

# Proof Of Evidence.

## Evidence of Nigel Cussen.

In Respect of Land adjacent to the A614, Worksop,  
Nottinghamshire.

On behalf of One Planet Developments Limited.

Date: December 2025 | Pegasus Ref: P25-2880

Appeal Ref: APP/A3010/W/25/3367817 | LPA Ref: 24/00384/FUL

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## Document Management.

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## **Appendices contents.**

The following appendices are bound separately

Appendix 1 – NPPF summary

Appendix 2 – Development Plan Policy summary

Appendix 3 – 3rd party representation summary

Appendix 4 – Grid review confirmation



# 1. Personal Background

- 1.1. This Proof of Evidence has been prepared by Mr Nigel Cussen. I hold a BSC(Hons) in Geography with Economics and a Diploma in Town and Regional Planning.
- 1.2. I am a Chartered Town Planner having been elected over twenty-five years ago and I hold the position of Senior Planning Director at the consultancy Pegasus Group.
- 1.3. I have considerable experience in advising on planning matters arising in respect of a wide range of development sectors, including solar and BESS projects.
- 1.4. The evidence that I have prepared and provide for this Section 78 appeal is true and has been prepared and is given in accordance with the guidance of my professional institution. I can confirm that the opinions expressed are my true and professional opinions.
- 1.5. I was instructed to provide planning expert witness evidence in respect of the appeal scheme after the appeal had been confirmed for consideration at planning inquiry. My initial instruction was received in November 2025. Prior to accepting the instruction, I reviewed the application documents, consultation responses and the Planning Officers report and satisfied myself that I supported the Appellant's case. I have familiarised myself with the site, the proposals and the process of the Council's non-determination and I have visited the site and surrounding area.

## 2. Introduction

2.1. My Planning Proof of Evidence has been prepared on behalf of One Planet Developments Limited ('The Appellant') and relates to a planning appeal submitted pursuant to Section 78 of the Town and Country Planning Act 1990, concerning land adjacent to the A614, Worksop, Nottinghamshire ("the Appeal Site").

2.2. The appeal follows the non-determination by Bassetlaw District Council ("the LPA"), after the LPA failed to determine the application for full planning permission (ref. 24/00384/FUL) ("the Planning Application") by the deadline of 11 April 2025. The Planning Application relates to a proposed development ("the Appeal Scheme") comprising the following:

*"Installation and Operation of a Solar Farm and Battery Energy Storage System (Output upto 40 MW), With Associated Works, Equipment, Infrastructure and Landscaping."*

2.3. Although the application was subject to non-determination, the LPA, in order to establish the position it would adopt at the appeal, reported the application to the Planning Committee on 16<sup>th</sup> July 2025. The LPA's Officers recommended that the Committee resolve that, had the Local Planning Authority determined the application (committee report Core Document CD 2.3), the Committee should have refused it. The minutes of the meeting confirm had the Local Planning Authority determined the application, the Planning Committee would have refused planning permission (committee minute CD 2.4).

2.4. The reasons for which the application would have been refused are set out in the Committee Report, as below:

- The proposal would erode the open and rural setting to those heritage assets listed above and especially that of Clumber Park, a grade I listed Registered Park & Garden. There are various views into and out of the site from public vantage points which are a key part of the park's open countryside setting along its eastern boundary. The development would fail to preserve this open countryside setting. The scale and nature of this intervention would seriously undermine the setting of the adjacent/nearby designated heritage assets.

For the reasons outlined above, it is considered that if permitted, the harm caused would be at the higher end of 'less than substantial', and the perceived public benefits would in no way outweigh the harm identified. The proposal is therefore contrary to Sections 66(1) & 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990; Policy ST40 & Policy 41 of the Bassetlaw Local Plan 2020-2038, paragraphs 202, 207, 208, 210, 212, 213, 215, 219 & 220 of the NPPF.

- The proposed works are located within open space which would be detrimental visually to the overall character and appearance of the local area. The proliferation of structures on site, results in substantial harm to the open countryside and rural character and appearance of the locality.

As such, the proposal would result in unacceptable harm to the landscape character of the surrounding contrary to Policies ST8, ST33 and ST35 of the Bassetlaw Local Plan.

- Insufficient information has been provided to assess the impact on below ground heritage assets contrary to Sections 66(1) & 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990; Policy ST40.

- 2.5. A main Statement of Common Ground has been agreed between the appellant and the LPA on 5<sup>th</sup> November 2025 (CD 9.1). That statement confirms at point 16 of Section 5.9 that the parties are in agreement that impacts on archaeology can be addressed by way of a pre-commencement planning condition requiring ground investigations and mitigation.
- 2.6. A further Statement of Common Ground on archaeological matters (CD 9.5) has been agreed between the appellant and the LPA. This confirms agreed wording for a suitable planning condition addressing the archaeological matters. In light of this it is also agreed between the parties that, subject to the application of this condition, there would be no likely significant residual risks to archaeology. Notwithstanding the agreed position, an archaeology note has been prepared on behalf of the Appellant to provide further details and this is provided as an appendix to Ms Jones' evidence.
- 2.7. The agreed archaeological condition has been added to a revised list of draft planning conditions proposed by the parties for consideration at the conditions session of the inquiry.
- 2.8. Further topic specific Statements of Common Ground have also been agreed, including on landscape and visual impacts, heritage and on planning matters.
- 2.9. The Landscape Statement of Common Ground (CD9.4) confirms that the parties are agreed, on the basis of the revised landscaping plans submitted with the appeal, that the Council no longer considers that the appeal should be refused on landscape grounds and accordingly withdraws the second reason for refusal. The statement also addresses other matters not in dispute, including Visual Amenity, Residential Amenity, Arboriculture and the LVIA. It is confirmed that there are no Landscape matters in dispute.
- 2.10. The Heritage Statement of Common Ground (CD9.3) confirms that it is agreed between the parties that any harm to heritage assets would be less than substantial, temporary and reversible.
- 2.11. The Planning Statement of Common Ground (CD 9.2) confirms the revisions proposed to the appeal scheme and consultation undertaken. It is agreed between the parties that parties wishing to comment on the proposals have had opportunity to do so, that the amendments are based on the original planning application and do not result in a substantially different development. It was confirmed by the Inspector at the CMC that evidence for the appeal should be prepared considering the revised scheme only.
- 2.12. In respect of the above reasons for refusal, the planning statement of common ground (CD 9.2) also confirms that it is agreed that with the additional planting proposed by the amended scheme, together with a condition requiring further details of the proposed landscaping, that landscape and heritage matters no longer comprise a reason for refusing the scheme. Accordingly, all three of the putative reasons for refusal are now formally withdrawn.
- 2.13. Notwithstanding the Council's revised position in relation to the former reasons for refusal, I set out in my evidence my considerations on the main issues that arise from the LPA's recommended reasons for refusal.

- 2.14. The inspector held a Case Management Conference (CMC) on the 27<sup>th</sup> November 2025. The main issues arising from the appeal, as confirmed in the inspector's post CMC note (CD 5.12), are:
- Issue 1 – The special interest of the following designated heritage assets:
    - a. Grade I listed Clumber Park Registered Park and Garden National Heritage List Entry (NHLE)1001079
    - b. Grade I listed Thoresby Park Registered Park and Garden National Heritage List Entry NHLE 1000361
    - c. Grade II\* listed Gate Piers and Flanking Walls to Normanton Gate NHLE 1156026
    - d. Grade II listed Drayton Gate NHLE 1045058
    - e. Grade II listed West Bridge NHLE 1370411 and Scheduled Monument 1006400
  - Issue 2 – the character and appearance of the wider area having regard to landscape and visual effects.
- 2.15. I address issues 1 and 2 in section 8 of my evidence below.
- 2.16. My Planning Proof of Evidence addresses the planning policy matters identified in the LPA's recommended reasons for refusal, together with the overall planning balance.
- 2.17. My Planning Proof of Evidence addresses the planning policy matters identified in the LPA's recommended reasons for refusal, as set out in Section 8. The overall planning balance and my conclusions are presented in Section 11. In addition, I respond to matters raised in third-party representations on the application.
- 2.18. My evidence should be read in conjunction with the evidence of Mr. Andrew Cook in respect of landscape and visual impacts and of Ms Amy Jones in respect of heritage and conservation.

### **3. The Appeal Site and its Surroundings**

- 3.1. An agreed description of the Appeal Site and its surroundings is set out in the Statement of Common Ground with the LPA (CD 9.1).
- 3.2. The Appellant's Design and Access Statement (CD 1.51) provides further appraisal of the site context in section 3.
- 3.3. I note and refer to of Mr Cook's evidence, where he provides comment on the site and surrounding, as context to the landscape considerations.
- 3.4. Additionally, I note and refer to Ms Jones' evidence, where she provides comment on above ground heritage assets surrounding the site, as context to heritage considerations.

## 4. The Appeal Proposals

- 4.1. The proposal relates to the construction and operation of a 40 MW solar farm and battery energy storage system covering an approximate area of 88.31 Hectares on land adjacent to the A614. The proposed works would also include all associated works, infrastructure and landscaping.
- 4.2. Confirmation of the plans and documents on which the LPA's indicative decision was based, including the Planning Statement (CD 1.52) and Design and Access Statement (CD 1.51), is contained within the Statement of Common Ground agreed with the Local Planning Authority (CD 9.1).
- 4.3. More specifically, the proposed solar farm comprises solar photovoltaic panels measuring 2.38m x 1.3m, each of which would be fixed to aluminium or steel mounting frames set at approximately 25 degrees, with the height at the front being 0.91m above ground level, and the maximum height at the back being 3m. The solar farm will provide renewable electricity across a year that is equivalent to meet the energy needs of nearly 15,500 homes (based on the mean domestic electricity consumption in the East Midlands in 2021 of 3,534 kWh per annum) and delivering a saving of over 20,150 tonnes per annum of CO<sub>2</sub> compared to the use of a gas-combined cycle (370g CO<sub>2</sub>eq/kWh for gas-combined cycle generated electricity).
- 4.4. Alongside the solar panels, the proposed development includes 12 BESS containers, each measuring 12.19m x 2.5m x 2.9m, with side mounted heating, ventilation and air conditioning units.
- 4.5. Other associated equipment and infrastructure comprise:

**Table 1 – Associated equipment and infrastructure**

Infrastructure	Number	Size
MV power stations (transformer and inverter)	17	12.21m x 2.48m x 2.91m
Spare parts containers	2	12.2m x 2.45m x 2.6m
Welfare container	1	12.2m x 2.45m x 2.6m
MV transformers	6	2.44m x 2.52m x 2.98m
Power conversion systems	12	3.7m x 2m x 2.35m
Substation compound (132kV), including DNO Control Room, transformer, and Customer Control Room	1	65.4m x 44.38m

Lattice tower	1	25m
Customer switchgear	1	12.2m x 2.45m x 2.6m
Water storage tank (250,000 Litres)	1	9.12m x 3.84m
CCTV camera and post	1 every 50m	2.9m high
Deer Fencing (Around the solar farm)		2.4m high
Palisade Fencing (around the BESS and substation)		2.4m high
New internal access track		4m wide

- 4.6. Additionally, the proposed development presents considerable opportunities for landscape and biodiversity enhancements as shown on the revised proposed planting plan ref. 571\_PP\_01 rev. C (CD 7.2).
- 4.7. Between the non-determination and the inquiry, a revised site plan (ref. OPL011-PL-01, rev. 12) (CD 7.1) and planting plan (ref. 571\_PP\_01, rev. C) (CD 7.2) were prepared and accepted by both the LPA and the Inspector, as the changes to the appeal scheme are considered minor in nature and did not result in a development which is substantially different from that applied for. Amendments have been made in respect of proposed planting along the southern and western boundaries. The changes comprise: additional screening planting to the south and west; amendments to the tree planting to the southern boundary of the panels; and removal of proposed trees from below the overhead lines on the far southern boundary of the site.
- 4.8. A voluntary public consultation was undertaken on the amended documents, which included a notice in the Worksop Guardian newspaper, site notices, and letters sent to relevant Ward Members, Parish Councils, and members of the public, to give interested parties the opportunity to comment on the revised details. Additionally, the LPA consulted the relevant statutory consultees on this material.
- 4.9. The consultation will run to 1<sup>st</sup> January 2026.

## 5. Planning History

- 5.1. An agreed description of the Planning History relevant to Appeal Site is set out in the Statement of Common Ground with the LPA (CD 9.1).
- 5.2. This confirms the only relevant planning history relates to the submission of a screening request (Application 20/00853/SCR) submitted prior to the submission of the planning application. It was confirmed in the screening opinion decision (CD 2.1) that the development did not constitute an EIA development.

## 6. Planning Policy Framework

6.1. In this section of my evidence, I identify the planning policies and guidance that will be of most relevance to the determination of this Appeal.

### The Development Plan

6.2. As agreed in the Statement of Common Ground (CD 9.1) with the LPA, the statutory Development Plan applying in respect of the Appeal Site comprises:

- Bassetlaw Local Plan 2020–2038 (adopted 2024) (CD 4.1)

6.3. Relevant Local Plan policies are identified in the SoCG (CD 9.1), as set out below. Those shown in emboldened text are matters the LPA contended were not satisfactorily resolved to comply in full with prior to the submission of the revised proposals.

- Policy ST1: Bassetlaw's Spatial Strategy
- **Policy ST33: Design Quality** (LPA only contended paragraph 1 c has not been satisfactorily resolved, as the parties at that stage were not agreed as to whether the proposed development positively preserves, enhances and integrates landscape and townscape features, and natural and heritage assets as required by this.)
- **Policy ST35: Landscape Character**
- Policy ST37: Green and Blue Infrastructure
- Policy ST38: Biodiversity and Geodiversity
- Policy ST39: Trees, woodlands and hedgerows
- **Policy ST40: The Historic Environment**
- Policy ST48: Reducing Carbon Emissions, Climate Change Mitigation and Adaptation
- **Policy ST49: Renewable Energy Generation** (supports approval of the appeal application in principle, subject to the satisfactory resolution of all relevant site specific and cumulative impacts.)
- Policy ST50: Flood Risk and Drainage
- Policy ST51: Protecting Water Quality and Management
- Policy ST52: Transport Infrastructure
- Policy ST53: Promoting Sustainable Transport and Active Travel
- **Policy 41: Designated and Non-Designated Heritage Assets**

- Policy 46: Protecting Amenity
- Policy 47: Contaminated and Unstable Land

6.4. I note that local plan Policy ST8 – Rural Economic Growth and Economic Growth outside Employment Areas was also referred to in the second reason for refusal, however is omitted from the list in the SoCG. I have given consideration to this policy in any event.

## **Bassetlaw District Council Climate Change Strategy 2024**

6.5. Bassetlaw District Council published a Climate Change Strategy in January 2024 (CD 4.74). I note that this confirms that the Council declared a Climate Emergency and resolved to create a Local Area Energy Plan for the District. Most recently, on Thursday 21st September 2023 the Council unanimously committed to reducing operations to Net Zero by 2030 and meet Net Zero areawide emissions by 2045.

6.6. The vision expressed in the strategy aims for:

“Bassetlaw to become the greenest, most sustainable district in which to live and work, building on its legacy of energy production, manufacturing and logistics to power the net zero economy”. As part of this vision, “we will mitigate the impacts of climate change through green energy planning, improving building efficiency and enhancing natural environments”.

## **National Policy and Guidance**

6.7. I refer specifically to the following very recent national policy, guidance and other material considerations in my evidence subsequently:

- National Planning Policy Framework (NPPF) (CD 4.2);
- Planning Practice Guidance (PPG) (CD 4.28);
- Overarching National Policy Statement for Energy (EN-1) as designated on 17 January 2024 (CD4.3) and revised 2025 draft EN-1 (CD4.3a);
- National Policy Statement for Renewable Energy Infrastructure (EN-3) as designated on 17 January 2024 (CD 4.4) and revised 2025 draft EN-3 (CD 4.4a).
- Clean Power 2030 Action Plan (2024) (CD 4.24)
- Clean Flexibility Roadmap (2025) (CD 4.27)
- DESNZ Solar Roadmap: United Kingdom Powered by Solar (2025) (CD4.26)
- The latest version of the 'Digest' of United Kingdom Energy Statistics, July 2025 (CD 4.55a)

6.8. Where necessary I also refer to some of the following key aspects of the background legal and policy context.

- Climate Change Act 2008; (CD 4.47)

- Climate Change Act (2050 target amendment) Order 2019; (CD 4.48)
- Clean Growth Strategy (2017) (CD 4.49)
- Department for Business, Energy and Industrial Strategy (BEIS) Outcome Delivery Plan (2021) (CD 4.65)
- The Sixth Carbon Budget: The UK's path to Net Zero (2020) (CD 4.66)
- The Ten Point Plan for a Green Industrial Revolution (2020) (CD 4.67)
- Industrial Decarbonisation Strategy (2021) (CD 4.68)
- UK Parliament declaration of an Environmental and Climate Change Emergency in May 2019 (CD 4.50)
- Energy White Paper: Powering our Net Zero Future published in December 2020; (CD 4.51)
- 'Achieving Net Zero' published by the National Audit Office in December 2020; (CD 4.57)
- Net Zero Strategy: Build Back Greener, dated October 2021 (CD 4.42)
- British Energy Security Strategy, dated 7 April 2022 (CD 4.43)
- 'Powering up Britain' suite of documentation, dated March 2023; (CD 4.44)

6.9. I note that on 16<sup>th</sup> December 2025 the Government published a revised NPPF for consultation purposes (CD 4.73). As the Draft Framework is open for consultation until 10<sup>th</sup> March 2026, I consider that the policies carry only limited weight, however I have had regard to this new policy. I provide comment at relevant points in my evidence below and I have also provided at Appendix 1 a summary of the main aspects of the Draft Framework which I consider to be of particular relevance to the appeal.

## 7. Need for the development

- 7.1. I note that paragraph 168a of the NPPF (CD 4.2) confirms that local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy. Notwithstanding, the need for solar power and BESS is both established and compelling.

### UK Legislation and Policy

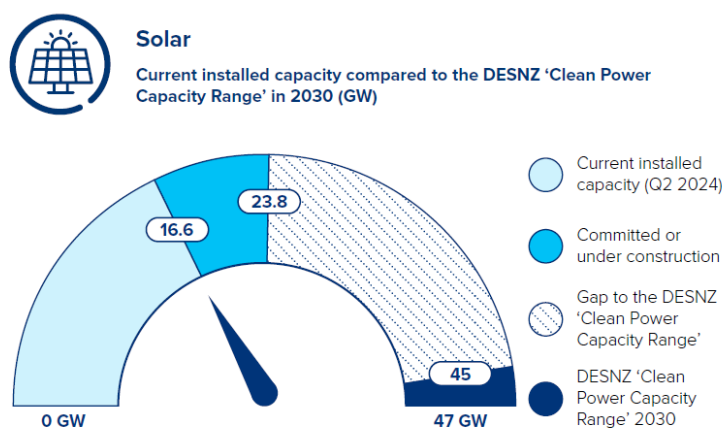
- 7.2. The '**Climate Change Act 2008**' (Core Document CD 4.47) brought in the legislative basis for the United Kingdom ("UK") to reduce net greenhouse gas emissions by at least 80% by 2050 from their 1990 levels.
- 7.3. The target included in the 'Climate Change Act 2008' was strengthened in June 2019 to be a 100% reduction relative to 1990 levels by 2050 (known as "net zero") (Core Document CD 4.48).
- 7.4. The '**Clean Growth Strategy**' (Core Document CD 4.49) was published by the Department for Business, Energy and Industrial Strategy ("BEIS") in October 2017. In respect of the power sector, the Strategy anticipates that by 2050 emissions from this sector need to be close to zero. In the meantime, the Strategy indicates one possible pathway to the interim step of 2032 is for power emissions to fall by 80% compared to 2017 levels which could be achieved by, inter alia, growing low carbon sources such as renewables and nuclear to over 80% of electricity generation, and phasing out unabated coal power. The Strategy also confirms that the "*Government want to see more people investing in solar without government support*". Attention is drawn in particular to pages 95 – 96 of the Strategy.
- 7.5. The clear and explicit need to introduce a step change in how the UK reacts to Climate Change has been recognised by UK Parliament who, on 1<sup>st</sup> May 2019, declared an Environmental and Climate Change Emergency (Core Document CD 4.50).
- 7.6. Similarly, Bassetlaw district Council declared a Climate Emergency in December 2021. I note that the Council's Climate Change Strategy 2024 (CD 4.74, Section 2.1, pdf page 3) confirms that "*Most recently, on Thursday 21st September 2023 the Council unanimously committed to reducing operations to Net Zero by 2030 and meet Net Zero areawide emissions by 2045*".
- 7.7. The Government published the **Energy White Paper: Powering our Net Zero Future** in December 2020 (Core Document CD 4.51). In the foreword to the White Paper, the Minister stated:  
  
***"The UK has set a world-leading net zero target, the first major economy to do so, but simply setting the target is not enough – we need to achieve it. Failing to act will result in natural catastrophes and changing weather patterns, as well as significant economic damage, supply chain disruption and displacement of populations."***
- 7.8. And later in the foreword:  
  
***"The way we produce and use energy is therefore at the heart of this. Our success will rest on a decisive shift away from fossil fuels to using clean energy for heat and industrial processes, as much as for electricity generation."***

- 7.9. The White Paper recognises the progress made to increase deployment of renewables and sees the expansion of renewable technologies as a key contributor to achieving an affordable clean electricity system by 2050. The White Paper at page 45 states:
- “Onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios.”***
- 7.10. In April 2021, the UK Government committed to set in law by end of June 2021 the world’s most ambitious climate change target, cutting emissions by 78% by 2035 compared to 1990 levels.
- 7.11. The Government published its **‘Net Zero Strategy: Build Back Greener’** (Core Document CD 4.42) in October 2021 which establishes that the UK will be powered entirely by clean energy by 2035, subject to security of supply (Core Document CD 4.42, first bullet point, page 19).
- 7.12. Specifically in respect of the ‘Power’ sector, the Net Zero Strategy affirms that one of the Government’s key commitments is to accelerate the deployment of low-cost renewable generation, such as wind and solar (Core Document CD 4.42, second bullet point, page 94).
- 7.13. Another of the key commitments is *‘to ensure the planning system can support the deployment of low carbon energy infrastructure’*.
- 7.14. I share the opinion of the National Audit Office that the challenge presented here is “colossal” (Core Document CD 4.57, page 6, point no.6). On the one hand, the Government requires that by 2035 all our electricity will need to come from low carbon sources, subject to security of supply, bringing forward the government’s commitment to a fully decarbonised power system by 15 years from the previous target of 2050 which was envisaged in the Energy White Paper only 10 months previously. On the other hand, the Government is at the same time forecasting 40–60% increase in demand over the same period (Core Document CD 4.57, paragraph 10, page 98).
- 7.15. To meet this challenge, the Government states that a low-cost, net zero consistent electricity system is most likely to be composed predominantly of wind and solar generation, whether in 2035 or 2050 (Core Document 4.57, paragraph 11, page 98). It affirms that we need to continue to drive rapid deployment of renewables so we can reach substantially greater capacity beyond 2030 (Core Document 4.57, paragraph 35, page 103). The Government further indicates that a sustained increase in the deployment of land-based renewables (and specifically identifying solar) will be required in the 2020s and beyond (Core Document 4.57, paragraph 36, page 103).
- 7.16. Given the size of the challenge, the Government states *‘we will need to consider how low carbon energy infrastructure can be deployed at an unprecedented scale and pace sympathetically alongside the interests of our communities and consistent with our obligations to a sustainable environment, both land-based and marine.’* (Core Document 4.57 paragraph 32, page 102). It is my opinion that, if consented, the proposed development will contribute to the deployment of low carbon energy infrastructure in the immediate future and therefore contributing to the scale and pace of deployment that is needed, whilst also being sympathetic to both the interests of the community and the sustainability of the environment in this location.

- 7.17. In response to the rising cost of energy and the crisis associated with the commencement of the Ukraine war, the Government updated its **British Energy Security Strategy** in April 2022 (Core Document CD 4.43). When discussing solar technology, the Strategy notes that the government expects a five-fold increase from the current 14GW of solar capacity in the UK by 2035. Specifically in respect of ground-mounted solar, the Strategy explains that consultation on amending planning rules will take place to strengthen policy in favour of development of non-protected land, while ensuring communities continue to have a say and environmental protections remain in place.
- 7.18. Most recently still, the Government published a suite of documentation under the **Powering Up Britain** in March 2023. This included updated draft NPS on Energy and Renewable Energy, subsequently came into place January 2024, to which I refer below, but also an **Energy Security Plan** ("the ESP") (Core Document CD 4.6). I note that the Government states that *'Low cost renewable generation will be the foundation of the electricity system and will play a key role in delivering amongst the cheapest wholesale electricity in Europe'* (page 34).
- 7.19. The ESP continues to examine the role of solar at pages 37/38, and it reaffirms the Government's commitment to aim for 70GW of ground and rooftop capacity by 2035. It again states that this amounts to a fivefold increase on current installed capacity. The ESP then concludes on this matter:
- "We need to maximise deployment of both types of solar to achieve our overall target"***.
- 7.20. I attach considerable importance to this clear statement, in that the Government is clear that the deployment of ground mounted solar (as well as roof mounted solar) needs to be maximised if the fivefold increase in solar pv deployment is to be met.
- 7.21. The ESP also states that the *"Government will enable the acceleration of low-carbon flexible technologies and services deployment through...facilitating the deployment of electricity storage"* (Page 40).
- 7.22. The ESP again restates that the Government considers that meeting energy security and climate changes goals is *'urgent'* and *'of critical importance to the country'*, and further that *'these goals 'can be achieved together with maintaining food security for the UK'*.
- 7.23. The ESP further encourages deployment of solar technology that deliver environmental benefits, with consideration for ongoing food production or environmental management. For reasons that I elaborate on in Section 11 of my Evidence, I conclude that the proposed development would assist in delivering environmental benefits through delivering a significant increase in Biodiversity Net Gain.
- 7.24. I agree with the conclusion reached in the ESP that that *'the Government considers that there is a strong need for increased solar deployment.'* I also note the ESP's comment that the planning system allows all views to be taken into account when decision makers balance local impacts with national need. In the case of this proposed development, I consider that the limited extent of local impacts identified are outweighed by this 'strong' national need for solar development, for the reasons I explain in Section 11 of my Evidence.
- 7.25. In November 2023, the Government published a **Connections Action Plan** (Core Document CD 4.70, page 9) which acknowledged the serious problems of grid connection delays for renewable bergy projects:

**"Projects crucial to achieving net zero, currently seeking grid connections, are facing serious connection delays. Many are facing delays which cause them real difficulty; equally many new projects with connection agreements never connect. It is clear that the current connection process is not fit for purpose and requires fundamental reform".**

- 7.26. Following the issue of the revised NPPF in December 2024, the Government also released the **Clean Power 2030 Action Plan: A new era of clean electricity.** (Core Document CD 4.24)
- 7.27. The Action Plan highlights that achieving clean power is now a broader goal and key to growing the economy and improving national security and standards of living. The document identifies urgency of enacting policy by **"Sprinting to clean, homegrown energy"**, placing delivering clean power by 2030 at the heart of one of the Prime Minister's five missions and the Plan for Change (page 6).
- 7.28. The Action Plan follows the Government's commissioning of expert advice from the National Energy System Operator (NESO) and builds on that advice, setting out the need to **"move fast and build things to deliver the once in a generation upgrade of our energy infrastructure Brition needs"**.(page 7)
- 7.29. The Government's summary identifies a requirement for rapid deployment of new clean energy, setting a high ambition for 2030 of **"43-50 GW of offshore wind, 27-29 GW of onshore wind, and 45-47 GW of solar power, significantly reducing our fossil-fuel dependency. These will be complemented by flexible capacity, including 23-27 GW of battery capacity"**. (Page 10)
- 7.30. The figure below from the Clean Power Action Plan suggests that in 2024 some 23.8 GW of solar was installed, committed or under construction. Therefore to meet the overall 47 GW of solar requires approximately 4GW per year, equating to almost 2 solar farms of the scale of the appeal scheme being brought forward each week.<sup>1</sup>



**Source(s):** Table 1, Low Carbon Contracts Company (LCCC) (2024), *'CFD register'* (viewed in November 2024).  
**Notes:** Committed / under construction is defined as projects that have secured a Contract for Difference (CFD) but not yet become fully operational. For onshore wind and solar PV, 'merchant' (non-CFD) capacity that has not yet deployed has not been counted. Any pre-2030 asset retirements are not considered in these estimates.

Source – Clean Power 2030 Action Plan (CD 4.24)

<sup>1</sup> 47GW minus 23.8GW = 23.2GW over 6 years = 3.8 GW per year/40GW (capacity of appeal scheme) = 96.66 per year/52 = 1.8 40mw schemes per week required

- 7.31. The Action Plan outlines three major challenges as being “the need for a secure and affordable energy supply, the creation of essential new energy industries, supported by skilled workers in their thousands, the need to reduce greenhouse gas emissions and limit our contribution to the damaging effects of climate change.” There is a clear link made between the steps to address energy security and climate change and the potential economic benefits from employment and investment in the energy industry, assisting the national plan for growth. The document (at page 20) refers to the Clean Power 2030 action plan “Playing a key part in supporting hundreds of thousands of jobs, as part of the wider transition to net zero”.
- 7.32. The Government have indicated that a programme of investment worth around £40 billion per year for the next 6 years is on the horizon, and battery storage plays a crucial role in meeting the growth of electricity demand and maintaining a secure energy supply.
- 7.33. The plan also outlines the role of a clean power system in meeting net zero by 2050. In this it is noted that **“By 2050, annual electricity demand is likely to at least double as a result of electrification”**.
- 7.34. In terms of the need to act immediately and take the opportunity for renewable energy where grid capacity is present, the Action plan states at page 50 **“There is particular urgency to accelerate the planning process across Great Britain for energy infrastructure since we do not have long for many clean power projects to begin construction if they are to be operational for 2030”**.
- 7.35. Clean Power 2030 identifies that the strategy will also represent a significant area for economic growth through expanding employment opportunity in addition to ensuring energy security, affordability and price stability. The Action plan states that **“Another of the key benefits of Clean Power 2030 and the scale up of clean energy sectors is the creation of new job opportunities”**. It is the Government’s intention that the new industrial Strategy will include Clean Energy industries as a priority growth sector. (Page 43 and 44)
- 7.36. The Government’s Action plan looks to the planning sector to be one of the key aspects of supporting progress stating that **“Accelerating clean infrastructure projects through the planning system is critical to achieving our goal and unleashing investment to support the Prime Minister’s Growth Mission. Our capacity range will ensure that planners and statutory consultees at the national and local level have a clear sense of which projects to prioritise for consideration and, where appropriate, fast-track through the process to enable decisions on consent to be taken sooner”**. (Page 36)
- 7.37. The Action Plan includes addressing planning and consenting as a measure for removing roadblocks to enable consenting regimes to bring new projects through the system at pace. It is stated that **“Our planning system needs to quickly change to enable government’s missions to grow the economy and deliver clean power”**. The plan states that **“There is particular urgency to accelerate the planning process across Great Britain for energy infrastructure since we do not have long for many clean power projects to begin construction if they are to be operational for 2030, especially networks and offshore wind developments.”** (pages 49 and 50)
- 7.38. Reform of locally consented decision making is proposed to deliver clean power 2030. The Action Plan identifies that the NPPF does not make clear that local planning authorities should **“consider the benefits associated with renewable energy generation, and proposals’ contribution to meeting a net zero future when determining applications for these**

**developments**". (It is noted that the revision to the NPPF in December 2024 incorporates this into the new para 168 (a).)

- 7.39. It is also stated that the Planning Practice Guidance for renewable energy "**requires updating to reflect new policies**" (page 54). The Government states that this will be updated in 2025 to provide clarity on the application of planning policy. (Page 56)
- 7.40. In relation to the electricity networks and connections, the Action plan acknowledges that grid infrastructure requires strengthening, with a requirement for "**unprecedented expansion**." (Page 62). Whilst the process of network improvement is needed to reduce network constraints, the Action Plan confirms that "**Whenever renewables can connect to the distribution network, this should be encouraged for reasons of speed and efficiency**." (Page 63).
- 7.41. The production of the **Solar Roadmap** (Core Document CD 4.26) further reiterates the Government's commitment to net zero and increasing the amount of energy produced by renewable sources. This document takes this one step further in outlining the current Grid reforms and the steps to be taken to increase provision of skilled workers within the industry. As such, it is the Appellant's case that this document adds to the library of current guidance documents produced by the Government that sets a clear direction of travel in the move towards a greater reliance on renewable energy generation over fossil fuels. This is further emphasised at page 57 where it is stated, when referencing the updated National Policy Statements that, '*Alongside other low carbon technologies, solar infrastructure is considered to be of a Critical National Priority for the provision of nationally significant low carbon infrastructure. This recognises the urgent need for these projects to achieve our energy objective, and provide wider national security, economic, commercial, and net zero benefits.*'
- 7.42. It is acknowledged within this document at page 32 that, 'large scale projects have faced some of the longest delays and costs as a result of the connections queue. It is important that viable projects are able to connect quickly, in order that they can come online by 2030 and deliver clean power in line with the Government's ambitions'
- 7.43. It is detailed within the Roadmap that there is current reform for grid connection offers so that so-called 'zombie' projects will no longer hold up the queue for connections, allowing the National Energy System Operator (NESO) to prioritise businesses which will drive growth and deliver energy security. Given the current connection agreement of 2029 this application would go some way to assisting in achieving the 2030 targets. On 8th dec 2025 National Grid confirmed that this project met Gate 2 criteria and has a phase 1 allocation meaning connection 2026-2030 so aligns with achieving these targets.
- 7.44. The Solar Roadmap re-states the position in respect of BMV land on page 20, preferring the use of lower quality land and requiring justification for the use of better quality land. As such this reflects rather than amends planning policy in terms of the use of BMV land.
- 7.45. Page 20 also notes that the planning system considers the impacts on food production. Annexed to the Solar Roadmap is a document "Solar Misconceptions". Against the heading "*Solar is a threat to food security*", it is noted that "*the biggest threat to food security is crop failure due to climate change and solar farms are helping to tackle this directly*". The response also states:

*"Recent UK Government analysis shows that even under the most ambitious deployment scenarios set out in the Solar Roadmap, and in the unlikely case that all new capacity coming*

*forward is ground mount, it would only occupy up to around 0.6% of UK Utilised Agricultural Land by 2030 (less than that used by golf courses in Great Britain).*

*Solar farms are a temporary and completely reversible land use with restoration of land at the end of the solar farm's life usually guaranteed by a planning condition".*

- 7.46. It is acknowledged within the Roadmap that solar typically causes minimal disturbance to the ground and that 'the remainder of the land on which they are installed can be used for plant growth and wildlife enhancements during the lifetime of the solar site.' The Roadmap further emphasises this outlining on page 20 that:
- 7.47. 'In some case, these biodiversity benefits, including increases in the number of pollinators, can lead to increased productivity on adjacent agricultural land. A recent study from the Royal Society for the Protection of Birds and University of Cambridge found that, hectare for hectare, solar farms in East Anglia contained nearly three times as many birds compared to surrounding arable land.'
- 7.48. Taking this a step further, Annex 2 'Solar Misconceptions' of the Roadmap under 'solar farm are bad for wildlife' explains that well-designed and well managed solar farms can support a range of ecosystem services including agriculture (sheep grazing, supporting pollinator species), regulate air quality, mitigate flood risk, create new habits and reduce carbon emissions. This is why organisations such as RSPB have expressed their support for solar farms.
- 7.49. The Clean Flexibility Roadmap (CD4.27) published by the Government in 2025 confirms that *"The government is on a mission to make Britain a Clean Energy Superpower – delivering clean, affordable and secure power for households and businesses, creating high-quality jobs, and driving economic growth across the country. At the heart of this mission lies a smarter, more flexible electricity system that can fully integrate variable renewables, reward consumer participation, and maintain security of supply in a net zero future"*.
- 7.50. From this I note that clean flexibility is the ability to shift demand or supply of electricity while reducing emissions. It encompasses consumer-led flexibility (CLF), battery storage, interconnection with neighbouring countries, long duration electricity storage (LDES), and low carbon dispatchable power.
- 7.51. The Government's vision for Clean flexibility covers 3 aspects:
- Lower bills, more control
  - Jobs and Growth, and
  - Reliable power at all times
- 7.52. In respect of grid scale battery storage the roadmap confirms that *"Grid-scale batteries are central to Britain's power system flexibility and are a vital technology for achieving clean power by 2030. Grid-scale batteries help to store renewable electricity at the system level and thus minimise the need for investment in new generation capacity and associated network upgrades in the long term to meet peak demand"*. The Roadmap draws on the Clean Power Action Plan, underlining the substantial increase in battery capacity needed to meet net zero.

## Progress

- 7.53. The 'Digest of United Kingdom Energy Statistics' is an accurate source of energy information providing figures on the UK's overall energy performance, production and consumption. The Digest is published annually with the latest publication being the July 2025 Digest (Core Document CD 4.55a).
- 7.54. In the key headlines to the 'Renewable Sources of Energy' chapter (Core Document CD 4.55a, Chapter 6), I note that renewable capacity increased by 7.3 per cent (4.1GW) with half of this being solar pv., which whilst higher than in the previous year in 2023, only half of this capacity was from Solar PV, falling significantly below the annual requirements, which I have noted above, to meet the Clean Power 2030 need. (Core Document CD 4.55, Chapter 6). This rate of increase also remains significantly lower than the average annual growth rate between 2012 and 2018 which was 20 per cent. De-rated renewable energy capacity is stated to have increased by 12.9% to 3.1GW in 2024, whilst amount of new solar pv capacity installed increased by 1.3GW (Core Document CD 4.55 Chapter 5).
- 7.55. The table below illustrates total Renewable Energy new installed capacity per year for the 3 years since the Covid Pandemic affected delivery of projects.

Year	Additional Solar PV capacity installed	Additional renewable energy capacity
2024	2.0 GW	4.1 GW
2023	1.3GW	2.8 GW
2022	0.7 GW	3.8 GW

Source - 'Digest of United Kingdom Energy Statistics' 2023 to 2025 (CDs 4.54, 4.55 and 4.55a)

- 7.56. This additional 1.3GW of installed solar PV in 2023 comprises an annual figure which is far below that which is required to achieve the 5-fold increase to 70GW by 2035 as stated in the British Energy Security Strategy (2022) and repeated in the Energy Security Plan (2023). I estimate that the deployment per annum needed to meet the 70GW target (which requires an increase of 56GW over 13 years) would be 4.3GW pa on a straight-line trajectory. The 0.7 GW achieved in 2022, added to the 1.3GW achieved in 2023, totals 2.0GW of additional solar PV over these first 2 years. This weak growth has resulted in only meeting 23% of the equivalent annual target over these 2 years, and serves to further underline the need for a substantial and rapid deployment of new solar pv capacity.
- 7.57. I also draw attention to two other concerning matters having regard to the wider context of improving security of electricity generation for the UK. The first concern is that total de-rated generation capacity in the UK overall fell by 3% in 2024 compared to 2023 to stand at 71.7GW (Core Document CD 4.55a, Chapter 5). This reflects the closure of two large coal-fired plants and this reduction in generation capacity was not kept pace by increases in capacity in other low-carbon forms of electricity generation. The second is that the UK returned to being a net electricity importer in 2023 with net imports totalling a record 23.8 TWh, and that the UK's total imports were more than double 2022 levels. This pattern has continued in 2024, when

the UK's net electricity imports rose a further 40% and reached a new record high within the published time series. Of 33.4TWh in 2024. (Core Document CD 4.55, Chapter 5).

7.58. The National Audit Office cast doubt on the progress being made and the achievement of the pre-"net zero" (80%) reduction compared to 1990 levels in their December 2020 'Achieving net zero' report (Core Document CD 4.57). As I have already noted earlier, in the summary at page 6, when discussing the scale of the challenge, the NAO noted that achieving net zero is a 'colossal challenge' and is significantly more challenging than the Government's previous target to reduce carbon emissions by 80% by 2050.

7.59. The report recognised the progress of the energy sector, but confirms this sector's importance in achieving legislative targets

***"Reducing emissions further to achieve net zero will require wide-ranging changes to the UK economy, including further investment in renewable electricity generation, as well as changing the way people travel, how land is used and how buildings are heated."***

### **Summary**

7.60. The above matters emphasise the immediate and pressing need for deployment of both renewable energy generation and energy storage infrastructure 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 low carbon technologies more generally, are and have been consistently recognised by the Government as a key part of the UK's transition to achieving a low carbon economy and tackling Climate Change.

7.61. 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.

7.62. The UK's 'Climate emergency' declaration provides further context for this Appeal (Core Documents CD 4.50). The proposed development would support the intentions of these declarations.

7.63. The application of the Government's energy policy framework is a highly significant material consideration to this Appeal and is further considered in the balance of material considerations at Section 11 of my Evidence.

### **National Planning Policy Framework (CD4.2)**

7.64. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development in its three dimensions; economic, social and environmental. Central to the NPPF is presumption in favour of sustainable development. For decision taking this means (paragraph 11):

- ***approving development proposals that accord with an up-to-date development plan without delay; or***

- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

7.65. Paragraph 161 of the NPPF states that the planning system should support transition to a low carbon future in a changing climate and should support renewable and low carbon energy and associated infrastructure.

7.1. Paragraph 168 states that, when determining planning applications for renewable and low carbon development, local planning authorities should:

*a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;*

*b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions.*

7.2. Paragraph 215 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

#### **National Planning Practice Guidance ("NPPG") (First Published March 2014) CD 4.28**

7.3. The Government's web-based NPPG went live in March 2014 and contains guidance on the planning system and has been subject to updating periodically. The web-based guidance should be read alongside the NPPF and is a material consideration in the consideration of planning applications.

7.4. Renewable and Low Carbon Energy forms one of the chapters in the NPPG. Paragraph O13 (ID: 5-013-20150327) is entitled "*What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?*". I have taken these into account as relevant in my Evidence as the specific consideration arises.

#### **Overarching National Policy Statement for Energy (EN-1) (November 2023) – CD 4.3**

7.5. EN-1 (CD 4.3) was revised and presented to the Houses of Parliament in November 2023 to set out national policy for energy infrastructure in the UK. Its primary purpose is to be applied to decisions for Nationally Significant Infrastructure Projects, which the proposed development the subject of this Appeal is not, although it is of a scale which is approaching

the NSIP threshold. It is also confirmed this document can be a material consideration in the determination of planning applications (paragraph 1.2.1), and the extent to which the policies in the NPS are material, and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy (paragraph 1.2.2).

7.6. I note that the NPS addresses a number of matters referenced within my Evidence earlier in this Section, as well as other related considerations, such as the following:

- ‘we need to dramatically increase the volume of energy supplied from low carbon sources’ (paragraph 2.3.5).
- demand for electricity is likely to increase and could more than double by 2050 as large parts of transport, heating and industry decarbonise by switching from fossil fuels to low carbon electricity (paragraph 2.3.7, 3.3.3).
- ‘we will need a fourfold increase in low carbon generation....In addition, we committed in the Net Zero Strategy to take action so that by 2035, all our electricity will come from low carbon sources, subject to security of supply, whilst meeting a 40–60% increase in electricity. This means that the majority of new generating capacity needs to be low carbon’. (paragraph 3.3.16).
- ‘Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar’ (paragraph 3.3.20).
- ‘storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated.’ (paragraph 3.3.25).
- ‘Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher’ (paragraph 3.3.26).
- the various services that electricity storage can provide, including maximising the usable output from intermittent sources like solar, reducing the amount of generation capacity needed on the system, providing a range of balancing services, and reducing constraints on the networks (paragraph 3.3.27).

7.7. I also draw attention to the general framework established in EN-1 with regard to the statements that the government has demonstrated that:

- there is a need for the types of infrastructure identified (which includes solar pv development) which is urgent (paragraph 3.2.6);
- that substantial weight should be given to this need when considering applications for development consent under the Planning Act 2008 (paragraph 3.2.7); and
- that the government has concluded that there is a ‘critical national priority’ for the provision of nationally significant low carbon infrastructure.

7.8. Finally, I draw attention to the implications of this urgent need for the delivery of this 'Critical National Priority' ("CNP") infrastructure when EN-1 advises that other residual impacts should, in general, be outweighed by the energy objectives:

***"Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible."*** (paragraph 3.3.6.3).

7.9. I consider that considerable weight should be given to the policies set out in the NPS. In my opinion, this is due to the scheme's benefits in terms of renewable energy electricity generation, and its contribution to the security of supply of electricity for the UK.

7.10. In the Appeal at Fobbing (CD 6.27, Paragraph 39), the Inspector noted that EN-1 was a material consideration which in that instance should be given more weight than any conflict with policies of the development plan.

7.11. My reading is that the NPS can be a material consideration for the decision-taker to apply to non-NSIP scale projects.

### **National Policy Statement for Renewable Energy Infrastructure (EN-3) (November 2023) – CD4.4**

7.12. EN-3 (CD 4.4) was also revised and presented to the Houses of Parliament in November 2023.

7.13. Under the specific heading of Solar Photovoltaic Generation at Section 2.10, EN-3 confirms that *'The Government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector.'* (paragraph 2.10.9).

7.14. EN-3 further explains that solar farms are one of the most established renewable electricity technologies in the UK, the cheapest form of electricity generation, can be built quickly and with consistent reductions in the cost of materials and improvements in efficiency, are now in some cases viable to deploy subsidy-free (paragraphs 2.10.13–2.10.14).

7.15. Under the heading of 'Pumped Hydro Storage' at Section 2.9, energy storage is considered generally and EN3-confirms that *'Electricity storage is essential for a net zero energy system, it stores electricity when it is abundant for periods when it is scarce, as well as providing a range of services to help maintain the resilience and stability of the grid'*. It goes on to say that *'The need for electricity storage is rising as we increase the volume of variable renewables and increase peak demand through the electrification of heat and transport. It will be critical to maintaining energy security as we shift away from gas over 2020s–30s'* (paragraphs 2.9.9 & 2.9.10).

7.16. EN-3 also recognises that *'As the electricity grid sees increasing levels of generation from variable renewable generators such as offshore wind, onshore wind and solar power, there will be an increasing need for storage infrastructure to balance electricity supply and*

*demand. PHS could therefore be a key piece of infrastructure for enabling increased use of renewable generation' (paragraph 2.9.26).*

- 7.17. It then explains a number of key considerations involved in the siting of a solar farm, and also technical considerations for the Secretary of State to consider. I have taken these considerations into account as relevant in my Evidence as the specific consideration arises, but would draw attention to the section of 'Project lifetime and decommissioning', where EN- 3 advises that *'the time limited nature of the solar farm, where a time limit is sought as a condition of consent, is likely to be an important consideration for the Secretary of State'* (paragraph 2.10.150). I further note that the Appeal Scheme is proposed to be limited for an operational period of up to 40 years from the date of the first export of electricity, and therefore this project lifetime consideration should be given significant weight in the decision.

### **Revised National Policy Statements EN1 and EN3 (November 2025) (CD 4.3a and CD 4.4a)**

- 7.18. I also note that the NPS EN1 and EN3 are in the process of being revised and the new versions are included within the Inquiry Documents, as CD 4.3a and CD 4.4a. The documents have been laid in Parliament for a 21-sitting day consideration period, which began in November 2025, however at the time of finalising this evidence I understand that the policies have not been formally made.
- 7.19. I have reviewed the revisions to the NPS and note that key changes reflect the amendment to the thresholds for solar NSIP to 100mw, the Government's revised policy in regard to onshore wind infrastructure and acknowledgement of the importance which the Clean Power 2030 Action Plan in underlining the urgent need for new renewable energy generation.
- 7.20. I consider a point of note is the Government's continued commitment to expansion of new renewable energy generation and the confirms the role of renewable energy as Critical National infrastructure for meeting the Clean Power 2030 Mission and net zero. I consider that following the amendments, the policy on CNP is strengthened further by the introduction of the statement in paragraph 3.3.63 (CD 4.3a) that the need for CNP renewable energy generation is likely t outweigh any other residual impacts not capable of being addressed in the mitigation hierarchy *"in all but exceptional circumstances"*.
- 7.21. It is clarified at paragraph 4.2.24 of the revised EN1 (CD 4.3a)that *"Measures that result in a significant reduction in generation capacity for CNP are unlikely to be appropriate as mitigation."*

## 8. Case of the Appellant

- 8.1. Because the application was not determined within the statutory time period, no formal decision notice was issued by the Local Planning Authority (LPA). As a result, the requirements of Article 35(1)(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, namely the duty to provide clear and precise reasons for refusal, did not apply in this instance.
- 8.2. However, the LPA, in order to establish the position it would adopt at the appeal, reported the application to the Planning Committee. The LPA recommended that the Committee resolve that, had the Local Planning Authority determined the application, it would have refused planning permission.

### Reasons for Refusal

- 8.3. The LPA's indicative Reasons for Refusal alleged that the proposed development would result in harm to the setting of the surrounding and nearby heritage assets that is not considered to be outweighed by the public benefits. The Council also raised concerns regarding the level of harm to landscape and visual impacts, and also to the wider landscape character of the area when taking into account the nature of the landscape.
- 8.4. The LPA also outlined concerns that insufficient specific information on the archaeological potential for the site and the extent of impact to below archaeological remains from the proposed development had been provided. However, a Statement of Common Ground on archaeological matters has been agreed between the appellant and the LPA. (CD 9.5) This confirms that there are no outstanding issues in respect of archaeology and that appropriate mitigation can be secured through planning conditions.
- 8.5. As I have noted in my introduction, it is confirmed that within the statements of common ground that the Council have withdrawn their objection to the proposal and are of the opinion that the planning appeal should be allowed.
- 8.6. Notwithstanding I address in this section my consideration of the main issues identified in the Inspector's Post CMC note (CD 5.12).

### Main Issues

- 8.7. Issue 1 – The effect of the proposals upon the special interest of the following designated heritage assets:
- a. Grade I listed Clumber Park Registered Park and Garden National Heritage List Entry (NHLE)1001079
  - b. Grade I listed Thoresby Park Registered Park and Garden National Heritage List Entry NHLE 1000361
  - c. Grade II\* listed Gate Piers and Flanking Walls to Normanton Gate NHLE 1156026
  - d. Grade II listed Drayton Gate NHLE 1045058
  - e. Grade II listed West Bridge NHLE 1370411 and Scheduled Monument 1006400

8.8. Issue 2 – The effect of the proposals upon the character and appearance of the wider area having regard to landscape and visual effects.

## **Issue 1 – The effect of the proposals upon the special interest of nearby designated heritage assets**

8.9. In respect of this matter I have regard to the evidence of Ms Jones and I note also the completion of the Heritage Statement of Common Ground (CD 9.3).

8.10. In overall terms, Ms Jones does not consider that there will be any significant impacts upon the special interest of the nearby heritage assets considered. It is common ground that where harm has been identified by either party, there would be no physical impact to any designated heritage asset, all impacts are associated with changes to elements of the setting of the heritage assets which contribute to their significance and any harm to heritage assets would be less than substantial.

8.11. Ms Jones considers that there will be no effect on three of the heritage assets, including Thoresby Park (Grade I RPG), Gate Piers and Flanking Walls to Normanton Gate (Grade II\* Listed Building), and West Bridge (Grade II Listed Building and Scheduled Monument).

8.12. It is the Council's view, expressed in the Statement of Common Ground that there would be harm to Normanton Gate (Grade II\* Listed Building), and West Bridge (Grade II Listed Building and Scheduled Monument) and that on their assessment this would be *"Less than substantial harm at the lower level as a result of changes to elements of its setting"*.

8.13. It is agreed that the two other heritage assets, Clumber Park (Grade I RPG) and Drayton Gate (Grade II\* Listed Building), could experience a degree of impact; however, it is considered that any such effect would be less than substantial at the low end of the spectrum and is outweighed by the considerable benefits of the proposed development

8.14. I consider the key local plan policy considerations for Issue 1 to arise from :

- Policy ST40 – The Historic Environment
- Policy ST41 – Designated and Non-Designated Heritage Assets

8.15. I note that the Planning Officer's (CD 2.3) report refers to the proposals being contrary to both Policy ST40 (The Historic Environment) and Policy 41 (Designated and Non-Designated Heritage Assets).

8.16. Within the Planning Officers report, they state the following:

***"Policy ST40 of the Bassetlaw Local Plan state that there will be presumption against development that will be detrimental to the significance of a heritage asset, proposed development affecting heritage assets, including alterations and extensions that are of an inappropriate scale, design or material, or which lead to the loss of important spaces, including infilling, will not be supported and the setting of an asset is an important aspect of its special architectural or historic interest and proposals that fail to preserve or enhance the setting of a heritage asset will not be supported."***

- 8.17. I disagree with the officer's characterisation of Policy ST40. The policy does not set out a presumption against development, nor does it state that proposals "*will not be supported*" where they affect heritage assets or their setting. Instead, ST40 is positively framed and expressly supports proposals that "*positively conserve*" the historic environment, including the historic designed landscape, through measures such as sensitive management, innovative design solutions, the re-use of assets, improved access, and appropriate regeneration opportunities. Policy ST40 does not require there to be no harm at all to heritage assets; were it to do so it would conflict with both Policy 41 and with the approach of the NPPF, which is to require any heritage harm arising to be weighed against the public benefits of the scheme.
- 8.18. In this context, I consider that while there is a degree of less than substantial harm to two assets, the appeal proposals have used sensitive and positive landscape design, seeking to conserve and indeed enhance elements of the historic landscape through the introduction of targeted screening and structural planting, particularly along the western and southern boundaries, in a historically sensitive manner. The proposals also include the reinstatement of the line of the historic avenue running from Normanton Gate and agricultural field patterns. This planting strategy reinforces the existing landscape framework, strengthens the containment of the site, and softens views towards the development from key vantage points. As a result, any impact on the two nearby listed buildings (Clumber Park (Grade I RPG) and Drayton Gate (Grade II\* Listed Building)) is limited to a less than substantial degree of harm.
- 8.19. Furthermore, owing to the location of the scheme, the intervening landform, and the established landscape and vegetation structure, it is considered that the remaining heritage assets in the vicinity would experience no effect from the proposals. Accordingly, the scheme is consistent with the overarching objectives of Policy ST40 to the extent they are directly relevant and represents a sensitive and policy-compliant approach to the conservation of the historic environment.
- 8.20. Following consultation on the amended appeal scheme, I am aware of the response of Historic England (CD 8.7 – 18 December 2025) which confirms their view that in light of the amendments made Historic England has no objection to the application on heritage grounds and that the application meets the requirements of the NPPF.
- 8.21. I note that a Historic Environment Desk Based Assessment was submitted with the planning application (CD 1.33). This was supplemented by a Heritage Note (CD 1.34 – dated 2 September 2024) commenting on the revised proposals submitted in the course of the application and a Heritage Addendum (CD 1.35 – dated 21 February 2025) responding to comments of consultees on heritage matters, together with the Proof of Ms Jones (CD 10.3).
- 8.22. Policy 41 outlines the following:
- "Proposals that will lead to substantial harm or total loss of significance will be refused unless the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss".***
- 8.23. It is agreed that the appeal scheme does not lead to substantial harm or total loss of significance. The policy further requires that proposals affecting heritage assets should conserve, enhance, or better reveal elements that contribute to their significance, respect features of special architectural or historic interest, and be sympathetic in terms of siting, scale, design, materials, and context. The proposals are sympathetic to the setting and

special interest of the heritage assets through sensitive siting, design, and landscape mitigation measures, including the retention and enhancement of existing planting.

8.24. I note that the third aspect of the policy states that:

***Proposals that result in less than substantial harm to the significance of a designated heritage asset will only be supported where it can be demonstrated that the public benefits will clearly outweigh any identified harm.***

8.25. I note that this third aspect of the policy is reflective of the policy set out in Paragraph 215 of the NPPF, which states that less than substantial harms should be weighed against the public benefits of a proposal.

8.26. As outlined in Ms Jones' Proof of Evidence, and as summarised above, where harm has been found to arise, this is of a less than substantial level. I consider that the public benefits provided by the proposal would clearly outweigh the assessed harm.

8.27. On this basis, the proposals are fully consistent with the aims of Policy 41, both in terms of avoiding substantial harm and ensuring any less than substantial harm is outweighed by public benefits.

8.28. Given the content of Ms Jones' evidence and the substantial benefits of the scheme, particularly in delivering renewable energy infrastructure to meet the pressing need, I consider that the proposals accord with both Policies ST40 and 41.

8.29. The LPA also outlined a number of paragraphs from the NPPF, which they considered relevant to the scheme and in conflict with the proposals.

8.30. Paragraphs 202, 207, 208, 210, 212, 213, 215, 219, and 220 of the NPPF collectively emphasise that heritage assets are irreplaceable resources that should be conserved in a manner appropriate to their significance, with assessments proportionate to the importance of the assets, consideration of their setting, and application of appropriate expertise, including consultation of historic environment records and, where necessary, archaeological evaluation. They further highlight that any harm to heritage assets should be clearly and convincingly justified, with substantial harm being exceptional or wholly exceptional depending on the asset, and that less than substantial harm should be weighed against public benefits, including enhancement of significance and contribution to local character.

8.31. In this case, as outlined in Ms Jones' Heritage Proof of Evidence, three heritage assets (Thoresby Park (Grade I RPG), Gate Piers and Flanking Walls to Normanton Gate (Grade II\* Listed Building), and West Bridge (Grade II Listed Building and Scheduled Monument)) would experience no harm from the proposals, while two Grade II\* assets (Clumber Park (Grade I RPG) and Drayton Gate (Grade II\* Listed Building)) would be affected by less than substantial harm at the lower end of the scale. The proposals incorporate sensitive design, siting, and landscaping measures, including targeted planting along the western boundary.

8.32. On archaeological matters, a Statement of Common Ground (CD 9.5) has been agreed between the LPA and the appellant, confirming that there are no outstanding issues in respect of archaeology and that appropriate mitigation can be secured through planning conditions. This approach accords with other appeal and Secretary of State decisions, including the at Great Wymondley, Hertfordshire (CD 6.25 – Appeal ref APP/X1925/V/23/3323321).

- 8.33. In light of these conclusions, I consider that the appeal proposals fully comply with the Framework policy in paragraphs 202, 207, 208, 210, 212, 213, 215, 219, and 220.
- 8.34. The LPA has also suggested that the proposals are contrary to Sections 66(1) and 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990. Section 66(1) requires that special regard be had to the desirability of preserving the setting of listed buildings, while Section 72(1) requires special attention to preserving or enhancing the character or appearance of a conservation area. There is no harm to any Conservation Area in this case, so section 72 is not engaged.
- 8.35. In light of the Council's agreed position as confirmed in the Heritage Statement of Common Ground, the degree of assessment and consideration given to the heritage effects of the proposal and the conclusion that the less than substantial harm being outweighed by public benefits, I conclude that the meets the legislative requirements referred to above. I have given special regard to the desirability of preserving the setting of listed buildings in my planning balance section below.

## **Issue 2 – The effect of the proposals upon the character and appearance of the wider area having regard to landscape and visual effects**

- 8.36. In respect of this issue, I have had regard to the evidence of Mr Cook on Landscape matters, in addition to the agreed positions set out in the Statements of Common Ground (CD 9.1 and CD 9.4).
- 8.37. Mr Cook has concluded that whilst there would be some limited adverse effects on landscape character and visual amenity, these would be highly localised and there are no substantive landscape character or visual amenity reasons from a landscape planning perspective for refusing planning permission.
- 8.38. The Landscape Statement of Common ground (CD9.4) confirms at paragraph 2.5 that *"On the basis of the revised landscaping plans submitted with the appeal, the Council no longer considers that the appeal should be refused on landscape grounds and accordingly withdraws this reason for refusal"*.
- 8.39. I consider the key Loal Plan policy considerations on this matter to arise from those policies listed in the Council's former reason for refusal, namely Policy ST8 – Rural Economic Growth and Economic Growth outside Employment Areas, Policy ST33 – Design Quality and Policy ST35: Landscape Character.

### Policy ST8 – Rural Economic Growth and Economic Growth outside Employment Areas

- 8.40. I note that although Policy ST8 is referred to in the landscape reason for refusal set out in the Committee Report (CD 2.3), it is not listed as a relevant policy in paragraph 5.2 of the report and is not referred to at any point other than in the reason for refusal.
- 8.41. I also note that Policy ST8 does not specifically refer to development related to energy generation and given that the Local Plan includes a specific policy for renewable energy, generation at Policy ST49, I do not consider that Policy ST8 is a primary policy for the determination of the appeal. Policy ST8 applies to proposals for growth of businesses in the rural area outside of allocated sites. I note that the LPA has not allocated any sites at all for

energy development – accordingly to the extent the policy is trying to control specific employment development sites outside of allocations it is not directly relevant here.

- 8.42. Nonetheless, the proposal has a commercial basis, will contribute to diversifying the rural economy and will result in economic benefits, through direct construction, employment and through the benefits of investment in the local and wider economy. The Government has also identified in the Clean Power 2030 Action Plan, which I have referred to at Section 7 above, how diversifying the energy sector and encouraging renewable energy generation will assist achieving energy security and reduce the cost of energy, to the benefit of consumers and business. Therefore I consider there are some positive synergies between the proposal and the objectives stated in Policy ST8.
- 8.43. The scale and character of the proposal is unsuited to an urban location and solar farms are commonly developed in rural areas. I note that it has been accepted in previous appeals that solar farms are typically located in rural areas, including at New Works, Telford (CD 6.8, SoS letter para 12), Steeraway, Telford (CD 6.11, paragraph 21) and at Halse Road, Greatworth, Northamptonshire, where the Inspector noted:
- “For solar farms there is an unavoidable and very strong locational driver of being able to connect to the national grid in an area with capacity to accept the connection. This is a fundamental driver for location, coupled with the need for a large area of land, which invariably drives such schemes into rural areas.”** (Core Document 6.20), paragraph 77)
- 8.44. I note that paragraph 6.4.4 of the supporting text of the Local Plan states:
- “Policy ST8 therefore supports new employment development that needs to be in the rural area as a result of operational and locational requirements.”**
- 8.45. That is the case here. Turning to the specific wording and criteria of Policy ST8, I note that the policy is positively couched, as being supportive of proposals which meet the stated criteria.
- 8.46. Criterion (a) relates to there being a proven need (a) for the development in terms of a business opportunity or operational requirements – as I have set out above in section 7, I have shown that there is an established and urgent need for additional renewable energy generation.
- 8.47. The main criterion of Policy relating to landscape effects of a proposal is criterion (e), which states that the local plan will support development which would have **“no adverse impact on the character of the location, the surrounding townscape or landscape, the form and character of the settlement or upon biodiversity and heritage assets.”**
- 8.48. I consider that whilst proposals having no adverse impact would benefit from the positive support of the policy, the policy does not dictate the refusal of proposals which would have an effect but that the impact is acceptable or suitably mitigated. As the policy is silent on this circumstance, refusal as a consequence of such impact would be counter to the presumption on favour of sustainable development in Paragraph 11 of the NPPF, as I consider that the impacts would not demonstrably outweigh the benefits of the proposal. In terms of landscape impacts, the NPPF at paragraph 187 also recognises a distinction between valued landscapes (which are to be protected) and other countryside (which is to be recognised). As is now agreed by the Council, the limited level of impact on landscape arising from the

proposal is acceptable, and I consider that there is no conflict with criterion (e) of Policy ST8, to the extent it is considered relevant to the proposal.

- 8.49. Criterion (f) relates to effects on transport and the highway network and criterion (g) relates to effects on residential amenity. As reflected in the Statements of Common Ground the scheme is acceptable in respect of these matters.
- 8.50. I note that the second part of policy ST8 expresses support for proposal which support the diversification of the rural economy. In bringing additional investment and rental income to the agricultural landowner, the proposal will generate an alternative income stream to complement the wider farm business.
- 8.51. Overall I conclude that Policy ST8 is not apt for the assessment of the proposal due to its focus on employment sites in rural areas outside of the local plan allocations, and there are no such allocations for solar farms which are inevitably located in rural areas in all cases. However, to the extent it is relevant, the proposal accords with policy ST8 of the Local Plan when read fairly and as a whole.

#### Policy ST33 – Design Quality

- 8.52. I note the Local Plan supporting text states that Policy ST33 sets out the key design objectives that are critical in delivering high quality places and spaces. I note that the design process adopted is set out in the Design and Access statement submitted with the planning application (CD 1.51). In addition, further design modifications and mitigation planting has been incorporated, both during the course of consideration of the planning application and subsequently as part of the appeal process.
- 8.53. Much of the detail of policy ST33 relates to built development within the settlements of the District and the high quality design standards which the Council seeks to apply to such development. However, I note that the proposal is appropriately designed commensurate with its function as a solar energy scheme. The landscape enhancements and mitigations referred to by Mr Cook enable the proposal to integrate into the landscape.
- 8.54. The proposal also meets the sustainable aspects of the design policy in terms of providing renewable energy technology, ensuring suitable flood mitigation and drainage and being acceptable in terms of sustainable transport and access requirements and not generating unacceptable highways impacts. These points are reflected in the responses of statutory consultees and Statement of Common Ground (CD 9.4).
- 8.55. I conclude that the proposal meets the requirements of Policy ST33.

#### Policy ST35: Landscape Character

- 8.56. Policy ST35 is a positive policy which supports development which protects and where possible enhances the distinctive qualities of the relevant landscape character policy zone, as identified in the Bassetlaw Landscape Character Assessment 2009, by conserving, restoring, reinforcing or creating relevant landscape forms and features.
- 8.57. The original LVIA and Mr Cooks evidence has addressed the character assessment and the implications of the proposal. It has been concluded by Mr Cook that the effects on landscape character are very limited and highly localised.



- 8.58. This conclusion that the proposal is acceptable in terms of landscape character is reflected in the agreed Landscape Statement of Common Ground (CD 9.4) and I note that the Council no longer object to the proposal in respect of Landscape Character effects.
- 8.59. I consider the other aspects of the policy which address developments relating to local plan allocations and proposals in edge of settlement locations are not relevant to the appeal proposal.
- 8.60. I therefore conclude that the proposal accords with Local Plan Policy ST35.

## 9. Planning Policy Assessment

### Local Plan Policy considerations

9.1. I have considered the relevant policies of the development plan and National Policy as they relate to the main issues in my section 7 above.

9.2. I have noted the other relevant Local Plan policies, as listed in the committee report (CD 2.3) and the Statement of Common Ground (CD 9.1).

9.3. I note that there is much within the Local Plan which is relevant to the overall principle of the development. The context chapter of the plan sets out the Council's Green agenda, starting at Paragraph 3.30, which confirms the Council's position that

***"Fundamental to the role of spatial planning is the delivery of sustainable development and the promotion of development that maximises resource efficiency and the use of more sustainable forms of energy. Climate change presents probably the biggest challenge to the delivery of sustainable development not only in this Plan's lifetime but in the longer term as well. But, the District is well-placed to address these challenges."***

9.4. The plan notes at paragraph 3.31 that ***"The capacity for renewable energy and low carbon technologies in the District is increasing"*** and ***"solar panels on roofs or as a large scale mounted solar farms are now more prominent in the District"***.

9.5. Paragraph 3.32 notes that Battery Storage ***"can positively work towards the decarbonisation of the electricity sector and therefore reduce environmental impact."***

9.6. The potential benefits of new renewable energy development schemes are recognised within the vision section of the Local Plan, at paragraph 4.5, which notes that:

***"A secure, reliable, affordable net zero and low carbon energy mix will be helping to reduce locally produced greenhouse gas emissions. Significant new renewable energy infrastructure will make meaningful contributions across the District, in part through maximising opportunities for net zero energy generation at the former power station sites, whilst the increasing provision of localised renewable and low carbon technologies will better enable residents and businesses to transition to a net zero carbon district by 2050."***

9.7. Objective 11 of the local plan states:

***"To support Bassetlaw's transition to a net zero carbon District through the efficient use of resources, careful location and design of new development, the use of sustainable construction methods, whilst increasing resilience to impacts from climate change, through; tree planting, reducing exposure to flood risk, promoting energy and water efficiency, integrated water management and by minimising waste generation; whilst maximising opportunities to generate and use a vibrant mix of renewable energy, zero carbon and other alternative technologies I consider of relevance is Policy."***

9.8. Paragraph 6.1.4 recognises renewable energy and low carbon energy production as being an identified growth sector which the District can play a role in developing.

- 9.9. Section 10.2 of the Local Plan specifically addresses Renewable Energy Generation. It is recognised at paragraph 10.2.1 that ***“Strategic planning policy can contribute towards this commitment by positively supporting forms of renewable energy developments in the District over the plan period.”***
- 9.10. Paragraph 10.2.7 states:
- “Large scale ground mounted proposals for solar farms are capable of contributing substantially to total solar power generation nationally, and the District is currently experiencing an increase in interest for such schemes, particularly in the countryside. This has the potential for adverse impacts, so in accordance with the UK Solar Photovoltaics Strategy<sup>8,9</sup>, the preference is for future expansion of solar photovoltaics to be on commercial and industrial roof-space. Nevertheless, large scale ground mounted proposals may be acceptable subject to meeting the criteria in Policy ST49”.***
- 9.11. Consequently I consider that **Policy ST49** is the key determinative policy of the local plan in respect of the appeal proposal. I note that this policy was not referred to in any of the Council’s now withdrawn putative reasons for refusals. Article 35 of the DMPO requires the Council in refusing any application in the notice to state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision. Accordingly, even at the time of determination, it must be concluded that the Council accepted the proposal would comply with ST49.
- 9.12. The policy is supportive of development that generates low carbon renewable energy, subject to satisfactory resolution of all relevant site specific and cumulative impacts upon the factors set out in the criteria of the policy. I briefly consider each of these criteria below:
- a) location, setting and position in the wider landscape, resulting from its siting and scale;
- 9.13. As noted above with reference to Mr Cook’s evidence and the submitted LVIA, and as considered above under the Main issue 2, it has been demonstrated that the landscape implications of the proposal are acceptable and the scale and siting of the scheme is appropriate.
- b) natural and heritage assets and their settings;
- 9.14. As I have noted with reference to Ms Jones evidence, the heritage considerations and effects of the scheme are at a low level and outweighed by the public benefits, and this has been agreed with the Council in Common Ground (CD 9.3).
- 9.15. With reference to the other criteria of the policy, I note that there are no technical objections in respect of the matters covered and the Council have no objection in regard to:
- c) air and water quality;
- d) hydrology and hydrogeology;
- e) the best and most versatile agricultural land;
- f) existing highway capacity and highway safety;

g) noise, light, glare, smell, dust, emissions or flicker;

h) aviation and radar;

i) recreation and local amenity

9.16. Overall, I conclude that the principle of the development accords with the context, vision and objectives of the Local Plan, to encourage the development of renewable energy, meet the challenge of climate change, and assist in providing energy security. I also consider that the detail of the proposal accords with and gains support from Policy ST49 and the criteria of that policy.

9.17. My conclusions in respect of other Development Plan policies in relation to other matters are set out in the table at Appendix 2.

#### **National Planning Policy considerations**

9.18. I acknowledge that NPPF is a material consideration in the determination of planning applications and appeals and I have set out a number of relevant sections of the Framework above.

9.19. I note the thrust of the Framework in encouraging sustainable development in meeting social, economic and environmental objectives. I have also referred to the relevant aspects of the Framework relating to renewable energy and climate change, including paragraph 168, which recognises the need for such development and that significant weight should be given to the benefits of renewable and low carbon energy generation. I would note that this is not an upper limit on the weight and I address this further with reference to recent appeal decisions in my consideration of the planning balance in section 11 below.

9.20. I have also referred to the relevant sections of the Framework in relation to considering the effects of development on heritage assets. I have noted the relevance of paragraph 212 and the need to accord great weight to a heritage asset's conservation and paragraph 215 relating to less than substantial harm to heritage assets being weighed against public benefits. As noted in respect of Main Issue 1, it has been shown on behalf of the Appellant and accepted by the Council that the less than substantial harm at the lower end of the scale is outweighed by the very significant public benefits of the scheme.

9.21. Overall, I consider that the proposal is in accordance with the policy of the Framework.

In summary I consider that the proposal accords with development plan as a whole and national planning policy.

## 10. Third Party Comments

- 10.1. I note that a number of matters have been variously raised in representations on the Planning Application. These comments were summarised in the planning officers report. I set out the main themes arising from these comments and the Appellants response in Appendix 3.
- 10.2. I conclude that the matters raised by 3rd parties do not raise issues which are not already addressed in aspects of my evidence above and in the issues covered in the SoCG. I consider that no issues have been raised by 3rd parties which would lead to the conclusion that the appeal should be dismissed.

## 11. The Overall Planning Balance, Summary and Conclusions

11.1. In this section I explain how I believe the decision maker should approach the determination of this Appeal, before going on to identify any material considerations that need to be weighed in the overall planning balance.

### The Decision-Making Framework

11.2. The starting point for the determination of this appeal is the Development Plan. The planning system is “plan led” and planning law required that applications for planning permission must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

11.3. Before reaching a conclusion on this matter I turn to consider whether there are material planning considerations which clearly outweigh any potential harm resulting from the Appeal Scheme.

### Material Considerations and Weight

11.4. In considering the weight that should be afforded to each consideration in the overall planning balance, I apply the following scale:

- Substantial
- Significant
- Moderate
- Limited

11.5. Such weight may also be regarded ‘positive’ as a benefit, ‘adverse’ as harm, or where applicable of ‘neutral’ effect.

11.6. Set out below is an assessment of each of these material considerations followed by a conclusion on whether the benefits outweigh any adverse impacts identified when taken as a whole.

#### Material Considerations weighting in favour of the Appeal Scheme

##### The Need for Renewable Energy Generation

11.7. The Appeal scheme would have an export capacity of up to 40 MW, sufficient to meet the energy needs of nearly 15,500 homes.

11.8. As explained above, there is an urgent and compelling need for this development and very strong policy support for solar development to help increase the supply of renewable energy.

- 11.9. The NPPF says that local plans should provide a positive strategy for energy that maximises the potential for suitable development and that plans should consider identifying suitable areas for renewable energy schemes.
- 11.10. In reviewing appeal decisions, I note that there is very clearly a consistent approach from the Secretary of State and appointed Inspectors in determining solar farm appeals over the last 2 years that either ‘substantial’ or ‘significant’ weight should be given to this benefit. This approach accords with the range of information stressing the urgent and significant need for additional renewable energy generation which I have set out in section 7 above.
- 11.11. Further, the suite of NPS’s, where EN-1 states that the government has demonstrated that there is a need for those parts of infrastructure which is urgent (which includes solar as part of the new electricity generating plants needed) and that, in addition, **substantial weight** should be given to this need in determining applications for development consent under the Planning Act 2008. Whilst I accept that this policy statement applies to NSIP projects, the policies in the NPS are capable of being a material consideration in determining this Appeal and, given their direct relevance to the Appeal Scheme, which is only 10MW under the threshold, should in my opinion carry substantial weight in the determination of this appeal.
- 11.12. As I have identified above, The Clean Power 2030 Action plan is the latest statement of policy from the new Government, published in December 2024. This includes an objective of creation of essential new energy industries as a key aspect of the overall economic growth plan, targeting specifically 45–47 GW of solar power and introducing flexible capacity including 23–27 GW of battery capacity.
- 11.13. I also note that the Planning Officers Report (CD 2.3) confirms that *“the proposed development would support the need for providing clean and renewable energy and the increasing reliance on renewable energy forms by providing a quick and flexible back-up energy source to the Grid at times of high demand, contributing to ensuring a reliable energy supply to the Grid. There is a clear and pressing need for renewable energy developments to assist in meeting net zero targets, and with that, a clear need for supporting infrastructure such as Solar Farms and Battery Energy Storage Systems.”*
- 11.14. Taking all the above into account, I am of the opinion that, due to the imperative to deliver renewable energy schemes which can assist in decarbonising the UK’s electricity supply, that the benefit of a 40MW solar farm’s renewable energy generation should be afforded **substantial** weight in determining this appeal.
- 11.15. I also note that the proposal incorporates a battery storage element with an export capacity of 20mw. This facility will not import energy from the grid, but will provide storage capacity for energy generated on site at times of higher solar generation, in order to provide additional flexibility for an operator to shift the time they export energy at times of the day when the solar generation is lower. It is clear from the Clean Power 2030 Action Plan (CD 4.24) and the Clean Flexibility Roadmap (CD4.27), both referred to above, that battery storage forms a critical element of the strategy for renewable energy, energy security and achieving net zero.

#### Climate Emergency

- 11.16. A national climate emergency was declared by the UK Parliament in May 2019 (CD 4.50).

- 11.17. Bassetlaw Council also declared a Climate Emergency in 2021.
- 11.18. Through the generation of renewable energy, I consider that the appeal scheme will contribute towards assessing these declarations of climate emergencies.
- 11.19. In part response to the climate emergency, the Council published a Climate Change Strategy (CD 4.74) (first published in October 2024) which recognises that action is required and outlines that the principal goal of this strategy is to decarbonise the Council's operations and District-wide emissions by 2030 and 2045, respectively.
- 11.20. At the Southlands, Runwell Appeal, I note that the inspector accorded significant weight in favour of the appeal to the issue of climate emergency (CD 6.36).
- 11.21. The Clean Power 2030 Action Plan (CD 4.24) is the latest statement of government underlining the objective of urgently delivering clean energy to limit our contribution to the damaging effects of climate change. The call to act with urgency adds to the weight which I consider would be accorded to the climate emergency.
- 11.22. By providing a positive, deliverable action on these statements of intent, I consider that the declaration of climate emergencies at both national and local level is a material consideration which should afford **significant** weight in the planning balance.

#### Energy Security

- 11.23. The Appeal Scheme 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. I have set out earlier in my Evidence in Section 7 a summary of the latest Government energy policy, notably in the British Energy Security Strategy published in 2022 and the Energy Security Plan published in March 2023.
- 11.24. I consider that energy security should be regarded as a material consideration in its own right, one which is separate to the generation of renewable energy per se. Renewable energy generation by virtue of its contribution to reducing carbon emissions and the drive to decarbonise the electricity system is a separate and distinct type of benefit i.e. there could be a security crisis without a climate crisis.
- 11.25. In this regard, I draw attention NPS EN-3 (CD 4.4) which, when setting the policy for Solar Photovoltaic Generation at Section 2.10, refers at paragraph 2.1.9 to solar playing a key part of the government's strategy for low-cost decarbonisation of the energy sector in the context of the net zero emission pathway to 2050; but then in a separate following paragraph 2.10.10 goes on to state that:
- 'Solar also has an important role in delivering the government's goals for greater energy independence ...' (underlining is my emphasis) (paragraph 2.10.10)***
- 11.26. At Cutlers Green Lane, Thaxted, the Inspector in allowing an appeal for a 40 MW solar farm in December 2023 afforded substantial weight to the contribution the development would make to a low carbon economy and the provision of low cost and secure energy (CD 6.21, paragraph 141). Similarly, in the cases of Hall Lane, Kemberton and Great Wheatley Farm the renewable energy benefit of the proposal in terms of its contribution towards energy security and resilience was afforded "substantial weight" (CD 6.23, paragraph 65 and CD

6.26, paragraph 47 respectively). The Southlands decision affords even greater weight energy security, whereby the Inspector states:

*"There is an urgent need for renewable energy to mitigate the climate emergency, achieve net zero targets and enable energy security and lower energy bills. Together with the other benefits set out above, these matters weigh very substantially in favour of the development." (Underlining is my emphasis) (CD 6.36, paragraph 111).*

- 11.27. Given the above policy statements, I am of the opinion that delivering energy security is both urgent and of critical importance to the country, and as such should be afforded **substantial** positive weight in the planning balance.

#### Grid Connection

- 11.28. It is well established that grid-connections are a scarce resource in the UK and represents a major barrier to the transition to net zero. The Energy Security Strategy 2023 (CD 4.6, page 50) explains that connections times are a very significant issue, with over 250GW of generation in the transmission queue. To put the scale of that connection queue into context, that is over 3 times the schemes currently connected into the grid of 80GW. As noted above project met Gate 2 criteria and has a phase 1 allocation meaning connection 2026–2030. I therefore conclude that the availability of a grid connection offer of up to 40MW for the Appeal Scheme is a significant benefit.

- 11.29. It is well documented that the national grid suffers capacity difficulties and limits suitable points of connection. It can take up to 10 years to create a new grid connection for larger scale renewable energy projects. The Appellant proposes connection to overhead cables, and the grid connection has been agreed.

- 11.30. EN 3 paras 2.10.22 to 2.10.25 (CD 4.4) acknowledges the capacity of the local grid network to accept the likely output from a proposed solar farm as being critical to the technical and commercial feasibility of a development proposal and that the connection voltage, availability of network capacity, and the distance from the solar farm to the existing network can have a significant effect on the commercial feasibility of a development proposal. Para 2.10.25 states that:

***"To maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs, applicants may choose a site based on nearby available grid export capacity."***

- 11.31. The scheme presents to utilise an early grid connection and that this will assist in fulfilling the objectives of the Clean Power 2030 Action Plan (CD 4.24). I attach at Appendix 4 recent correspondence confirming the outcome of the Grid Review and the availability of a grid connection for the appeal proposal in Phase 1 – 2026 to 2030.

- 11.32. The need to take up the opportunity for an early grid connection was recognised by the Planning Inspector in determining the appeal at Southlands, Runwell noting (CD 6.36, para 77):

*"It is therefore important, to meet the urgent need for solar energy, for capacity to be taken up where it is available and the prospect of an early connection for the appeal scheme is an important factor in its favour."*

11.33. In November 2024, the Inspector at Southlands (CD 6.36 paragraph 101) disagreed with the assessment of the appeal parties that moderate weight be applied to the available grid connection allowing an early contribution to legally binding targets for net zero. Instead, the Inspector accorded this significant weight, as a result of the urgency of need and the difficulties experienced in obtaining grid connections currently.

11.34. I attach **significant** positive weight to this consideration as a benefit of the Appeal Scheme.

#### Biodiversity Net Gain

11.35. The Statutory Biodiversity Metric (DEFRA, 2023) indicates the proposals will deliver a gain of 178.89% in habitat units and 247.99% gain in hedgerow units. The findings of the assessment are agreed by the Council in the Statement of Common Ground (CD 9.1). It is demonstrated therefore that the net gains achieved by the proposals significantly exceed mandatory requirement of 10%.

11.36. The proposals would therefore make an important contribution to addressing the ongoing ecological emergency. Such benefits could reasonably be secured by planning condition. The biodiversity net gain should be accorded **substantial** positive weight in the planning balance.

#### Soil Health

11.37. The extensive green infrastructure proposed for the Appeal Scheme, identified on revised Planting Plan 571\_PP\_01\_Rev C (CD 7.2 would serve to create a coherent landscape framework across the Appeal Site which would deliver a number of long-term environmental benefits.

11.38. Noting that soil health improves when arable land is converted to permanent pasture, with increases in soil organic matter, soil carbon and soil moisture, I include this soil improvement in the environmental benefits of the scheme.

11.39. I note that the inspector considering the proposal at Land at Harlow Road, near Roydon, Essex (CD 6.30 – APP/J1535/W/23/3334690) noted at paragraph 45 “**Likewise, it is credible resting fields from agricultural activity during the scheme’s life span would allow soil health to improve, up to decommissioning stage.**”.

11.40. I attach **moderate** positive weight to this consideration as a benefit of the Appeal Scheme.

#### Farm Diversification

11.41. The proposal will support the local economy through farm diversification, ensuring that decommissioning after the 40-year operational period will see the land returned to its current state.

11.42. I note that the NPPF confirms that planning decisions should enable the development and diversification of agricultural and other land based rural businesses. (CD 4.2, paragraph 88).

11.43. The National Farmers Union see renewable energy 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 (CD 4.61).

- 11.44. It is the Appellant's position that at a time when farming is becoming less and less viable and when farmers are beginning to rely upon innovative farm diversification schemes to support and compliment traditional farming practices, the rural economic benefits delivered by the proposal in terms of farm diversification should in itself be granted **moderate** positive weight.

#### Economic Benefits

- 11.45. Economic benefits arising from the scheme include the actual investment in the local economy, the rural diversification benefits, increased opportunities created through the construction, operation and decommissioning phases of the development and the business opportunities created for suppliers and installed involved in grid connection, transport and logistics of the project.
- 11.46. The Council acknowledges the economic benefits associated with the scheme. These include providing financial relief to households and businesses affected by rapidly rising energy costs, as well as generating employment opportunities during the construction, operation, and eventual decommissioning of the scheme. In addition, the proposals would contribute to the rural economy through farm diversification, offering the landowner an additional source of revenue.
- 11.47. I have identified that the Clean Power 2030 Action Plan (CD 4.24, pages 20, 43 and 44) identifies significant beneficial impact for businesses from clean power, including price stability, market certainty encouraging investment and job opportunity. The Action Plan places the clean energy industries as a priority growth sector as part of the Government's Industrial Strategy. Clean energy is noted as creating employment and delivering price stability with is crucial for businesses.
- 11.48. At Bramley, I note that the Inspector afforded 'significant' weight to economic benefits associated with that solar farm scheme (CD 6.7 paragraph 79), whereas at Copse Lodge, Greatworth, the Inspector gave 'moderate' weight to the temporary construction jobs and longer-term business rate benefits (CD 6.20, paragraph 124).
- 11.49. It is considered that the full range of economic benefits associated with the development need to be considered as part of the planning balance, carrying **moderate** positive weight.

#### **Material Considerations which are harms**

##### Effect on Heritage Assets

- 11.50. In terms of heritage assets, Ms Jones' explains the proposals effect, in particular to the associated listed buildings. The indirect effects assessed are assessed as less than substantial harm and it is my opinion that they are outweighed by the public benefits of the Appeal Scheme described above.
- 11.51. With regard to the weight that should be afforded to the 'less than substantial harm' to the significance of designated heritage assets, I have had regard to NPPF paragraph 212 the great weight should be given to the assets' conservation (the more important the asset, the greater the weight should be).
- 11.52. I have also had regard to Case Law in **Palmer vs Herefordshire Council & Anor [2016] EWCA Civ 1061** (Core Document CD 6.59, Paragraph 34) where it is noted that "**The duty to**

***accord "considerable weight" to the desirability of avoiding harm does not mean that any harm, however slight, must outweigh any benefit, however great, or that all harms must be treated as having equal weight."***

- 11.53. I acknowledge that Clumber Park (Grade I) and Drayton Gates (Grade II\*) are assets of the highest significance in terms of the NPPF, and I have taken that in consideration when considering the weight to be ascribed to the impacts overall. However, given that the level of harm would be at the low end of the spectrum, as agreed in the SoCG (Core Document 9.4, paragraph 2.3), I consider that the weight in the planning balance afforded to effect on designated heritage assets should be afforded **limited** adverse weight. That accords with the approach of Inspector Partington at **Burcot** (CD 6.43) (a case where I gave the planning evidence), who gave limited weight to the impacts on a Grade I Registered Park and Garden and a Conservation Area in circumstances where the parties were agreed that the harm was "lower level" less than substantial (see paragraphs 72 to 74 and paragraph 96).

#### Effect on Landscape Character and Visual Amenity

- 11.54. I have referred to the evidence of Mr Cook in relation to landscape matters. In my consideration, I have noted Mr Cook's overall conclusion that whilst there would be some limited adverse effects on landscape character and visual amenity, these would be localised. Those impacts have been mitigated and minimised as far as practicable.
- 11.55. The appeal scheme has a proposed operational lifespan of 40 years, and that at the end of this period the appeal scheme would be decommissioned, the equipment removed from the site and the restored site would then continue in agricultural use. The appeal scheme is therefore considered to be a temporary development.
- 11.56. Whilst I acknowledge that the duration of 40 years is a significant period of time, it is nevertheless not permanent and will be reversible when the planning permission expires. This is in notable contrast to many other forms of development, such as housing or commercial buildings, where such development would be a form of built development that would endure in perpetuity.
- 11.57. Having regard to all the foregoing, and given Mr Cook's evidence on the nature and extent of landscape and visual effects in which he concludes that landscape effects would be limited and localised. I am also cognisant of the longer term positive effects of the proposal in terms of the landscape enhancements which will endure beyond the decommissioning of the built aspects of the proposal. There would be no significant adverse effects in terms of landscape character of the site itself and the immediate environs and no change to the character of the wider area. I consider that these matters should be afforded **limited** adverse weight. Again, that accords with the approach of the Inspector at **Burcot**, who found that in circumstances where there would be a "moderate adverse effect upon the landscape character of the appeal site and its immediate environs and that the visual impact of the proposed scheme would be limited and localised", limited weight should be afforded to those impacts in the planning balance (see paragraphs 75 to 81 and 96).

#### **Material Considerations which are Neutral**

- 11.58. I consider that the following matters carry neutral weight in the planning balance:
- Archaeology – A note on archaeological matters is appended to the evidence of Ms Jones. In addition, a Statement of Common Ground (CD 9.5) on archaeological

matters has been agreed between the appellant and the LPA. This confirms that there are no outstanding issues in respect of archaeology and that appropriate mitigation can be secured through planning conditions.

- Flood Risk and Drainage – there is no objection to the proposals from the relevant statutory consultees in relation to flood risk and drainage and subject to the inclusion of appropriate conditions, the Council have no objection to the appeal on flood risk or drainage grounds
- Access and Transport – On the basis of the information provided it is accepted that the access, subject to the proposed improvements and mitigation measures, will be acceptable to serve the site during the construction phase. Minimal movements will occur during the operational phase, as with the existing junction. Additionally, compensation will be secured following the determination of the appeal for the removal of highway trees. On this basis the Local Highways Authority has raised no objections.
- Noise – A noise impact assessment submitted in support of the planning application has confirmed no noise impacts from the proposal and there are no technical objections in respect of noise.
- Arboriculture – I note that the Council’s Tree Officer has raised no objection to the appeal proposals, acknowledging that any tree loss within the scheme is minimal.
- Agricultural Land – the Agricultural Land Classification report has confirmed that the land is grade 3b and not best and most versatile agricultural land.
- Residential Amenity – I consider that there would not be unacceptable visual effects to private residential properties; from potential glint and glare; nor noise or air emission effects arising from the appeal scheme. Construction activities can also be controlled through condition, such as a Construction Environmental Management Plan, should this appeal succeed and be considered necessary by the Planning Inspector.
- Fire Safety and Hazards – I note the Nottinghamshire Fire & Rescue Service raised no objection to the proposals and advised that the LPA may seek to utilise a well worded planning condition to ensure once the final scope of the development is known, such as the exact technology to be purchased, this can be jointly agreed by relevant parties prior to commencement.

## Overall Conclusions

11.59. I have assessed the proposals indicative reasons for refusal, relevant planning policy and other material considerations. Having examined the benefits outlined above, and also the limited harm to Landscape character and appearance of the wider area, and the effect on heritage assets, I consider that substantial benefits arise from the proposed scheme that outweigh the limited harm identified.

11.60. I have assessed the relevant policy and have concluded that the proposals accord with both Local and National planning policy. I have also identified that there are material considerations that weigh in favour of granting planning permission, and that there are no

material considerations which indicate planning permission should be refused. In light of the above assessment, is it my firm view that this appeal should be allowed and planning permission granted.

## Planning Balance Summary Table

Material Considerations which are Benefits	Weight (Positive)
Renewable energy generation and reduction in carbon emissions	<b>Substantial</b> Positive Weight
Climate emergency	<b>Significant</b> Positive Weight
Energy Security	<b>Substantial</b> Positive Weight
Grid Connection	<b>Significant</b> Positive Weight
Biodiversity Net Gain	<b>Substantial</b> Positive Weight
Soil health	<b>Moderate</b> Positive Weight
Farm Diversification	<b>Moderate</b> Positive Weight
Economic Benefits	<b>Moderate</b> Positive Weight
Material Considerations which are Neutral	Weight (Neutral)
Archaeology	<b>Neutral Weight</b>
Flood Risk and Drainage	
Access and Transport	
Noise	
Arboriculture	
Agricultural Land	
Residential Amenity	
Fire Safety and Hazards	



Material Considerations which are Adverse	Weight (Adverse)
Effect on Heritage Assets	<b>Limited</b> Adverse Weight
Effect on Landscape Character and Visual Amenity	<b>Limited</b> Adverse Weight



## 12. Planning Conditions

- 12.1. I am of the opinion that appropriate control over the form of the proposed development can be achieved through the imposition of planning conditions.
- 12.2. A set of conditions on a without prejudice basis is in the process of being agreed with LPA.

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

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