construction Traffic Management Plan is considered necessary. Similarly, as standard HGVs have already been factored into the assessment of the new access tracking, no amendment to the swept path analysis is required either.

In respect of archaeology, the site has been subject to archaeological evaluation as part of the original application. No archaeological finds or features of significance were recorded at the location of the proposed substation/masts, consequently the Archaeological consultant has raised no objection on archaeological grounds to this application.

As previously touched upon, given the scope of amendments are limited to the general configuration of the solar panels and the infrastructure and layout of the substation compound within the site, there would be no impact on other material considerations such as highway safety, flood risk, archaeology, ecology, amenity etc. as the overall layout and strategy for the site is not proposed to change.

The agent has also confirmed that the removal of one of the fields of panels would not impact the generating capacity of the solar farm overall as the panels now proposed are of higher wattage and would provide the same energy output overall.

Assessment of the remaining conditions

The NPPG is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission.

For ease of reference the conditions as originally imposed by the Planning Inspectorate are listed in full below (see section 9) with strikethrough text used to represent parts of the condition no longer required and bolded text used to indicate new wording where relevant. Officers have added 'reasons' for the conditions imposed by the Planning Inspectorate for the avoidance of doubt.

8.0 Implications

In writing this report and in putting forward a recommendation, 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 referred to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

Only the very narrow scope of the matters of varying the conditions imposed are open for consideration. Considering the amendments proposed in this application and in light of the Inspector's previous conclusions, which are material considerations, it has been concluded that whilst the solar farm overall would have some adverse landscape character and visual impact, the amendments proposed are not considered likely to result in any greater effect than the scheme as originally approved. Similarly, in respect of heritage, the amendments proposed are also not considered to result in any greater effect than the scheme as originally approved. Whilst the solar farm as a whole would result in a minor degree of less than substantial harm to the heritage assets involved, considering the Inspector's conclusion in relation to the overall planning balance, given the imperative to tackle climate change (as recognised in legislation and energy policy) this is considered to be clearly and decisively outweighed by the very significant benefits of the scheme.

The proposal would continue to make a material and early contribution to the objective of achieving the decarbonisation of energy production. The Planning Inspectorate's decision was clear that to allow the proposed solar farm would not conflict with the objectives of relevant development and national planning policy when read as a whole and this is a material consideration in the assessment of this application. Accordingly, and having taken all matters into account, it is considered that the amendments sought would be acceptable. It is therefore recommended that planning permission is approved.

10.0 Conditions

01

The development hereby permitted shall not begin later than **18 February 2025** ~~3 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 planning permission hereby granted shall be for a temporary period only, to expire 40 years and 6 months after the first export date of the development, except for the DNO substation, which will remain on the site in perpetuity. Written confirmation of the first export date shall be provided to the local planning authority within one month after the event.

Reason: The proposal is not suitable for a permanent permission and in accordance with the applicants expressed intent.

03

If the solar farm hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the solar farm and ancillary equipment, except for the DNO Substation, shall be submitted within 6 months of the end of

the cessation period to the local planning authority for its written approval. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures.

Reason: In the interests of visual amenity in accordance with Core Policy 13 the aims of the NPPF and NPPG.

04

Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the first export date, a Scheme for the decommissioning of the solar farm and its ancillary equipment, except for the DNO substation, and how the land is to be restored, to include a programme for the completion of the decommissioning and restoration works, shall be submitted to and agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

05

The solar farm and its ancillary equipment, except for the DNO substation, shall be dismantled and removed from the site and the land restored in accordance with the approved Scheme and, in any event shall be removed within a period of 40 years and 6 months following the first export date.

Reason: In the interests of visual amenity and in accordance with the applicants expressed intent.

06

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

- P18-2917_02 – Rev E - Site Location Plan (deposited 8th January 2021).
- ~~— HLG-01-2001 Rev 01 – Indicative WPD and Customer Compound Layout.~~
- ~~— HLG-01-2002 Rev 01 – Indicative WPD and Customer Compound Elevations.~~
- BHA_665_03 - Tree Protection Plan – Highways Access.
- P18-2917 Figure 1 Rev A - Site Access Visibility Splays.
- JBM-HALLOU-SD-02 - Typical Fence, Track & CCTV Details.
- JBM-HALLOU-SD-03 - Typical Trench Section Details.
- JBM-HALLOU-SD-04 - Typical Inverter Substation Details.
- JBM-HALLOU-SD-05 - Typical Spares Container Details.
- JBM-HALLOU-SD-06 Rev A - Typical Battery Storage Systems Details.
- JBM-HALLOU-SD-07 Rev A - Typical Customer Switchgear Details.
- ~~— P18-2917_12 Rev M – Site Layout and Planting Proposal.~~

- Typical PV Table Details 3P Rev A - Typical PV Table Details (x 3).
- Typical PV Table Details Rev A - Typical PV Table Details (x 6).
- P18-2917 Figure 2 Rev A - Swept Path Analysis: Proposed Site Access 15.4m Articulated Vehicle.
- **P18-2917_12 Rev P - Site Layout and Planting Proposal.**
- **Substation Compound Details Rev. A.**

Reason: So as to define this permission.

07

Notwithstanding the approved plans contained in Condition 6, prior to their erection on site details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the proposed development.

Reason: To ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area in accordance with Core Policy 13 and Policy DM5 of the DPD.

08

No works or development shall take place until the local planning authority has approved in writing the full details of the tree, shrub, and hedgerow planting (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards. The landscaping scheme should be based on the Species List for the Mid Nottinghamshire Farmlands Landscape Character Type included within the Newark and Sherwood Landscape Character Assessment.

Reason: In the interests of visual amenity and biodiversity in accordance with the aims of the NPPF, Core Policy 12-13 and Policies DM5 and DM7 of the DPD.

09

The approved landscaping scheme shall be carried out within the first planting season following the date when electrical power is first exported ("first export date"). If within a period of 7 years from the date of planting any tree, shrub, hedgerow, or replacement is removed, uprooted, destroyed, or dies then another of the same species and size of the original shall be planted at the same place.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity in accordance with the aims of the NPPF, Core Policy 12-13 and Policies DM5 and DM7 of the DPD.

10

Notwithstanding the submitted details, no works or development shall take place until an Arboricultural Method Statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the local planning authority. This scheme shall include:

- a. a plan showing details and positions of the ground protection areas.
- b. details and position of protection barriers.
- c. details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g., in connection with foundations, bridging, water features, hard surfacing).
- e. details of construction and working methods to be employed for the installation of access tracks within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in accordance with the approved arboricultural method statement and tree/hedgerow protection scheme.

Reason: In the interests of visual amenity and biodiversity.

11

The following activities must not be carried out under any circumstances:

- a. no fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. no equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site.
- c. no temporary access within designated root protection areas without the prior written approval of the local planning authority.
- d. no mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. no soakaways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. no stripping of topsoil(s), excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. no topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. no alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the local planning authority.

Reason: In the interests of tree protection, visual amenity and biodiversity.

12

Except for emergency works, construction works on the site shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1400 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect the amenity of occupiers of nearby properties from noise and disturbance in accordance with the aims of the NPPF and Policy DM5 of the DPD.

13

The development hereby permitted shall be carried out in strict accordance with the pre, post and during construction mitigation, enhancement and management measures outlined within the Biodiversity Management Plan (V2 09/07/2020 by Avian Ecology). For the avoidance of doubt, this shall include compliance with the Ecological Mitigation Measures set out in Section 3, the Ecological Enhancement Measures in Section 4, and the Habitat Management Measures in Section 5 in addition to the Management Schedule set out in Section 7. Save for the installation of the bird boxes (which should be installed in the autumn, September to November) the Wildlife Enhancement Measures should be installed in accordance with the timescales embodied within the management schedule following the cessation of construction works. The Biodiversity Management Plan shall be implemented for the lifetime of the development.

Reason: In the interests of maintaining and enhancing biodiversity and protecting nearby Local Wildlife Sites.

14

The development hereby permitted shall be carried out in strict accordance with the Ecological Assessment Report V2 09/07/2020 (including Appendices 2, 3 and 4) by Avian Ecology. For the avoidance of doubt, this shall include the pre-construction survey work and/or mitigation measures as summarised in Table 5.1. The measures shall be undertaken in accordance with the timescales embodied within the report.

Reason: In the interests of maintaining and enhancing biodiversity.

15

Prior to the commencement of development, a methods statement of Reasonable Avoidance Measures (RAMs) for Great Crested Newts (GCN) shall be submitted to and approved in writing by the local planning authority. All works shall thereafter be carried out in accordance with the approved details. If RAMs are not sufficient to safeguard GCN, proof of a Low Impact Class Licence or full European Protected Species Mitigation License from Natural England (whichever is applicable), supported by a detailed Method Statement shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of maintaining and enhancing biodiversity.

16

Prior to the commencement of development, a Scheme for the retention, ongoing maintenance, and replacement of any trees and/or hedgerows which die within the areas indicated with green notation on "Areas of Existing Planting" which are within the land edged in blue and red (drawing number P18-2917_30) shall be submitted to and approved in writing by the local planning authority. The approved Scheme shall be implemented in accordance with the approved details until the solar farm hereby approved is decommissioned.

Reason: in the interests of tree protection, visual amenity and biodiversity.

17

No tree works or vegetation clearance shall take place during the bird nesting period (beginning of March to end of August inclusive) unless a precautionary pre-start nesting bird survey has been carried out by a qualified ecologist/ornithologist and the findings have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds.

18

No external lighting (other than low level lighting required on ancillary buildings during occasional maintenance and inspection visits) shall be erected/used on site unless precise details of any lighting are first submitted to and approved in writing by the local planning authority. The lighting shall be installed and thereafter maintained in accordance with the approved details of the lifetime of the development.

Reason: in the interests of visual amenity and biodiversity.

19

No part of the development hereby permitted shall otherwise commence until the access to the site has been completed (as shown on approved plan ref. P18-2917 Figure 1A) and surfaced in a bound material for a minimum distance of 10m behind the edge/extent of the public highway and the crossing of the highway and footway verge is available for use, in accordance with details to be first submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and convenience.

20

Development shall take place in strict accordance with all the mitigation measures set out in the Construction Traffic Management Plan (July 2020) by Pegasus Group. For the avoidance of doubt, this shall include i. that deliveries shall not take place outside 1000 hours to 1600 hours or 1800 to 2000 hours and at no time on Sundays or Bank Holidays; ii. compliance with the mitigation measures details at Section 7 in the Construction Traffic Management Plan (July 2020).

Reason: In the interests of residential amenity and highway safety.

21

No development shall take place until an archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following:

1. an assessment of significance and proposed mitigation strategy (i.e., preservation by record, preservation in situ or a mix of these elements).
2. a methodology and provisional timetable of site investigation and recording.
3. provision for site analysis.
4. provision for publication and dissemination of analysis and records.
5. provision for archive deposition and
6. nomination of a competent person/organisation to undertake the work.

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation.

22

The archaeological site work must be undertaken only in full accordance with the approved Written Scheme of Investigation. The developer/site operator shall notify the local planning authority of the intention to commence at least 2 working weeks before the start of archaeological work to facilitate adequate monitoring arrangements. No variation to the methods and procedures set out in the approved Written Scheme of Investigation shall take place without the prior written consent of the local planning authority.

Reason: Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and to ensure satisfactory arrangements are made for the recording of possible archaeological remains and to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

23

The post-investigation assessment and final report must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication, dissemination of results, submission of the final report to the local planning authority and Nottinghamshire HER and deposition of the archive being secured.

Reason: Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and to ensure satisfactory arrangements are made for the recording of possible archaeological remains and to ensure that satisfactory arrangements are made for

the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

24

The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed a rating level of 35 dB LAeq,15 minute at the nearest sound-sensitive premises. All measurements shall be made 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: To protect the amenities of nearby residents.

25

No part of the development hereby permitted shall commence until a detailed surface water drainage scheme based on the principles set out in the approved Calibro Flood Risk Assessment (FRA) ref. BR-629-007 dated 2 July 2020, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The submitted scheme shall:

1. provide detailed design (plans, network details and calculations) in support of the surface water drainage system required to manage runoff from the proposed building associated with the substation in accordance with the approach discussed in Section 7 and presented in drawing BR629-0007-100_02 Surface Water Drainage Proposals (Appendix D of the FRA).
2. provide detailed design (plans and calculations) in support of the proposed bunded storage areas and associated cut-off swales proposed to reduce flow in the Potwell Dyke as presented in Section 6.3 of the FRA.
3. provide a maintenance schedule for the attenuation basin and bunded storage areas to ensure their performance over the lifetime of the development.
4. provide a maintenance schedule to ensure run-off from solar panels is managed to reduce any detrimental impacts on the natural formation of the agricultural land beneath and around the panels.

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.

BACKGROUND PAPERS

Application case file

Application reference - 20/01242/FULM

