

# Summary 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

Author: Nigel Cussen

---





## Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
V1	23/12/25	NC	NC	final



# Contents.

1. Personal Background.....	3
2. Introduction.....	3
3. The Appeal Site and its Surroundings, The Appeal Proposals and Planning History .....	5
4. Planning Policy Framework.....	5
The Development Plan.....	5
Bassetlaw District Council Climate Change Strategy 2024.....	6
National Policy and Guidance .....	6
5. Need for the development.....	7
UK Legislation and Policy .....	7
6. Case of the Appellant .....	8
Main Issues.....	8
Issue 1 – The effect of the proposals upon the special interest of nearby designated heritage assets.....	9
Issue 2 – The effect of the proposals upon the character and appearance of the wider area having regard to landscape and visual effects.....	10
7. Planning Policy Assessment.....	11
8. Third Party Comments .....	12
9. The Overall Planning Balance, Summary and Conclusions .....	12
The Decision-Making Framework .....	13
Material Considerations and Weight.....	13
Overall Conclusions .....	18
Planning Balance Summary Table.....	18
10. Planning Conditions.....	19

## 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.

# 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. I refer in my evidence to the following statements of common ground which have been agreed between the Appellant and the Council.

- Main Statement of Common Ground agreed on 5th November 2025 (CD 9.1).
- Statement of Common Ground on Archaeological Matters (CD 9.5)
- Landscape Statement of Common Ground (CD9.4)
- Heritage Statement of Common Ground (CD9.3).
- Supplemental Planning Statement of Common Ground (CD 9.2)

2.6. The statements also outline the revisions to the appeal proposals which I comment on further in my evidence. It is agreed between the parties that parties wishing to comment on the amended 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

2.7. In light of the matters set out in the above statements, it is confirmed in the Supplemental Planning SoCG that all three of the putative reasons for refusal are now formally withdrawn. confirms the revisions proposed to the appeal scheme and consultation undertaken.

2.8. 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.

2.9. 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 assts:
  - 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.

2.10. I address issues 1 and 2 in section 8 of my evidence below.

2.11. 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.

2.12. 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.

2.13. 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, The Appeal Proposals and Planning History**

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). I refer to this in association with the Appellant's Design and Access Statement (CD 1.51) and Mr Cook's evidence, where he provides comment on the site and surrounding, as context to the landscape considerations.

3.2. 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.

3.3. Section 4 of my evidence confirms the appeal proposals and notes these are to form the basis of the scheme for determination.

3.4. At section 5, I refer to the agreed planning history which is limited to the screening application and decision, which confirms the appeal proposal is not EIA development (Application 20/00853/SCR – CD 2.1).

### **4. Planning Policy Framework**

4.1. In section 6 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**

4.2. 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)

- 4.3. Relevant Local Plan policies are identified in the SoCG (CD 9.1).
- 4.4. 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**

- 4.5. 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.
- 4.6. 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**

- 4.7. 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)
- 4.8. Where necessary I also refer to some of the following key aspects of the background legal and policy context.
- 4.9. I note that on 16<sup>th</sup> December 2025 the Government published a revised NPPF for consultation purposes (CD 4.74). 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 3 a summary of the main aspects of the Draft Framework which I consider to be of particular relevance to the appeal.

## 5. Need for the development

5.1. At section 7 of my evidence I outline the urgent and substantial need for the proposed development. 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. In my evidence I refer to the following in addition to the policy referred to above.

### UK Legislation and Policy

- 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)

### Summary

5.2. 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.

- 5.3. 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.
- 5.4. 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.
- 5.5. 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. This complements national planning policy in the NPPF (CD4.2), the NPPG (CD 4.28) and the NPS documents EN-1 (CD 4.3) and EN-3 (CD 4.4).

## 6. Case of the Appellant

- 6.1. 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.
- 6.2. 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.
- 6.3. 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.
- 6.4. 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

- 6.5. 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

6.6. 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**

6.7. 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).

6.8. 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.

6.9. 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).

6.10. 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"*.

6.11. 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

6.12. 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

6.13. In light of Ms Jones' evidence, I have concluded that the proposal 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.

6.14. 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.

- 6.15. I have also concluded that 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.
- 6.16. 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.
- 6.17. The LPA also outlined a number of paragraphs from the NPPF, which they considered relevant to the scheme and in conflict with the proposals, these being Paragraphs 202, 207, 208, 210, 212, 213, 215, 219, and 220.
- 6.18. I note however the Council's revised position on heritage matters and that the reasons for refusal are withdrawn I conclude that appeal proposals fully comply with the Framework on heritage matters.
- 6.19. 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.
- 6.20. 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**

- 6.21. 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).
- 6.22. 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.
- 6.23. 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"*.
- 6.24. 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

- 6.25. For the reasons detailed in my evidence, 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

- 6.26. 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.
- 6.27. 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.
- 6.28. The proposal also meets the sustainable aspects of the design policy regarding providing renewable energy technology, flood mitigation and drainage sustainable transport and access and highways impacts. These points are reflected in the responses of statutory consultees and Statement of Common Ground (CD 9.4).
- 6.29. I conclude that the proposal meets the requirements of Policy ST33.

Policy ST35: Landscape Character

- 6.30. It has been concluded by Mr Cook that the effects on landscape character are very limited and highly localised.
- 6.31. 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.
- 6.32. I therefore conclude that the proposal accords with Local Plan Policy ST35.

## **7. Planning Policy Assessment**

### **Local Plan Policy considerations**

- 7.1. I have considered the relevant policies of the development plan and National Policy as they relate to the main issues in my section 7.
- 7.2. I have reviewed the vision and objectives of the local plan and I note in my evidence that there is much within the Local Plan which is relevant to the overall principle of the development and

- 7.3. 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.
- 7.4. 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 in my evidence and conclude overall 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.
- 7.5. 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**

- 7.6. 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 in my evidence.
- 7.7. Overall, I consider that the proposal is in accordance with the policy of the Framework.
- 7.8. In summary I consider that the proposal accords with development plan as a whole and national planning policy.

## **8. Third Party Comments**

- 8.1. 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.
- 8.2. 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.

## **9. The Overall Planning Balance, Summary and Conclusions**

- 9.1. 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

- 9.2. 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.
- 9.3. 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

- 9.4. 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
- 9.5. Such weight may also be regarded ‘positive’ as a benefit, ‘adverse’ as harm, or where applicable of ‘neutral’ effect.
- 9.6. 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

- 9.7. The Appeal scheme would have an export capacity of up to 40 MW, sufficient to meet the energy needs of nearly 15,500 homes.
- 9.8. 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.
- 9.9. 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.
- 9.10. 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.

- 9.11. 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.”*
- 9.12. 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.
- 9.13. 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
- 9.14. A national climate emergency was declared by the UK Parliament in May 2019 (CD 4.50).
- 9.15. Bassetlaw Council also declared a Climate Emergency in 2021.
- 9.16. Through the generation of renewable energy, I consider that the appeal scheme will contribute towards assessing these declarations of climate emergencies.
- 9.17. 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.
- 9.18. 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).
- 9.19. 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.
- 9.20. 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

9.21. 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.

9.22. 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.

9.23. 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

9.24. 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.

9.25. 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.

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

#### Biodiversity Net Gain

9.27. 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%.

9.28. 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

9.29. 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.

9.30. 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.

9.31. 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.**”.

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

#### Farm Diversification

9.33. 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.

9.34. 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).

9.35. 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).

9.36. 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

9.37. 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.

9.38. 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.

9.39. 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

9.40. 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.

- 9.41. 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).
- 9.42. 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."*
- 9.43. 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

- 9.44. 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.
- 9.45. The appeal scheme is considered to be a temporary development.
- 9.46. 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 other appeals.

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

- 9.47. 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

- Access and Transport
- Noise
- Arboriculture
- Agricultural Land
- Residential Amenity
- Fire Safety and Hazards

## Overall Conclusions

9.48. 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.

9.49. 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, it is 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
<b>Material Considerations which are Neutral</b>	<b>Weight (Neutral)</b>
Archaeology	<b>Neutral</b> Weight
Flood Risk and Drainage	
Access and Transport	
Noise	
Arboriculture	
Agricultural Land	
Residential Amenity	
Fire Safety and Hazards	
<b>Material Considerations which are Adverse</b>	<b>Weight (Adverse)</b>
Effect on Heritage Assets	<b>Limited</b> Adverse Weight
Effect on Landscape Character and Visual Amenity	<b>Limited</b> Adverse Weight

## 10. Planning Conditions

- 10.1. I am of the opinion that appropriate control over the form of the proposed development can be achieved through the imposition of planning conditions.
- 10.2. 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

**Leeds**

5th Floor (East), Capitol, Russell Street,  
Leeds. LS1 5SP  
T 0113 2878200  
E [Leeds@pegasusgroup.co.uk](mailto:Leeds@pegasusgroup.co.uk)  
Offices throughout the UK

# Expertly Done.

DESIGN | ECONOMICS | ENVIRONMENT | HERITAGE | LAND & PROPERTY | PLANNING | TRANSPORT & INFRASTRUCTURE

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales.

Registered office: 33 Sheep Street, Cirencester, GL7 1RQ  
We are ISO certified 9001, 14001, 45001



[Pegasus\\_Group](#)



[pegasusgroup](#)



[Pegasus\\_Group](#)

**PEGASUSGROUP.CO.UK**