



Report to Planning Committee – 27 April 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Anna Horn – Senior Planner

Report Summary			
Application No.	22/01983/FULM		
Proposal	Construction of Solar farm with associated works, equipment and necessary infrastructure.		
Location	Land At Foxholes Farm Bathley Lane North Muskham		
Applicant	Foxholes Solar Limited	Agent	Pegasus Planning Group Ltd
Web Link	22/01983/FULM Construction of Solar farm with associated works, equipment and necessary infrastructure. Land At Foxholes Farm Bathley Lane North Muskham		
Registered	28/11/2022	EOT Date	29/04/2026
Recommendation	Application be GRANTED, subject to the conditions in section 10.		

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

1.0 The Site

- 1.1 The site comprises approximately 75 hectares of agricultural land, comprising 5 arable fields with hedgerow and tree boundaries around the majority of the perimeter. The fields range in size from relatively small to large, and are of variable shape, some are predominantly rectilinear. The site is currently open and undeveloped, free from built form.
- 1.2 The site lies within the open countryside and is positioned to the west of the A1, north of the settlement of Bathley, to the southeast of the village of Norwell and southwest of the settlement Cromwell. The surrounding landscape comprises very gently undulating arable and pastoral farmland.

- 1.3 The topography of the site is undulating, with the land sloping downwards in a northerly direction, and the land level varying and sloping across the site. Due to the undulating topography of the site, the land level rises within the site and drops to the northern and northwestern parts of the site, with views afforded across the open landscape looking north and north westwards towards Norwell and beyond. A stream, known as The Beck, follows the northwest boundary of the Site.
- 1.4 The proposal site comprises Grade 3a and 3b agricultural land, with 53% made up of BMV land (subgrade 3a or above), which equates to an area of 39.8ha.
- 1.5 Beyond the site to the northwest is the village of Norwell, which is a designated Conservation Area and has several Listed Buildings and a scheduled monument. The key heritage assets considered as part of this assessment are listed below:
- Church of St Lawrence – Grade I Listed
 - The Old Hall – Grade II Listed
 - Stable at The old Hall – Grade II Listed
 - The Old Windmill – Grade II Listed
 - School House – Grade II Listed
 - Old Hall schedule monument
 - Norwell Conservation Area
- 1.6 The southern boundary lies adjacent to an unnamed minor road between Main Street which runs through the village of Norwell to the northwest and Vicarage Lane which runs from North Muskham to the southeast. The unnamed road is referred to as 'Bathley Lane' for the purposes of this assessment and is referred to as such within the application documents also. Two small pockets of woodland lie just beyond the southwest corner of the Site.
- 1.7 Two public rights of way run through and along the site. Bathley Bridleway BW13 runs from the access road in northeastern and southwestern directions to Norwell Lane. Bathley Footpath FP5 routes in a southeast and northwest direction from the access road and extends to Norwell.
- 1.8 Environment Agency Flood Maps confirm the site is predominately Flood Zone 1, where there is a low probability of flooding. However, the site contains an isolated area of Flood Zone 2 and 3a in the northwestern top corner of the site. There are some very limited areas of low-high surface water flood risk as well within the site.

2.0 Relevant Planning History

- 2.1. 21/SCR/00008 - Request for screening opinion for proposed solar farm development. Environmental Impact Assess Not Required.
- 2.2. PREAPM/00211/21 - Proposed Solar Farm Development. Advice given.

3.0 The Proposal

- 3.1 The proposal is for a solar photovoltaic (PV) farm on land at Foxholes Farm, Newark. The development would have the capacity of up to 49.9MW of renewable energy. The

description of development is as follows:

- 3.2 *“Construction of a solar farm with all associated works, equipment and necessary infrastructure.”*
- 3.3 The proposed development will include arrays of PV panels, access tracks, ancillary equipment including inverters, a District Network Operator (DNO) connection point and Substation building, security fence, CCTV cameras and poles and proposed landscape and ecological enhancements. The development will have an operational life of 40 years, after which time it will be decommissioned, the equipment removed, and the land restored to its original condition.
- 3.4 The maximum heights of the infrastructure proposed are below:
- Panels – 4m high
 - Substation and DNO – 2.5m high
 - Inverter – 2.2m high
 - CCTV security posts – 2.6m high
 - Security fence – 2.4m high
- 3.5 The photovoltaic panels will be mounted on a supporting metal framework laid out in parallel arrays running north to south across the fields. The bottom edge of the panels will be approximately 1.7m above the ground, with the top edge set at up to 4m above the ground. The panels are designed to move and track the movement of the sun across the day, increasing their efficiency.
- 3.6 A substation is also proposed to house the equipment that connects the solar park to the local energy distribution network. The proposed scheme may require works beyond the site boundaries to facilitate a viable grid connection. The applicant has shared the grid connection point and the suggested cabling route. Any cabling proposals fall under permitted development and separate highways legislation and are therefore not considered as part of this planning assessment.
- 3.7 Ecological and landscape enhancements are also proposed, including:
- Retention, protection and enhancement of the existing hedgerows and the creation of new lengths of native hedgerows.
 - Planting of new trees as part of a screening belt to the northwest corner of the site.
 - Creation of wildflower/grass seed mix habitats which would form the ground cover beneath the solar panels and the margins of the site to deliver improvements to the condition of the grassland habitats on site.
 - Improving the water habitats on site through the creation of new wet ditches.
 - Off-site mitigation for Skylarks comprising of 16 skylark plots for nesting.
- 3.8 The lifespan of the development is 40 years. Upon decommissioning, the panels will be removed and taken away for disposal/recycling and the land shall be returned to its original form, in this instance agricultural land.

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

3.10 Documents assessed in this appraisal:

3.11 Drawings:

- Site Location Plan P21-1378_001 Rev C
- Layout Plan P21-1378_EN_002 Rev H
- Landscape and Ecological Masterplan P21-1378_EN_003 Rev E
- Typical Access Track Detail P21-1378.106
- Typical Fence Detail P21-1378.105
- Typical CCTV, Post and Security Speaker Details P21-1378.104
- Typical Inverter Detail P21-1378.103
- Typical Client and DNO Substation Detail P21-1378.102
- Typical Panel Elevations P21-1378.101
- Proposed Access Arrangement P21-1378 Rev A
- Visibility on Vicarage Lane P21-1378 SK03, SK03/01, SK03/02, SK03/03 Rev F
- Visibility on Bathley Lane P21-1378 SK07/01 and SK07/02 Rev F

3.12 Technical Reports / Supporting documents

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

- Additional Information Document received 12 Sept 2025 ref. P21-1378
- Additional Statement and Response to LPA received 6 Feb 2026 ref. P21-1378

4.0 Departure/Public Advertisement Procedure

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

5.0 Planning Policy Framework

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

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 7 - Sustainable Transport
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment

5.2. Allocations & Development Management DPD

DM4 – Renewable and Low Carbon Energy Generation
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM8 – Development in the Open Countryside
DM9 – Protecting and Enhancing the Historic Environment
DM10 – Pollution and Hazardous Substances
DM12 – Presumption in Favour of Sustainable Development

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

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

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

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

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

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

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

Policy DM4 – Renewable and Low Carbon Energy Generation

Policy DM5(a) – The Design Process

Policy DM5(b) – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM10 – Pollution and Hazardous Materials

5.3. **Other Material Planning Considerations**

- Newark Sherwood District Council’s Climate Emergency Strategy 2020
- Newark and Sherwood Landscape Character Assessment SPD, 2013
- Newark and Sherwood Non-Designated Heritage Asset Criteria, 2021
- Newark and Sherwood District Council’s Solar Energy Supplementary Planning Document
- Newark and Sherwood Landscape Sensitivity Assessment for Wind and Solar PV Development (March 2026)
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (PPG) online resource
- Overarching National Policy Statement for energy EN-1, 2025
- National Policy Statement for Renewable Energy Infrastructure EN-3, 2025 (can be a material consideration in determining applications under the Town and Country Planning Act 1990)

- Written Ministerial Statement ‘Solar and protecting our Food Security and Best and Most Versatile (BMV) Land’ - 15th May 2024
- The Climate Change Act 2008
- UN Paris Agreement 2016
- Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15 (February 2021)
- The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (2nd Edition)
- Conservation of Habitats and Species Regulations 2017, as amended
- Natural Environment and Rural Communities (2006) Act

Relevant Appeal Decisions:

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

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

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

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

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

6.0 Consultations and Representations

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

Statutory Consultations

6.1. NCC Highways

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

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

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

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

6.2. National Highways

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

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

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

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

6.3. **Lead Local Flood Authority**

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

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

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

6.4. **Environment Agency**

No objection (19/12/2022)

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

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

6.5. **Natural England**

No specific comments (10/02/23).

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

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

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

6.6. **Historic England**

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

Non-Statutory Consultation

6.7. Tree Officer

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

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

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

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

6.8. Environmental Health

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

6.9. NCC Public Rights of Way

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

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

6.10. **Nottinghamshire Area Ramblers**

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

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

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

6.11. **Network Rail**

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

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

6.12. **Trent Valley Internal Drainage Board**

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

6.13. **Nottinghamshire Wildlife Trust**

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

6.14. **Ecology**

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

6.15. **Archaeology**

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

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

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

6.16. **Conservation**

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

Further comments: additional viewpoints have been provided, still concerns regarding the proposal, primarily due to the sloping land rising above Norwell. As land rises panels will be visible above proposed screening. Concerns raised about movement tracker panels, as panels move throughout day this adds to industrial nature of proposal. Disagree with the heritage assessment regarding St Laurence's Church that views do not facilitate appreciation of heritage significance of the asset and there is no harm to buildings setting. Acknowledged that schemes size has been reduced but the removed areas are small and low lying so have a lesser impact on setting of heritage assets. The setting and appreciation of Church of St Laurence, The Old Windmill, The Old Hall and Stable, when viewed from within the site, will be affected. Development also harms the setting of the CA. Screening may help mitigate some of this harm, however, development will still significantly impact the experience of the assets from the footpath and the site. The temporary nature of the panels does not eliminate this harm. Development is contrary to sections 66 and 72 of the Act, development causes less than substantial harm on a lower to moderate scale, and this should be weighed against the public benefits of the scheme. (04/12/24)

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

6.17. **British Horse Society**

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

Town/Parish Council (PC)

6.18. **Cromwell PC**

Comments neither objecting nor supporting – location is too far from village to cause

excitement. (22/12/22)

6.19. **Norwell PC**

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

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

6.20. **Norwell and Norwell Woodhouse PC**

Concerns regarding:

- Damage to heritage assets, CA and historic landscape (Old Windmill Grade II LB, School House Grade II LB and St Laurence's Church Grade I LB, and impact on CA), 17 LBs and a schedule monument in Norwell
- Agricultural land classification and site selection – loss of BMV
- Flooding and FRA – increase flood risk elsewhere
- Visual intrusion, encroachment and harm to landscape character area – sloping land, dominate village, visual encroachment to countryside, impact of footpaths
- Construction traffic and road safety
- Loss of / damage to local amenities and negative impact on health and wellbeing
- Lack of consultation and engagement with local community (04/01/23)

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

6.21. **Bathley PC**

Objection (26/01/23)

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

6.22. **Caunton PC**

Objection (16/03/2026)

Concerns regarding the cabling route and requests further consultation and an

Environmental Impact Assessment for the cabling works. Concerns centre around disruption of cabling works to residents including noise, dirt, fumes and pollution.

6.23. North Muskhams Village Council

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

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

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

Further comments: Objection (24/02/2026)

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

Representations/public comments

6.24 148 objections have been received. The objections raised are on the following grounds:

- Inefficient site and poor orientation:
A significant proportion of the panels would be north-facing or north-westerly, resulting in sub-optimal solar yield. Objectors dispute the applicant's generation figures and consider the scheme inefficient for its scale, particularly given UK climate conditions.

- Landscape, visual impact and openness of the countryside:
The development would be visually intrusive, dominating views from Norwell village, Bathley Hill and surrounding countryside. It would harm panoramic rural views, erode the openness of the landscape and adversely affect the tranquil, rural character of the area.
- Impact on Norwell Conservation Area and heritage assets:
The solar farm would be visible from the Norwell Conservation Area and would harm its setting. Concerns were raised regarding impacts on listed buildings, including the Church of St Laurence (Grade I), School House (Grade II), nearby historic properties on School Lane, and the Grade II listed windmill. The proposal conflicts with previous refusals for smaller developments due to conservation impacts and would undermine the Norwell Heritage Trail.
- Rights of way, bridleways and public amenity:
The development would adversely affect public footpaths and bridleways used regularly by walkers, cyclists and horse riders. Objectors fear loss of amenity, safety concerns, reduced enjoyment, and that some routes may become unusable or force users onto dangerous roads. Not all rights of way are believed to be accurately recorded or adequately safeguarded.
- Ecology, biodiversity and wildlife:
Significant concerns were raised regarding impacts on habitats and species, including hedgerows, woods, bats, hedgehogs, deer, common shrews, great crested newts, owls, birds of prey, green woodpeckers, jays, kestrels, buzzards, red kites, tawny owls and kingfishers. Glint and glare may disorientate wildlife, and construction and operation would disrupt habitats during an ongoing biodiversity crisis.
- Flood risk, drainage and water contamination:
The site lies adjacent to the Beck, which is prone to frequent flooding. Objectors believe the development would increase surface water run-off due to soil compaction and panel coverage, exacerbating flood risk to the village, farmland, roads, properties, the churchyard and St Laurence Church. Long-term soil erosion and water contamination were also raised.
- Glint, glare and safety impacts:
Concerns were raised that glint and glare would be harmful to residents, road users, cyclists and horse riders, particularly on nearby dangerous bends and roads with existing low-sun visibility issues. The glare assessment is considered inadequate as it does not reflect the full panel height or all affected properties.
- Traffic, transport and highway safety:
Construction traffic and HGV movements would be unsuitable for narrow, poorly maintained rural lanes, worsening road conditions and posing safety risks to residents, cyclists and walkers. Norwell already experiences congestion when the A1 is blocked. No suitable parking for construction workers has been identified.

- Loss of agricultural land:
The scheme would result in the loss of Grade 3 best and most versatile agricultural land. Objectors argue that productive farmland should be protected, particularly in light of food security concerns, and that brownfield or non-agricultural land should be prioritised.
 - Scale, density and overbearing nature of the development:
The size, scale and layout are considered excessive and out of keeping with the surrounding area, creating an overbearing and industrial presence that would dominate the village.
 - Fencing, lighting, security and character impacts:
The proposed fencing, CCTV, security measures and floodlighting are considered inappropriate in a rural setting and would increase light pollution and harm local character and residents' amenity.
 - Construction and long-term amenity impacts:
Concerns include noise, vibration, dust, visual disruption during construction, loss of informal exercise space, impacts on health and wellbeing, and the long-term "temporary" nature of the development effectively becoming permanent.
 - Consultation and procedural concerns:
Objections cite inadequate consultation, poor publicity, lack of direct notification to nearby residents and listed building owners, submission over the Christmas period, conflicting information, and failure to engage meaningfully with Norwell residents.
 - Economic and community impacts:
The development offers no tangible benefit to the local community, such as discounted energy or a community fund. Concerns were raised about negative effects on tourism, local businesses, events and the village's attractiveness.
 - Cumulative and precedent concerns:
Objectors fear approval would set an undesirable precedent for further inappropriate development in sensitive rural and heritage locations.
 - Other concerns:
These include fire risk, hazardous materials, lack of clarity on grid connection, battery storage, decommissioning after 40 years, recycling of panels, long-term soil degradation, and overall failure to conserve the natural and historic environment.
- 6.25 5 comments neither objecting nor supporting were received, raising concerns involving the following:
- Glint and glare assessment limitations:
The Glint and Glare Report is considered incomplete as it fails to assess impacts on individual farmsteads and properties that are closer to the site than some of the village included in the assessment.

- Site location and efficiency:
Concerns were raised regarding the suitability of the site for a solar farm, including the north-facing orientation of panels, the efficiency of energy generation, the impact of high fencing, loss of good quality agricultural land, and character impacts when viewed from the A1, public footpaths and nearby properties. It was also suggested that alternative locations would be more appropriate.
- Heritage impacts and assessment methodology:
The bridleway crossing the site is historically significant, known locally as the “Old Coal Track,” and is considered a heritage asset in its own right. Objectors dispute statements within the submitted heritage assessment that downplay the importance of setting and describe the relationship between the site and the Norwell Conservation Area as “purely visual.” Concerns were also raised that heritage evidence relies on outdated sources and does not fully reflect the extent of Norwell’s heritage assets.
- Consultation process:
Concerns were expressed about the initially short consultation period, although it was acknowledged and welcomed that this was later extended to January 2023.
- Community benefit and wider considerations:
While recognising that modern farming faces economic challenges and that diversification can support farm viability, it was suggested that the scheme should deliver tangible community benefits, such as supplying free or discounted electricity to Norwell, similar to arrangements at other energy developments.

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

- a) Support for low-carbon energy and energy security:
The proposal is supported as a means of contributing to the transition to low-carbon energy, helping to reduce reliance on fossil fuels and imported energy. Schemes of this nature are considered necessary to meet green energy targets.
- b) Suitability of the site:
It is considered that the land has been properly assessed by the landowner and developers and selected as an appropriate location. The use of less productive arable land is not viewed as a threat to food security in the UK.
- c) Limited impacts on public rights of way:
Supporters consider that public rights of way would only be temporarily affected during construction and would not be diverted or permanently altered as part of the development.
- d) Landscape and visual considerations:
In supporters’ views, the development would not harm important public views of Norwell village or the Conservation Area, with any adverse effects limited to private views rather than wider public or heritage assets.

e) Other perceived benefits and mitigations:

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

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

Norwell Solar Farm Steering Group Comments:

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

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

10/10/25 – Response to highways matters

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

29/09/25 – Response to applicant’s September 2025 submission

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

07/05/25 – Further response

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

07/05/25 – Ecology Response

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

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

05/12/24 – Response to heritage addendum

19/11/24 – Response to revision A CTMP

26/03/24 – Residential visual amenity assessment

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

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

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

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

29/01/23 – summary of key objections

Summarised concerns of above representations grouped together:

- Missing / contradictory information e.g panel design, gaps in glint and glare assessment

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

7.0 Appraisal

4 The key issues are:

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

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

Principle of Development

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

heritage assets and their setting, amenity including noise pollution, highway safety and ecology of the local and wider area.

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

Renewable Energy

- 17 In the Climate Change Act 2008, the UK Government set a legally binding target to reduce its greenhouse gas emissions by 80% by 2050, compared with 1990 levels. In 2019, the Government raised the 80% target to a 100% target by 2050. This is referred to as the net zero target. To meet this target, the Government has set the aim of a fully decarbonised, reliable and low-cost power system by 2035 which would be composed predominantly of wind and solar energy. The aim is to achieve 70 gigawatt (GW) of solar power by 2035 (up from 15.7 GW at the end of 2023). Solar farms are widely recognised as one key way to achieving net zero targets.
- 18 The UK Government recognises that climate change is happening through increased greenhouse gas emissions, and that action is required to mitigate its effects. One such action is for the planning system to support the transition to a low carbon future in a changing climate, with actions to achieve radical reductions greenhouse gas emissions and support renewable and low carbon development.
- 19 To globally tackle climate change and its negative impacts, world leaders at the UN Climate Change Conference (COP21) in Paris (2015) reached agreement on a legal binding international treaty to substantially reduce global greenhouse gas emissions. This is known as 'The Paris Agreement', which entered into force on 4 November 2016. Under The Paris Agreement, the UK has committed to a target of cutting carbon by 68% by 2030.
- 20 The Government has published various plans and strategies detailing how the above targets could be met, including through accelerated deployment of low-cost renewable generation. Since the application was originally submitted there has been a change in Government, however, there remains a clear commitment to decarbonising the power sector and achieving net zero as outlined within the Great British Energy Bill, which was introduced to Parliament on 25 July 2024¹.
- 21 In addition, the Government is working on proposed reforms to the National Planning Policy Framework (and other changes to the planning system) which continue to prioritise planning for climate change. Indeed, the previous changes to the NPPF (in December 2024) require that Local Planning Authorities give "significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future" as part of the decision-making process that is a material consideration in determining this planning application.
- 22 Moreover, a Climate Emergency was declared by Newark & Sherwood District Council on 16 July 2019. The District Council has committed to measures to try and reduce its own carbon footprint as well as that of the local community, and published a Climate Emergency Strategy in September 2020. This strategy recognised the importance of climate change and the Council's role in reducing carbon emissions and driving change in the District. The Council therefore takes the matter of improving carbon emission schemes seriously and, alongside Central Government, see this as part of ongoing agenda priorities.

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

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

Site Selection

- 24 The applicant has provided a Site Selection Assessment. This outlines that there are several fundamental considerations to understanding whether a solar farm can be accommodated on the land. These include the capacity of the electricity network, availability of a viable grid connection and environmental and other planning constraints such as landscape, flood, heritage and ecological designations. It further advises that a sufficient area of land is required to maximise efficiency and yield to achieve viability and maximise renewable energy benefits. Having reviewed the Site Selection Assessment, Officers considered it to lack detail, overlook certain points and raised several questions. Subsequently, the applicant has submitted a supplementary Location Justification Report to provide further information on the site selection process.
- 25 Regarding grid capacity, the applicant emphasises that viable grid connections across the UK are limited due to the decarbonisation of the energy system, and that this is a key driving factor to site selection for solar development. A solar farm needs to be capable of connecting to the Electricity Network at a viable point where there is existing capacity, and agreement from the Distribution Network Operator (DNO) to export electricity at that location. A high voltage connection is required for a solar development of this scale. Proximity to a viable and suitable grid connection is key and this restricts the search area for available sites.
- 26 The application site is considered to be preferable as it allows for a viable connection to the Electricity Network. The proposed solar farm would connect to Staythorpe Substation, which is located approximately 5.7km to the south of the site. The proposed cable route would run underground within the highway. The cable route is shown in Appendix 1 of the supplementary Location Justification Report. Chapter 4 of the supplementary Location Justification Report outlines how the site was selected through a criteria-based search exercise and land availability analysis, with a key determining factor being the availability and proximity of the local distribution network i.e., the grid and achieving a viable scale.
- 27 The applicant asserts that a review of the Council's Brownfield Register does not identify land of a sufficient size to accommodate the proposed development within proximity of the point of connection. Moreover, the statement indicates there is no suitable rooftop space to accommodate the scale of the development either. As such, there is no unconstrained non-agricultural land on which the scheme could alternatively be provided. Moreover, the Government understand the need for large scale projects to meet climate targets, for example in the Solar Road Map document.
- 28 It is understood there are around 180 400kV substations across Britain of which 6 are located in Nottinghamshire – namely West Burton, Cottam, High Marnham, Ratcliffe on Soar, Staythorpe and Stoke Bardolph. It is understood that Solar Farm developments are

needed (and planned) at all substations in Nottinghamshire and elsewhere in the UK to meet the net zero target. In this case, the Distribution Network Operator (DNO) identified the existing substation at Staythorpe as being suitable for a grid connection. Centrally located, Staythorpe substation is connected to four transmission lines and covers a wide geographic area and is therefore strategically important. Decommissioning of coal/gas power stations has created available connection capacity.

- 29 Consideration of sites closer to the point of connection were considered but discounted due to limited availability of landowners willing to lease their land. Having narrowed the search area, the reason this particular site was chosen is because the landowner agreed to a solar farm on the site and the site was a suitable size for the scale of development to ensure the project is viable. Other features such as screening, land quality, neighbouring development and the contained nature of the site were also considered in favour of this site.
- 30 It is acknowledged that the application site comprises Grade 3a and 3b agricultural land, with 53% made up of BMV land (subgrade 3a or above), determined by the detailed Agricultural Land Classification and Soil Resource Assessment prepared by Land Drainage Consultancy Ltd. However, the application asserts that there are limited alternative unconstrained sites within proximity to the grid connection of lower grade, noting that other sites within the search area have not been subjected to detailed soil surveys but graded using Agricultural Land Classification (ALC) survey data for the purposes of the assessment. Whilst the previous Site Selection Report was considered insufficient due to a lack of detail, the supplementary report received is considered to give more detail on the site selection process and criteria considered.
- 31 In summary, the national and local policy support for renewable energy projects is clear. It is also clear that Nottinghamshire is a desirable location for such development due to the available grid connections and electricity network capacity. The project would undoubtedly make a significant contribution to renewable energy production and support the Government's aim of achieving net zero. Officers are satisfied a more thorough site selection assessment has now been provided that outlines the site selection process in more detail, a key factor being the proximity to a viable grid connection and the scale and availability of land. Further considerations are discussed below and the benefits and harms of the development will be assessed and weighed in the Planning Balance.

Impact on Agricultural Land

- 32 Policy DM4 of the Amended Allocations & Management DPD is silent on the loss of best and most versatile agricultural land (BMV), while Policy DM8 seeks a sequential approach in respect to the loss of the most versatile areas of agricultural land and requires proposals that cause the loss of such land to demonstrate environmental or community benefits that outweigh the land loss.
- 33 The Inspector at the Staythorpe BESS Public Inquiry concluded that *"This approach does not accord with the national policy as set out in the National Planning Policy Framework. Moreover, it is unclear as to whether the section on agricultural land within Policy DM8 is intended to apply to categories of development such as renewable energy that are not*

referred to in that policy. The most relevant policy to the appeal scheme is Policy DM4 which allows for renewable energy schemes subject to certain criteria and does not refer to agricultural land quality as a criterion. But whatever the intention of Policy DM8, it is relevant to consider the effect on agricultural land; the National Planning Policy Framework seeks to protect soils and recognises the benefits derived from natural capital, including the best and most versatile agricultural land.”

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

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

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

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

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

- 39 The soil report outlines that the proportion of BMV land is slightly less than that likely to be found in the wider geographical area, and less than that found regionally, but is more than the national distribution. In the overall local and regional context, the proportion of BMV land affected on the site is broadly comparable with what would reasonably be expected on a site of this size in this geographical location.
- 40 Natural England's 'Guide to assessing development proposals on agricultural land' states that the policies to protect agricultural land and soil 'aim to protect the best and most versatile (BMV) agricultural land and soils from significant, inappropriate or unsustainable development proposals.' It emphasises the role of Natural England as the statutory consultee in assessing the likely long term significant effects of development proposal on these resources. Section 6 of the Guide advises LPAs to use Agricultural Land Classification (ALC) survey data to assess the loss of land or quality of land from a proposed development, noting that any decision should avoid unnecessary loss of BMV land. Natural England have raised no objection to the proposal, subject to appropriate mitigation being secured. They consider a Soil Resource and Management Plan would be suitable to be conditioned.
- 41 From looking at the Natural England 'Likelihood of Best and Most Versatile Land Strategic map of the East Midlands Region', the areas surrounding the site have a moderate to high likelihood of BMV land. The Natural England Agricultural Land Classification Map for the East Midlands Region further shows that soil gradings for the surrounding context in this part of the district are good to very good (grades 3 and 2). There is no evidence before the Council to suggest there is unconstrained land within the local area, in proximity to a grid connection, with a lower level of BMV land than the proposal site. Therefore, the Council accepts that it is necessary to use BMV agricultural land as proposed.

- 42 The proposed development will require agricultural land to be removed from arable production for the operational lifespan of the development (40 years) but will not preclude its use for grazing of livestock, grass cutting or conservation. The vast majority of the impacted land will remain capable of agricultural function throughout the lifetime of the development. The parameters that soil quality is derived from are unlikely to be changed by the proposed development and the higher quality BMV land will not be permanently lost or degraded as a result of the scheme. The development will not lead to the permanent loss of soil resources and any impacts on soil through construction, operation and decommissioning would be short term. A Soil Management Plan can be secured by condition to ensure this is effectively managed.
- 43 The proposals include the intention to graze sheep on the land beneath the panels, so some agricultural use would continue. Whilst the Council accept that the land would not be used to its maximum potential for food production for the period of the development (40 years), some agricultural use of the land could therefore continue. Moreover, this reduction in productivity would not be permanent and the resource would not be lost to future generations. The planning regime does not control the use of agricultural land, and even without the development it would be possible for the land to be used for non-food crops, for grazing, or even be left fallow.
- 44 Having regard to the above factors, the use of BMV land does not weigh against the granting of planning permission and there is no identified conflict with local or national policy in this regard. This is also consistent with the approach taken in the recent Kelham appeal regarding the use of BMV land.

Impact on Heritage

- 45 By virtue of the scale, siting, form and appearance of the proposed development, it is capable of affecting the historic environment. As the application concerns designated heritage assets of the setting of Listed Buildings, sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is particularly relevant. Section 66 outlines the general duty in exercising planning functions in respect to listed buildings, stating that the decision maker "*shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"
- 46 The duty in s.66 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving the settings of Listed Buildings as a mere material consideration to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a Listed Building, it must give that harm considerable importance and weight. Section 66 places a high duty on the preservation of the settings of listed buildings.
- 47 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines the general duty of Local Planning Authorities to ensure the preservation or enhancement of the character and appearance of a Conservation Area. This duty is crucial when considering planning applications that may affect the character of a Conservation Area. Both section 66 and 72 act as a legal framework to protect heritage assets from inappropriate changes or developments that could harm their character and significance.

- 48 The NPPF defines the setting of a heritage asset as: *“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surrounding evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*
- 49 CP14 and DM9 of the Council’s Development Plan Documents, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the setting of designated heritage assets, furthermore, is expressed in Section 16 of the NPPF and the accompanying PPG. The NPPF advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development.
- 50 Planning Practice Guidance states in relation to large solar farm development: *‘...great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset.’*
- 51 Importantly, paragraph 215 of the NPPF states that *“Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”* This is echoed by Policy CP14 set out in the Core Strategy that states *“where adverse impact is identified there should be a clear and convincing justification, including where appropriate a demonstration of clear public benefits.”*
- 52 There are no designated heritage assets within the application proposal site. However, the application site is located to the south of Norwell village, which was designated as a Conservation Area in 1972. Located within Norwell are 17 listed buildings and a scheduled monument. Norwell is situated on the claylands west of the Trent Valley and the village is located on a plateau located above The Beck. The land also rises to the south of The Beck, with the undulating agricultural land contributing to the rural setting of the village and the listed buildings within Norwell. The Conservation Area boundary covers the whole of the historic village of Norwell which is linear in development form. The village is dominated by two storey buildings largely constructed of red brick and pantile roof dating to 18th and 19th century. However, the village has some buildings that are of timber frame construction with 16th century origins.
- 53 During the medieval period the village was dominated by three Manor houses. On the southwest edge of village is a Grade II listed dwelling called Palis Hall, which has 16th century origins. The site of the Old Hall was located to the south of the Church of St Lawrence and the site is designated as a schedule monument, a moated site which also includes two fishponds. Records indicate that a third fishpond and a dovecote lay to the

west of the moat, but the extent and state of survival of these is not sufficiently understood for them to be included in the scheduling. The location of the third Manor house, Tertia Pars, has not been clearly established.

- 54 The eastern part of the village is dominated by the Church of St Lawrence, which is Grade I listed. A church in Norwell was mentioned in the Domesday book and the Church has parts that date to the 13th, 14th, 15th, 16th and 18th century. It was significantly restored in 1874 by Ewan Christian, a British architect who notably restored Southwell Minster. The closest prominent listed buildings within the vicinity of the application site include:
- Church of St Lawrence (LEN 1369970) – Grade I
 - The Old Hall (LEN 1045955) – Grade II
 - Stable at The Old Hall (LEN 1179230) – Grade II
 - The Old Windmill (LEN 1302090) – Grade II
 - School House (LEN 1179237) – Grade II
- 55 The proposal is for a solar farm with the capacity of up to 49.9MW for 40 years on land to the south of Norwell, comprising of five fields (73.89 ha). These fields rise above the village of Norwell. The siting of the panels, at the closest point, measures some 570m from the Grade I listed Church of St Lawrence and some 410m from the edge of the Conservation Area. As highlighted, the agricultural fields surrounding the village contribute positively to the rural setting of the Conservation Area and the identified Listed Buildings. The site is not part of any formal designation, however, the proposal site is within setting of Norwell Conservation Area and several of the listed buildings within the village.
- 56 Historic England's good practice Guidance Note 3 'The Setting of Heritage assets' defines setting as: *'setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage.'* Due to the topography of the fields to the south of Norwell and the types of listed buildings found within the Conservation Area these buildings have a wide setting. Setting is not dependent on ownership, parish boundaries or historic functional relationships. Historic England's good practice Guidance Note 3 'The Setting of Heritage assets' further states that: *'Careful analysis is therefore required to assess whether one heritage asset at a considerable distance from another, though invisible with it – a church spire, for instance – is a major component of the setting, rather than just an incidental element within the wider landscape'.*
- 57 The originally submitted Heritage Statement acknowledged that the application site is visible from some of the listed buildings, including the Church of St Lawrence and The Old Windmill. It states that the development would represent a 'slight erosion' to the Conservation Area's undeveloped rural surrounds and that this would be considered a 'very minor' amount of harm, at the lowest end of less than substantial. No harm was identified to the listed buildings and the assessment was silent on the nearby scheduled monument at Old Hall. The scope and methodology of this document is very limited and it was considered by Officers to lack key assessment on the impact of the proposal on the setting and significance of these heritage assets. In particular it had no mention of the nearby scheduled monument, and failed to properly assess the other key listed buildings identified.

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

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

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



Plate 3 View looking south from School Lane, Norwell



Plate 4 View southwards from the churchyard of the Church of St Lawrence

60 The Heritage addendum concludes that the development site does not contribute towards the heritage significance of the identified assets through setting, and that whilst the development may result in changes to the landscape surrounding the assets, it would not result in any heritage harm to the significance of these assets through change within their setting. It concludes that wider views of the assets from public footpaths were amenity and landscape issues and the views do not contribute towards heritage significance of the identified assets.

- 61 Officers dispute this position and do not wholly agree. Despite the Addendum document, the Council's Conservation Officer upholds concerns regarding the scheme. The application proposes tracking solar panels, meaning the individual panels move to track the sun. Therefore, the panels at certain times may be at different angles and will lack a uniform or consistent view from the identified heritage assets. This has the potential of enhancing the industrial nature of the development. It is considered that the proposed panels, internal access tracks and ancillary structures will result in a utilitarian form of development that would provide a stark contrast from the current unspoilt natural landscape that positively contributes to the setting of the identified heritage assets.
- 62 The panels will be orientated east – west and would move from facing eastwards away from the village of Norwell. At the end of the day, when the panels are orientated to the west they will be orientated towards Bathley Road, where Grade II listed Palis Hall can be found. Part of the experience of the Listed Buildings and Conservation Area is from views along the Public Right of Way through the application site. This experience is enhanced due to the topography of part of the site, which results in open views over the village (Conservation Area) and Listed Buildings. From a site visit these views overlooking the village from the public footpath were noted, as was the open and rural character of the surrounding fields within the setting of the Conservation Area and Listed Buildings.
- 63 It is proposed to enclose the footpath in the southwestern part of the site with new hedgerows either side and fencing. As the footpath/bridleway moves northwards towards the northwestern corner of the site, a hedgerow and fencing is proposed on the side nearest the panels, leaving the views open looking west and north from the site. New tree planting is proposed in the landscape buffer in the revised layout to help screen and soften the appearance of the panels when viewed from the village. Whilst the landscaping on this part of the site and along the footpath are designed to break up the massing of the panels from views along the footpath and from the village looking towards the site, it will disrupt the current open views from the footpath towards the Conservation Area and heritage assets in Norwell.
- 64 The enclosure of the footpath will significantly alter the experience of the public when walking toward Norwell, despite the 10m buffer either side proposed. Along with the planting and fencing either side of the footpath, numerous other fences are proposed as well as additional planting. The proposed screening will significantly alter the natural open landscape and therefore the setting of the heritage assets. The proposed screening, panels and associated infrastructure will create a dominating and alien feature in the setting of the heritage assets.
- 65 Whilst additional viewpoints have been provided, including viewpoints from School Lane and the Church of St Lawrence, there remain concerns regarding the proposal. Primarily, the topography of the land rising and sloping above Norwell. As the land rises, the panels will be visible above the proposed screening, therefore increasing the visibility of the panels within the setting of the heritage assets. The concerns raised about the movement of the tracker panels are not related to the speed or visibility of the movement. As the panels track the sun, they will be in different positions throughout the day, adding to the industrial nature of the panels. When the sun is at its highest, the panels will be horizontal, approximately 2.8 metres high. While the panels closest to the screening will

not be visible, those further away are likely to be visible above the proposed screening due to the rising land levels on the site.

- 66 There is disagreement between Officers and the submitted Heritage assessment that views from the site towards the Church of St Lawrence do not facilitate the appreciation of the heritage significance of the asset and that there is no harm to the building's setting.
- 67 It is acknowledged that the scheme's size has been reduced in the southwestern and northwestern parts of the site. The areas removed are small and on low-lying land, which will have a lower impact on the setting of the Listed Buildings and Conservation Area. However, the setting and appreciation of the heritage assets, particularly the Church of St Lawrence, The Old Windmill, and The Old Hall and Stable, when viewed from within the site, will still be affected. The development will also harm the setting of the Norwell Conservation Area. The proposed screening will help mitigate some of this harm when experiencing the development site from the heritage assets. However, the installation of panels will significantly impact the experience of the heritage assets from the public footpath and the site.
- 68 While it is acknowledged that the proposed development is temporary, this does not eliminate the harm during its 40-year lifespan. It is considered that the proposed development will harm the setting of several Listed Buildings and the Conservation Area, as outlined above. The proposed development is therefore contrary to sections 66 and 72 of the Act and policies CP14 and DM9.
- 69 The proposed development is considered to cause less than substantial harm on a lower to moderate scale. As set out in paragraph 215 of the NPPF, where development causes less than substantial harm, this should be weighed against the public benefits of the development. This is done in the planning balance section further below in the report.

Impact on Archaeology

- 70 Core Policy 14 sets out that the Council will seek to secure the continued preservation and enhancement of the character, appearance and setting of the district's heritage assets and historic environment including archaeological sites. Policy DM9 states that development proposals should take account of their effect on sites and their settings with potential for archaeological interest. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation.
- 71 The application is accompanied by a Heritage Statement whereby section 5 addresses the historic environment and the potential for below-ground archaeological remains. The Heritage Addendum sets out the programme of trial trenching that was undertaken between September and October 2023, following an earlier programme of geophysical survey work across the site to assess the archaeological impact of the proposed development. The results of the fieldwork indicated that archaeological activity was focussed in the southwestern corner of the site and that the rest of the site had very low to negligible archaeological potential. As a result of the fieldwork and the identification of an area of archaeological potential in the southwestern part of the site, the proposed

layout has been amended to remove panels from this area of archaeological potential. It is stated that no activity of any kind shall take place in this identified area.

- 72 The County Archaeologist advised that the field work be carried out pre-determination due to the high potential for late pre-historic and Roman archaeological remains. Having reviewed the additional Heritage Addendum and the revised layout plans, the Archaeologist confirms that a suitably worded condition should be attached to ensure the current and future protection for the identified archaeological exclusion zone in the southwestern corner of the site. This condition should include monitoring and maintenance arrangements specified as part of a management plan, including details of boundary treatment, access arrangements, and the exclusion of this area during construction and decommissioning phases.
- 73 Overall, subject to condition, the proposal is not considered to result in any adverse impact upon archaeological remains in accordance with Policies CP14 and DM9.

Landscape Character and Visual Impacts

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

Landscape character

- 77 The proposed site is located in Natural England National Landscape Character Area 48: Trent and Belvoir Vales. This Landscape Character Area is characterised by undulating,

strongly rural and agricultural land, centred on the River Trent. The area is generally low-lying and rural in nature with little woodland cover and long, open views and undulating in form. Agriculture is the dominant land use, with much of the pasture converted to arable, although grazing is still significant. There is a regular pattern of medium to large fields enclosed by hawthorn hedgerows and ditches in low-lying areas, these elements dominate the landscape. It is a rural and sparsely settled area with small villages and dispersed farms linked by quiet lanes.

78 At a local level the site is located within the Mid-Nottinghamshire Farmlands Character Area and falls within the 'Knapthorpe Village Farmlands with Ancient Woodland' Policy Zone (MN PZ 30), as defined within the Newark and Sherwood Landscape Character Assessment (2013). Policy Zone MN PZ 30 is described as an area of undulating and rolling topography with medium to long distance landscape views. The majority land use is arable agriculture, and the field patterns are generally irregular, bound by hedgerows. Along with some linear sections of woodland along field boundaries, there are fragments of mixed deciduous woodland throughout the character area. The landscape condition is defined as 'very good', and the landscape sensitivity is defined as 'moderate'. The policy actions for this zone are to conserve, including conserving the deciduous blocks of woodland and hedgerows to prevent fragmentation and conserving the historic field patterns. It is also highlighted to conserve the rural character of the landscape and local vernacular.

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

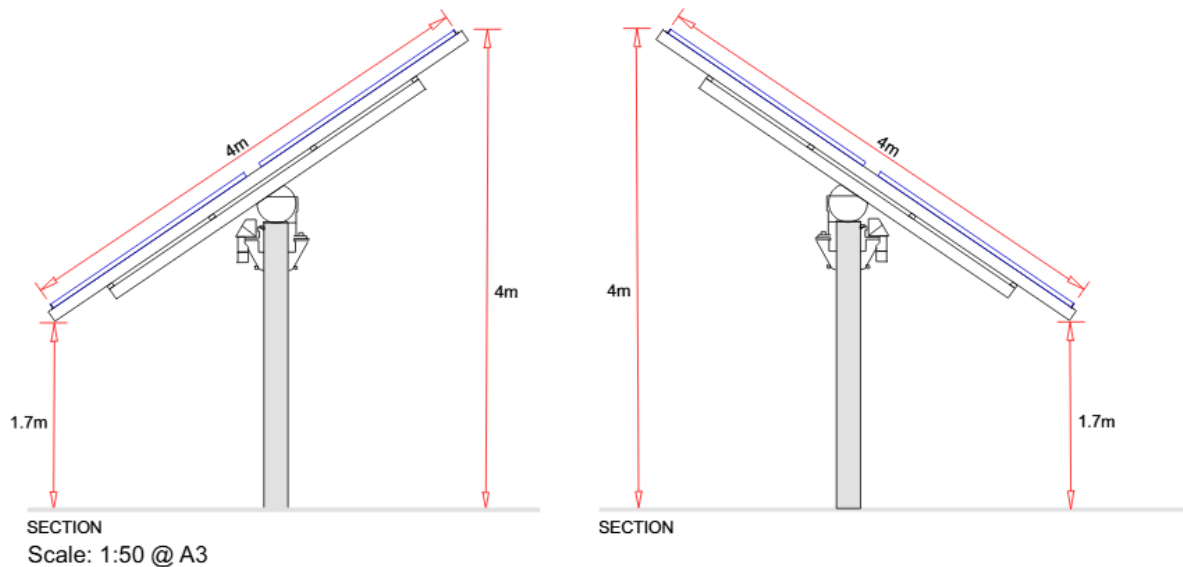
Criteria of assessment	Sensitivity score
Landform and scale (including topography)	Low
Landcover (including field and settlement patterns and presence of human features)	Moderate
Historic landscape character (including conservation areas)	Moderate
Visual character and amenity	Moderate – high
Perceptual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

80 The sensitivity assessment identifies that the rural character of the area is locally strong and that open and elevated areas, and the historic villages and Conservation Areas, including the background formed by the surrounding rural landscape, are sensitive features and characteristics of this character area. The undulating landforms and relative openness of the landscape increases the sensitivity of this area to solar development. It states that larger scale plateau areas in the north of the character area, away from the more sensitive area surrounding Laxton, are of lower sensitivity to solar development

than the southern parts of the wider character area. As such it is acknowledged that there are variations in sensitivity within this character area.

- 81 Looking at the site more specifically in the context of the Sensitivity Assessment, it is considered that the characteristics that contribute to the sensitivity of the site include the setting of Norwell Conservation Area and the topography and undulating nature of the site within its context. These features contribute to the sensitivity of the site and are considered further below.
- 82 The proposed built form would be spread across five fields to the north of Bathley Lane. The development would be set behind the existing tree line along the northern side of Bathley Lane, with a softly landscaped buffer proposed between the existing tree line and the proposed fence line, which would separate the access track and panels beyond. There is a pocket of woodland to the southwestern corner of the site which, moving westward, means the panels are set further back from Bathley Lane as the tree line thins, the road bends and the boundaries along the road turn to lower hedgerows. Moving northwards through the site the boundaries open up and the sense of enclosure experienced from Bathley lane with the tree lined boundaries and pocket of woodland changes. The site feels more like an open expanse of agricultural land, with scattered hedgerows throughout the site to the north and east, and small to large trees scattered throughout. The site has an open and rural character, with the land undulating and clear views afforded looking west and northwards.
- 83 The solar panels would have a maximum height of 4m when tilted and 2.8m when flat. The DNO Substation building would have a maximum height of 2.5m and the Inverter buildings would have a maximum height of 2.2m at the tallest point. The CCTV poles would measure some 2.6m high and the fencing elevation show a fence height of 2.4m.
- 84 When viewed from Bathley Lane, the development would be behind existing tree lines and newly proposed hedgerow and planting, and the area of woodland to the southwest of the site would somewhat limit views of the site from the immediate vicinity of Bathley Lane. However, due to the undulating topography of the site, the land level rises within the site and drops to the northern and northwestern parts of the site, with views afforded across the open landscape looking north and north westwards towards Norwell and beyond. Due to the land levels and topography, the site rises above Norwell and therefore the site reads as more prominent in the wider landscape, particularly in views from the north looking back towards the site.

- 85 The panels themselves would be at a maximum height of 4m from the ground to the top edge of the panel when angled. Also, considering the other infrastructure like the Substation and Inverters, CCTV cameras on security poles and security fencing, the proposal would significantly alter the landscape from its current open, arable farming fields. The highest proposed features on the site would be the panels themselves when angled, as detailed in the cross section below.



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

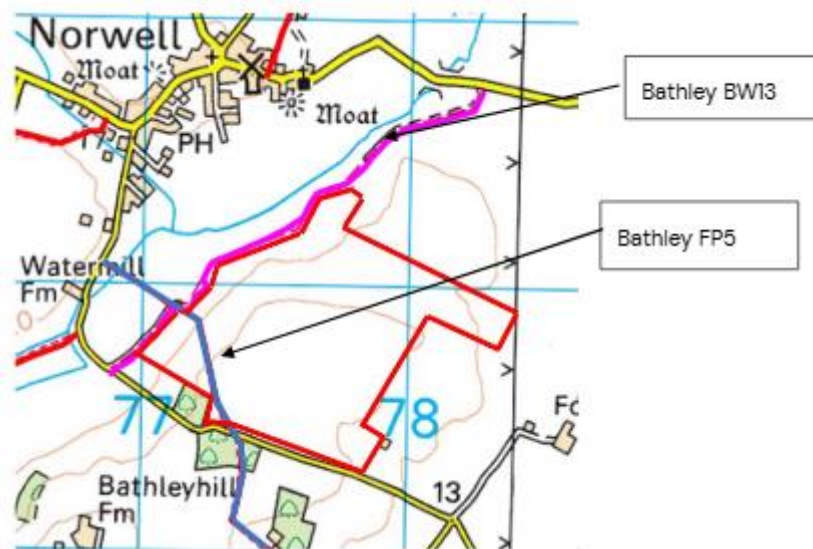
*“The Proposed Development would result in the conversion of the fields within the Site from intensively farmed arable farmland to a solar farm (with species-rich grassland managed by sheep grazing beneath the solar arrays). This would result in a long-term **major adverse effect** on the landscape character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

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

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

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

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

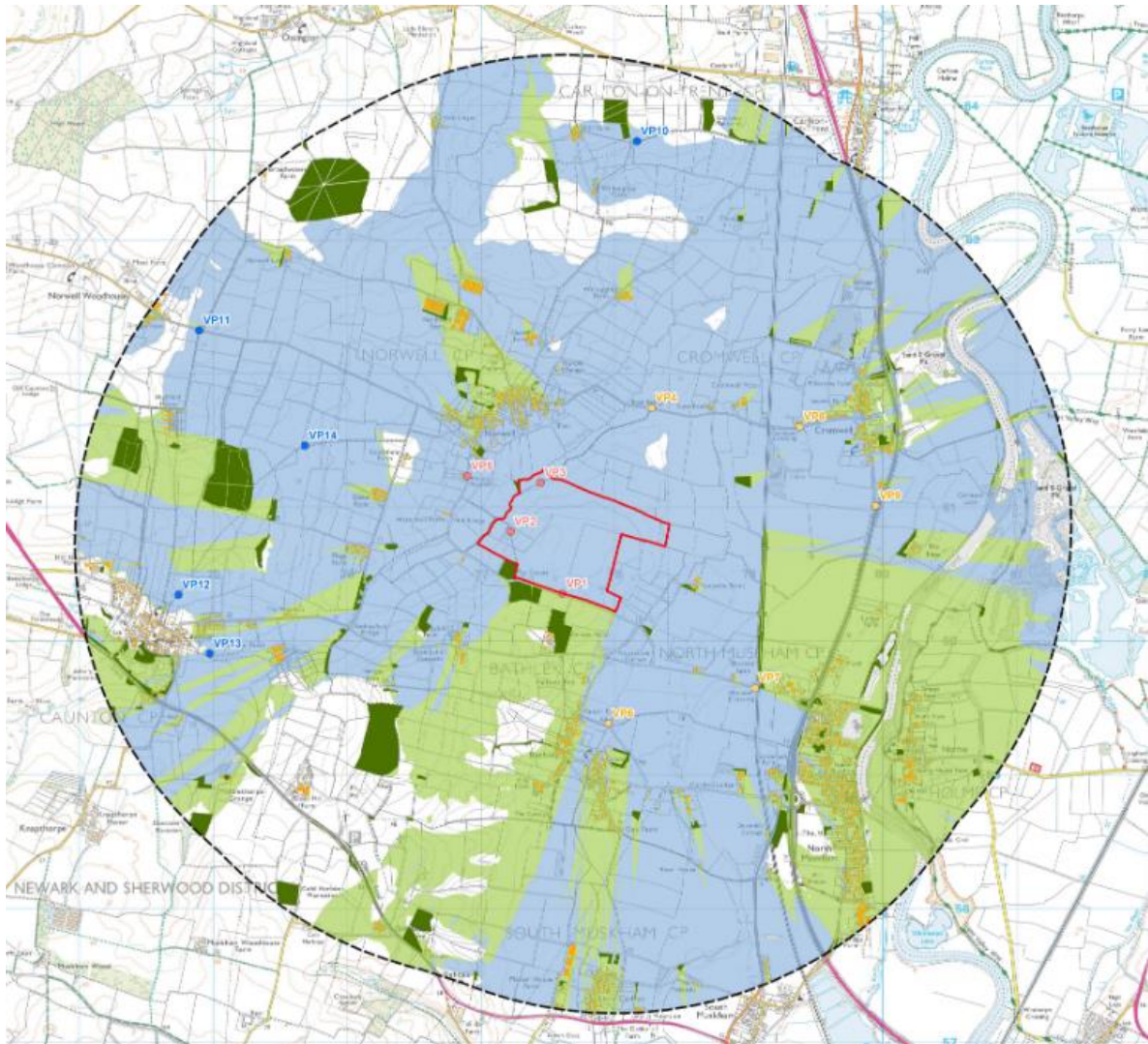


- 90 It is proposed to enclose FP5 as it cuts through the site, with new hedgerows either side and fencing, with a 10m buffer maintained either side of the path. As BW13 intersects the site and runs along the northwestern boundary, a hedgerow and fencing are proposed on the side nearest the panels, with a 10m buffer also proposed.
- 91 The submitted LVA states that by setting the panels back from the routes and by enhancing and creating hedgerows the changes will be limited and would only affect limited sections of the routes, with the majority of the routes maintaining their character. The changes identified are considered in the LVA to be medium in scale and limited to within and adjacent to the site. Such changes would be long term but reversible after the operational life of the development ceases and the land returns to agriculture. The magnitude of change to the character of these routes is assessed in the LVA as being 'medium' and due to the sensitivity would result in **major adverse effects**.
- 92 Officers largely agree with this level of impact on the character of the rights of way. The currently open and uninterrupted views will be significantly reduced and altered. The footpath will feel more enclosed due to the planting either side, albeit the total width would be 20m. The character of the bridleway will also change due to the sense of enclosure on the southern and eastern sides towards the development. Whilst the development would be separated from the rights of way by buffer zones and planting, the character and experience of the rights of way will be altered as a result of the proposal.
- 93 The landscape character effects identified by the LVA are summarised in table 6.2 in the document. It is accepted that the greatest degree of landscape character change would result from the development itself on the site and the immediate surroundings, including the major adverse impact on the rights of way. The LVA identifies this impact as a '**major adverse effect**' on immediate and surrounding adjacent landscape character. The proposal would also impact on the character of the wider landscape surrounding the site, although this impact is acknowledged to diminish with further distance from the site. The LVA categorises this wider effect on landscape character as a '**moderate adverse**' effect. The site is part of the surrounding landscape around Norwell and the Conservation Area,

meaning that the proposal will change the character of this backdrop to the Conservation Area, a sensitive feature in the landscape character in this locality. Moreover, further impacts on landcover, visual character and scenic qualities will also arise. With greater distance from the site, the landscape character impacts will diminish, this is accepted. Whilst the mitigation planting may help reduce wider character impacts over time, once planting is established and developed, the topography of the site and the sensitive landscape features highlighted above means there will still be an impact on wider landscape character, even if it is lessened over time and with distance from the site. The proposal is introducing an industrial scale feature into an open and undeveloped rural landscape. As such, harm to immediate and wider landscape character would arise, but would lessen with greater distance from the site. This harm will be weighed in the planning balance.

Visual Impact

- 94 An assessment of visual effects considers the potential for changes in views and the effects of this on visual amenity. Visual effects are assessed by considering the sensitivity of the receptor against the proposed magnitude of change to determine a level of visual effect. Effects are considered during construction, at year 1, at year 5 and beyond, and are assessed in relation to particular viewpoints.
- 95 14 viewpoints were selected, and 2 additional viewpoints added later for the analysis (at School Lane and the Church of St Lawrence). The locations of the viewpoints are shown below:



- 96 Both bare-earth (light green in the ZTV) and screened Zones of Theoretical Visibility (light blue in the SZTV) have been modelled in the LVA (see image above). The development was modelled at 4m above ground level as this represents the tallest proposed structures, the panels themselves. Whilst the screened ZTV (SZTV) models existing built development and larger blocks of woodland, smaller blocks of woodland, screen belts and hedgerows have not been modelled, so the LVA anticipates that the visibility is likely to be smaller than that shown on the ZTV. The LVA states that the effects on visual amenity arising from the proposal would be limited, and notable effects would be restricted to receptors within the immediate vicinity of the site. More distant views of the site would be limited through topography and screening due to vegetation. In more distant views any changes arising from the development would be assimilated into the wider landscape. This finding is accepted, but the SZTV does show extensive areas where the development will likely be visible in the wider landscape so the visual impacts of the development within the site context should not be downplayed. Although it is noted that visibility does not necessarily equate to harm.
- 97 The LVA identifies residential and recreational receptors and summarises the effects on visual amenity of these in table 7.1 of the LVA. The residential receptors with the highest

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

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

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

- Footpath Bathley FP5 and Bridleway Bathley BW13/Cromwell BW4 – **Major adverse**
- Footpath Norwell FP3 (to the west of the site) and Bridleway Cromwell BW4 (to the north of the site) – **Major adverse**
- Footpaths Norwell FP4 and Bathley FP6 (to the south-west of the site) – **Minor to moderate adverse**
- Footpaths Norwell FP1 and FP2, and Carlton-on-Trent FP5A and FP7 (north of Norwell) – **Minor to moderate adverse**

- Routes to the east of Norwell Woodhouse – **Minor to moderate adverse**

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

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

from the proposal, however, impacts when viewed from Norwell and the receptors within the village are considered to be underestimated. The reason for this view is that the land clearly rises up above the village and therefore this increases the visual prominence of the site when viewed from receptors in Norwell and the surrounding area.

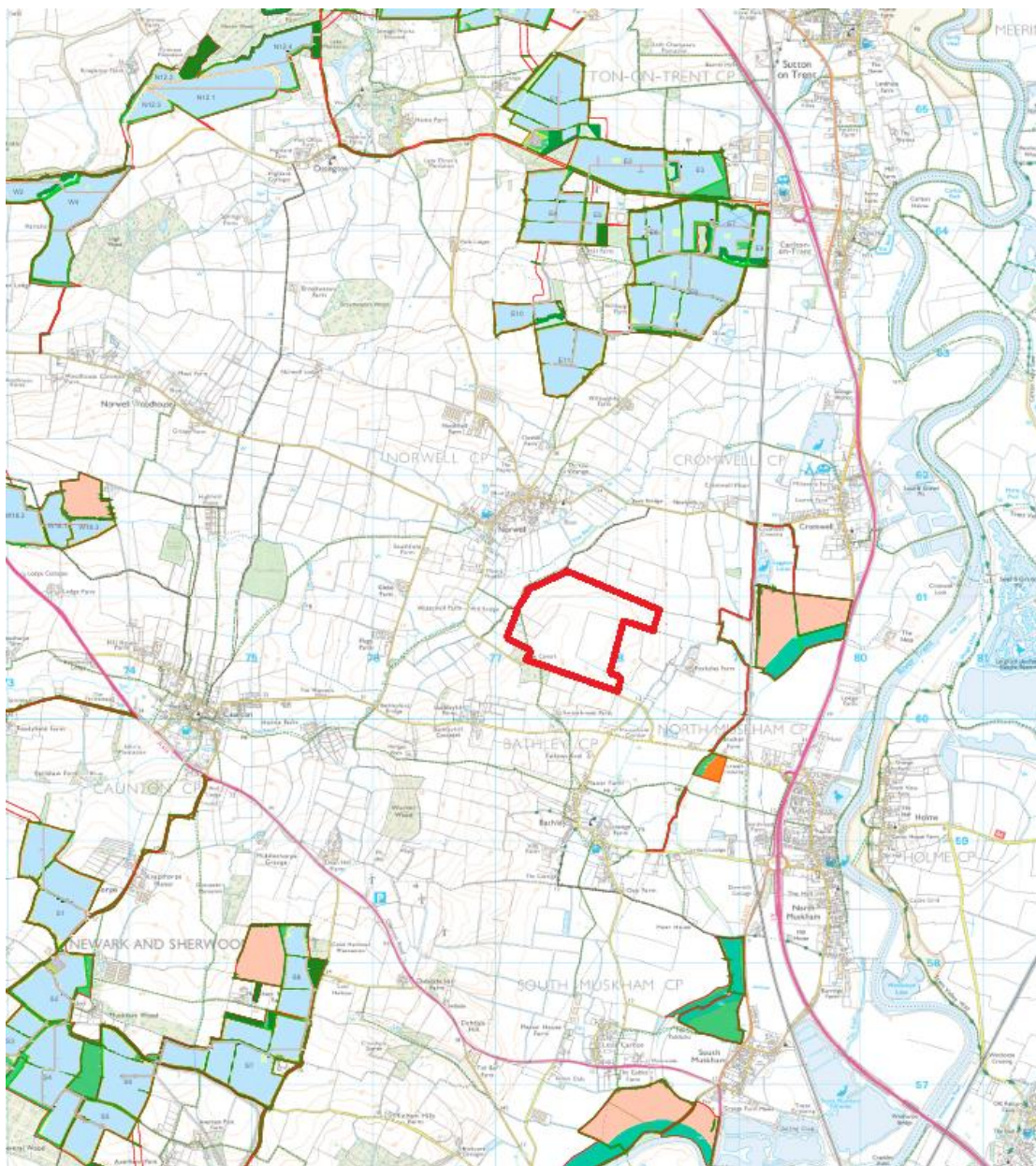
- 107 As such, whilst the majority of findings in the LVA are accepted, Officers consider the proposal will cause harm to the landscape character of the site and will impact the character of the landscape in this location. Whilst visual impacts may be less prominent, they do contribute to the concerns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

Cumulative Impacts

- 108 There have been several large scale solar and BESS schemes approved within the District. Since the submission of this application, two BESS schemes, Staythorpe North (23/00317/FULM) and Staythorpe South (22/01840/FULM), have been granted planning permission. Further solar developments at Knapthorpe Lodge (22/00975/FULM), Hockerton Road (22/00976/FULM) and Halloughton (20/01242/FULM) have also been approved. Most recently, a solar and BESS development at Kelham (23/01837/FULM) was approved. Details of these schemes and approximate distances from the development site are below:

- Staythorpe North: 23/00317/FULM Construction and operation of Battery Energy Storage System (BESS), transformer/sub-station and associated infrastructure – roughly 5.5km to the south of the site.
- Staythorpe South: 22/01840/FULM Construction of Battery Energy Storage System and associated infrastructure – roughly 6.7km to the south of the site.
- Knapthorpe Lodge: 22/00975/FULM Construction of a solar farm, access and all associated works, equipment and necessary infrastructure – roughly 2.8km to the southwest of the site.
- Hockerton Road: 22/00976/FULM Construction of a solar farm, access and all associated works, equipment and necessary infrastructure – roughly 3.5km to the southwest of the site.
- Halloughton: 20/01242/FULM Construction of a solar farm and battery stations together with all associated works, equipment and necessary infrastructure – roughly 11.8km to the southwest of the site.
- Kelham: 23/01837/FULM Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work – roughly 4.4km to the south of the site.

109 In addition to the above, the Great North Road Solar and Biodiversity Park (the GNR scheme) is at an advanced stage of its Development Consent Order process with the hearings drawn to a close and a decision expected in the near future. However, as a decision has not yet been reached, Officers can only have regard to what may be granted consent. From looking at the masterplan for the GNR Scheme, the element within closest proximity to the development site would be to the west, an area indicated for arable agricultural and a riparian corridor, as part of the biodiversity works. There are areas of panels to the north of Norwell and further southwest near Caunton and Knapthorpe. The proposed GNR panels to the north of Norwell measure approximately 1.6km and 2.2km away from the development site, and to the southwest of the development site they measure some 3km in distance. The image below is taken from the GNR Masterplan, with the blue areas showing the likely location for proposed panels, the pink showing the arable agricultural areas and the turquoise/green showing the riparian corridor. The development site has been outlined in red for reference.



- 110 Therefore, given the significant level of solar development in the wider landscape, including already consented schemes and the GNR project, it is important to consider the cumulative harm to the character and appearance of the area that could be caused by the proposed development in the context of these other developments that lie in proximity of the development site here.
- 111 Whilst the concerns of the public regarding the wider impacts of increased solar and energy development on the wider landscape as a whole are acknowledged, for the purposes of this cumulative assessment the landscape guidance for cumulative impacts states that such an assessment should be '*reasonable and in proportion to the nature of the project under consideration*'. Therefore, whilst the scale and number of solar projects in the District are noted and recognised, it is accepted that the projects more than 3km away will unlikely result in cumulative harm in relation to this specific project. Therefore, it is noted that the BESS schemes at Staythorpe, and the solar at Halloughton and Kelham, will unlikely result in cumulative landscape harm due to the larger separation distances of these sites with the proposal site, and the fact they are in different Landscape Character Areas from the proposal site. As such, the more relevant sites included in the cumulative assessment are the Knapthorpe Lodge scheme, the Hockerton Road scheme and the GNR scheme to the north of Norwell and to the southwest of the site at Caunton and Knapthorpe.
- 112 In the applicant's LVA there is an assessment of cumulative impact. It is noted that this considers two other sites in relation to the proposal, the solar developments at Knapthorpe Lodge and at Hockerton Road (referred to in the LVA as Muskham Wood) and does not provide any assessment in relation to the GNR sites. This is because the GNR site was submitted as a Nationally Significant Infrastructure Project (NSIP) after the submission of this application. The cumulative assessment provided is based on the two other sites having been built out, with effects arising from the Foxholes Farm solar being in addition to those that would arise from the two other sites. A cumulative SZTV has been modelled by the applicant and is included at Figure 6 of the LVA. This shows there are a number of areas where there could be theoretical visibility of both the proposed development and one or both of the other identified schemes, mainly within the area between Norwell and Norwell Woodhouse, and to the east/northeast of Norwell. However, the applicant notes that from a field survey, the field boundaries and other vegetation within the landscape is not modelled in the cumulative SZTV. This means that there are only very limited locations from where Foxholes Solar and one or both the other schemes would really be visible. Where there may be visibility of multiple solar projects, the separation distances between the sites themselves and between potential cumulative receptors, means that any cumulative effects on landscape character and visual amenity would be limited.
- 113 The LVA considers how the three projects are all within the same policy zone in the Landscape Character Area, MN PZ 30. Therefore, there is the potential for cumulative effects on this specific policy area. The assessment provided states that whilst there would be an increase in solar development in this policy zone, due to the relatively large size of the area this would be marginal and the perceived effect of this would be further reduced by the limited intervisibility within the surrounding landscape between the three sites. The LVA concludes that the cumulative magnitude of change to MN PZ 30 would be

very small, and with the medium sensitivity of the area, the cumulative scale of effect would be **minor adverse**.

- 114 In terms of visual amenity, the LVA states that there may be some limited successive or sequential visibility of the two identified solar farms and the proposed development site from a limited number of locations to the west / southwest of Norwell. However, the two sites are approximately 2.5-3.5km away from these receptors and this separation distance combined with the intervening vegetation mean the sites would be barely discernible components in the view. The cumulative magnitude of change is therefore assessed as negligible and with a high-medium landscape sensitivity, the cumulative effect on visual amenity would be **negligible**.
- 115 However, whilst the above is noted, the LVA lacks analysis of the GNR scheme that has come forwards since the submission of this application. It is noted that the GNR scheme to the north of Norwell lies in a different policy zone to the development site (MN PZ 21), but within the same broader Landscape Character Area (Mid-Nottinghamshire Farmlands). If the GNR scheme is approved, the cumulative effect of the proposed development, the GNR scheme and the solar schemes consented at Knapthorpe Lodge and Hockerton Road would result in a cluster of energy infrastructure developments located in the south west of the MN PZ 30 Landscape Character Area, and the adjacent Character Area to the north, MN PZ 21. Cumulatively, these developments would alter the character of these specific parts of the wider Landscape Character Area from primarily agricultural land to land containing a mixture of agriculture and energy infrastructure. Indeed, this would be the effect even without the GNR solar scheme to the north.
- 116 Nevertheless, the existing field boundary structure on the site and in the wider area would remain, as would hedgerow boundaries, which would be reinforced along the site boundaries. Furthermore, large parts of the Character Area would remain unchanged by these energy infrastructure developments. Agricultural land, road networks and existing settlement patterns would remain between the development site and the Knapthorpe Lodge and Hockerton Road schemes. The GNR Solar to the north of Norwell would mean the village would be surrounded on two sides by solar development. That said, agricultural fields, field boundaries and land parcels would create a degree of separation between the two schemes. Agricultural land would also remain to the north, east, south and west of the site.
- 117 As was assessed as part of the Kelham Appeal, it would be the case that around Norwell, Caunton, Knapthorpe, Averham, Staythorpe and Kelham, energy infrastructure would be viewed more often when passing through the landscape. But the clustering of these developments would arguably leave large parts of the landscape within the wider Character Area unaffected. As the Inspector stated in the Kelham appeal, any impact on the wider Character Area by the wider GNR scheme will be for the examiners of that development to consider. It is accepted that the cluster of energy schemes in this part of the Landscape Character Area will be experienced sequentially when moving through the landscape. Whilst this may be the case, as was considered in the Kelham appeal regarding cumulative impacts, there would remain a large amount of rural, agricultural land between the development site and these two other solar farms, and the GNR schemes. Any drivers or users of public footpaths passing these areas would travel through other

rural areas which are currently unaffected by solar or other energy development. Again, any future impact of the GNR scheme on these areas will be for the examiners of that development to consider.

- 118 Therefore, Officers consider that the proposed scheme, together with the identified developments, would change the landscape character of this part of the Landscape Character Area. Nevertheless, the above considerations lead to the conclusion that the cumulative impact on landscape character would not be significant and would be experienced in a localised area only. This was also considered the case in the most recent appeal decision at Kelham.
- 119 Regarding cumulative views, the proposed development would be seen in combination with the proposed GNR solar to the north, proposed to be some 1.6km away at the closest point (if consent is granted for that scheme). Whilst the schemes may both be visible within the landscape, considering the intervening land, separation distance, built form, field boundaries and hedgerows that break up the intervisibility, there would likely be fairly limited intervisibility between the two schemes. Within Norwell itself views of both schemes would be fairly limited by the intervening settlement pattern and height of buildings, some views of both schemes may be possible from Ossington Road and Carlton Lane further north of the village, however the impact would not be considered to be harmfully significant due to the intervening built form of the village and field boundaries. As was considered the case in the Kelham appeal when considering cumulative visual impacts, the two developments would be seen in the context of the agricultural land in the foreground and screening would be provided by the boundary hedges and planting.
- 120 The views possible of both schemes would not detract from or significantly degrade the wider landscape views possible and available at these points. Much of the land surrounding Norwell will remain open and free from solar development. Therefore, whilst effects may be noticed, there is not considered to be significant cumulative harm arising from the proposed development and the GNR solar to the north of Norwell. Whilst the increase in solar development will be noticeable when passing through the landscape and the schemes will be visible from public footpaths at certain points, in combination the two schemes are not considered to result in significant cumulative visual harm. The developments would not be so close together, neither would they be so numerous or extensive that the sequential or cumulative visual impacts would cause significant harm.
- 121 In the Kelham Appeal the Inspector stated: *“There are elevated views of the site and the wider Trent Washlands landscape from Kelham Hills and Micklebarrow Hill to the west and south west. However, the appeal site only forms a small part of these views and would not be the most prominent feature in the surroundings. At the distances involved, where it is visible, the development would be seen as a darker surface sitting within the surrounding agricultural landscape. It would not cause significant visual harm from these locations either alone or in combination with other energy developments. The development would be for a time-limited period of 40 years after which the land would be returned to agriculture. Whilst this is a significant length of time, the landscape and visual harm would not be permanent. The landscaping would remain and as such the increased enclosure of views would persist beyond the life of the development.”*

- 122 This assessment is also considered to be relevant here, in that whilst the schemes may be visible from certain points, this would not be a massively detracting feature when viewed in the context of the wider landscape, nor would it result in permanent harm, as the scheme is reversible through decommissioning.

Summary

- 123 Bringing together the above, in combination with other developments the proposal would cause harm to the landscape character of the area due to the change in the nature of the land use in this part of the Landscape Character Area. The development would also result in the loss of open views and visual intrusion within the site and from parts of the immediate surroundings and it would erode the character and visual amenity of the footpath and bridleway as it crosses and intersects the site. The visual harm would be greatest close to the site and would diminish with distance. The harm identified to the character and appearance of the site and immediate surroundings is considered to be significant and will be weighed in the planning balance.
- 124 In terms of policy conflict, the Solar Energy SPD acknowledges that Policy SP3 of the ACS and DM8 of the ADM DPD do not specifically address renewable energy schemes, and the SPD refers to ACS Core Policy 10 'Climate Change' and ADM DPD Policy DM4 'Renewable and Low Carbon Energy Generation' as being the most directly relevant policies for assessing solar developments. Both Core Policy 10 and DM4 support renewable energy generation where the benefits outweigh harm to landscape character. In the Kelham appeal, the Inspector gave more weight to policies CP10 and DM4, opposed to SP3 and DM8, as they are more relevant to the nature of the development, opposed to being more generalised policies. Therefore, DM8 and SP3 were not seen as the most relevant and held less weight in the Inspector's decision.
- 125 ACS Core Policy 9 relates to sustainable design. It is aimed at ensuring development is resource efficient, uses sustainable energy and is sustainable in its location, design and construction. The development would conflict with this policy in so far as it relates to the protection and enhancement of the natural environment. Policy DM5(b) of the Amended ADM DPD requires the local distinctiveness of the landscape and character of built form to be reflected in (amongst other matters) the scale, layout, and design of new developments. Regard should be had to the Landscape Character Assessment SPD. In causing harm to landscape character, the proposal would conflict with this part of the policy (part 4) but does not conflict with the policy as a whole.
- 126 The harms arising from landscape character, in terms of the site itself and the cumulative impact of solar development on the immediate Character Area, as well as the visual impacts on nearby residential and recreational receptors as highlighted, and the policy conflicts identified will be weighed in the planning balance.

Impact upon Residential Amenity

- 127 Policy DM4 of the Amended ADM DPD states that development for renewable energy should be approved where the benefits are not outweighed by detrimental impacts on amenity, including noise pollution. DM5 of the ADM DPD, and policy DM5(b) of the emerging Amended ADM DPD, states that development proposals should ensure no

unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF seeks to secure a high standard of amenity for all existing and future occupants of land and buildings.

- 128 The nearest residential properties to the site are The Lodge and Farmhouse, situated at Foxholes Farm to the east of the development site. Further afield, there is a residential property at Watermill Farm and others scattered northwards on the approach into Norwell. There are properties scattered further south along Caunton Road and Vicarage Lane, and then the properties within the village of Norwell on the south and southwestern side of the village, along lanes off Norwell Lane and Main Street, including School Lane, Fair Vale, Old Hall Lane, Foxhall Close.
- 129 To the south of the site, the land levels out and flattens. As such, due to tree coverage, clusters of woodland and field pattern boundaries, the dwellings to the southeast, south and southwest of the site along Vicarage Lane and Caunton Road would largely be screened from the development. The solar array would be stepped back from the nearest residential properties at Foxholes Farm to the east as the array does not occupy the first three fields on this side, creating an adequate separation distance to not overwhelm or overbear these properties, or cause a harmful loss of outlook.
- 130 Moving to the residential properties to the west of the site on Bathley Lane as it approaches the entry into Norwell, again the array is set back from these dwellings by intervening fields. The proposal has also moved further away on this side due to the need for the archaeological exclusion zone on the western side of the site. Whilst the array would be visible from these dwellings scattered along the road to the west of the site, it would not be considered harmful to amenity in terms of loss of light, outlook, privacy or visual amenity impacts.
- 131 This is also the case with dwellings located on the south and southwestern side of Norwell, closest to the site to the north and northwest. Whilst the panels would be visible in views from these properties and would erode the current open countryside views from these dwellings, these views are largely private and cannot be protected. There is also adequate separation from these dwellings to prevent the array having an oppressive or overbearing impact or causing a harmful loss of outlook. New tree and hedgerow planting will also aid in screening and softening the development from the properties closest to the site in Norwell. As such, Officers do not anticipate any significant harmful impacts on residential amenity for the residential properties closest to the site, through loss of light, outlook or an overbearing visual impact.
- 132 In the recent Kelham Appeal, concerning the nearest residential properties and amenity concerns, the Inspector stated that:
- 133 *"I do not underestimate the impact of the loss of open views to those residents who currently look over the fields. However, these are private views. The development would not cause actual harm to the living conditions of the residents of those properties. As such, impact on the amenity of those living opposite the site would not warrant dismissing the appeal and I cannot have regard to any potential reduction in property values, which is not a planning matter."*

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

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

- 136 The report states that a computer modelling tool has been used to run the analysis, to model and assess solar reflectivity of the proposal in relation to highlighted key receptors, following the relevant guidance. The fact the panels are proposed as tracker panels has also been factored into the modelling. The report notes that residential properties within 1km of the site were assessed but due to the amounts and siting of vegetation in the surrounding areas, the views of the solar farm are largely obstructed. Receptors in Norwell and Bathley were considered the main receptors and were also included as part of the assessment. As the results show, the development would not pose risks to the considered (receptors, residential, road, rail or aviation) in terms of glint and glare.
- 137 Regarding noise, the applicant has submitted a Noise Impact Assessment prepared by Environmental Noise Solutions Ltd. The assessment states that noise surveys were carried out in November 2021 with two adopted noise monitoring locations 180m north of Watermill Farm and 450m southwest of Foxhole Farm Lodge. The surveys were conducted to assess the prevailing noise conditions in the vicinity of the site of nearby noise sensitive receptors. The closest noise sensitive receptors are the dwellings closest to the proposed development, identified as dwellings west and south of the site boundary, some 300-330m from the site boundary. Section 4 of the assessment outlines the fixed plant noise limits which all future items of plant should adhere to on the site.

The limits have been set at a level not exceeding the representative day or night background noise levels, based on the results of the noise survey. It is considered that fixed plant on the site should adhere to the noise limits outlined in the assessment. This can be controlled through a suitably worded condition.

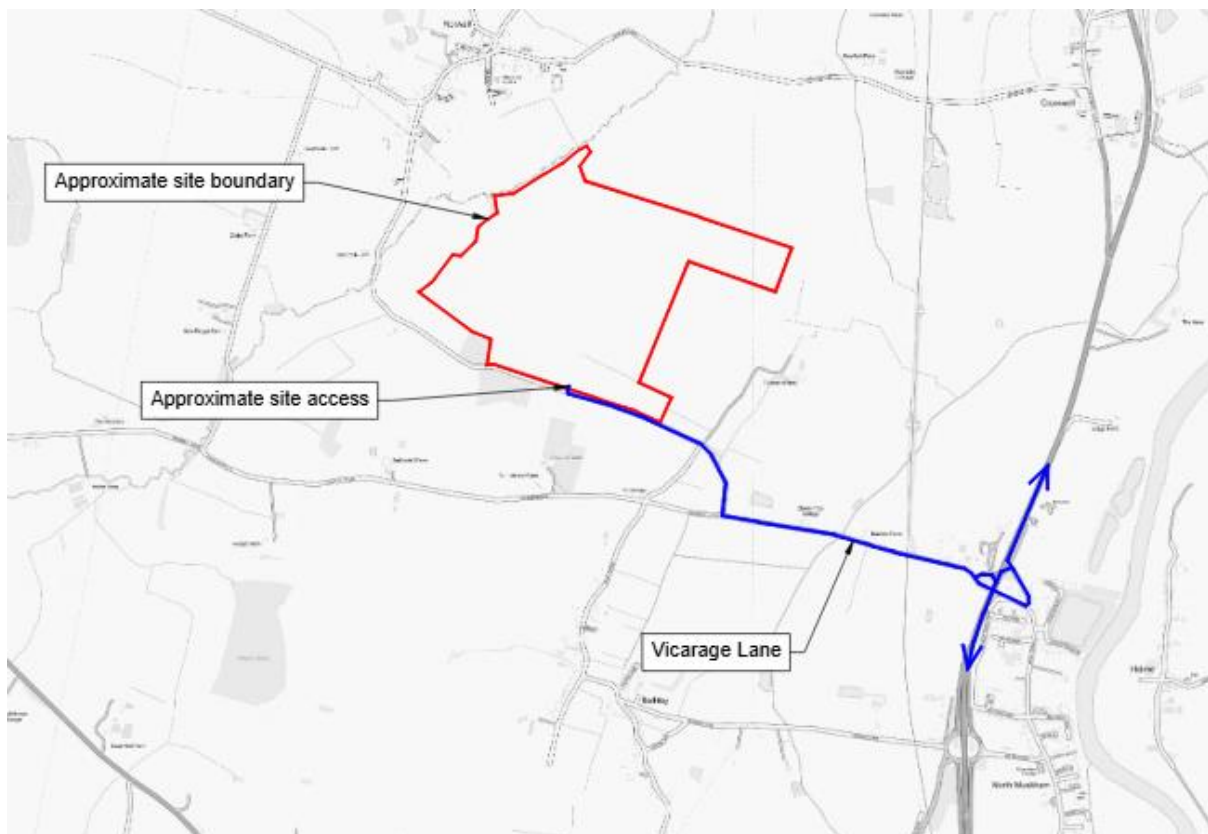
- 138 Regarding the appeals at Knapthorpe (APP/B3030/W/24/3344502) and Muskham (APP/B3030/W/24/3344500) the Planning Inspector imposed conditions that the rating level of sound emitted from any fixed plant/machinery shall not exceed the stated noise levels set out in the Noise Impact Assessment. The inspector also imposed a condition for a CEMP which would control and manage noise and dust during construction phase. In the recent Kelham Appeal this approach was also adopted, with conditions used to control noise levels within agreed limits, and to secure a Construction Traffic Management Plan to deal with construction noise. With the necessary limits in place, it is not considered that the scheme would have a negative impact on the nearest sensitive residential receptors and on this basis, no objection is raised regarding operational noise.
- 139 Regarding the above, it is the construction phase of development (estimated at 6 months) that will likely have a greater impact on residential amenity than the operational phase. Although a Construction Traffic Management Plan (amended through Revision A) has been submitted, this largely addresses highways matters and does not include specific details relating to noise control and mitigation. It covers topics such as site access arrangements, routing for construction traffic, vehicle numbers and mitigation measures for construction traffic including use of banksmen and wheel washing. These matters will be considered further in the Highways section of the report. It is recommended to impose a condition requiring a Construction Environmental Management Plan (CEMP) to better understand and control matters like working hours and noise, dust and vibration control measures and mitigation, in the interests of residential amenity.
- 140 The submitted Construction Traffic Management Plan sets out in detail the likely expected traffic movements to and from the site, which would be substantial over a 6-month construction period. This outlines that assuming a 6-month construction phase and a 6-day working week (144 days in total) the vehicular movements from the site would average out to around 7 HGVs, or around 14 two-way vehicle deliveries per day by the largest vehicles. In addition, there would also be a number of construction trips from smaller vehicles such as skip collection for waste and transportation of sub-contractors and construction workers. Whilst the main point of access would be to the south, away from the closest residential dwellings, there would still be construction traffic within the site itself and on the local roads near neighbouring properties. It would therefore be important to control hours of construction and deliveries, through the submission of a full Construction Management Plan, in the event of approval being granted. In principle the operational phase would be automatically / remotely controlled so operational traffic will be very limited relating to maintenance and inspections and on average movements would be a maximum of 20 per year done in 4x4 vehicles or transit vans.
- 141 The development would result in no emissions during the operational phase and therefore no harm would result in relation to the air quality. Any impacts from the construction phase could be adequately controlled through the details of a detailed Construction Environmental Management Plan that could be conditioned on any approval.

- 142 Whilst it is acknowledged that the construction phase of the development has a significantly greater capacity to negatively impact on the amenities of local residents, this could be mitigated by the details of a Construction Environmental Management Plan. Once operational, given no impact on air quality would result and that light and noise emissions, could be controlled by conditions, it is not considered that the proposal would have a significant adverse impact on neighbouring land uses in accordance with the aims of the NPPF and Policy DM4 and DM5 of the DPD.
- 143 Overall, the proposal would not be considered to pose detrimental impacts on neighbouring residential amenity that would warrant refusing the scheme. Impacts have been considered in regard to outlook, privacy, overbearing visual impacts, harm to living conditions, noise pollution and emissions. Through the use of conditions, the proposal is considered acceptable in this regard, in accordance with policies DM4 and DM5(b) of the Amended ADM DPD.

Impact upon Highway Safety

- 144 Spatial Policy 7 ‘Sustainable Transport’ of the Amended Core Strategy DPD supports development proposals that are appropriate for the highway network in terms of the volume and nature of traffic generated and ensure that the safety and convenience of all users of the highway are not adversely affected. Policy DM5(b) of the Amended Allocations & Development Management DPD states provision should be made for safe and inclusive access to new development, and parking provision for vehicle and cycles should be based on the scale and specific location of development. Policy DM4 also makes provisions for highway safety when considering large scale renewable energy projects.
- 145 Paragraph 115 of the NPPF states, amongst other things, that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.
- 146 Paragraph 116 of the NPPF states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”*
- 147 The site can currently be accessed via two separate field gates from Bathley Lane, one located fairly centrally on the southern site boundary and one in the southwestern most corner of the site. It is proposed to use the more central access on the southern site boundary with Bathley Lane as the main vehicular access point during construction and operational phases. Within the site multiple access tracks are required to the substation area and inverters, as well as within and around the solar farm deployment areas which will provide vehicular access around the site as part of inspections and maintenance.
- 148 The existing public right of way through the application site would remain open throughout the life of the proposal. A condition securing a detailed CEMP will provide a strategy to ensure the safety of footpath users will not be adversely affected.

- 149 The submitted Construction Traffic Management Plan (CTMP), as amended through revision A, confirms that the construction period would likely be over a 6-month period. The proposed route for construction vehicles is outlined in section 4 of the CTMP, it has been selected to try and avoid heavy construction traffic from passing through villages and to minimise use of smaller local roads. Vehicles will leave the A1 and travel west along Vicarage Lane, then driving northwards onto Bathley Lane to access the site. The same route is proposed for vehicles leaving the site heading back towards the A1.
- 150 The applicant notes in their CTMP that the level crossing to the east of the site is subject



to a height restriction of 5m and Vicarage Lane has a weight restriction of 7.5 tonnes, except for access. The applicant states in the CTMP that these restrictions will not prevent the access to the site for construction vehicles. It is proposed to utilise signage to direct vehicles and ensure they use the designated route. The applicant has also proposed further off-site highways improvement works for Vicarage Lane to ensure it is suitable, this includes passing spaces and road widening.

- 151 The proposed route for construction traffic utilises A-roads wherever possible, to try minimise impacts on local residents and the local road network. It is proposed that construction traffic and delivery vehicles will be limited to outside peak hours on Monday – Friday (10:00-16:00) and on Saturdays (08:00-13:00). Table 5.1 in the CTMP outlines the HGV movements during the construction phase. Assuming a 6-month construction period and a six-day working week (144 days in total), the 2156 estimated two way movements averages out to around 7 HGV or around 14 two-way vehicle deliveries per day by the largest vehicles. In addition to HGV movements, there will also be a number of construction movements associated with smaller vehicles such as skip collections for

waste management, sub-contractors and transport of construction workers. Overall, a maximum of 14 HGV two-way movements per day is expected for larger vehicles during the construction phase over a 6-month period. The level of traffic generated is not considered to pose impacts to the local highway network that would be 'severe' or detrimental to the safety or operation of both the local and strategic highway network.

- 152 An average of around 50 construction workers are forecast to be on site at peak times during the construction phase of the development. A temporary construction compound will be provided on the site for storage, parking for contractors and turning of HGVs. Parking will therefore be contained to within the site. The applicant proposes using minibuses to transport workers onto the site to reduce overall vehicular movements from construction staff. NCC Highways have raised concern that the use of a minibus cannot be reasonably conditioned and that private modes of transport must be considered and accounted for when the site compound details are put together for any potential discharge for condition stage. The applicant emphasises that it is reasonable for any condition for an updated CTMP to require compliance with all mitigation proposed, including use of a minibus and that the requirement for suitable parking in the temporary compound will be considered as part of any discharge of condition stage.
- 153 The proposed mitigation regarding the site access and construction traffic is proposed in the CTMP, and detailed below. These measures can be secured and delivered as part of a suitably worded condition.
- Use of Banksman at the site access to assist larger vehicles entering and accessing the site.
 - A signage scheme will be put in place for HGV drivers to follow.
 - Temporary signage will be put in the vicinity of the access during the construction phase.
 - Construction trips will be limited outside typical peak hours on the A1 and Vicarage Lane with no trips permitted Monday to Friday between 08:00-09:00 and 17:00-18:00 and on Saturdays between 08:00-13:00.
 - Contact details of the contractor and an emergency contact number will be made available.
 - A call-ahead system of deliveries will be implemented.
- 154 NCC also request a condition survey for the local roads to be secured by condition, this is agreed by the applicant. Regarding NCC comments on highway safety and the use of accident data, the applicant has advised that they have reviewed the most recent Crashmap data (up to 2023) and there are no further reported Personal Injury Accidents recorded on Vicarage Lane. They have conducted a full topographic survey of Vicarage Lane which has informed the design of the off-site highways works to ensure the local road network is suitable for the construction phase of the proposal.
- 155 Regarding the HGV movements, NCC raised concern that 2 HGVs may need to pass each other. The applicant has asserted that HGV movements can be strictly controlled and managed through a 'call-ahead' system which would allow the site manager to control HGVs approaching the site to ensure they are adequately timed, this can be secured as part of the CTMP condition.

- 156 Regarding the operational phase, traffic will be very limited relating to maintenance and inspections and on average movements would be a maximum of 20 per year done in 4x4 vehicles or transit vans. Whilst the construction compound would have been removed, there will remain adequate space for vehicles to park and turn safely on the site.
- 157 There have been extensive discussions between the applicant and NCC Highways to address highway matters relevant to the scheme. In response to concerns raised by NCC Highways on the suitability and width of local lanes to accommodate HGVs and larger vehicles (in particular Vicarage and Bathley Lane), the applicant has proposed off site highway improvement works, to ensure the local road network can accommodate construction vehicles. This comprises a scheme of passing places and road widening works in conjunction with the Highway Authority. NCC has referred the applicant to the HS2 guidance in relation to the design of the passing places. The passing places will therefore be 5.5m wide, 15m long with 5m tapers at each end, and at no more than 200m spacing with suitable intervisibility between them. The detailed design of the passing places and road widening works would be the subject of a Section 278 agreement with the Highway Authority in due course, whereby construction materials and traffic management would be agreed.
- 158 The applicant has made further submissions in respect of this matter including three plans showing visibility on Vicarage Lane, visibility on Bathley Lane and a revised Proposed Access Arrangement Plan. These plans have been updated to reflect passing place guidance provided by NCC and include tracking of an articulated HGV and the visibility between the passing places. The Proposed Access Arrangement Plan (reference P21-1378 Figure 3.1 Rev A) includes updated visibility splays to account for the speed surveys undertaken in vicinity of the access point. The Highways Authority has raised no objections to these plans and the off-site highway works will be subject to a Section 278 agreement.
- 159 National Highways have also provided comments raising no objections to the scheme. They state that the further information provided by the applicant is suitable and they are satisfied that the predicted number of movements for both construction traffic and workforce during the construction period will not adversely impact on the safe operation of Strategic Road Network. They recommend that the signage strategy be secured by condition. This could form part of the CTMP condition and could be assessed in conjunction with both NCC and National Highways at the discharge of condition stage.
- 160 It is acknowledged that during the construction period, traffic levels to and from the site would increase and will require additional traffic management measures, but this would be for a temporary period during the construction and de-commissioning periods only. Overall, the proposed access arrangements are considered to be acceptable, subject to appropriate conditions, and there are no highway related objections to the proposed development. It is not considered that any adverse impact upon highway safety or efficiency would result, in accordance with Spatial Policy 7 and Policy DM5(b) of the DPD. In light of the above, the proposal is now considered acceptable on highways grounds, and the previously raised highway concerns have been suitably addressed.

Impact on Public Rights of Way

- 161 The NPPF highlights the important of public rights of way and access, as the effect of a development on a right of way is a material planning consideration. Public Rights of Way (PRoW) are also afforded the same level of protection and control as the major highway network. Two public rights of way run through and along the site. Bathley Bridleway BW13 runs from the access road in northeastern and southwestern directions to Norwell Lane. Bathley Footpath FP5 routes in a southeast and northwest direction from the access road and extends to Norwell. The visual impact of the proposed development from the PROWs has already been considered above.
- 162 The applicant confirms that the existing public right of ways through the application site would remain open throughout the life of proposal. The Public Rights of Way Team at NCC have been consulted on the proposals. They welcome the inclusion of a 'pre-condition walk over survey' for the PROWs as set out in the CTMP Rev A. The applicant has also confirmed they will retain a buffer of 10m either side of the PROW, as detailed on the revised site layout plan. The revised Landscape Master Plan also shows separation between new hedgerow planting and fencing and the PROWs. It has been confirmed a management company will maintain the grassed and landscaped areas where the PROW passes through the development. The PROW Team at NCC raise no objections to the proposal.
- 163 It is noted that there are two points where internal access tracks will need to cross FP5 on the site. Once operational the applicant asserts that up to 20 visits per year will be made to the site for maintenance and management. Therefore, conflict arising from users of the footpath and personnel onsite doing maintenance is not likely to occur frequently to warrant further intervention at these points.
- 164 It is proposed to enclose FP5 as it cuts through the site, with new hedgerows either side and fencing, with a 10m buffer maintained either side of the path. As BW13 intersects the site and runs along the northwestern boundary, a hedgerow and fencing are proposed on the side nearest the panels, with a 10m buffer also proposed. As such the PROWs would be screened from the development by hedgerows and new planting. The hedgerows are proposed to be planted to a height of 3m+, as detailed on the Landscape Masterplan, with the security fencing to be 2.4m in height beyond.
- 165 During the construction phase significant levels of built development, machinery, plant and workers and vehicular movements would be present and needing to cross the PROW which are likely to result in harm to users. However, this would be for a limited period and can be managed through suitably worded condition. It is assumed that the PROW would remain open for the majority of the construction phase and a Construction Environmental Management Plan, secured by condition, can confirm how this will be managed and any alternative access management measures that will need to be put in place to ensure user safety. Moreover, an updated CTMP can also be secured by condition to address this aspect of the proposal.
- 166 Overall, with conditions to secure the proper management of the PROWs during the construction phase, it is not considered that the routes of the existing or potential future PROW routes would be adversely affected by the proposed development.

Impact upon Ecology, Biodiversity and Trees

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

Species

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

acceptable. The mitigation area is within other land within the applicant's ownership, so a Grampian style condition can be attached. The mitigation is put forwards by the applicant and is considered suitable. The Strategy incorrectly refers to the site as 'the appeal site' however this does not prejudice the mitigation proposed.

- 174 Regarding bats, the PEA states that a data search shows records of bats operating on the site. The site survey shows that mature trees and adjacent woodland to the site could support roosting bats, as well as high suitability to support foraging and commuting bats.
- 175 Regarding great Crested Newts (GCN), hedgerows and grassland on the site were considered during the PEA to support terrestrial phase GCN, with water bodies within 500m of the site. Drainage ditches found on the site were not holding water at the time of visit so were deemed unsuitable to support breeding GCN.
- 176 Regarding reptiles, the site is in a rural location with good connectivity to surrounding land via hedgerows and the beck. The grassland margins and banksides of the watercourse were considered suitable to support reptiles.
- 177 Other mammal species like the hare, otter, badger, hazel dormouse and water vole were also considered as part of the PEA. The PEA put forwards recommendations, for example to leave at least a 10m buffer between the watercourse and the development in the northwestern corner of the site, as well as construction buffer zones for the adjacent woodland next to the southwestern site corner. Further surveys regarding breeding birds, bats, GCN and reptiles were also recommended.
- 178 The Ecological Impact Assessment (EIA) outlines that bats, breeding birds, wintering birds, badgers, otters and mammal species of importance had the potential to be impacted by the proposal and as such mitigation measures have been put forwards to safeguard these protected and notable species, reducing the effect to neutral or positive. The EIA recommends that the mitigation strategies outlined in section 6 of the EIA should be secured by condition.

Habitats

- 179 In terms of habitats, most of the site is formed by arable land with semi-improved grassland margins, both of which are of low to negligible biodiversity value. The field compartments are bounded in part by hedgerows that are to be retained and in places enhanced. The hedgerows within the site and field margins were assessed as being 'native species poor' in the Preliminary Ecological Appraisal. Trees are considered below in the report.
- 180 The EIA outlines that the habitats found in the site are locally frequent and of low ecological value. As a result, the impact of the proposal in these habitats is not considered significant and enhancement of habitat beneath and adjacent to the arrays will improve the diversity of the site and enhance the site's ecological value.
- 181 The Landscape Masterplan is showing retention of the existing hedgerows and the creation of new lengths. It also shows that the field would be sown with a commercial wildflower/grass seed mix which would then form the ground cover beneath the solar panels and the margins of the site. Although the Ecologist at NSDC considers that a seed

mix containing a greater diversity of wildflower species would be preferable, and how this will be managed, these are matters which can be addressed through a suitably worded condition requiring a Landscape Environmental Management Plan (LEMP) or a Biodiversity Management Plan condition (BMP).

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

Trees

- 187 68 individual trees, 10 groups, 3 hedges and 1 woodland have been recorded in the Arboricultural Survey work. There are a mix of retention categories, generally consisting of categories C or B. T38 Oak is the only retention category A tree recorded within the site.

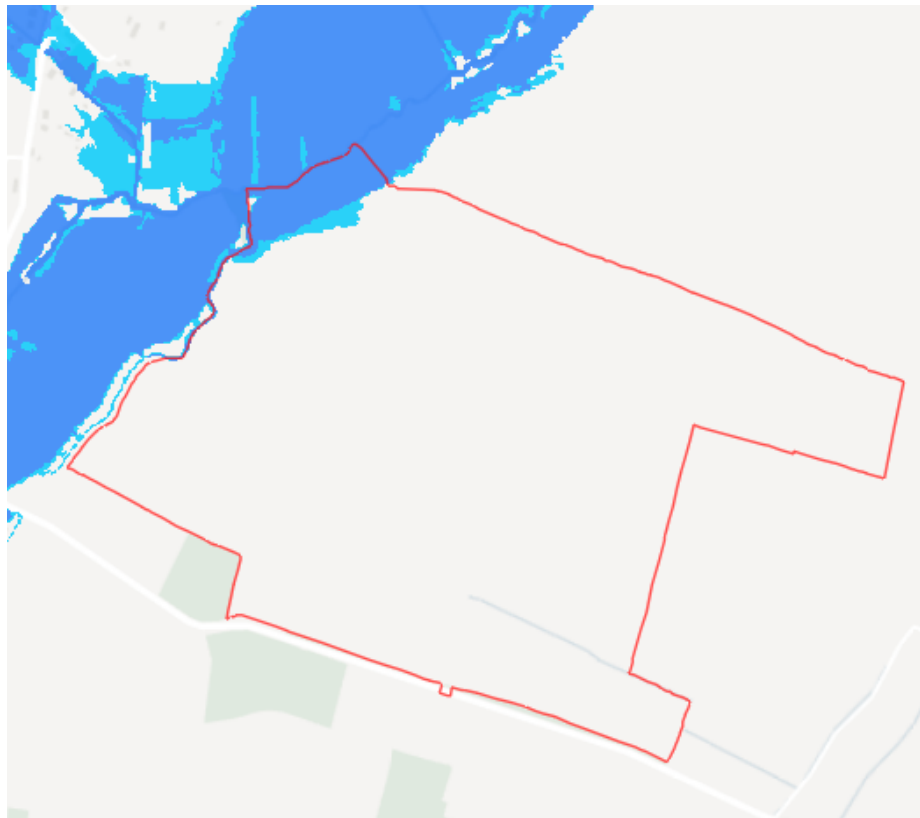
- 188 To facilitate the proposed development, 2 trees (T2 and T3) have been identified for removal, and the partial removal of G10 (Category B) and H6 (category C). T2 and T3 are category U trees and as a result this tree loss would have a negligible impact. T14, T20, T31 are other category U trees located on site that have been recommended for removal due to poor condition. There are no objections to this and all other trees are to be retained, with mitigation planting proposed.
- 189 An updated Arboricultural Impact Assessment (AIA) has been provided following the comments from the Tree Officer. This addresses the queries raised regarding G10 and T48 and the impacts of the southern site access. The updated AIA identifies the trees requiring removal to facilitate the development now include T2 (Category U) and T3 (category C), and the partial removal of G10 (Category B) and H6 (category C). No objections are raised to these removals and mitigation planting can be secured on the site.
- 190 Root Protection Area (RPA) encroachment by hard surfaces has been noted for some trees along the woodland edge of W1, where the site compound is proposed. 'No-dig' hard surface installation has been recommended where there are RPA breaches for T58, T59 and T61 from the proposed substation hardstanding. Better resolution Tree Impact Plans are provided in the updated AIA and there are no significant RPA encroachments from the internal site access tracks for retained trees. 1 tree (T3) will be removed to facilitate the internal access track installation.
- 191 Overall, the arboricultural impact of the proposed removals is low and despite the occasional tree removal and some RPA incursions, the development aims to retain all the higher-value trees, which helps maintain the Arboricultural character of the site. Regarding mitigation, the proposed landscape masterplan shows the planting of hedgerows and trees which can mitigate for the identified tree losses. Regarding Tree Protection Measures, the tree report includes draft tree protection proposals, but detailed methodologies are yet to be confirmed. An Arboricultural Method Statement and detailed Tree Protection Plans can be secured by condition.
- 192 In summary, subject to conditions, the proposal is considered acceptable in terms of ecology and tree impacts. Whilst some degree of harm is inevitable, it is considered that the proposed development could be acceptably mitigated in ecology and biodiversity terms over time. As such, it is considered that the proposals would accord with Core Policy 12 of the Core Strategy, together with policies DM5(b), DM4 and DM7 of the Amended ADM DPD.

Flood Risk

Fluvial Flooding (rivers)

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

194 Core
and
that



Policy 9
Policy
DM5(b)
require

proposals pro-actively manage surface water and Core Policy 10 and Policy DM5(b) seek to mitigate the impacts of climate change through ensuring that new development proposals take into account the need to reduce the causes and impacts of climate change and flood risk. Policy DM5(c) of the Amended ADM DPD aims to steer new development away from areas at highest risk of flooding and outlines the sequential approach to development and flood risk. Policy DM4 is silent on flood risk.

195 Paragraph 161 of the NPPF states that the planning system should support the transition to a low carbon future, in a changing climate, taking full account of flood risk and that it should support renewable and low carbon energy and associated infrastructure.

196 The NPPF, Core Policy 10 and DM5(b) state that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere as set out in the application of the Sequential and Exception Tests.

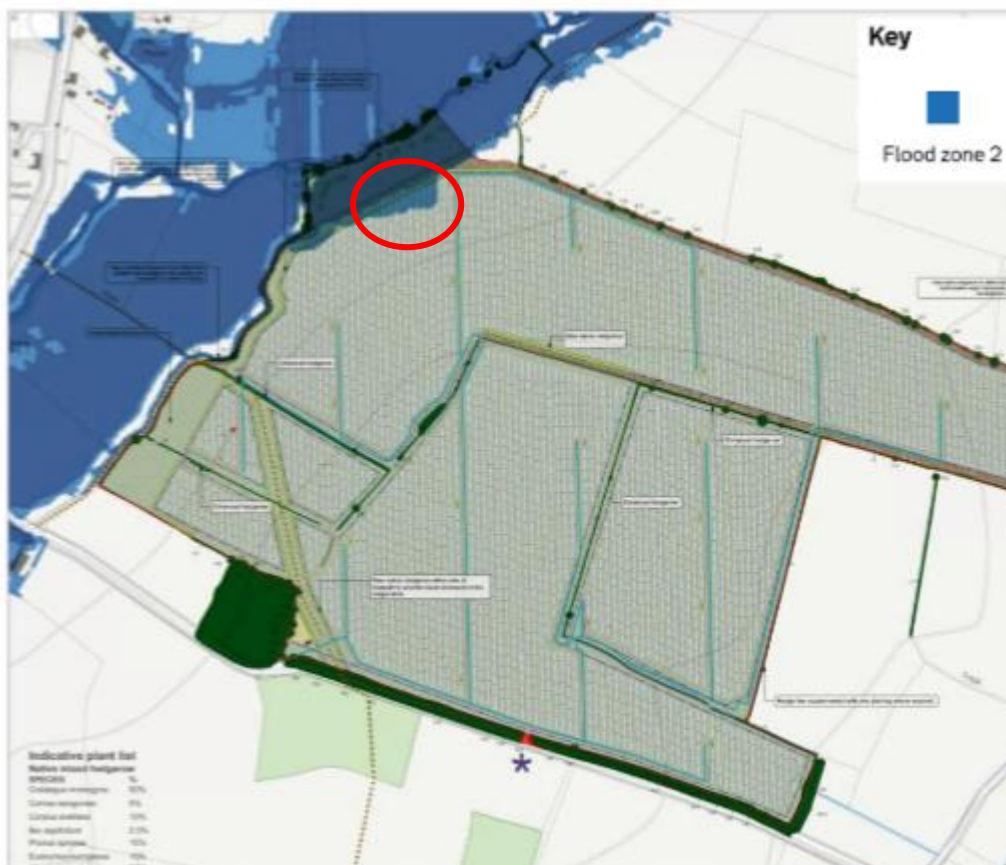
197 Annex 3 (Flood risk vulnerability classification) of the NPPF identifies that essential infrastructure includes *“essential utility infrastructure which has to be located in a flood risk area for operational reasons, including infrastructure for electricity supply including generation, storage and distributions systems; including electricity generating power stations, grid and primary substations storage; and water treatment works that need to remain operational in times of flood.”* It goes on to list wind turbines and solar farms in this category. The proposed Solar Farm therefore falls within the definition of essential infrastructure.

198 Table 2 of the NPPF outlines flood risk vulnerability and flood zone ‘compatibility’, the notes to this table state that in Flood Zone 3a essential infrastructure should be designed

and constructed to remain operational and safe in times of flood. The NPPG states that a sequential test is required for major development in flood zone 2 or 3, with Table 2 showing the exception test may be required for essential infrastructure in flood zone 3a.

199 The application is supported by a site-specific Flood Risk Assessment (FRA) and Drainage Strategy prepared by Pegasus Group (February 2022), which outlines the flood risk to the existing site and proposed development; the proposed surface water drainage for the site; the potential impacts of the proposed development on surface water drainage; and details of mitigation measures to manage flood risk. A Flood Risk Technical Note was also submitted more recently in light of the site now falling within flood zone 2 and 3a, as the Environment Agency updated their maps.

200 It is noted that no development is proposed in the area of the site that lies within flood zone 3a, this is where the landscape buffer is proposed in the amended layout and no part of the development will be in this area. There are a very small number of tracker panels proposed in the limited area of flood zone 2 in the northwestern corner of the site, see overlap below:



201 The applicant advises that 0.47% of the site occupied by panels now falls within flood zone 2, but that this is mitigated by the elevated height of the panels, some 4m in total height and 1.7m in height from the ground to the lowest edge when fully tilted. When lying flat the tracker panels measure some 2.8m in height. Considering the limited extent of the panels in flood zone 2 and the fact they have been designed and constructed to remain operational and safe in times of flood, it is not considered that the sequential or

exception tests apply in this instance, however, this has been considered in more depth below.

- 202 The Environment Agency have withdrawn their previous objection because all water sensitive equipment is to be located outside flood zone 3. Whilst a very limited part of the proposal falls within flood zone 2, this does not warrant any concerns from the EA from a flood risk perspective. They refer to their standing advice on suitable flood risk assessments and drainage strategies. It is also highlighted that the Lead Local Flood Authority also raise no objections to the proposal and recommend a condition to secure the detailed surface water drainage strategy prior to the commencement of works.
- 203 The submitted FRA states that *“the proposed solar panels mounting structures will be a ‘fixed system’ and will be manufactured from galvanized steel sections. The vertical supports are to be driven directly into the ground with no need for concrete foundations. The panels are mounted above the ground and so are not expected to interfere with any overland flow routes”*. However, tracker solar panels are proposed on site that are designed to move and track the movement of the sun during the day to increase their efficiency. The Flood Risk Technical Note addresses this and states that from a flood risk and drainage perspective the use of tracker panels rather than fixed panels at the site makes a negligible difference. It goes on to state that the cross section provided of the panels shows that that proposed tracker panels are supported by a support frame that does not require concrete foundations and adds a negligible area of impermeable hardstanding to the site. The tracker panels are also raised above the ground to allow continued flow of surface water below. The use of tracker panels on site is therefore not considered to impact on the overall conclusions of the submitted FRA and surface water drainage strategy, as agreed by the LLFA and the EA.

Sequential and Exception Test

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

207 With reference to Table 2: Flood risk vulnerability and flood zone ‘incompatibility’ contained within the Planning Practice Guidance for Flood Risk and Coastal Change, ‘Essential Infrastructure’ within Flood Zone 1 and 2 does not require the application of the Exception Test. The submitted Technical Note confirms that no built development would be located within Flood Zone 3, so the Exception Test is not required.

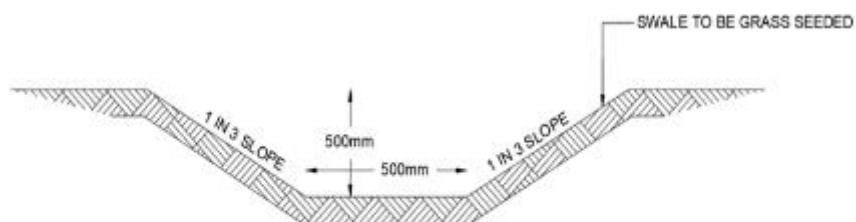
Pluvial flooding (surface water)

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

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

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

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



TYPICAL SWALE SECTION DETAIL

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

Public Comments

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

Highways

- 215 The development would use the existing, but upgraded, field access from Bathley Lane. Once operational, traffic to and from the site would be minimal and would mainly be for maintenance vehicles generally visiting sporadically through the year. The main traffic to and from the site would therefore take place during the proposed 6 month construction period. The Highway Authority and National Highways raise no objections to the scheme on the grounds of safety or road capacity. A condition can be imposed requiring the submission of a Construction and Traffic Management Plan. This will control matters such as hours of construction and deliveries, control of noise and dust, parking of vehicles, wheel washing and traffic management signage during the construction period. Moreover, the off-site highway improvement works can be secured by a Section 278 Agreement with the Highway Authority, the details of which have not raised any objection from Highways in the latest consultation. On this basis, Officers are satisfied that there would be no unacceptable or significant highway impacts from the proposed development.

Flood risk

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

Glint and Glare

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

Environmental and social impacts

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

Cable route

- 219 The applicant has shared the grid connection point and the suggested cabling route to achieve this. Whilst this is not a matter under consideration as part of the application, it was in the interests of transparency that this was shared by the applicant to address concerns regarding viable grid connections and where the connection point will be.
- 220 Any cabling proposals fall under the New Roads and Street Works Act 1991 (NRSWA). Under this legislation, the only bodies that can lay plant and equipment in the public

highway are statutory undertakers (utility companies such as water, gas, electricity and telecoms). These bodies have an automatic right to lay cables wherever required, meaning the Highway Authority cannot object.

- 221 A developer (or any non-statutory undertaker) cannot lay cables lengthways in the highway. Therefore, in this case, the developer will need to approach a statutory undertaker to carry out the works on their behalf.
- 222 Given the above, these works are not something that can be considered or objected to through the planning process, even if they were submitted as part of a planning application. The works are a statutory right (providing the equipment owner is a utility company), temporary in nature, and managed under separate highway legislation, outside of planning control.

Community Infrastructure Levy (CIL)

- 223 The proposal is not CIL liable.

Implications

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

Planning Balance and Conclusion

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

Benefits of the development – Need

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

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

- 229 There is therefore an identifiable urgent need for solar schemes to come forward to meet the challenges of the climate crisis, providing energy security and protection of consumers from volatile energy costs.
- 230 The solar farm would have the capacity to produce 49.9MW of renewable energy, sufficient to power approximately 15,750 homes per year and assist towards reducing CO2 emissions per annum. Whilst it is acknowledged that this would not be as large a generator of renewable energy as the proposed GNR facility, it would still be a significant contributor.
- 231 Both Core Policy 10 of the ACS and Policy DM4 of the Amended ADM DPD support renewable energy generation subject to there being no overriding adverse impacts. At national level, paragraph 161 of the NPPF sets out that the planning system should support the transition to net zero by 2050 and support renewable and low carbon energy and associated infrastructure. Significant weight must be given to the benefits associated with renewable and low carbon energy generation and the contribution to a net zero future. NPS for Energy, EN-1 and EN-3, both provide a positive framework for renewable energy schemes.
- 232 Having regard to the above, **substantial weight** is given to the need for and benefits of the scheme in relation to climate change and energy security.

Other benefits

- 233 The proposed development includes landscaping, habitat creation and enhancement, which can be secured through a LEMP / BMP. The biodiversity net gain assessment demonstrates a 73.30% uplift in habitat units, a 114.96% uplift in hedgerow units and a 95.99% uplift in watercourse units as a result of landscape and ecological measures. A condition requiring submission of the LEMP or a BMP would secure implementation, management and maintenance of the landscape and biodiversity net gain measures. Therefore, the scheme represents significant Biodiversity Net Gains and enhancements on the site compared to the existing situation, through creating new habitats and enhancing and improving existing which also weighs positively in the planning balance, given that there are no statutory requirements for mandatory BNG on this application. Given the scale of these enhancements proposed, and in line with the weighting given by the Inspector in the recent Kelham appeal, these benefits are given **significant weight** in favour of the scheme.
- 234 Although once in operational phase, the proposal is unlikely to result in significant jobs opportunities, there is no doubt that the construction and decommissioning phases of the development would contribute to employment in the area, with up to 50 construction works anticipated. Even though these economic benefits would be for a limited period of time, they still attract **limited** weight in favour of the scheme.

Overall balance

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

landscape effects identified to character and visual impact would diminish with distance from the site. The impacts are therefore more severe within the localised surroundings of the site. The mitigation planting will go some way at softening and screening the development, although the topography of the site will mean it is not fully screened and will remain visible in wider views.

- 243 However, Officers consider the substantial public benefits associated with the provision of renewable energy, together with the additional benefits from the biodiversity net gain and the employment benefits, decisively outweigh the harms identified on both heritage and landscape terms.
- 244 The development would conflict with Core Policy 9 in so far as it relates to the protection and enhancement of the natural environment. In terms of DM5, it would conflict in part to part 4. In terms of Core Policy 14 and Policy DM9, the heritage balance set out above results in no conflict to these policies. As set out above, the most important development plan policies for consideration of this application are Core Policy 10 and DM4. These support renewable energy generation where the benefits are not outweighed by harm, including to landscape character and heritage assets. Having regard to the conclusions above, the proposal would comply with these policies.
- 245 Nevertheless, some conflict with the development plan policies has been identified and the proposal would not comply with the development plan as a whole. However, the benefits in favour of the development are considered substantial to decisively outweigh the harms identified.

Recommendation:

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

10.0 Conditions

01 – Time Limit

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

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

02 – Temporary permission

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

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

03 – Plans and Details

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

Site Location Plan P21-1378_001 Rev C
 Layout Plan P21-1378_EN_002 Rev H
 Landscape and Ecological Masterplan P21-1378_EN_003 Rev E
 Typical Access Track Detail P21-1378.106
 Typical Fence Detail P21-1378.105
 Typical CCTV, Post and Security Speaker Details P21-1378.104
 Typical Inverter Detail P21-1378.103
 Typical Client and DNO Substation Detail P21-1378.102
 Typical Panel Elevations P21-1378.101
 Proposed Access Arrangement P21-1378 Rev A
 Visibility on Vicarage Lane P21-1378 SK03, SK03/01, SK03/02, SK03/03 Rev F
 Visibility on Bathley Lane P21-1378 SK07/01 and SK07/02 Rev F

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

04 – Scheme for Decommissioning and Restoration

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

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

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

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

05 – Construction and Traffic Management Plan

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

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

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

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

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

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

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

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

07 – Noise Levels

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

Reason: In the interests of residential amenity.

08 – External Lighting

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

Reason: In the interests of residential amenity and biodiversity.

09 – Soil Management Plan

Prior to any site clearance, or the commencement of the development, a Soil Management Plan (SMP), having regard to the Institute of Quarrying Good Practice Guide for Handling Soils

in Mineral Working, British Society of Soil Science Guidance Notes, in particular the note titled 'Benefitting from Soil Management in Development and Construction' must be submitted to and approved in writing by the Local Planning Authority. The SMP shall be prepared by a suitably qualified soils and agriculture expert. It shall include:

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

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

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

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

010 – Construction Environmental Management Plan (biodiversity and arboriculture)

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

- a) A risk assessment of potentially damaging construction activities for biodiversity.
- b) A scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a Tree Protection Plan (TPP) and details of tree protective measures and fencing to be installed and carried out throughout construction.
- c) An Arboricultural Method Statement (AMS) detailing the location and installation of services/utilities/drainage and the details of any construction works within the Root Protection Area (RPA) of any trees, including details of no-dig specification areas.
- d) Identification of "biodiversity protection zones" and tree protection zones.

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

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

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

011 – Biodiversity Management Plan

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

- a) The location and summary description of the features to be maintained and/or enhanced, or created;
- b) The proposed actions to maintain and/or enhance or create the features, and the timing of those actions;
- c) The proposed management prescriptions for those actions;
- d) An annual work schedule covering the life time of the proposal (with the view that the management proposals would subsequently be reviewed every 5 years);
- e) Identification of who will be responsible for implementing the BMP; and
- f) A schedule for monitoring the implementation and success of the BMP, this to include monitoring reports to be submitted to Newark and Sherwood District Council at appropriate

intervals. The provision of the monitoring reports shall then form part of the planning condition.

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

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

012 – Surface Water Drainage

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

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

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

- No surcharge shown in a 1 in 1 year.
- No flooding shown in a 1 in 30 year.
- For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.

- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

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

013 – Archaeological Exclusion Area

Prior to the commencement of the development hereby approved (including demolition, ground works and vegetation clearance) an Archaeological Exclusion Zone Management Plan shall be submitted to and approved in writing by the Local Planning Authority, in accordance with plan reference P21-1378_EN_002. The Management Plan shall include details of how this area shall be protected during construction, operation and decommissioning phases, monitoring and maintenance work for the area including boundary treatments and access arrangements, and exclusion of this area during all phases of the development. The Management Plan shall also outline prohibited activities in the area and how this shall be managed, included but not limited to no tree planting or unapproved habitat creation.

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

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

014 – Ecological Mitigation Measures

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

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

015 – Visibility Splays

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

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

016 – Access Arrangements and Passing Places

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

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

017 – Highways Drainage

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

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

018 – Highway trees

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

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

019 – Existing Access

The existing access as identified on drawing number P21-1378.002 rev B shall not be used either during construction or in the operational phase of the development and shall be

reinstated as verge in accordance with highway authority specification and the existing gate replaced by a suitable boundary treatment to be agreed with the local planning authority, prior to the completion of the development on site.

Reason: In the interests of highway safety.

020 – Skylark Mitigation

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

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

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

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

021 – Landscaping

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

- a) A timetable for implementation of the scheme.
- b) External hard surfacing materials.
- c) Means of enclosure, including any provision for mammal gates.
- d) Soft landscape works including planting plans for trees, shrubs, grasslands and hedges, written specifications for cultivation and other operations associated with plant and grass establishment, and schedules of plants including species, plant sizes and proposed numbers or densities.

e) Finished levels and contours.

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

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

022 – Landscape Management

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

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

023 – Contamination

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

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

024 – Glint and Glare Assessment

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

Reason: In the interests of protecting residential amenity.

025 – Public Rights of Way Management Plan

Prior to the commencement of development, a Public Rights of Way Management Plan shall

be submitted to and approved in writing by the Local Planning Authority which shall include:

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

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

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

Informatives

01

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

02

S278 Agreement

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

03

Highways:

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

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

04

Environmental permit:

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

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

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with the EA at the earliest opportunity.

05

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

06

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

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 22/01983/FULM

