

PINS REF: APP/Y2430/W/24/3340258
LPA REF: MBC REF: 22/00537/FUL
PPG REF: P19-2022
DATE: 5TH AUGUST 2024

STATEMENT OF COMMON GROUND

BETWEEN:

JBM SOLAR PROJECTS 10 LTD

&



MELTON BOROUGH COUNCIL

**BELVOIR SOLAR FARM
FIELDS OS 6700 6722 AND 5200 MUSTON LANE
EASTHORPE**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

PROPOSAL:

**FULL PLANNING APPLICATION FOR THE CONSTRUCTION OF A SOLAR FARM TOGETHER WITH
ALL ASSOCIATED WORK, EQUIPMENT AND NECESSARY INFRASTRUCTURE.**

Signed: 	Signed: 
Name: Sarah Legge	Name: Paul Burrell
On behalf of: Melton Borough Council	On behalf of: Pegasus Group (acting on behalf of the Appellant)
Date: 6 th August 2024	Date: 5 th August 2024

CONTENTS:

	Page No:
1. INTRODUCTION	1
2. THE APPEAL SITE AND ITS SURROUNDINGS	2
3. THE APPEAL PROPOSALS	5
4. APPLICATION PLANS AND DOCUMENTS	10
5. PLANNING HISTORY	24
6. PLANNING POLICY	25
7. MATTERS NOT IN DISPUTE	29
8. MATTERS THAT REMAIN IN DISPUTE	37
9. PLANNING CONDITIONS	38
10. CORE DOCUMENTS	39

1. INTRODUCTION

- 1.1 This Statement of Common Ground ("SoCG") has been prepared by Pegasus Group on behalf of JBM Solar Projects 10 Ltd ("The Appellant").
- 1.2 It has been prepared in conjunction with Melton Borough Council ("MBC") relating to a Section 78 appeal concerning Fields OS 6700 6722 And 5200 Muston Lane Easthorpe ("The Appeal Site").
- 1.3 The purpose of this SoCG is to identify the areas where the principal parties (the Appellant and MBC) are in agreement and to narrow down the issues that remain in dispute. This will allow the Public Inquiry to then focus on the most pertinent issues.

2. THE APPEAL SITE AND ITS SURROUNDINGS

- 2.1 The Appeal Site extends to approximately 99.95 hectares and comprises agricultural land. The Appeal Site is identified as Land situated to the west and south-west of Muston and south of Easthorpe, which comprises land to the south of the A52, east of Castle View Road and Winter Beck, north of the Grantham Canal, and to the west of Easthorpe Lane, Bottesford, Leicestershire.
- 2.2 The Appeal Site is described as land within Fields OS 6700 6722 And 5200 Muston Lane Easthorpe, being centred on co-ordinates: X: 482177, Y: 337450.
- 2.3 The Appeal Site is located to the immediate south of the A52 which is a strategic trunk road linking the A1 to the A46, connecting Grantham to Nottingham. Castle View Road partially follows the western site boundary. To the south of the Appeal Site is the disused Grantham Canal.
- 2.4 The Appeal Site details access via the existing access point on Castle View Road. Castle View Road is a single carriageway providing a link between the A52 in the north and Belvoir Road in the south. Castle View Road is accessed via a simple priority junction with the A52.
- 2.5 There are no International or European designated sites (Ramsar, Special Protection Area or Special Areas of Conservation) within close proximity of the Appeal Site. Muston Meadows National Nature Reserve ("NNR") and Site of Special Scientific Interest ("SSSI") is positioned adjacent to the southern boundary and is split into two separate land parcels. In terms of local designations, the Appeal Site is c.600m west of a Local Wildlife Site.
- 2.6 The Appeal Site does not fall within any statutory landscape designations. The Appeal Site is not situated within or near a designated Area of Outstanding Natural Beauty ("AONB"). The Appeal Site is located within National Landscape Character Area No. 48: Trent and Belvoir Vales.
- 2.7 Some existing vegetation and hedgerows are present along field boundaries around and within the Appeal Site.
- 2.8 Public Rights of Way ("PRoW") are located within and in close proximity to the Appeal Site. These include footpaths F82/3 which connects Muston in the east to Castle View Road in the west, F74/1 and F90/4 footpaths connecting Castle View Road to F82/3 footpath

bisecting the Appeal Site. South of these PRoW's there is a bridleway F85a/2 which starts at Castle View Road and leads south towards Grantham Canal.

2.9 The majority of the Appeal Site is located within Environmental Agency ("EA") Flood Risk Zone ("FRZ") 1, meaning the site has less than 1 in 1000 annual probability of flooding by river sources. A small area is located within Flood Zone 3 to the far west of the Appeal Site adjacent to the existing Winter Beck watercourse.

2.10 No designated heritage assets are located within the Appeal Site boundary; however, a number of assets are located as detailed below:

- Muston village cross Grade II* Listed Building and Scheduled Monument, 70m east of Mountain Ash Farm and approximately 360m east of the Appeal Site boundary.
- Moated grange with fishpond at Muston (Scheduled Monument), located within Muston approximately 370m east of the eastern Appeal Site boundary.
- Shifted medieval village earthworks and moat at Easthorpe (Scheduled Monument), located approximately 550m northwest of the northern Appeal Site boundary.
- St Mary's Church, Bottesford, a Grade I listed building is located approximately 1.25km to the north of the north west boundary of the Appeal Site.
- Within a 1km radius of the Appeal Site there are ten listed buildings. Eight of the Listed Buildings are found at Muston, to the east of the Appeal Site. Two of these, the Church of St John the Baptist and the Village Cross are Grade II* Listed; the remainder are Grade II Listed. The two other Listed Buildings within 1km of the Appeal Site are both Grade II Listed and lie within Easthorpe Conservation Area to the north-west of the Appeal Site.
- Belvoir Castle, a Grade I listed building is located approximately 2.3km to the south of the Appeal Site. Belvoir Castle is set within a Grade II* Registered Park and Garden, and Conservation Area.
- Within a 3km radius of the Appeal site there are 96 designated heritage assets.

2.11 Locally there are Conservation Areas located within Easthorpe (approximately 285m north-west of the Appeal Site) and Bottesford (approximately 1.1km northwest of the

Appeal Site). Redmile Conservation Area is located 1.9km to the south west of the Appeal Site and Belvoir Conservation Area is 1.8km to the south.

3. THE APPEAL PROPOSALS

- 3.1 The planning application which is the subject of this Appeal sought Full Planning Permission for the following:

“Full Planning Application for the Construction of a Solar Farm together with all Associated Work, Equipment and Necessary Infrastructure.”

- 3.2 The planning application was given the reference by MBC ref: 22/00537/FUL.

Proposed Development

- 3.3 The application seeks Planning Permission for the construction of a Solar Farm together with all associated work, equipment and necessary infrastructure for a temporary period of 40 years from the date of the first exportation of electricity from the Appeal Site. The decommissioning of the Site and its restoration will be addressed by the imposition of planning conditions.
- 3.4 The Proposed Development was a result of an iterative design process which is summarised in the Design and Access Statement which was submitted as part of the planning application.
- 3.5 Further post application amendments to the scheme have been made following comments from Officers at MBC prior to the determination of the planning application.

The Amended Scheme

- 3.6 Following the determination of the planning application by MBC, at the time of lodging the Appeal, the Appellant submitted a number of proposed minor amendments to the site layout (referred to hereafter as “the Amended Scheme”).
- 3.7 The Amended Scheme is shown on the drawing titled ‘Amended Scheme Site Layout and Landscape Strategy (P19-2022_24 Revision B)’ (hereafter referred to as ‘the Amended Scheme Plan’), which comprises the following proposed amendments:
- **Amendment A** – The PRoW alignment has been corrected on the Amended Scheme Plan.
 - **Amendment B** – On the Amended Scheme Plan the hedgerow notation has been updated to reflect that this offsite hedgerow is no longer present.

- **Amendment C** – This offsite PRoW has now been shown on the Amended Scheme Plan.
 - **Amendment D** – The existing offsite hedgerow to the north of the canal has now been shown on the Amended Scheme Plan.
 - **Amendment 1** – To further reinforce hedgerows, regular hedgerow trees have now been added in Fields 6–9 on the Amended Scheme Plan.
 - **Amendment 2** – To further reinforce hedgerows, hedgerow trees have now been added in Fields 2, 6 and 8–10 on the Amended Scheme Plan.
 - **Amendment 3** – To reinforce hedgerows, hedgerows with regular hedgerow trees have now been proposed on the Amended Scheme Plan along the fence lines in Fields 8, 11, 12 and 13.
 - **Amendment 4** – The extent of solar panels has been reduced (by just over 2.2 hectares) in Field 13 on the Amended Scheme Plan to retain the view towards Belvoir Castle and to provide an extended area of wildlife which will be utilised by a range of species including ground-nesting birds..
 - **Amendment 5** – On the Amended Scheme Plan the proposed orchard tree planting in Field 13 has now been moved eastward to open up views of Belvoir Castle for walkers and users of the recreational area.
 - **Amendment 6** – To provide additional context of the screening provided by nearby vegetation, this is now shown on the Amended Scheme Plan.
 - **Amendment 7** – An Information board has now been added to inform users of the PRoW of the view towards Belvoir Castle.
- 3.8 A Clarification Note identifies the type and location of the changes proposed in the Amended Scheme (Core Document 2.5).
- 3.9 MBC as the Local Planning Authority does not object to the Appeal being determined on the basis of the Amended Scheme. The Appellant undertook a round of public consultation on the proposed amendments from 7th March 2024 for one month and allowed additional time until the Case Management Conference in June 2024 for further late comments. Six responses were received during the public consultation which have been issued to the Inspectorate (Core Document 10.6).

Solar Arrays and Supporting Equipment

- 3.10 The Solar Farm would consist of solar photovoltaic (“PV”) panels placed on metal arrays arranged in rows, allowing for boundary landscaping, perimeter fencing and access. The arrays would utilise a tracking system that uses a north–south system (90 degrees in the morning and 270 degrees in the evening) with elevation angles of up to +/- 60 degrees.

- 3.11 Each row will be mounted on a simple metal framework which would be driven into the soil removing the need for deep foundations. The mounting system comprises of two separate elements; upright galvanised steel posts which are screwed or pushed into the ground and an aluminium support frame which is bolted together. The system requires no concrete foundations and is designed to be reversible leaving no trace when removed.
- 3.12 The arrays are spaced to avoid any shadowing effects from one panel to another with topography dictating exact row spacing. The panels will be laid out in north-south rows with a space of around 3.8–7m between each row.
- 3.13 Plant and other equipment to support the generation of electricity is located around the Site, adjacent to internal tracks to ensure suitable access for maintenance purposes. 4.4km of access tracks will be created around the Site and will be 4.0m wide and made of crushed aggregate. The supporting equipment includes inverter stations positioned around the Site.

Point of Connection

- 3.14 The point of connection is located relatively centrally in the Appeal Site. Cabling will run from the inverter stations to the 132kV substation, where the electricity will be run through the transformer to 132kV and exported to the existing pylon linked to the distribution network via a new Point of Connection (“POC”) mast. The POC mast will be located adjacent to the existing pylon tower and will consist of a tower similar in height to the existing pylon towers that traverse the Site. An underground cable will run between the POC mast and the 132kV compound. The 132kV compound will also include a communications and weather station mast up to 5.0m in height.
- 3.15 The insulated DC cables from the solar modules will be routed in channels fixed on the underside of the framework. The DC string cables will run along the entire underside of each row. The electrical cabling from each array will be concealed through trenches linking the modules to the inverter substations and then to the main substation. The cable trench may also carry earthing and communications cables and will be backfilled with fine sands and excavated materials to the original ground level.

Perimeter Fencing and CCTV

- 3.16 It is proposed that a 2.0m high security deer fencing with wooden poles will be installed around the edge of the Site to protect the solar panels from theft or vandalism. Badger friendly/small mammal access points will be prescribed at various locations along the fencing to allow the passage of wildlife across the Site.
- 3.17 In addition to fencing, it is proposed that 3.0m high pole mounted CCTV security cameras will be provided inside the Site and will monitor the integrity of the fence.

Access

- 3.18 Access to the Site is proposed via the existing agricultural access point on Castle View Road. This access will serve the entire Site and will be connected to a network of internal roads within the Site.
- 3.19 The existing field access at the southern end of the Site will be retained for access by the landowner or a tenant only, to allow for a farming use to continue on Site.
- 3.20 Several Public Rights of Way ("PRoW") cross the Site. It is proposed Footpaths F82/3, F90/2 and byways F85b/1 and F85b/2 which run through and around the Site would be retained on their current alignment and set within a 10m wide Green Infrastructure Enhancement Corridor.

Landscaping

- 3.21 It is agreed that there are no significant individual trees to be removed to facilitate the Proposed Development.
- 3.22 Where required, gaps in hedgerows will be repaired with appropriate native hedgerow species supplemented with native tree planting.
- 3.23 The AIA concluded that the proposed hedgerow removal has been kept to a minimum, with the exception of the newly planted and unestablished hedgerow H61. The AIA also noted the loss of hedgerow can be readily mitigated by replanting and enhancement of existing hedgerows as demonstrated within the submitted Landscape Strategy. The retained trees and hedgerows can be adequately protected during construction activities to sustain their health and longevity.

- 3.24 Additionally, a range of biodiversity and landscape measures are proposed, as detailed on the Landscape Strategy and within the Environmental Enhancement Strategy (“EES”) and the Ecological Assessment, which were submitted as part of the planning application.
- 3.25 It is agreed that the proposals would result in additional 3,840 linear metres of native hedgerows, 2,440m² of native tree buffer planting, 21 no. Orchard Trees and 132 no. Native Trees.

Construction and Operation

- 3.26 The construction of the Appeal Site would take place over approximately six to nine months. There will be a temporary construction compound in place during the construction period.
- 3.27 The DNO and applicant substations will be in an enclosed compound area within the Site.
- 3.28 Once installed, the Solar Farm would require infrequent visits for the purposes of maintenance or cleaning of the Site. Such work typically requires around 1 visit per month. The facility would be unmanned, being remotely operated and monitored.

Decommissioning

- 3.29 At the end of the 40 year operational lifespan of the proposal, the Site would be restored back to full agricultural use with all equipment and below ground connections removed (with the exception of the DNO substation). It is envisaged that the decommissioning of the Solar Farm would take approximately six to nine months.
- 3.30 It is considered a suitably worded Condition can ensure the removal of the Proposed Development within a fixed period of the end of the operational lifetime.
- 3.31 Suitably worded planning Conditions are commonly attached to such development to ensure decommissioning takes place in accordance with a scheme of decommissioning agreed with the Local Planning Authority, typically, just before the commencement of decommissioning activities. The proposed method of construction means the development can be removed and land returned to an agricultural use.

4. APPLICATION PLANS AND DOCUMENTS

- 4.1 The plans and supporting documents which the appeal is to be determined are listed below:

Application Form

1. Signed and completed Application Form, including Ownership Certificates, dated 30th March 2022.
2. Amended Certificate of Ownership Certificate B, dated 9th August 2023.
3. Covering Letter, dated 30th March 2022, prepared by Pegasus Group.
4. Covering Letter, dated 20th December 2022, prepared by Pegasus Group.
5. Covering Letter, dated 14th July 2023, prepared by Pegasus Group.
6. Letter to Bottesford Parish Council, dated 6th April 2023, prepared by JBM Solar.
7. Supplementary Note, dated 18th August 2023, prepared by Pegasus Group.
8. Community Infrastructure Levy (CIL) – Form 1: CIL Additional Information, dated 30th March 2022, prepared by Pegasus Group.
9. Fee Calculation Summary.
10. Supporting Document Summary, dated 1st April 2022, prepared by Melton Borough Council.

Application Drawings

11. Site Location Plan, drawing number P19-2022_03 Rev E, dated 03/12/2021, prepared by Pegasus Group.
12. Site Layout and Landscape Strategy, drawing number P19-2022_10 Rev Q, dated 18/08/2022, prepared by Pegasus Group.
13. Site Layout and Landscape Mitigation with ALC Overlay, drawing number P19-2022_22, dated 10th August 2023, prepared by Pegasus Group.
14. Typical Single Axis Tracker Table Details, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
15. Fence, Track and CCTV Details, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
16. Trench Sections Details, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.

17. Inverter Station Details, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
18. Spares Container Details, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
19. Customer Switchgear Details, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
20. Access Gate, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
21. Indicative Construction Compound, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
22. Comms and Weather Station Mast, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
23. Compound Details, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.

Supporting Documents

24. Planning Statement, dated February 2022, prepared by Pegasus Group.
25. Design and Access Statement, dated February 2022, prepared by Pegasus Group.
26. Statement of Community Involvement, dated February 2022, prepared by Pegasus Group.
27. Site Selection Report, dated March 2022, prepared by Pegasus Group.
28. Environmental Enhancement Strategy, dated December 2021, prepared by Pegasus Group.
29. Construction Traffic Management Plan Addendum, dated August 2022, prepared by Pegasus Group.
30. Arboricultural Impact Assessment, dated December 2021, prepared by Barton Hyett Associates.
31. Environmental Statement Volume 1: Main Report, dated January 2022, prepared by Pegasus Group, comprising the following chapters:
 - i. Chapter 1 – Introduction
 - ii. Chapter 2 – Landscape and Visual Impact Assessment
 - iii. Chapter 3 – Cultural Heritage and Archaeology
 - iv. Chapter 4 – Flood Risk and Hydrology

- v. Chapter 5 – Biodiversity
 - vi. Chapter 6 – Solar Glint and Glare
 - vii. Chapter 7 – Noise
 - viii. Chapter 8 – Agricultural Resources
 - ix. Chapter 9 – Summary
32. Environmental Statement Volume 1: Figures, dated January 2022, prepared by Pegasus Group, comprising the following:
- i. Figure 1.1 Site Location Plan, drawing number P19-2022_03 Rev D, dated 03/12/2021, prepared by Pegasus Group.
 - ii. Figure 1.2 Cumulative Sites Plan, drawing number P19-2022_15, dated 03/12/2021, prepared by Pegasus Group.
 - iii. Figure 1.3 Environmental Designations Plan, drawing number P19-2022_02 Revision E, dated 03/12/2021, prepared by Pegasus Group.
 - iv. Figure 1.4 Site Layout and Landscape Strategy, drawing number P19-2022_10 Rev L, dated 18/08/2022, prepared by Pegasus Group.
 - v. Figure 1.5 Ancillary Drawings, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
 - vi. Figure 2.1 Screened Zone of Theoretical Visibility, drawing number P19-2022_01 Revision D, dated 03/12/2021, prepared by Pegasus Group.
 - vii. Figure 2.2 Local Landscape Character Plan, drawing number P19-2022_05 Revision D, dated 03/12/2021, prepared by Pegasus Group.
 - viii. Figure 2.3 Topography Plan, drawing number P19-2022_04 Revision D, dated 03/12/2021, prepared by Pegasus Group.
 - ix. Figure 2.4 Viewpoint Location Plan, drawing number P19-2022_08 Revision C, dated 03/12/2021, prepared by Pegasus Group.
 - x. Figure 3.1 Selected Non-Designated Heritage Assets in Application Site Environs, drawing number P19-2022 Revision 1, dated 22/10/2021, prepared by Pegasus Group.
 - xi. Figure 3.2 Geophysical Survey Interpretation Plot for the Application Site, drawing number P19-2022 Revision 1, dated 22/10/2021, prepared by Pegasus Group.
 - xii. Figure 3.3 Designated Heritage Assets in the Application Site Environs, drawing number P19-2022 Revision 1, dated 22/10/2021, prepared by Pegasus Group.
 - xiii. Figure 7.1 Noise Sensitive Receptors, dated 06/12/21, prepared by LFAcoustics.

- xiv. Figure 7.2 Calculated Noise Levels, dated 06/12/21, prepared by LFAcoustics.
- 33. Environmental Statement Volume 2: Appendices, dated January 2022, prepared by Pegasus Group, comprising the following appendices:
 - i. Appendix 1.1 Screening Opinion Response
 - ii. Appendix 2.1 Landscape and Visual Impact Assessment Methodology
 - iii. Appendix 2.2 Landscape Effects Summary Table
 - iv. Appendix 2.3 Visual Effects Summary Table
 - v. Appendix 2.4 Photoviews (Viewpoints 1–15)
 - vi. Appendix 2.5 Photomontages
 - vii. Appendix 3.1 Heritage Statement, dated January 2022, prepared by Pegasus Group.
 - viii. Appendix 3.2 Geophysical Survey, dated October 2020, prepared by WYAS Archaeological Services.
 - ix. Appendix 4.1 Flood Risk Assessment, dated December 2021, prepared by Pegasus Group.
 - x. Appendix 5.1 – Ecological Impact Assessment Methodology, dated December 2021, prepared by Avian Ecology.
 - xi. Appendix 5.2 – Habitats and Species Baseline Report, dated 9th September 2022, prepared by Avian Ecology.
 - xii. Appendix 5.3 – Wintering Bird Survey Report 2019–2020, dated 9th September 2022, prepared by Avian Ecology.
 - xiii. Appendix 5.4 – Breeding Bird Survey Report, dated 15th September 2022, prepared by Avian Ecology.
 - xiv. Appendix 5.5 – **Confidential** Badger Report, dated 9th September 2022, prepared by Avian Ecology.
 - xv. Appendix 5.6 – Great Crested Newt Presence or Absence (eDNA) Survey Report, dated 9th September 2022, prepared by Avian Ecology.
 - xvi. Appendix 5.7 – Biodiversity Management Plan, dated 20th September 2022, prepared by Avian Ecology.
 - xvii. Appendix 5.8 – Biodiversity Net Gain Assessment; DEFRA Metric Version 3.1, dated 9th September 2022, prepared by Avian Ecology.

- xviii. Appendix 5.9 – Construction Environmental Management Plan, dated 20th September 2022, prepared by Avian Ecology.
- xix. Appendix 6.1 – Solar Photovoltaic Glint and Glare Study, dated December 2021, prepared by Pager Power.
- xx. Appendix 7.1 – Noise Units, dated January 2022, prepared by LFAcoustics.
- xxi. Appendix 8.1 – Agricultural Land Classification Report, dated 9th January 2023, prepared by Amet Property.
- 34. Environmental Statement: Non-Technical Summary, dated January 2022, prepared by Pegasus Group.
- 35. Supplementary Environmental Information Note, dated 29th September 2022, prepared by Pegasus Group. This report included the following information:
 - i. Supplementary Environmental Information Note Appendix 1: Site Layout and Landscape Strategy, drawing number P19-2022_10 Rev Q, dated 18/08/2022, prepared by Pegasus Group.
 - ii. Supplementary Environmental Information Note Appendix 2: Further Information Report, dated 20th September 2022, prepared by Avian Ecology.
 - iii. Appendix 5.2 – Habitats and Species Baseline Report, dated 9th September 2022, prepared by Avian Ecology.
 - iv. Appendix 5.3 – Winter Bird Survey Report, dated 9th September 2022, prepared by Avian Ecology.
 - v. Appendix 5.4 – Breeding Bird Survey Report, dated 15th September 2022, prepared by Avian Ecology.
 - vi. Appendix 5.5 – **Confidential** Badger Report, dated 9th September 2022, prepared by Avian Ecology.
 - vii. Appendix 5.6 – Great Crested Newt Presence / Absence eDNA Report, dated 9th September 2022, prepared by Avian Ecology.
 - viii. Appendix 5.7 – Biodiversity Management Plan, dated 20th September 2022, prepared by Avian Ecology.
 - ix. Appendix 5.8 – Biodiversity Net Gain Assessment; DEFRA Metric Version 3.1, dated 9th September 2022, prepared by Avian Ecology.
 - x. Appendix 5.9 – Construction Environment Management Plan, dated 20th September 2022, prepared by Avian Ecology.
- 36. Archaeological Evaluation Report, dated June 2022, prepared by Oxford Archaeology
- 37. Road Safety Audit Response, dated 28th September 2022, prepared by Pegasus Group.

38. Supplementary Environmental Information Note, dated 10th November 2022, prepared by Pegasus Group. This report included the following information:
 - i. Supplementary Environmental Information Note Appendix 1: Cumulative Landscape and Visual Impact Assessment, dated November 2022, prepared by Pegasus Group.
 39. Community Survey Report, dated December 2022, prepared by Instinctif Partners.
 40. Agricultural Land Classification Report, dated 9th January 2023, prepared by Amet Property.
 41. ALC Response to Review, dated 9th January 2023, prepared by Amet Property.
 42. Supplementary Environmental Information Note, dated 20th February 2023, prepared by Pegasus Group.
 43. Rebuttal of Belvoir Solar Farm Independent Landscape Review, dated February 2023, prepared by Pegasus Group.
 44. Rebuttal of Belvoir Solar Farm Independent Landscape Review, dated March 2023, prepared by Pegasus Group.
- 4.2 For reference, all of the application plans and supporting documents that were submitted as part of the planning applications are listed below:

List of Application Documents – Original Application Submission 1st April 2022

Application Form

45. Signed and completed Application Form, including Ownership Certificates, dated 30th March 2022.
46. Covering Letter, dated 30th March 2022, prepared by Pegasus Group.
47. Community Infrastructure Levy (CIL) – Form 1: CIL Additional Information, dated 30th March 2022, prepared by Pegasus Group.
48. Fee Calculation Summary.
49. Supporting Document Summary, dated 1st April 2022, prepared by Melton Borough Council.

Application Drawings

50. Site Location Plan, drawing number P19-2022_03 Rev D, dated 03/12/2021, prepared by Pegasus Group.

51. Site Layout and Landscape Strategy, drawing number P19-2022_10 Rev L, dated 04/02/2022, prepared by Pegasus Group.
52. Typical Single Axis Tracker Table Details, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
53. Fence, Track and CCTV Details, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
54. Trench Sections Details, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
55. Inverter Station Details, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
56. Spares Container Details, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
57. Customer Switchgear Details, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
58. Access Gate, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
59. Indicative Construction Compound, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
60. Comms and Weather Station Mast, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
61. Compound Details, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.

Supporting Documents

62. Planning Statement, dated February 2022, prepared by Pegasus Group.
63. Design and Access Statement, dated February 2022, prepared by Pegasus Group.
64. Statement of Community Involvement, dated February 2022, prepared by Pegasus Group.
65. Site Selection Report, dated March 2022, prepared by Pegasus Group.
66. Environmental Enhancement Strategy, dated December 2021, prepared by Pegasus Group.
67. Construction Traffic Management Plan, dated February 2022, prepared by Pegasus Group.
68. Arboricultural Impact Assessment, dated December 2021, prepared by Barton Hyett Associates.

69. Environmental Statement Volume 1: Main Report, dated January 2022, prepared by Pegasus Group, comprising the following chapters:
- i. Chapter 1 – Introduction
 - ii. Chapter 2 – Landscape and Visual Impact Assessment
 - iii. Chapter 3 – Cultural Heritage and Archaeology
 - iv. Chapter 4 – Flood Risk and Hydrology
 - v. Chapter 5 – Biodiversity
 - vi. Chapter 6 – Solar Glint and Glare
 - vii. Chapter 7 – Noise
 - viii. Chapter 8 – Agricultural Resources
 - ix. Chapter 9 – Summary
70. Environmental Statement Volume 1: Figures, dated January 2022, prepared by Pegasus Group, comprising the following:
- i. Figure 1.1 Site Location Plan, drawing number P19-2022_03 Rev D, dated 03/12/2021, prepared by Pegasus Group.
 - ii. Figure 1.2 Cumulative Sites Plan, drawing number P19-2022_15, dated 03/12/2021, prepared by Pegasus Group.
 - iii. Figure 1.3 Environmental Designations Plan, drawing number P19-2022_02 Revision E, dated 03/12/2021, prepared by Pegasus Group.
 - iv. Figure 1.4 Site Layout and Landscape Masterplan, drawing number P19-2022_10 Rev L, dated 04/02/2022, prepared by Pegasus Group.
 - v. Figure 1.5 Ancillary Drawings, drawing number Rev A, dated 20 October 2021, prepared by JBM Solar.
 - vi. Figure 2.1 Screened Zone of Theoretical Visibility, drawing number P19-2022_01 Revision D, dated 03/12/2021, prepared by Pegasus Group.
 - vii. Figure 2.2 Local Landscape Character Plan, drawing number P19-2022_05 Revision D, dated 03/12/2021, prepared by Pegasus Group.
 - viii. Figure 2.3 Topography Plan, drawing number P19-2022_04 Revision D, dated 03/12/2021, prepared by Pegasus Group.

- ix. Figure 2.4 Viewpoint Location Plan, drawing number P19-2022_08 Revision C, dated 03/12/2021, prepared by Pegasus Group.
- x. Figure 3.1 Selected Non-Designated Heritage Assets in Application Site Environs, drawing number P19-2022 Revision 1, dated 22/10/2021, prepared by Pegasus Group.
- xi. Figure 3.2 Geophysical Survey Interpretation Plot for the Application Site, drawing number P19-2022 Revision 1, dated 22/10/2021, prepared by Pegasus Group.
- xii. Figure 3.3 Designated Heritage Assets in the Application Site Environs, drawing number P19-2022 Revision 1, dated 22/10/2021, prepared by Pegasus Group.
- xiii. Figure 7.1 Noise Sensitive Receptors, dated 06/12/21, prepared by LFAcoustics.
- xiv. Figure 7.2 Calculated Noise Levels, dated 06/12/21, prepared by LFAcoustics.
- 71. Environmental Statement Volume 2: Appendices, dated January 2022, prepared by Pegasus Group, comprising the following appendices:
 - i. Appendix 1.1 Screening Opinion Response
 - ii. Appendix 2.1 Landscape and Visual Impact Assessment Methodology
 - iii. Appendix 2.2 Landscape Effects Summary Table
 - iv. Appendix 2.3 Visual Effects Summary Table
 - v. Appendix 2.4 Photoviews (Viewpoints 1-15)
 - vi. Appendix 2.5 Photomontages
 - vii. Appendix 3.1 Heritage Statement, dated January 2022, prepared by Pegasus Group.
 - viii. Appendix 3.2 Geophysical Survey, dated October 2020, prepared by WYAS Archaeological Services.
 - ix. Appendix 4.1 Flood Risk Assessment, dated December 2021, prepared by Pegasus Group.
 - x. Appendix 5.1 Ecological Impact Assessment Methodology, dated December 2021, prepared by Avian Ecology.
 - xi. Appendix 5.2 Habitats and Species Baseline Report, dated 11th November 2021, prepared by Avian Ecology.
 - xii. Appendix 5.3 Wintering Bird Survey Report 2019-2020, dated 11th November 2021,

prepared by Avian Ecology.

- xiii. Appendix 5.4 Breeding Bird Survey Report, dated 11th November 2021, prepared by Avian Ecology.
 - xiv. Appendix 5.5 **Confidential** Badger Report, dated 11th November 2021, prepared by Avian Ecology.
 - xv. Appendix 5.6 Great Crested Newt Presence or Absence (eDNA) Survey Report, dated 11th November 2021, prepared by Avian Ecology.
 - xvi. Appendix 5.7 Biodiversity Management Plan, dated 3rd February 2022, prepared by Avian Ecology.
 - xvii. Appendix 5.8 Biodiversity Net Gain Assessment; DEFRA Metric Version 3.0, dated 16th December 2021, prepared by Avian Ecology.
 - xviii. Appendix 6.1 – Solar Photovoltaic Glint and Glare Study, dated December 2021, prepared by Pager Power.
 - xix. Appendix 7.1 – Noise Units, dated January 2022, prepared by LFAcoustics.
 - xx. Appendix 8.1 – Agricultural Land Classification Report, dated 13th December 2021, prepared by Amet Property.
72. Environmental Statement: Non-Technical Summary, dated January 2022, prepared by Pegasus Group.

List of Application Documents – Post Submission

Application Documents – Post Submission: 16th August 2022

- 73. Construction Traffic Management Plan Addendum, dated August 2022, prepared by Pegasus Group.
- 74. Site Layout and Landscape Strategy, drawing number P19-2022_10 Rev P, dated 11/08/2022, prepared by Pegasus Group.

Application Documents – Post Submission: 6th September 2022

75. Site Layout and Landscape Strategy, drawing number P19-2022_10 Rev Q, dated 18/08/2022, prepared by Pegasus Group.
76. Site Location Plan, drawing number P19-2022_03 Rev E, dated 05/07/2022, prepared by Pegasus Group.

Application Documents – Post Submission: 29th September 2022

77. Supplementary Environmental Information Note, dated 29th September 2022, prepared by Pegasus Group. This report included the following information:
- i. Supplementary Environmental Information Note Appendix 1: Site Layout and Landscape Strategy, drawing number P19-2022_10 Rev Q, dated 18/08/2022, prepared by Pegasus Group.
 - ii. Supplementary Environmental Information Note Appendix 2: Further Information Report, dated 20th September 2022, prepared by Avian Ecology.
 - iii. Appendix 5.2: Habitats and Species Baseline Report, dated 9th September 2022, prepared by Avian Ecology.
 - iv. Appendix 5.3: Wintering Bird Survey Report 2019-2020, dated 9th September 2022, prepared by Avian Ecology.
 - v. Appendix 5.4: Breeding Bird Survey Report 2020, dated 15th September 2022, prepared by Avian Ecology.
 - vi. Appendix 5.5 – **Confidential** Badger Report, dated 9th September 2022, prepared by Avian Ecology.
 - vii. Appendix 5.6: Great Crested Newt Presence or Absence (eDNA) Survey Report, dated 9th September 2022, prepared by Avian Ecology.
 - viii. Appendix 5.7: Biodiversity Management Plan, dated 20th September 2022, prepared by Avian Ecology.
 - ix. Appendix 5.8: Biodiversity Net Gain Assessment; DEFRA Metric Version 3.1, dated 9th September 2022, prepared by Avian Ecology.
 - x. Appendix 5.9: Construction Environment Management Plan, dated 20th September 2022, prepared by Avian Ecology.

Application Documents – Post Submission: 3rd October 2022

78. Archaeological Evaluation Report, dated June 2022, prepared by Oxford Archaeology.
79. Road Safety Audit Response, dated 28th September 2022, prepared by Pegasus Group.

Application Documents – Post Submission: 24th October 2022

80. Agricultural Land Classification Report, dated 13th October 2022, prepared by Amet Property.

Application Documents – Post Submission: 25th October 2022

81. Agricultural Land Classification Report, dated 24th October 2022, prepared by Amet Property.

Application Documents – Post Submission: 10th November 2022

82. Supplementary Environmental Information Note, dated 10th November 2022, prepared by Pegasus Group. This report included the following information:
- i. Supplementary Environmental Information Note Appendix 1: Cumulative Landscape and Visual Impact Assessment, dated November 2022, prepared by Pegasus Group.

Application Documents – Post Submission: 20th December 2022

83. Covering Letter, dated 20th December 2022, prepared by Pegasus Group.
84. Community Survey Report, dated December 2022, prepared by Instinctif Partners.

Application Documents – Post Submission: 16th January 2023

85. Agricultural Land Classification Report, dated 9th January 2023, prepared by Amet Property.
86. ALC Response to Review, dated 9th January 2023, prepared by Amet Property.

Application Documents – Post Submission: 21st February 2023

87. Supplementary Environmental Information Note, dated 20th February 2023, prepared by Pegasus Group.
88. Rebuttal of Belvoir Solar Farm Independent Landscape Review, dated February 2023, prepared by Pegasus Group.

Application Documents – Post Submission: 27th February 2023

89. Supplementary Environmental Information Note, dated 20th February 2023, prepared by Pegasus Group.
90. Rebuttal of Belvoir Solar Farm Independent Landscape Review, dated February 2023, prepared by Pegasus Group.

Application Documents – Post Submission: 17th March 2023

91. Letter to Bottesford Parish Council, dated 17th March 2023, prepared by JBM Solar.

Application Documents – Post Submission: 3rd April 2023

92. Rebuttal of Belvoir Solar Farm Independent Landscape Review, dated March 2023, prepared by Pegasus Group.

Application Documents – Post Submission: 6th April 2023

93. Letter to Bottesford Parish Council, dated 6th April 2023, prepared by JBM Solar.

Application Documents – Post Submission: 14th July 2023

94. Covering Letter, dated 14th July 2023, prepared by Pegasus Group.

Application Documents – Post Submission: 10th August 2023

95. Site Layout and Landscape Mitigation with ALC Overlay, drawing number P19-2022_22, dated 10th August 2023, prepared by Pegasus Group.

Application Documents – Post Submission: 18th August 2023

96. Amended Certificate of Ownership Certificate B, dated 9th August 2023.

97. Supplementary Note, dated 18th August 2023, prepared by Pegasus Group.

4.3 As part of the appeal submission, the Appellant submits the following additional information which was not submitted as part of the application:

Amended Scheme – Post Determination: 7th March 2024

98. Site Location Plan, drawing number P19-2022_03 Rev F, dated 14/02/2024, prepared by Pegasus Group.

99. Amended Scheme Site Layout and Landscape Strategy, drawing number P19-2022_24 Revision C, dated 29/02/2024, prepared by Pegasus Group.

100. Indicative Landscape Sections, drawing number P19-2022_25 Revision B, dated 29/02/2024, prepared by Pegasus Group.

101. Photomontages, drawing number P19-2022_23 Revision A, dated 14/12/2023, prepared by Pegasus Group.

102. Amended Scheme Clarification Note, dated March 2024, prepared by Pegasus Group.

5. PLANNING HISTORY

- 5.1 The following development control applications are relevant to the Site:
- 5.2 EIA Screening Opinion (reference: 21/00080/EIA) under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), Regulation 6 for proposed solar farm together with associated equipment and infrastructure on Land within the Belvoir Estate, Grantham, NG32 1PE – determined EIA required 11th May 2021. Accordingly an Environmental Statement was prepared and accompanied the planning application submission.

6. PLANNING POLICY

6.1 This Section identifies the planning policies and guidance that will be of most relevance to this appeal.

The Development Plan.

6.2 Both parties agree and accept that under the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.3 At the time of preparing this SoCG, the Statutory Development Plan covering the Appeal Site comprises:

- Melton Local Plan 2011–2036 (adopted October 2018); and
- Bottesford Neighbourhood Plan (made October 2021).

Melton Local Plan 2011–2036 (October 2018).

6.4 The Local Plan (adopted October 2018) sets out the overall development strategy, key policies and sites for broad locations for delivering housing, economic growth, infrastructure and environmental protection. The Local Plan relates to the whole Borough.

6.5 The most notable policies which are relevant to the Appeal Site are agreed to comprise:

- Policy SS1. Presumption in favour of Sustainable Development
- Policy SS2. Development Strategy
- Policy C9. Healthy Communities
- Policy EN1. Landscape
- Policy EN2. Biodiversity and Geodiversity
- Policy EN3. The Melton Green Infrastructure Network
- Policy EN5. Local Green Spaces

- Policy EN6. Settlement Character
- Policy EN8. Climate Change
- Policy EN9. Ensuring Energy Efficient and Low Carbon Development
- Policy EN10. Energy Generation from Renewable and Low Carbon Sources
- Policy EN11. Minimising the Risk of Flooding
- Policy EN12. Sustainable Drainage Systems
- Policy EN13. Heritage Assets
- Policy IN2. Transport, Accessibility and Parking
- Policy D1. Raising the Standard of Design

Bottesford Neighbourhood Plan (October 2021).

6.6 The Bottesford Neighbourhood Plan was designated (November 2013) and has undergone a Regulation 14 and 16 consultation (July to September 2020 and December 2020 to January 2021). Following a referendum the Bottesford Neighbourhood Plan was 'made' part of Melton Borough Council's Development Plan on 14th October 2021. Minor modifications were carried to the Neighbourhood Plan in agreement with Melton Borough Council and Bottesford Parish Council and these changes were approved by the Parish Council 25th of November 2021.

6.7 The most notable policies which are relevant to the Appeal Site are agreed to comprise:

- Neighbourhood Planning Policy 1: Sustainable Development and the Village Envelopes
- Neighbourhood Plan Policy 2: Protecting the Landscape Character
- Neighbourhood Plan Policy 3: Protecting and Enhancing Biodiversity
- Neighbourhood Plan Policy 5: Protecting and Enhancing Green Infrastructure
- Neighbourhood Plan Policy 6: Reducing the Risk of Flooding

- Neighbourhood Plan Policy 7: Improving Connectivity
- Neighbourhood Plan Policy 8: Ensuring High Quality Design
- Neighbourhood Plan Policy 9: Renewable Energy and Low Carbon Technologies
- Neighbourhood Plan Policy 12: Protecting Heritage Assets
- Community Objective 1

National Policy & Guidance.

National Planning Policy Framework (December 2023).

- 6.8 The NPPF will be a material consideration in the determination of the Appeal. Both parties will make reference to the NPPF in support of their case, including the Consultation version of the NPPF published in July 2024.

National Planning Practice Guidance (First published March 2014, as amended subsequently).

- 6.9 The NPPG is agreed to be a material consideration in the determination of the appeal.

Overarching National Policy Statement for Energy (EN-1) (November 2023).

- 6.10 Overarching National Policy Statement for Energy ('EN-1') was published by the Government in November 2023, and came into force on 17th January 2024.

- 6.11 EN-1 is agreed to be a material consideration in the determination of the appeal.

National Policy Statement for Renewable Energy Infrastructure (EN-3) (November 2023).

- 6.12 National Policy Statement for Renewable Energy Infrastructure ('EN-3') was published by the Government in November 2023, and came into force on 17th January 2024.

- 6.13 EN-3 is agreed to be a material consideration in the determination of the appeal.

Climate Change Act 2008.

- 6.14 The Climate Change Act is agreed to be a material consideration in the determination of the appeal.

Planning Practice Guidance – Chapter on Renewable and Low Carbon Energy.

- 6.15 National Planning Practice Guidance (“PPG”) is agreed to be a material consideration in the determination of the appeal.

Written Ministerial Statement on Solar Energy: protecting the local and global environment made on 25 March 2015.

- 6.16 The Written Ministerial Statement is a material consideration in the determination of the appeal, although the weight to be attached to it is agreed to be reduced due to subsequent policy announcements by the Government.

The Planning (Listed Buildings and Conservation Areas) Act 1990 and the Levelling Up and Regeneration Act 2023.

- 6.17 The Planning (Listed Buildings and Conservation Areas) Act 1990 and the Levelling Up and Regeneration Act 2023 are material considerations in the determination of this Appeal.

7. MATTERS NOT IN DISPUTE

7.1 This Section sets out the matters not in dispute between the Appellant and the MBC.

Format of Planning Application and Supporting Material.

7.2 It is agreed that the format of the full planning application forms, plans and the supporting documents fulfilled the requirements of the various regulations and validation checklists, applicable at the time of submission.

Environmental Impact Assessment.

7.3 It is agreed that as part of the screening opinion request (MBC Ref: 21/00080/EIA) under Regulation 6(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Council determined that the development is EIA development. Accordingly an Environmental Statement accompanied the planning application submission.

Settlement Boundary.

7.4 Both parties acknowledge that the Appeal Site is located outside of any defined Settlement Boundary and is therefore defined as open countryside in planning terms.

Principle of Development.

7.5 It is agreed that the Proposed Development is an acceptable form of development in the countryside subject to other material considerations.

Need for Renewable Energy.

7.6 It is agreed that there is no requirement for the Appellant to demonstrate the overall need for renewable energy, as confirmed by Paragraph 163 of the updated NPPF (December 2023).

7.7 It is agreed that the Proposed Development would constitute a low carbon, renewable energy source that would make a valuable contribution towards meeting national renewable energy targets.

7.8 Both parties acknowledge that the Proposed Development would provide up to 49.9 MW of electricity, which will enable CO₂ displacement over the operational lifespan of the

scheme. Both parties agree that this would be a renewable source of energy and reduce the UK's dependence on fossil fuel. It is agreed that weight should be attached to this material consideration in the determination of this appeal.

- 7.9 Both parties acknowledge that MBC's commitment to tackling climate change is embodied in its adopted Development Plan, within Local Plan Strategic Objective 23 (not policy) and also Policy EN10.

Site Selection.

- 7.10 It is agreed that the location of the Appeal Site is in close proximity to the point of connection, where the proposed substation is situated within the centre of the Appeal Site and any electricity produced can be exported to the existing pylon through a new point of connection mast.
- 7.11 Both parties acknowledge that no land is specifically allocated for renewable energy development in the adopted Development Plan.

Landscape and Visual.

- 7.12 The scope and methodology of LVIA is in accordance with Guidelines for Landscape and Visual Impact Assessment (3rd Ed) (GLVIA3).
- 7.13 It is agreed that the Site is not subject to any landscape or visual designations such as National Parks or National Landscape. The Site is not within the Green Belt nor considered a valued landscape under paragraph 180(a) of the NPPF.
- 7.14 The Site lies within National Landscape Character Area No. 48: Trent and Belvoir Vales landscape character type.
- 7.15 The Proposed Development would not result in unacceptable direct adverse impacts on residential amenity.
- 7.16 It is agreed that there will be some harm to views from PRoW, however, the magnitude and acceptability of this impact is not agreed.

Traffic & Access.

- 7.17 It is agreed that the Appeal Site access proposals, together with the proposed vehicle movements and construction vehicle route from the strategic highway to the Appeal Site, are acceptable.
- 7.18 It is agreed that LCC Highways and National Highways raised no objection to the planning applications (Core Documents 7.7B and 7.4C), subject to conditions.

Disposal of Panels.

- 7.19 It is agreed that there will be regular checks on the condition and operation of the solar photo-voltaic panels. Both parties agree that these panels would be disposed of in accordance with the Government's requirements which follow on from the EU Directive – Waste Electrical and Electronic Treatment (or subsequent UK legislation).
- 7.20 Both parties agree that the submission of a Decommissioning Statement is to be secured by a planning condition.

Noise.

- 7.21 Both parties agree that the proposed solar panels would not emit significant noise or vibration.
- 7.22 The Environmental Statement Noise Chapter concludes (paragraph 7.8.8, Core Document 1.31.7) that if appropriate control measures adopted during the construction, potential noise impacts and effects would be minimised and would ensure that there would be no adverse noise impacts at the surrounding noise sensitive receptors.
- 7.23 Noise levels associated with the operation of the Proposed Development have been calculated and assessed on the basis of the proposed equipment. The calculations and assessment concluded that there would be no adverse noise impacts at surrounding noise-sensitive receptors (paragraph 7.8.5, Core Document 1.31.7).
- 7.24 It is agreed between the parties that no additional noise mitigation measures are required during construction or operation (subject to conditions as recommended should the appeal be allowed).

Glint and Glare.

- 7.25 It is agreed between the parties that the Proposed Development, which incorporates mitigation, would not result in unacceptable glint and glare impacts on nearby sensitive receptors, including residential amenity, or users of the adjacent highways (The A52 road and Castle View Road). It is agreed that East Midlands Airport Safeguarding Officer and National Air Traffic Services Officer (Core Documents 7.1, 7.9A and 7.9B) raised no objection to the planning applications.

Flood Risk and Drainage.

- 7.26 It is agreed that the majority of the Appeal Site comprises land within Flood Zone 1, with a small area within Flood Zone 3 to the far west of the Site adjacent to the existing Winter Beck watercourse. All infrastructure is located outside of the Flood Zone 3.
- 7.27 It is agreed that the Environment Agency raised no objection to the planning application subject to condition (Core Document 7.3).
- 7.28 Both parties agree that the Proposed Development will not result in any more surface water run-off than occurs currently. The likely significant effects of the completed solar farm are agreed to be beneficial and include a reduction in the risk of silt runoff, improved (i.e. more uniform) flow characteristics in the receiving watercourses and improved runoff quality.
- 7.29 It is agreed that the Proposed Development would not increase flood risk elsewhere, subject to appropriate planning conditions being imposed.
- 7.30 It is agreed that the consequence of the development, with the mitigation measures incorporated to reduce silt and debris mobilisation during the construction and until the vegetation has established, would be considered to provide betterment to the existing land use in terms of surface water runoff rates and downstream flood risk.
- 7.31 The proposed swales and filter trenches adjacent to internal access roads on site will slow surface water flows and improve water quality on site subject to condition.

Biodiversity.

- 7.32 It is agreed that the Proposed Development would deliver a net gain in biodiversity of + 144.64% in habitat units and + 32.13% in hedgerow units.

7.33 It is agreed that LCC Ecology raised no objection to the planning application (Core Documents 7.6A-C), subject to conditions.

7.34 It is agreed that the ecological benefits should carry weight in the planning balance.

Arboriculture.

7.35 It is agreed that there would not be an unacceptable impact on trees and hedgerows through damage or loss.

7.36 It is agreed that LCC Forestry raised no objection to the planning applications (Core Document 7.2), subject to conditions.

7.37 Further tree planting would form part of the proposals and remain as a legacy thereafter.

Agricultural Land.

7.38 It is agreed that the Appeal Site is classified as a mixture of Grade 2 (7.0ha), Subgrade 3a (0.3ha) and Subgrade 3b (approx. 92.6ha) agricultural land. The total site area is 99.95 ha and therefore the total amount of Best & Most Versatile grade land (Grade 2 and 3a) comprises approximately 7.3% of the total site area.

7.39 It is agreed between the parties that, following the Council's independent review, the agricultural land classification report is robust and is to be accepted as an accurate reflection of agricultural land quality at the Appeal Site.

7.40 It is agreed that the Proposed Development would be in situ for a 40 year period. It is agreed that the infrastructure and panels will be removed on decommissioning. It is agreed that the installation and decommissioning process will not result in the permanent loss or any downgrading of the land quality of the agricultural land. It is agreed that agricultural use, in the form of grazing, could take place during the operational phase. It is agreed that following decommissioning the land could revert to arable farming agricultural use.

7.41 It is agreed that the local planning authority is not offering any further evidence in support of reason for refusal 1 on agricultural land matters.

Farm Diversification.

- 7.42 Both parties agree that the Proposed Development is a form of farm diversification and could enable reinvestment in the remainder of the farm holding.

Heritage

- 7.43 Both parties agree that a degree of less than substantial harm would arise to the following designated heritage assets, via a change in 'setting':

- Grade I Listed Belvoir Castle.
- Grade II* Registered Park and Garden at Belvoir.
- Belvoir Conservation Area.
- Grade I Listed Church of St Mary, Bottesford.

- 7.44 Both parties agree that harm identified to the above designated heritage assets, via a change in 'setting', should be considered against the public benefits of the Proposed Development, in accordance with Paragraph 208 on the NPPF.

- 7.45 Both parties agree that there would be no harm to:

(i) Shifted medieval village earthworks and moat at Easthorpe;

(ii) Muston village cross (scheduled monument and Grade II* listed building).

- 7.46 In regard to Listed Buildings it is agreed, that as established by 'Mordue', where the principles of the NPPF (specifically that of Paragraph 208) are applied this is in keeping with the duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires 'special regard' to be paid to 'desirability of preserving the architectural and historic interest of a Listed Building, including any contribution made by its 'setting'.

- 7.47 It is agreed that Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not applicable to this Appeal as this applies to buildings or land within the bounds of a Conservation Area and does not extend to the consideration of 'setting'.

- 7.48 It is agreed that Paragraph 205 of the NPPF states great weight should be given to the asset's conservation.

Temporary Consent.

- 7.49 It is agreed that a 40-year temporary consent is sought for the operation of the solar farm. The 132 kV substation will be required on a permanent basis, as the substation will become part of the local electricity distribution network. Therefore, following the temporary 40 year period, the solar panels and associated equipment will be removed. However, the 132 kV substation and access to it will be retained on a permanent basis.
- 7.50 Both parties agree that a condition would be implemented to ensure that a Decommissioning Statement will be approved to demonstrate how the equipment will be removed from the Appeal Site and the land restored to its former condition.

Benefits of the Proposed Development.

- 7.51 Both parties agree that the following benefits weigh in favour of granting planning permission. The weight to be afforded to these benefits is a matter of dispute between the parties including:
- **Renewable Energy Generation** – The development will have an export capacity of up to 49.9MW. A solar farm of this size will therefore generate electricity from renewable sources, which will enable CO₂ displacement over the operational lifespan of the scheme. This represents a contribution to the legally binding national and international requirement and associated targets to increase renewable energy generation and reduce CO₂ emissions. The generation of this level of renewable energy in this instance therefore represents a benefit.
 - **Ecology** – Provision of ecological enhancements and associated benefits to the Appeal Site itself.
 - **Grid Connection Availability** – Given the national shortage in available grid capacity the ability of the Proposed Development to connect to the grid with a confirmed grid connection offer is a benefit of the proposal.
 - **Economic** – The Economic Benefits arising from the construction, financial investment and the business rates.
 - **Soil Resource and Agricultural Land Quality** – Improvements to soil resource and agricultural land quality.

- **Farm Diversification** – Farm diversification benefits arising from a reduced dependence of the farm on agriculture as a source of income.
- **Flood risk and drainage betterment.**
- **Educational strategy and resource.**

8. MATTERS THAT REMAIN IN DISPUTE

- 8.1 The reasons for refusal identify the following matters which are areas of dispute at the time of preparing this SoCG.
- 8.2 First, whether the Proposed Development would have an unacceptable harmful impact on the landscape character and quality of the area when considered in combination with other developments in the locality.
- 8.3 Second, whether the Proposed Development would have an unacceptable harmful visual impact, particularly on the views and visual amenity of the public living in and visiting the area who are utilising the public rights of way, lanes and roads.
- 8.4 Third, the extent of less than substantial harm which would arise to the following designated heritage assets, via a change in 'setting':
- Grade I Listed Belvoir Castle;
 - Grade II* Belvoir Castle Registered Park and Garden;
 - Grade I Church of St Mary, Bottesford;
 - Belvoir Conservation Area.
- 8.5 Fourth, whether harm arising to the following designated heritage assets, via a change in 'setting':
- Grade II* Church of St John the Baptist, Muston;
 - Muston Grange Scheduled Monument;
- 8.6 Fifth, whether the public benefits arising from the Proposed Development outweighs any harm identified in respect of Issues 1–3 above. The weight to be afforded to the various potential benefits and potential harms resulting from the Proposed Development are matters of disagreement between the parties.

9. PLANNING CONDITIONS

- 9.1 It is agreed that control over the form of the development can be achieved through the imposition of conditions. A list of matters which form the draft set of conditions will be provided by separate cover and agreed with the LPA.
- 9.2 At the time of preparing this SoCG, it is not anticipated that a S106 Undertaking or other legal agreement will be necessary.

10. CORE DOCUMENTS

- 10.1 The Appellant and the LPA will jointly prepare a list of core documents upon which they intend to rely at the Public Inquiry.