

Statement of Case.

Section 78 Appeal:

Belvoir Solar Farm

Fields OS 6700 6722 And 5200 Muston Lane Easthorpe.

On behalf of the Appellant, JBM Solar Projects 10 Ltd.

Date: March 2024 | Pegasus Ref: P19-2022

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1. Introduction.

1.1. This Statement of Case has been prepared on behalf of JBM Solar Projects 10 Ltd ("The Appellant") and relates to a planning appeal submitted pursuant to Section 78 of the Town and Country Planning Act 1990, concerning Fields OS 6700 6722 And 5200 Muston Lane Easthorpe ("The Appeal Site").

1.2. The appeal follows the refusal by Melton Borough Council ("MBC") of the application for full planning permission (MBC ref: 22/00537/FUL) for a Proposed Development comprising the following:

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

1.3. The planning application was refused by MBC's Planning Committee on 5th September 2023, as confirmed in a Decision Notice dated 11th September 2023 which included 4 no. Reasons for Refusal:

"1. The proposal seeks to remove Grade 2 and 3a 'Best and Most Versatile' land from food production which in the opinion of the local planning authority has not been adequately substantiated. The harm caused by the loss of best and most versatile land does not outweigh the climate change benefits of the proposal, contrary to the overall aims and objectives of policies SS1 and E10 (part 10) of the Melton Local Plan, the NPPF paragraph 174 and Policy 3 (part 4) and Policy 9 (part 4 (d)) of the adopted Bottesford Neighbourhood Plan.

2. This proposal when considered cumulatively with other permitted and operational schemes within 30 square kilometres (49.9MW land east of Jericho Covert; 12.4MW Lodge Farm, Longhedge Lane; 49.9MW Land South of the A1 Foston Bypass; 10MW Land South of The Railway Line & East of Station Road, Elton) would result in an unacceptable cumulative impact on the landscape where swathes of panels would be visible within a vista which could not be adequately mitigated. There would be a disproportionate effect of several sites within a small area, with solar panels covering approximately 10% of the identified area. The proposal is therefore considered to have an unacceptable adverse impact on the Vale of Belvoir's sense of place and local distinctiveness, contrary to policies SS1, EN1 and D1 of the Melton Local Plan, paragraph 174 of the NPPF and Bottesford Neighbourhood Plan Policy 9.

3. In the opinion of the local planning authority, the amenity of the public utilising the many rights of way which run through and adjacent to the site would be harmed by the substantial impact and effect of a large-scale solar installation. The ability of residents and visitors to the area using the footpaths to appreciate and enjoy the landscape character would be diminished and adversely impacted by the proposed development creating corridor effects limiting appreciation of the wider landscape, which also impacts upon key views as defined within the Bottesford Neighbourhood Plan. The quality of the natural environment is highly valued by residents and visitors to the area, particularly for the long views and openness. The proposal is therefore contrary to Melton Local Plan Policy EN1, Bottesford Neighbourhood Plan Policy 2 (parts 1 & 5) and Policy 9 (4.(a)).

4. In the opinion of the local planning authority, the proposal would result in an unacceptable impact on the setting of the heritage assets in the vicinity of the proposal (including, but not limited to, Grade I Listed Belvoir Castle and its Registered Park & Garden, two grade II* listed buildings and three scheduled monuments) which cannot be adequately mitigated. The proposal is considered to damage the setting and the appreciation of the heritage assets and their appreciation in the landscape which should be considered as a wider vista in the context of Belvoir Castle and the Vale of Belvoir. The benefits in reducing carbon emissions are therefore not considered to outweigh the harm to the heritage assets. The proposal is therefore considered to be contrary to policies SS1, EN1, EN10, EN13 and D1 of the Melton Local Plan, and Bottesford Neighbourhood Plan Policy 9."

Appeal Procedure.

- 1.4. The Appellant considers that a **Public Inquiry** would be the most appropriate procedure for this case for the following reasons.
- 1.5. This is a significant scheme, of strategic importance in planning and energy terms and is deemed to be EIA development. These matters should be properly tested and scrutinised through formal examination and cross examination of Expert Witnesses by an Advocate, which would not be permissible under the Hearing procedure.
- 1.6. The level of public interest in the planning application is a further reason for requesting a Public Inquiry as the involvement of interested parties is likely to lengthen proceedings.
- 1.7. It is not expected that all parties could adequately present their case within 2 days given the number of Main Issues identified (which exceeds normal practice for a Hearing). The Appellant considers that up to **4 days** would be required, depending upon the extent of third party involvement in the appeal proceedings. The anticipated time required would significantly exceed the normal time which is regarded as appropriate for an Informal Hearing procedure.
- 1.8. However, should it be determined by the Planning Inspectorate that this Appeal is to be determined by way of a different procedure to a Public Inquiry, the Appellant reserves their right to add to this Statement of Case as, while a full Statement of Case, it does not include all the evidence that would be included in Proof(s) of evidence in due course.

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 located to the west of the settlement of Muston and south-east of Bottesford. 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.

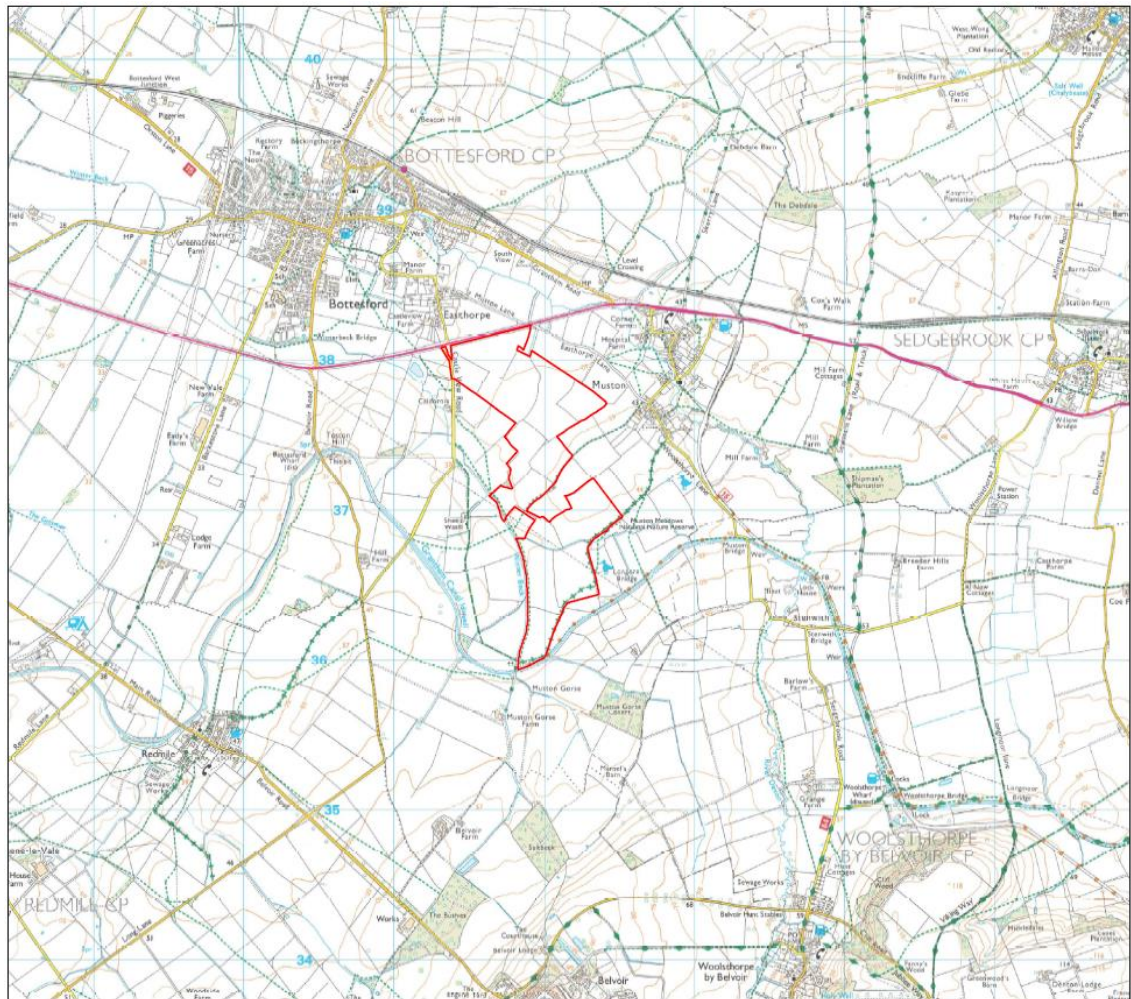


Figure 1 – Appeal Site Location Plan.

- 2.2. 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 boundary. To the south of the Appeal Site is the disused Grantham Canal.
- 2.3. Access to the Appeal Site is 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.
- 2.4. 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.800m west of a Local Wildlife Site.

- 2.5. The Appeal Site does not fall within any statutory landscape designations. The Appeal Site is not situated within or near a designated National Landscape (formerly known as Areas of Outstanding Natural Beauty ("AONB")) or National Park, within the Green Belt, nor is it a part of a valued landscape within the meaning of para 180(a) of the National Planning Policy Framework (NPPF, 2023).
- 2.6. At a national level, the Appeal Site is located within National Landscape Character Area No. 48: Trent and Belvoir Vales.
- 2.7. Field boundaries are formed largely by well-managed hedgerows, with intermittent mature hedgerow trees and some small woodland blocks. Managed woodland and plantations occur further to the south, generally along the scarp of the Belvoir Castle ridgeline such as Cliff Wood. The landform of the Appeal Site rises in the northeast towards Muston (between 39m to 47m Above Ordnance Datum ("AOD")) and is surrounded by areas of higher ground. Land rises toward the south with Belvoir Castle (c.2.3km south of the Appeal Site) occupying higher ground at c.150m AOD. The topography slopes gently down to the low-lying floor of the Vale of Belvoir at c. 26 to 30m AOD to the northwest. Hedgerows and hedgerow trees, along with occasional blocks of woodland introduce a relatively high level of enclosure at lower elevations. Elevated locations are open, offering distant and often unrestricted views across the Vale landscape.
- 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. Residential properties are situated along Woolsthorpe Lane (c.250m at the closest point) at the southwestern edge of Muston. Easthorpe (c.650m to the northwest), is separated from the Appeal Site by the A52 and its associated tall dense hedgerow. One individual residential property known as 'California' lies c.170m to the west of the Appeal Site, off Castle View Road, and Muston Gorse Farm is located c.307m to the south of the Appeal Site, beyond Grantham Canal.
- 2.10. The entirety of the Appeal Site is located within Environmental Agency ("EA") Flood Risk Zone ("FRZ") 1 meaning the Appeal Site has less than 1 in 1000 annual probability of flooding by river sources.
- 2.11. No designated heritage assets are located within the Appeal Site boundary; however, a number of designated heritage assets are located in the wider environs of the Appeal Site, the nearest of which is the Grade II* Listed and Scheduled Village Cross at Muston, c.360m east of the Appeal Site boundary. In addition to the Village Cross, there are a further two Scheduled Monuments and nine Listed Buildings within 1km of the Appeal Site, alongside two Conservation Areas. The Grade I Listed Belvoir Castle (situated within a Grade II* Listed Registered Park and Garden and Conservation Area) is located c.2.3km south of the Appeal Site, with a further highly designated heritage asset (the Grade I Listed Church of St Mary, Bottesford) located c.1.5km northwest of the Appeal Site. Designated heritage assets in so far as they are relevant to this Appeal are discussed further in Section 9.

3. The Appeal Proposals.

Overview.

- 3.1. The description of development for the Planning Application is:

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

- 3.2. Planning permission is sought for a temporary time period of 40 years from the date of first export of electricity from the solar farm to the National Grid. On decommissioning, the Appeal Site would continue in agricultural use, the landscape proposals would remain as a lasting legacy as positive enhancements to the local landscape character.
- 3.3. Of the overall Appeal Site which extends to 99.95 hectares, the Proposed Development will occupy approximately 81 ha of this area, with the remaining land being utilised for biodiversity improvements, landscaping and planting.

Proposed Development Components.

- 3.4. The main components of the Proposed Development comprise:

Solar Arrays and Supporting Equipment.

- 3.5. 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.
- 3.6. 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.
- 3.7. 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.
- 3.8. Plant and other equipment to support the generation of electricity is located around the Appeal Site, adjacent to internal tracks to ensure suitable access for maintenance purposes. Access tracks will be kept to a minimum around the Appeal Site and will be 4.0m wide and made of crushed aggregate. The supporting equipment includes inverter stations positioned around the Appeal Site.

Point of Connection.

- 3.9. 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 Appeal 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.

- 3.10. 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 shallow 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.

- 3.11. It is proposed that 2.0m high security deer fencing with wooden poles will be installed around the edge of the Appeal 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 Appeal Site.
- 3.12. In addition to fencing, it is proposed that 3.0m high pole mounted CCTV security cameras will be provided inside the Appeal Site and will monitor the integrity of the fence.

Access.

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

Landscaping.

- 3.16. The layout of the Appeal Site has been designed to ensure that there is minimal works to existing trees and hedgerows within the Appeal Site. The trees surveyed have informed the overall layout of the Proposed Development, which has been carefully designed to avoid impacts on arboricultural features. The Arboricultural Impact Assessment ("AIA"), submitted as part of the planning application, confirms that there are no significant individual trees to be removed to facilitate the Proposed Development.
- 3.17. Where required, gaps in hedgerows will be infilled and enhanced with appropriate native hedgerow species supplemented with native tree planting to reflect local landscape character.
- 3.18. The landscape treatment for the Proposed Development is intended to mitigate potential visual effects. The Proposed Development seeks to retain and enhance existing landscape

elements wherever possible, so as to further integrate the proposals into the surrounding landscape.

- 3.19. 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, and the arboricultural impact of these removals across the Appeal Site as a whole will remain low. 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.
- 3.20. Additionally, a range of biodiversity and landscape enhancements 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.
- 3.21. The following measures were included within the Site Layout & Landscape Strategy (Revision Q, drawing number P19-2022_10) submitted as part of the planning application:
- Proposing a new native tree belt (10m wide) along a section of the eastern boundary softening the edge with Muston.
 - Implementing new lengths of hedgerow along footpaths and accommodating the routes within a Green Infrastructure Enhancement Corridor which includes wildflower buffers/margins.
 - Reinforcing and enhancing the retained hedgerows across the Appeal Site to strengthen the landscape framework and local landscape character.
 - Enclosing the open field boundaries with new lengths of native hedgerow.
 - Planting a species-rich grassland on the land beneath and surrounding the panels and creating a botanically diverse species-rich wildflower grassland outside of the security fence and alongside the retained and proposed on-site footpaths.
 - An area of complimentary species diverse meadowland is proposed adjacent to Muston Meadows SSSI/NNR at the eastern edge of the Appeal Site.
 - An area of complimentary species diverse grassland habitat adjacent to Muston Meadows SSSI/NNR in the south east corner of the Appeal Site.
 - Areas of ponds/scrapes with tussocky grass/wildflower planting, hibernaculum, log pile, insect hotels are proposed throughout the Appeal Site.
 - A permissive path will link from footpath F90/2 to link up with bridleway F85b/2 creating a looped walk.
 - Bat and bird boxes, and Skylark nesting areas are proposed throughout the Appeal Site.
 - Dotted tree planting to soften views of heritage assets such as Belvoir Castle and local church spires.
 - Interpretation boards are proposed within the south of the Appeal Site at intervals along the looped walk and public rights of way.
 - Beehives are proposed to be located in the south east corner of the Appeal Site.

- Outdoor classrooms and picnic areas will be located at the south west and north east corners of the looped walk.
- A canal side community orchard is located within the southern end of the Appeal Site.
- One field was removed closest to Muston following discussion with the Parish Council on 16th August 2022.

Construction and Operation.

- 3.22. 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.
- 3.23. The DNO and applicant substations will be in an enclosed compound area within the Appeal Site.
- 3.24. Once installed, the Appeal Site would require infrequent visits for the purposes of maintenance or cleaning of the solar farm development. Such work typically requires around 1 visit per month. The facility would be unmanned, being remotely operated and monitored.

Decommissioning.

- 3.25. At the end of the 40 year operational lifespan of the Proposed Development, the Appeal Site would be restored back to full agricultural use with all equipment and below ground connections removed (with the exception of the DNO substation). However, the landscape enhancement measures would remain, providing long-term benefits to the local landscape character of the area. It is envisaged that the decommissioning of the Solar Farm would take approximately six to nine months.
- 3.26. It is considered a suitably worded Planning Condition can ensure the removal of the Proposed Development within a fixed period of the end of the operational lifetime.
- 3.27. 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 means of construction and limited nature of the intrusion required mean the development can be easily removed and land returned to an agricultural use.

The Proposed Amended Scheme.

- 3.28. The Appellant is proposing minor amendments to the proposed Site Layout following the determination of the planning application (referred to in this Statement hereafter as “the Amended Scheme”).
- 3.29. The Amended Scheme is shown on the drawing titled ‘Amended Scheme Site Layout and Landscape Strategy (P19-2022_24 Revision C)’ (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 which will be suitable as a Skylark nesting area.
- **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.

- 3.30. In order to assist in identifying the proposed changes the Appellant has prepared a Clarification Note which identifies the type and location of the changes proposed in the Amended Scheme (**Appendix 2**).
- 3.31. Applying the Holborn¹ Principles, the amendments proposed by the Appellant in the Amended Scheme are minor, so as not to substantively change the scheme proposed, and would not result in prejudice to any party as the Appellant proposes that they be consulted upon. In all, they consist of what the Appellant regards as minor amendments comprising additional landscaping together with the removal of some elements of built development from one part the Proposed Development. The Amended Scheme would result in a reduced development envelope within the Appeal Site, minor amendments to the redline planning application boundary, and a benefit over the determined scheme.
- 3.32. The Appellant has been proactive in seeking to overcome objections to the Proposed Development, but the overall planning application is not so changed that to allow these amendments would deprive those who should have been consulted on the changed development of the opportunity of such consultation.
- 3.33. Further consultation is being undertaken by the Appellant at the time of lodging this appeal to the Planning Inspectorate in order to ensure that any party who wishes to comment on the proposed changes shown in the Amended Scheme, has the opportunity to do so at the

¹ R (Holborn Studios Ltd) v LB Hackney [2017] EWHC 2823 (Admin) following on from Wheatcroft v SS Environment (1982) 43 P. & C.R. 233.



outset of the appeal process. MBC have also been informed of the intention to amend the proposed development to that shown on the Amended Scheme Plan.

4. Planning History.

- 4.1. The following development control applications are relevant to the Appeal Site:
- 4.2. 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 accompanied the planning application submission.

5. Application Plans and Documents.

- 5.1. The application plans and supporting documents that comprised the planning application at the time that it was determined are set out in full in the accompanying Draft Statement of Common Ground.
- 5.2. Copies of these documents have been provided to the Inspectorate with the Appeal submission.

6. Climate Change and Carbon Reduction.

- 6.1. The Appellant will refer to the relevant climate change legislation and policy statements in evidence as part of its case.
- 6.2. This will include:
- Climate Change Act 2008;
 - Climate Change Act (2050 target amendment) Order 2019;
 - Clean Growth Strategy published by the Department for Business, Energy and Industrial Strategy ("BEIS") in October 2017;
 - UK Parliament's declaration of an Environmental and Climate Change Emergency in May 2019;
 - Reference to MBC's declaration of a climate emergency in July 2019;
 - Energy White Paper: Powering our Net Zero Future published in December 2020;
 - UK Government's press release of acceleration of carbon reduction to 2035, dated April 2021;
 - 'Net Zero Strategy: Build Back Greener' published by the UK Government in October 2021;
 - UK Climate Change Risk Assessment January 2022;
 - British Energy Security Strategy April 2022;
 - Future Energy Scenarios July 2022; and
 - Powering Up Britain suite of documentation March 2023.
 - NPS EN-1 and EN-3 designated in January 2024.
- 6.3. If relevant any further announcements by the Government between the submission of the Appeal and the opening of the Public Inquiry will be referred to.
- 6.4. Reference will also be made to progress made to meeting these carbon reduction targets, including:
- 'Achieving Net Zero' published by the National Audit Office in December 2020;
 - The latest version of the 'Digest of United Kingdom Energy Statistics', currently the July 2023 version.

7. Planning Policy.

- 7.1. The planning policies and guidance that will be of most relevance to this appeal will be set out in the Statement of Common Ground ("SoCG"). It is anticipated that the main planning policy issues will be agreed with MBC prior to the opening of the Public Inquiry.

The Development Plan.

- 7.2. The Appellant will explain that the Development Plan which should apply to the determination of this Appeal comprises the:
- Melton Local Plan 2011–2036 (adopted October 2018); and
 - Bottesford Neighbourhood Plan (made October 2021).

National Policy and Guidance.

- 7.3. The Appellant will refer to relevant national policy and guidance set out in the revised National Planning Policy Framework ("NPPF") and the National Planning Practice Guidance ("NPPG").
- 7.4. The Appellant will also refer to the following national policy and guidance:
- Overarching National Policy Statement for Energy (EN-1)(November 2023);
 - National Policy Statement for Renewable Energy Infrastructure (EN-3)(November 2023);
 - Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15 (February 2021).

Supplementary Planning Guidance.

- 7.5. The Appellant may also refer to the following supplementary planning guidance, documents, and advice:
- Melton Borough Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study Final Report and Appendices, Influence, 2015.
 - Melton Borough Landscape & Historic Urban Character Assessment Report: Vale of Belvoir (Melton).

8. Evidence.

8.1. On the basis that the Planning Inspectorate agrees to the Appeal being dealt with under the Public Inquiry procedure, the Appellant will prepare written proofs evidence in advance of the Inquiry to address the four reasons for refusal and explain why planning permission should be granted.

8.2. The evidence will also consider any other valid issues raised by Third Party objectors or by statutory consultees.

8.3. At this stage it is anticipated that evidence will be presented as follows:

Landscape and Visual Considerations.

- Andrew Cook BA (Hons) MLD CMLI MIEMA CENV

Heritage Considerations.

- Hannah Armstrong BA(Hons) MSc ACIfA IHBC

Agricultural Considerations.

- Tony Kernon Bsc(Hons) MRICS FBIAC

Planning Policy Considerations and the Planning Balance.

- Paul Burrell BSc(Hons) Dip Up MRTPI

8.4. The Appellant reserves the right to introduce additional witnesses as necessary to address any other issues that may be raised by the LPA and/or any Third Parties, and to add to its case if the Inspectorate determine that a Hearing procedure is the appropriate means to determine this Appeal (which the Appellant does not agree with for the reasons set out in Section 1 of this Statement).

9. Case for the Appellant.

9.1. Article 35(1)(b) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 states that where planning permission is refused, the notice must state clearly and precisely the LPA's full reasons for the refusal, specifying all policies and proposals in the Development Plan which are relevant to the decision. The Council asserts in its Reasons for Refusal that the Proposed Development would conflict with Policies SS1, EN1, EN10, D1 and E10² (part 10) and EN13 of the Melton Local Plan, the NPPF paragraph 174 as well as Policy 2 (parts 1 & 5), Policy 3 (part 4) and Policy 9 of the adopted Bottesford Neighbourhood Plan.

9.2. The Appellant will present evidence to demonstrate that planning permission should be granted without delay and that the Council's reasons for refusal cannot be sustained. The Appellant will submit that the Proposed Development accords with the adopted Development Plan when read as a whole. If the Inspector determines that the Proposed Development would not comply with the adopted Development Plan, then the Appellant will refer to other material considerations which justify the grant of planning permission in this instance.

Main Issues.

9.3. The Appellant considers that the main issues for the Appeal are as set out in the four Reasons for Refusal, with the overall planning balance being an additional main issue, as follows:

- Issue 1 – whether the Proposed Development would represent inappropriate development in the countryside, having regard to the need to decarbonise the generation of electricity in the UK.
- Issue 2 – the effect of the Proposed Development on Agricultural Land Quality and Use, and whether any such effect is justified.
- Issue 3 – 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 energy development in the locality.
- Issue 4 – whether the Proposed Development would have an unacceptable harmful impact on the amenity of the public utilising the public rights of way.
- Issue 5 – whether the Proposed Development will result in harm to the heritage significance of Grade I Listed Belvoir Castle and its Registered Park & Garden, two grade II* listed buildings and three scheduled monuments, and how this is weighed in the planning balance.
- Issue 6 – whether the public benefits arising from the Proposed Development outweighs any harm identified in respect of Issues 1–5 above.

² It is noted Policy E10 is referenced in Reason for Refusal 1 which the Appellant understands should refer to Policy EN10, the Appellant reserves the right to provide additional information if this is not the case.

Issue 1 – Principle of a Solar Farm being Located in the Countryside.

- 9.4. The Appeal Site is located within open countryside to the west of Muston and south of Easthorpe. Policies SS1 and SS2 of the Melton Local Plan apply which reflect the presumption in favour of sustainable development within the NPPF and confirm the Development Strategy for the Borough which requires new development in the open countryside be restricted to that which is necessary and appropriate.
- 9.5. Solar Farm development is considered to fall under the provisions of Policy EN10 of the Melton Local Plan and is supported subject to the consideration of the criteria set out within the Policy.
- 9.6. The Appellant will explain the need for Solar Farms and argue that in the case of the Appeal Scheme, there are significant identified benefits which constitute material considerations indicating development should be approved. The reasons why this is so, are outlined further below.
- Increasing Renewable Energy Generation – The Appellant will explain that the Proposed Development would supply up to 49.9MW to the National Grid, which will enable a substantial amount of CO₂ displacement over the operational lifespan of the scheme.
 - Climate Emergency – The Appellant will explain that a national climate emergency was declared by the UK Parliament in May 2019, that MBC declared a Climate Emergency in July 2019, and that the Proposed Development will assist in delivering on these objectives.
 - Energy Security – The Appellant will explain that Proposed Development will supply renewable energy to the National Grid, comprising secure, distributed and diversified energy generation which fully accords with the Government policy on energy security.
 - Grid Connection Availability – The Appellant will also explain why the Appeal Site is appropriate for a Solar Farm having regard to the specific requirements for a viable grid connection, with reference to the Site Selection Report that was submitted as part of the planning application. The Appellant will also draw attention to the shortage of available grid capacity nationally and the importance of utilising capacity where it is available.
 - Best Available Technology – The Appellant will explain that the Proposed Development will comprise the latest best available technology that delivers greater levels of solar efficiency by utilising a solar tracking system together, which increase continuous electrical productivity by 20-25% when compared to traditional fixed solar arrays.
 - Good Design – The Appellant will explain that the overall design and layout of the Appeal Scheme has been designed in collaboration with MBC Officers to minimise harm within the Appeal Site and the wider area, whilst providing significant benefits.
 - Temporary and Reversible Impacts – The Appellant will explain that the Proposed Development has a proposed operational lifespan of 40 years. At the end of this period the Appeal Scheme would be decommissioned, the equipment removed from the Appeal Site, and the restored site would then continue in agricultural use; with

the exception of the substation and access to it which is required on a permanent basis. The Proposed Development is therefore considered to be a temporary development.

- Biodiversity Net Gain – The Appellant will explain that there will be a number of biodiversity benefits and will refer to the Environmental Enhancement Strategy which accompanied the Application. It will be explained that the Appeal Scheme will result in a Biodiversity Net Gain of over 142.30% for habitat units and 10.24% for hedgerow units through the implementation of the Proposed Development, which will exceed the national requirements of the Environment Act 2021.
- Green Infrastructure – The Appellant will explain that the enhanced landscape structure will greatly improve green infrastructure. The proposed corridors will enhance connectivity across and within the Appeal Site and contribute to the wider network beyond, whilst incorporating features to address habitat and wildlife creation and secure net gains in green infrastructure.
- Farm Diversification – The Appellant will explain that renewable energy is an important form of farm diversification, drawing attention to NPPF paragraph 88. Reference will also be drawn to the National Farmers Union position, and that it is seen as an important step towards making British agriculture carbon neutral within two decades, an important consideration as farming is responsible for around one tenth of UK greenhouse gas emissions.
- Economic Benefits – The Appellant will explain that scheme also represents a significant financial investment, with benefits to the local economy during the construction period including from the temporary jobs created (both direct jobs on-site and indirect/induced roles in the wider economy). Annual business rate contribution will also benefit the economy through the life of the project.

Issue 2 – Effect Upon Agricultural Land Quality and Use.

- 9.7. As part of the planning application the Appellant submitted an Agricultural Land Classification Report prepared by Amet Property. During the consultation period MBC instructed an independent assessment of the submitted report with respect to the methodology and approach used in the survey, the quality and consistency of data with published data, and the interpretation of the data in the light of the Agricultural Land Classification ("ALC") guidelines. Following amendments, the results of the independent review confirmed that the assessment submitted was robust and should be accepted as an accurate reflection of agricultural land quality at the Appeal Site (Reading Agricultural Consultants, March 2023).
- 9.8. The Agricultural Land Classification Report established that the Appeal Site would comprise of a classification of Grade 2 (7.0ha), Subgrade 3a (0.3ha) and the remainder Subgrade 3b (approx. 92.65). The total Appeal Site area is 99.95ha and therefore the total amount of Grade 2 and 3a (BMV) land would comprise approximately 7.3% of the total Appeal Site area.
- 9.9. The Appellant will explain that the Proposed Development would not result in the loss of BMV land. The majority of the Appeal Site would continue in agricultural use as pastureland for sheep grazing which would form an integral part of the ongoing management and maintenance of the Appeal Site for the temporary duration of the Proposed Development. The Appeal Site would be the subject of a different use with solar panels located above the

ground providing a grazing opportunity for sheep under the panels. This is not a “loss” of agricultural land as would be the case if, for example, a housing development were proposed where the land would then be irretrievably ‘lost’. It is noted that whilst the 132kV substation will remain after the decommissioning of the solar farm, this land is Grade 3b and not BMV.

- 9.10. The Appellant will explain a number of considerations that should be balanced when applying Policy EN10 of the Local Plan, including the extent of BMV land available across the District and the lack of availability of suitable alternative sites to accommodate the Proposed Development; the measures to be incorporated to minimise impact on the soil resource at the Appeal Site; the ability to introduce biodiversity enhancements; the reversibility and time-limited nature of the Proposed Development and the ability to reinstate and return the land to agricultural use after the decommissioning of the Proposed Development.
- 9.11. Reference will also be made to recent appeal decisions, including Solar Farm developments which have involved the issue of the use of agricultural land, including the recent decision at Scruton (Appeal reference: APP/G2713/W/23/3315877). It is noted that the National Policy Statement for Renewable Energy Infrastructure indicates that agricultural land type should not be a predominating factor in determining the suitability of the site location (EN-3 paragraph 2.10.29).
- 9.12. The Appellant will draw attention to the position of Natural England, the statutory consultee who did not object to the Proposed Development, and to the advice of the Planning Officer in the Committee Report that stated it *"would be unreasonable to exclude this small parcel of land from the development of solar panels given its size and within a wider field. The renewable energy benefit of the proposal must be accorded substantial weight"*.

Issue 3 – Effect on Landscape Character and Quality.

- 9.13. The Appellant will demonstrate that a ‘landscape led’ design approach was adopted and has underpinned the evolution of the Proposed Development and that the Proposed Development would have limited harm on the existing positive landscape elements associated with the Appeal Site. The existing gentle gradients across the Appeal Site would result in only very limited earthworks necessary to accommodate the Proposed Development. There would be no offsite works associated with the Proposed Development.
- 9.14. The Appeal Site lies within an area of relatively flat, agricultural landscape, interspersed with numerous villages and hedgerows set within the Vale of Belvoir. Hedgerow and woodland block vegetation when viewed across a low-lying topography with occasional variations, can combine to limit or allow views towards parts of the Appeal Site which has been used to positively inform the design of a proposed solar development, particularly where there are existing blocks of woodland and there is little variation in the topography within this part of the Belvoir Vale.
- 9.15. Whilst it is accepted that during the lifetime of the Proposed Development there would be a localised impact upon the landscape in respect of the Appeal Site itself, the overall fabric and character of the landscape would remain, and the fields would have the opportunity to return to agricultural use after the expiry of permission.
- 9.16. None of the trees within the Appeal Site’s boundaries are part of a designed or designated landscape. Hedgerows, hedgerow trees and trees represent a traditional, but typical field boundary treatment in the locality. Existing trees within the Appeal Site would be retained as

part of the substantial green infrastructure, with additional planting secured via a detailed planting plan and suitably worded planning conditions.

- 9.17. The Appeal Site contains a significant number of hedgerows, some of which are clipped and managed at a lower height, whilst others have been allowed to grow out into freeform shrubs and trees. These are located around the perimeter and also internally within the Appeal Site demarcating field boundaries. While many of these are in good condition, there are some existing gaps which would be filled with the new planting of indigenous shrub species as illustrated on the Landscape Strategy Plans.
- 9.18. The trees over the project lifetime, both those existing and those introduced as part of the landscape proposals would reinforce and define the positive characteristics of the Appeal Site. Furthermore, the increased vegetation growth would create a stronger sense of physical and visual containment associated with the Appeal Site. This change would reduce visual effects that would come about over the project timescale.
- 9.19. In relation to other features, the numerous public rights of way in the locality within and beyond the Appeal Site would be physically unaffected by the scheme in place. There would be no direct effects on existing watercourses within the Appeal Site, with the Proposed Development designed to allow a separation buffer between these features and the proposed built form.
- 9.20. The fields are currently free of built development and therefore have a sense of openness which would, to varying extent, be affected to some degree by the proposed energy infrastructure. It is recognised that the Proposed Development would bring about an inevitable change to the character of the Appeal Site itself, introducing solar panels and associated infrastructure superimposed over grassland which would be managed for pasture and grazing. However, such a change would, in physical terms, be confined within the Appeal Site boundaries, and the scheme would result in an overall beneficial effect upon some landscape elements within the Appeal Site when considered in the round.
- 9.21. The elements that currently contribute to defining the character of the Appeal Site, namely trees, hedgerows and pasture would be retained and enhanced, albeit set within the context of a solar farm. Solar energy developments are characterised by their low profile, light footprint and reversible nature. The new planting would have matured over the operational period along with the ongoing management and maintenance of the other retained features to provide a clear beneficial legacy in terms of landscape elements, enhancing the longer-term landscape character of the Appeal Site post decommissioning.
- 9.22. The proposed operational timescale of 40 years is similar for some other elements in the landscape such as timber crop production, and at the decommissioning stage built infrastructure would be removed (save for the 132kV substation).
- 9.23. In terms of landscape character associated with the Appeal Site, this is defined by the combination of various landscape elements principally topography, land cover, hedgerows, tree cover and the configuration of the fields themselves with the field pattern is sometimes referred to as the 'grain' of the landscape. With the exception of some small areas of the Proposed Development, such as the proposed access tracks, which would require the limited loss of some agricultural land, these landscape elements would be retained and remain as part of the landscape whilst the scheme is in place. Where the panels would be located the continued agricultural use would be in the form of grazing rather than arable use.

- 9.24. The agricultural use of the Appeal Site would continue with the Proposed Development in place with the Appeal Site being available for grazing, with those fields currently in arable use to be converted to pasture to allow grazing opportunities within the Appeal Site. There would be a very limited loss of agricultural land. To allow for future agriculture use, whether pastoral or arable (or a combination), the scheme would be decommissioned following the operational phase.
- 9.25. Changing between pastoral and arable use is an integral part of farm management and does not require planning permission. Under the Proposed Development, the grazing of sheep would ensure that the grassland is managed and maintained for the lifetime of the project. Sheep are able to graze under and between the solar panels, and the grazing density for sheep within a solar farm is not materially different to standard grazing regimes. By conversion to pasture, the land would not only have the opportunity to rest, but there would be an improvement to the soil quality through increased nutrient levels.
- 9.26. Upon completion of the decommissioning phase, the built infrastructure would be removed both above and below ground across the Appeal Site, save for the 132kV substation (any equipment situated 1m or more below ground level will be made safe). The management and growth of the hedgerows and trees across the Appeal Site would continue as part of the landscape post-decommissioning phase and would leave a positive legacy in terms of landscape character, given that the trees and hedgerows contribute to the landscape character locally.
- 9.27. Beyond the environs of the Appeal Site the landscape character of the area would remain unchanged, and as a result, there would be no unacceptable cumulative landscape character effects when assessed in combination with other renewable energy proposals in the locality. With the proposed scheme in place, the character of the fields within the Appeal Site would change as they would accommodate solar arrays, but the underlying character of the field pattern would remain. It is proposed that as an integral part of the scheme, new hedgerow and tree planting would be introduced, and wildflower meadows created, with arable land converted to pasture.
- 9.28. Beyond the confines of the Appeal Site boundary, again there would be no change to the physical fabric of the landscape character of the area beyond the Appeal Site.
- 9.29. The Appellant will demonstrate the visibility of the Proposed Development is limited and that visibility would be restricted by a combination of the landform, distance from the Appeal Site and the enclosure provided by intervening vegetation surrounding the Appeal Site. The Appellant will demonstrate that mitigation as part of the Proposed Development would successfully assimilate the scheme in its landscape context in accordance with landscape character guidelines which promotes the planting of trees and hedgerows resulting in no unacceptable cumulative visual effects when assessed in combination with other renewable energy proposals in the locality.
- 9.30. The Appellant will demonstrate that the Proposed Development could be successfully accommodated within the existing landscape pattern and could be assimilated into the surrounding landscape without causing any long-term harm to the landscape character, visual amenity, or existing landscape attributes of the area.

Issue 4 – Effect on Amenity from Public Rights of Way.

- 9.31. The Appellant will present evidence on the visual effects on the locality. The appeal proposal's visual characteristics are informed by the Screened Zone of Theoretical Visibility ("SZTV") which shows that the locations from which the Proposed Development would be visible are geographically limited.
- 9.32. The Appellant will explain in evidence that visual effects are limited only to routes that lie within or in the vicinity of the Appeal Site and the effects would be localised.
- 9.33. Evidence will be presented to explain how the proposal has been designed to accommodate existing public rights of way and provide mitigation for visual effects through the implementation of the proposed landscape strategy (Appeal Site Layout and Landscape Strategy, as revised). Reference will be made to the photographs and photomontages included within the Landscape and Visual chapter within the Environmental Statement and subsequent addendums³.
- 9.34. There is a network of public rights of way across the surrounding landscape beyond the Appeal Site. The majority of these public routes would be visually unaffected by the proposed solar farm as it would be screened from view by a combination of topography and vegetation in the intervening landscape. Only a few short sections of public rights of way and road network would be visually affected by the proposals. There would be some adverse visual effects associated with the scheme, however, the overall viewing experience and appreciation of the surrounding rural landscape would continue to prevail with the proposed solar farm in place.
- 9.35. It should be noted that there is not one publicly accessible location, such as on the local public right of way or road where the entirety of the proposed solar farm could be experienced owing to the intervening topography and vegetation.
- 9.36. Whilst there are short sections of the local public rights of way network where it could be possible to experience views of sections of the proposed solar farm, there would be no opportunities to observe the whole scheme to appreciate its scale. The scheme's effect upon visual amenity of the area would be very limited in degree, and very localised in extent.
- 9.37. Policies require careful integration through existing landscape features and new planting to mitigate adverse effects to minimal levels. No policy in the Local Development Plan specifies no visibility of a proposed development whatsoever.
- 9.38. In overall terms, the visual effects of the proposed solar farm would be very limited due to its substantial visual containment as a result of a combination of topography and surrounding vegetation. Where seen, only small elements of the scheme would be observed thereby reducing its perceived scale in the rural landscape.

³ Reference will also be made in respect of the Amended Scheme to the updated Photomontages.

Issue 5 – Effect on Heritage Assets.

- 9.39. There are no heritage assets located within the bounds of the Appeal Site. The nearest designated heritage asset to the Appeal Site is the Grade II* Listed and Scheduled Village Cross at Muston, c.360m east of the Appeal Site boundary.
- 9.40. The position of the LPA on heritage matters, as set out in within Reason for Refusal 4, is imprecise. Reason for Refusal 4 states that *"the proposal would result in an unacceptable impact on the setting of the heritage assets in the vicinity of the proposal (including, but not limited to, Grade I Listed Belvoir Castle and its Registered Park & Garden, two grade II* listed buildings and three scheduled monuments) which cannot be adequately mitigated."*
- 9.41. The reason for refusal does not identify the designated heritage assets which the LPA consider will be impacted upon by the proposals nor the level of harm which they consider to arise. As a result of the imprecise wording of the reason for refusal, combined with the assessment presented in the Officer Report, the LPA in regard to heritage matters is currently unclear and will require clarification from the LPA in advance of the Public Inquiry.
- 9.42. Irrespective, the Appellant will demonstrate that the only designated heritage assets that would be sensitive to the proposals are as follows:
- Grade I Listed Belvoir Castle.
 - Grade II* Registered Park and Garden at Belvoir.
 - Belvoir Conservation Area.
 - Grade I Listed Church of St Mary, Bottesford.
 - Grade II* Listed Church of St John the Baptist.
- 9.43. The Appellant will demonstrate that the harm arising to the above heritage assets (as a result of a change in setting only) would be less than substantial in the terms of the NPPF, and will articulate where on the less than substantial 'spectrum' the proposals, as originally submitted and as amended, will lie. This will include commentary on how the proposals, as originally submitted and as amended, have been developed in response to the consideration of the historic environment.
- 9.44. The Appellant will draw attention to the support for the Appeal Scheme from the landowners of Belvoir Estate and that this proposal will assist in delivering their overall vision for improving the sustainability of the Estate.
- 9.45. The Appellant will demonstrate that the other heritage assets to which the LPA identify harm to in the Officer Report (in lieu of a detailed reason for refusal) will not be impacted upon by the proposals, as originally submitted or as amended.

Issue 6 – Other Material Considerations and the Overall Planning Balance.

- 9.46. Having regard to the material planning considerations as previously set out above, and applying the relevant Development Plan policies, the Appellant will argue that that the following material considerations should be afforded neutral weight in the overall planning balance:

- With regard to **flood risk matters**, the Appellant will explain that the Appeal Site lies within Flood Zone 1, and further that the Proposed Development is considered to be within the 'essential infrastructure' category of land uses set out in the Flood Risk Vulnerability Classification as set out in the NPPG. Therefore, there is no material harm to weigh in this regard.
- With regard to **Vehicular Access for Construction and Operation**, acceptable traffic and access arrangements can be achieved during the construction and operational phases of the Proposed Development.
- With regard to **Residential and Visual Amenity**, there would not be unacceptable visual effects to private residential properties; from potential glint and glare; nor noise effects arising from the Proposed Development.

9.47. The Appellant therefore will explain that it is considered that the Proposed Development is acceptable with regard to all the above matters.

9.48. The Appellant will draw attention to the immediate and pressing need for deployment of renewable energy generation in the UK, to assist with meeting the challenging legally binding obligations to reach "net zero" by 2050. It is clear that the continued deployment of Solar PV, and renewable energy technologies more generally, are recognised by the Government as a key part of the UK's transition to achieving a low carbon economy and tackling Climate Change.

9.49. Having regard to the above, the application proposals make an appreciable contribution to meeting the amended Climate Change 2008 targets. It is clear that in order for the UK to meet the ambitious target of reducing greenhouse gas emissions by 100% or "net zero" compared to 1990 levels by 2050, a presumption in favour of increasing the number and output of low carbon energy sources, such as Solar Farms, is entirely appropriate and necessary.

9.50. The Appellant will explain that the following matters are considered to weigh in favour of granting planning permission:

- Generation of renewable energy and the national planning policy and energy policy support for the UK's transition to a low carbon economy, addressing the climate emergency whilst providing energy security and resilience. Given its significance in terms of national and indeed international policy and commitments, this consideration should be afforded **substantial weight**.
- Provision of biodiversity and ecological enhancements. Given the scale of biodiversity net gain achieved, this should be afforded **substantial weight**.
- 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 should be afforded **significant weight**.
- Provision of landscape enhancements. This should be afforded **moderate weight**.
- Economic benefits arising from construction activity, investment into the local economy and business rates. This should be afforded **moderate weight**.

- Improvements to soil resource and agricultural land quality. This should be afforded **limited weight**.
- Aiding farm diversification. This should be afforded **limited weight**.
- Flood risk and drainage betterment. This should be afforded **limited weight**.
- Educational strategy and resource. This should be afforded **limited weight**.

9.51. The following matters will be argued by the Appellant to be neutral in consideration of the Planning Balance:

- Effect on highways and transport (subject to appropriate planning conditions).
- Effect on residential amenity.
- Glint and glare effects (subject to appropriate planning conditions).
- Noise (subject to appropriate planning conditions).

9.52. The following matters are considered by the Appellant to be negative in consideration of the Planning Balance:

- Effect on setting of heritage assets – The Appellant will consider and explain the national policy requirements of the NPPF with regard to the great weight to be afforded to harm to the significance of a heritage asset, and that where there is a level of less than substantial harm, this harm should be weighed against the public benefits of the Proposed Development. Having regard to the public benefits that would be derived from the Proposed Development, the Appellant will explain that this test is clearly passed. Further, in respect of the overall planning balance, whilst affording great weight to this matter, given the limited extent of the harm identified, this should be afforded moderate weight in the overall planning balance⁴.
- Effect on landscape and visual amenity – The Appellant will argue that although there is some localised harm to landscape and visual amenity, taking into account the lasting positive legacy arising from the proposed tree and hedgerow planting which would remain beyond the operational life of the scheme, the harm so identified should be afforded limited weight in the overall planning balance⁵.

9.53. The Appellant will submit that the Proposed Development is in general accordance with the Development Plan when read as a whole and, even if the Inspector were to conclude that there would be some conflict with relevant policies:

- That would not necessarily lead to a conflict with the Development Plan taken as a whole; and

⁴ The negative weight applied to the effect on the significance of heritage assets would be further reduced through a consideration of the effects of the proposed Amended Scheme.

⁵ Negative weight applied to landscape and visual considerations would be further reduced through a consideration of the effects of the proposed Amended Scheme.



- If it did, there are significant identified benefits that constitute material considerations indicating development should be approved notwithstanding that conflict.

10. Documentation.

10.1. A set of Core Documents will be agreed with the LPA in advance of the Public Inquiry.

10.2. In addition to the application documents, planning history and consultation responses, it is anticipated that the following will be referred to.

National Documents.

- National Planning Policy Framework (NPPF);
- National Planning Policy Guidance (NPPG);
- Overarching National Policy Statement for Energy (EN-1) (November 2023);
- National Policy Statement for Renewable Energy Infrastructure (EN-3) (November 2023);
- Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15 (February 2021);
- Climate Change Act 2008;
- Climate Change Act (2050 target amendment) Order 2019;
- Clean Growth Strategy published by the Department for Business, Energy and Industrial Strategy (BEIS) in October 2017;
- UK Parliament's declaration of an Environmental and Climate Change Emergency in May 2019;
- Energy White Paper: Powering our Net Zero Future published in December 2020;
- UK Government's press release of acceleration of carbon reduction to 2035, dated April 2021;
- The latest version of the 'Digest of United Kingdom Energy Statistics', published July 2023;
- 'Achieving Net Zero' published by the National Audit Office in December 2020;
- 'Net Zero Strategy: Build Back Greener' published by the UK Government in October 2021;
- United Kingdom Food Security Report, 2021;
- British Energy Security Strategy, April 2022;
- Powering Up Britain and associated documentation, March 2023;
- Guidelines for Landscape and Visual Impact Assessment 3rd Edition;

- Landscape Institute guidance on visualisation of development proposals;
- National Character Area Profiles;
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment;
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition);
- Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment; and
- Statements of Heritage Significance, Analysing Significance in Heritage Assets, Historic England Advice Note 12.

Local Documents.

- Melton Borough Local Plan 2011–2036 (adopted October 2018);
- Bottesford Neighbourhood Plan (made October 2021);
- Net Zero Carbon Emissions Trajectory for Melton Borough Council Report, July 2022;
- Melton Borough Climate Change Context and Challenges, January 2022;
- Net Zero Leicestershire Strategy 2023–2045; and
- Net Zero Leicestershire Action Plan 2023–2027.

Relevant Appeal Decisions and Legal Cases.

10.3. Various legal judgements, including:

- Catesby Estates Ltd v. Steer, EWCA Civ 1697, 2018; and
- EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council.

10.4. Various recent appeal decision, including but not limited to:

- Application for the Cleeve Hill Solar Park Order ("*Cleeve Hill*") reference EN010085.
- Halloughton, Nottinghamshire APP/B3030/W/21/3279533 ("*Halloughton*"), solar farm **allowed** on 18th February 2022.
- Bishops Itchington, Warwickshire APP/J3720/W/22/3292579 ("*Bishops Itchington*") solar farm **allowed** on 1st December 2022.
- Langford, Devon APP/Y/1138/W/22/3293104 ("*Langford*") solar farm **allowed** on 5th December 2022.
- Chelmsford, Essex APP/W1525/W/22/3300222 ("*Chelmsford*"), solar farm, **allowed** on 6th February 2023.

- Gillingham, Dorset APP/D1265/W/22/3300299 ("*Gillingham*"), solar farm, **allowed** on 13th February 2023.
- Bramley, Hampshire APP/H1705/W/22/3304561 ("*Bramley*"), solar farm, **allowed** on 13th February 2023.
- New Works Lane, Telford APP/C3240/W/22/3293667 ("*Telford*"), solar farm, **allowed** by Secretary of State on 27th March 2023.
- Herongate, Essex APP/V1505/W/22/3301454 ("*Herongate*"), solar farm, **allowed** on 5th April 2023.
- Wellington, Telford APP/C3240/W/22/3308481 ("*Wellington*"), solar farm, **allowed** on 9th May 2023.
- South Hetton, Durham APP/X1355/W/22/3308881 ("*Durham*"), solar farm, **allowed** on 25th May 2023.
- Longfield, Essex EN010118 ("*Longfield*"), solar farm, **allowed** by Secretary of State on 27th June 2023.
- Scruton, Yorkshire APP/G2713/W/23/3315877 ("*Scruton*"), solar farm, **allowed** on 27th June 2023.
- Land to the East of Squirrel Lane, Ledwyche, Ludlow, Shropshire SY8 4JX APP/L3245/W/23/3314982 ("*Squirrel Lane*"), solar farm, **allowed** 7th July 2023.
- Copse Lodge, Greatworth APP/W2845/W/23/3315771 ("*Copse Lodge*") 49.9MW solar farm, **allowed** on 14th November 2023.
- Cutlers Green Lane, Thaxted APP/C1570/W/23/3319421 ("*Cutlers Green*") solar farm, **allowed** on 18th December 2023.
- Sheephurst Lane, Marden, Kent APP/U2235/W/23/3321094 ("*Sheephurst Lane*") solar farm, **allowed** on 5th February 2024.
- Land to the South of Hall Lane, Kemberton, Telford APP/L3245/W/23/3329815 ("*Kemberton*") solar farm, **allowed** on 22nd February 2024.

10.5. The Appellant reserves the right to refer to additional documents to those outlined above in preparation of its case and in support of the proposals.

11. Planning Conditions and Obligations.

Planning Conditions.

- 11.1. It is expected that an agreed set of conditions will be provided to the Inspector prior to the commencement of the Public Inquiry.

Planning Obligations.

- 11.2. At the time of submitting this Appeal, the Appellant does not envisage the need for an agreement under S106 of the Town & Country Planning Act, but reserves their position until full consideration is given to matters raised by interested parties and the Council during the Appeal process.



Appendices

Appendix 1 – Amended Scheme Annotation, drawing number P19-2022_22 Revision G, dated 07/03/2024, prepared by Pegasus Group.

Appendix 2 – Amended Scheme Clarification Note, dated March 2024, prepared by Pegasus Group.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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