



Report to Planning Committee: 28 May 2024

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Report Summary	
Report Title	<p>Implications of new evidence on pending planning appeals in relation to applications:</p> <p>22/00975/FULM - Construction of a solar farm, access and all associated works, equipment and necessary infrastructure at Land At Knapthorpe Lodge, Hockerton Road, Caunton, Newark On Trent, NG23 6AZ (Knapthorpe Lodge)</p> <p>22/00976/FULM – Construction of a solar farm, access and all associated works, equipment and necessary infrastructure at Field Reference Number 2227, Hockerton Road, Caunton (Muskham Wood)</p>
Purpose of Report	<p>Following Planning Committee’s decision to refuse the above applications, this report is intended to provide an update on the pending appeals against these decisions considering new evidence received and material considerations.</p>
Recommendation	<p>To be noted.</p>

Background

1.1 Members will recall that two 49.9MW Solar Farm applications were considered by the Planning Committee on 9 November 2023 where Members resolved to refuse planning permission for both schemes, contrary to officer recommendation. The reasons for refusal were as follows:

Knapthorpe Lodge - 22/00975/FULM

“In the opinion of the Local Planning Authority, the proposed development would result in the loss of agricultural land (9.52 hectares of which is Grade 3a which is the Best and Most Versatile (BMV) agricultural land and 64.86 hectares of which is Grade 3b quality) for a period of 40 years. The loss of this land for this length of time is considered to be harmful to the aims of delivering food and non-food crops and sustainable food production. This loss of agricultural land (including BMV land) throughout the lifetime

of the proposed development is a site-specific impact that has not been justified by the most compelling evidence, as required. In addition, by virtue of the significant scale of the development, it is considered that it would lead to a significant detrimental impact to the local landscape character (Mid-Nottinghamshire Farmlands Policy Zone MN30), by virtue of the identified major adverse effect that would result from the development individually and cumulatively with surrounding developments, that would last for the lifetime of the development. The proposal would therefore 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.

Although the proposal would bring meaningful environmental and economic benefits to the District, in the overall planning balance, these are not considered sufficient to outweigh the harm identified on the 40-year loss of the land for agricultural productivity 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 Core Policies 9 (Sustainable Design), Core Policy 13 (Landscape Character) of the Amended Core Strategy, Policies DM4 (Renewable and Low Carbon Energy Generation), DM5 (Design), DM8 (Development in the Open Countryside) and DM12 (Presumption in Favour of Sustainable Development) of the Allocations and Development Management Development Plan Document (2013) in addition to the provisions of the Landscape Character Assessment Supplementary Planning Document (2013), the Planning Practice Guidance, and the National Planning Policy Framework (2023) which are material considerations.”

Muskham Wood - 22/00976/FULM

“In the opinion of the Local Planning Authority, the proposed development would result in the loss of 3b Best and Most Versatile agricultural land for a period of 40 years. The loss of this land for this length of time is considered to be harmful to the aims of delivering food and non-food crops and sustainable food production. This loss of agricultural land (including BMV land) throughout the lifetime of the proposed development is a site-specific impact that has not been justified by the most compelling evidence, as required. In addition, by virtue of the significant scale of the development, it is considered that it would lead to a significant detrimental impact to the local landscape character (Mid-Nottinghamshire Farmlands Policy Zone NM30), by virtue of the identified major adverse effect that would result from the development individually and cumulatively with surrounding developments, that would last for the lifetime of the development. The proposal would therefore 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.

Although the proposal would bring meaningful environmental and economic benefits to the District, in the overall planning balance, these are not considered sufficient to outweigh the harm identified on the 40-year loss of the land for agricultural productivity 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 Core Policies 9 (Sustainable Design), Core Policy 13 (Landscape Character) of the Amended Core Strategy, Policies DM4 (Renewable and Low Carbon Energy Generation), DM5

(Design), DM8 (Development in the Open Countryside) and DM12 (Presumption in Favour of Sustainable Development) of the Allocations and Development Management Development Plan Document (2013) in addition to the provisions of the Landscape Character Assessment Supplementary Planning Document (2013), the Planning Practice Guidance, and the National Planning Policy Framework (2023) which are material considerations.”

- 1.2 Appended at the end of this report are copies of the Planning Committee Reports (Appendix B & C) that came before Members and the recorded minutes (Appendix A) detailing the debate and confirming the resolution of the Planning Committee.
- 1.3 Two appeals (Planning Inspectorate reference APP/B3030/W/24/3344502 and APP/B3030/W/24/3344500) against the refusals have now been lodged with the Planning Inspectorate (PINS). The Council is awaiting confirmation from PINS that these appeals are valid (and therefore awaiting start dates), however the Appellant has requested the appeals be heard by the Public Inquiries procedure.
- 1.4 Given the timescales that the Council will be required to adhere to once the Appeals commence it has been necessary to call an Extraordinary Planning Committee meeting in order to ensure that Officers are able to provide an update of any Committee comments as part of the statement of case.

2.0 Proposal/Options Consider and Reasons for Recommendation

- 2.1. Considering the reasons for refusal cited at para. 1.1, the main issues for these two appeals will be:

Knapthorpe Lodge: the effect on the stock of agricultural land (including BMV land) as a resource, the impact on landscape character, the visual impact of the scheme and the benefits of the scheme.

Muskham Wood: the effect on the stock of agricultural land as a resource, the impact on landscape character, the visual impact of the scheme and the benefits of the scheme.

- 2.2. As part of the appeal submissions the Appellant has invited PINS to determine the appeals based on amended plans to the original schemes considered by members under the *Wheatcroft Principle*. Please see Appendix D for a comparison of the original plans refused by Members in November 2023 and the plans submitted as part of the Appeals.
- 2.3. Good practice suggests that any intention to amend an 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 their intention to amend the schemes prior to lodging their appeals but have yet to undertake any consultation with local residents or consultees that were consulted on and/or commented on the original planning applications.
- 2.4. The purpose of this report is to notify Members of these amendments and any other

relevant material considerations since the determination of the applications to allow Members to consider whether they materially alter their previous assessments of the proposals.

Further information is contained in the exempt report.

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. Any documents that contain confidential information or personal information about individuals should not be included in this list.

- Appendix A: Planning Committee Minutes 09 November 2023
<https://democracy.newark-sherwooddc.gov.uk/documents/g867/Printed%20minutes%2009th-Nov-2023%2016.00%20Planning%20Committee.pdf?T=1>
- Appendix B: 22/00975/FULM Committee Report
<https://democracy.newark-sherwooddc.gov.uk/documents/s18052/FINAL%2022-00975-FULM%20-%20Land%20At%20Knapthorpe%20Lodge%20Hockerton%20Road%20Caunton.pdf>
- Appendix C: 22/00976/FULM Committee Report
<https://democracy.newark-sherwooddc.gov.uk/documents/s18054/FINAL%2022-00976-FULM%20-%20Muskham%20Wood%20Field%20Ref%20No%202227%20Hockerton%20Road%20Caunton.pdf>
- Appendix D: Comparison of the applications layout plans and the amended plans