



**APPEAL AGAINST NON-DETERMINATION OF PLANNING APPLICATION REFERENCE
24/00384/FUL**

for

**THE INSTALLATION AND OPERATION OF A SOLAR FARM
AND BATTERY ENERGY STORAGE SYSTEM (OUTPUT UP TO 40MW)**

on

LAND ADJACENT TO THE A614, WORKSOP, NOTTINGHAMSHIRE

PLANNING INSPECTORATE REF: APP/A3010/W/25/3367817

**COMMENTS ON
PLANNING AUTHORITY'S STATEMENT OF CASE
AND THIRD PARTY CORRESPONDENCE**



1 Introduction

- 1.1 We refer to the Statement of Case prepared by Bassetlaw District Council as the Local Planning Authority (LPA) in respect of appeal reference APP/A3010/W/25/3367817, and the Minutes from the Planning Committee of 16 July 2025 which are to be read in conjunction with that, and wish to comment on the following points raised:
- the documents on which the appeal should be determined;
 - how the site is described;
 - assessment of impact on heritage assets;
 - assessment of impact on the character and appearance of the local area generally;
 - agricultural land classification;
 - need for Draft Written Scheme of Investigation for archaeological trenching; and
 - erroneous legislative and policy references.
- 1.2 Each of these is addressed below.
- 1.3 In doing this, it is understood that the underlying reasoning for the conclusions reached in the LPA's Statement of Case is per the report that was considered at the Planning Committee meeting of 16 July 2025 (the Committee Report), and that this should be read alongside the Minutes from that meeting and the LPA's Statement of Case. Thus, in addressing the points above, reference is also made to the Committee Report where relevant, with issues identified with a number of statements made in that which in turn undermine the conclusions reached by the LPA in the Statement of Case overall.
- 1.4 Lastly, we also refer to the Planning Inspectorate's letter of 1 August 2025 enclosing a copy of third-party correspondence in respect of appeal reference APP/A3010/W/25/3367817, and inviting any comments on points raised to be submitted by 14 August 2025. It is noted that the only third-party representation received is from the National Trust, with this relating specifically to the Visibility Assessment undertaken by the Council's Conservation officer on the 12 March 2025 (submitted with the Conservation Officer's updated response to the application dated 25 March 2025), and the LVA Review dated March 2025 by Wynne-Williams Associates prepared for Bassetlaw District Council. However, this is not considered to raise any points that have not already been addressed in the applicant's previous submissions, in particular the applicant's notes on the LVA Review (submitted on 20 March 2025), and so no further comments are made on this at this time.



2 Documents on which appeal should be determined

2.1 Section 2.2 of the LPA's Statement of Case lists the application documents. However, the following documents submitted by the applicant to the LPA are missing from this:

- the applicant's response to Natural England's request for further information regarding the potential for construction and operational impacts of the proposed solar farm on Clumber Park SSSI and its ecological receptors (submitted 30 May 2024);
- the applicant's notes on the LVA review 17.03.25 (submitted on 20 March 2025);
- the applicant's note on solar farm benefits (20250328) (submitted on 28 March 2025); and
- the ALC Survey Report (MARCH 2025_Final) (submitted on 14 April 2025, superseding the ALC Survey Report (February 2024) submitted on 3 April 2024).

2.2 The lack of reference to the above documents is particularly concerning, as these address at least some of the concerns raised by the LPA, as set out in the applicant's statement of case, and it is therefore imperative that these are taken into account when the appeal is determined.

2.3 For the avoidance of doubt, the above documents have all been included in the documents submitted by the applicant, and cited in the list of documents submitted with the appeal provided at Appendix One of the Applicant's Statement of Case.

3 Description of site

3.1 Paragraph 3.1 of the LPA's Statement of Case describes the site as being within the immediate setting of both the grade I listed 'Clumber Park' Registered Park and Garden, and the grade I listed 'Thoresby Park' Registered Park and Garden. It should though be noted that, as set out in the Applicant's Historic Environment Desk-Based Assessment (HEDBA) (Report ref: 22200, dated March 2024):

- Clumber Park is located approximately 50m to the west of the site, on the other side of the A614. And, while it is recognised that the site is within the setting of Clumber Park, it is not considered to make a meaningful contribution to the heritage significance of this; and



- Thoresby Park is located approximately 250m to the south-west of the site, with intervening vegetation between the two, such that the site does not allow an appreciation of the heritage significance of this.

3.2 Paragraph 3.2 of the LPA's Statement of Case notes that the site boundaries are primarily comprised of mature trees and hedgerows, but then describes this as being *"as one would expect of an area of open rural countryside"*. However, rather than being 'open', the mature trees and hedgerows mean that the site is effectively enclosed. And, whereas it goes on to state that the site contributes to the open rural countryside setting of both Clumber Park and Thoresby Park, it should be noted that:

- while the site currently comprises modern agricultural fields, the historic setting would have been quite different, as set out in the applicant's HEDBA and the Addendum to that. Specifically, a 1774 county map of Nottinghamshire shows the site to be part of a wooded area surrounding Clumber Park, with successive Ordnance Survey mapping dating to the nineteenth and twentieth centuries showing the removal and remodelling of hedges and field boundaries of a post-medieval field system into the modern agricultural landscape within which the site sits. The character and appearance of the site now is therefore clearly a product of modern agricultural practices rather than being representative of the historic character and appearance of the area. Indeed, indicative of the extent of this shift, both the Visibility Assessment undertaken by the Council's Conservation Officer on 12 March 2025 and the LVA Review by Wynne-Williams Associates highlight the fact that modern white plastic sheeting is clearly visible covering fields within the site, which is far more visually intrusive than a solar array. The site today is also crossed by two sets of powerlines and their associated pylons. Both of these further erode and diminish the tranquillity of the open rural countryside and further reduce its sensitivity to change; and
- as set out above, the site is not considered to contribute to the setting of Thoresby Park, given the distance and intervening vegetation between the two. But, even if it was, the above would equally apply with regards to the contribution that the site makes to this, with it being clear that the historic setting would have been quite different from the modern agricultural fields of which the site is now comprised.

4 Impact on heritage assets

4.1 In response to concerns about the potential impact of the proposed development on heritage assets, it should be noted that:



- at paragraph 10.18 of the Committee Report, the quote in respect of the response from Heritage England relates to its initial response (dated 2 May 2024), but that was updated on 8 October 2024 following revisions to the scheme, as well as a site visit, with the updated response welcoming positive changes to the proposal, including the planting of avenue trees, retention and reinstatement of historic hedgerows, and the setting back solar arrays along the west and south of the development area. It makes no reference to any concerns regarding wider ranging views and buried archaeology;
 - neither Historic England nor the National Trust have objected to the application, with the response from the National Trust also agreeing that proposed planting would go some way to mitigate any views of the solar farm from Clumber's heritage assets;
 - the response from Newark and Sherwood District Council also expressly states that it does not object, with the concerns raised relating only to the potential impact on Thoresby Park and Gardens, and the degree of harm that may be caused to this described as being at the lower end of less than substantial; and
 - the Gardens Trust response to the application is based on the information accompanying the application and the comments of others, without having carried out an independent site visit or assessment. And, as with others, this in any event concludes that any impacts would be less than substantial.
- 4.2 Importantly, across all responses, the specialist heritage consultees referred to in the LPA's Statement of Case (those outlined above plus the Council's Conservation Officer) have at worst categorised any harm to the historic environment as being less than substantial. And, as set out in the Applicant's Statement of Case, there is a substantial body of recent appeal decisions which makes it clear that less than substantial harm of this nature is outweighed by the benefits associated with renewable energy generation, when significant weight is given to those benefits as required by paragraph 168 of NPPF, with this also having been further confirmed by additional appeal decisions since then (see Appendix One).
- 4.3 It should also be noted that Bedford BC v SoS [2013] EHC 2847 (Admin) (paragraph 24) clarified that substantial harm comprises serious harm to a heritage asset in that the impact on significance was required to be serious such that very much, if not all, of the significance was drained away. In order for the impact of the development subject to this appeal to result in less than substantial harm at the higher end it would follow that the impacts would have to approach those of significant harm. The Heritage Addendum outlines those aspects of setting, most notably the spatial and



social inter-relationship of the Dukeries, which would be unaffected by the appeal scheme.

- 4.4 It is a matter of some concern that the LPA's Statement of Case makes no reference to either paragraph 168 of NPPF or the appeal decisions referred to in the applicant's Statement of Case. Thus, it does not provide any policy justification for concluding that any identified less than substantial harm impact would not be outweighed by the many public benefits delivered by the scheme in this case, including low carbon energy generation and a substantial biodiversity net gain.
- 4.5 Rather, it should be concluded that the benefits would outweigh any perceived impacts of less than substantial harm for the reasons given in the applicant's Statement of Case (noting that, for the avoidance of doubt, the applicant's primary position is that there would be no impact, for the reasons given in their HEDBA and the Addendum to that).

5 Impact on the character and appearance of the local area generally

- 5.1 In summarising consultation responses, the LPA's Statement of Case describes the response from their Landscape Architect Consultant as follows:

"Multiple concerns raised about the application of the methodology and the summative assessments provided. In places, the LVA underestimates the predicated level and visual effects, whilst also overestimating the effectiveness of proposed mitigation planting."

- 5.2 The LPA's Statement of Case however ignores the fact that their Landscape Architect Consultant ultimately concluded that the information submitted within the applicant's LVA and associated addendum documents does broadly accord with what was identified as the appropriate methodology. And importantly, irrespective of the methodology used, the LPA's Landscape Architect Consultant's assessment of the landscape impact did not differ significantly from that presented in the applicant's LVA, with:

- it being agreed that the proposed development will have a moderate to major adverse effect on the landscape character of the **site itself** – this being an effect that can be attributed to the majority of solar schemes on greenfield land, and not considered to be a reason to refuse an application for development of this nature; and



- there being just a slight difference in the assessment of the impact on the **wider landscape**, in that the applicant's LVA concluded that this would be neutral and the LPA's Landscape Architect Consultant concluded that there would be a minor adverse effect, and that would be restricted to a limited geographic extent with the perception heavily reduced by vegetation – in either case, it is clear that there would not be a significant effect, and in any event any minor effect would again be outweighed by the public benefits associated with renewable energy generation, when significant weight is given to these in accordance with the NPPF.

6 Agricultural land classification

- 6.1 Although not specifically referred to in the LPA's Statement of Case itself, it is noted that the Committee Report refers to the land as being Best and Most Versatile (BMV) Agricultural Land. However, the applicant has provided a detailed ALC report (dated March 2025) which confirms that the land is Grade 3b, and is thus not BMV land.

7 Need for Draft Written Scheme of Investigation for archaeological trenching

- 7.1 Whereas the LPA's Statement of Case notes that no draft written scheme of investigation for archaeological trenching has been submitted, with the implication being that this should have been provided, it should be noted that the applicant was advised by the case officer in October 2024 that this could be made subject to an appropriately worded condition (see email provided at Appendix Two). This was also verbally reconfirmed by the current case officer to the Applicant in January 2025. With no reason having been given for not continuing to proceed on that basis now, there is no basis for requiring a written scheme of investigation to be submitted prior to determination, with the applicant happy for planning permission to be granted subject to an appropriately worded condition as previously agreed.

- 7.2 It should also be noted that Bassetlaw DC has approved two recent applications where further archaeological investigation was conditioned, and trenching was not done prior to determination, namely application reference 23/01444/FUL (Land Off Rayton Lane Osberton Worksop Nottinghamshire) and application reference 22/00358/FUL (Land To the East of Bumble Bee Farm Gainsborough Road Saundby Nottinghamshire).

8 Erroneous legislative and policy references

- 8.1 In the Committee Report, the reasons for refusal include references to the appeal application being contrary to Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990. However, this is not the case. Specifically, the appeal application:



- cannot be contrary to Section 72, as the appeal site is not located within a Conservation Area; and
- would only be contrary to Section 66 if any archaeology contributed to the setting of a listed building, which it does not do in this case

8.2 There are also erroneous references to paragraphs 202, 207 and 220 of the NPPF which refer to development within Conservation Areas and World Heritage Sites, and so are again not relevant in this case, and do not form valid grounds for concluding that the appeal application should be refused.

9 Conclusion

9.1 For the reasons given above, it is considered that the LPA's Statement of Case does not justify the failure to determine the application timeously, nor the conclusion that the application should have been refused if it had been determined by LPA. Rather, again for the reasons given above, in addition to the reasons given in the applicant's Statement of Case and comprehensive documentation submitted with the application and appeal, it is clear that the proposed development complies with the Development Plan and is supported by relevant material considerations, with scope for any additional detail that may be required to be conditioned. In the absence of any material considerations that indicate otherwise, or evidence provided by the LPA to the contrary, the appeal should be allowed and the application approved accordingly.

Aurora Planning Limited

14 August 2025



Appendix One – Relevant precedents

Appeals referred to in appellant's Planning Statement Addendum

- **Appeal reference APP/T3725/W/24/3347315** for a 25MW solar farm and BESS facility on land near Holly Lane, Meer End, West Midlands (approved 30 January 2025) – in deciding to approve which, the inspector gave significant weight to the fact that renewable energy production has fallen behind levels required for the country to meet its target, with it in particular noted that solar energy production specifically was significantly below the targets set in national guidance. That the proposal would go some way to assisting in meeting those targets was then considered to be a significant benefit, to which due weight needed to be given in favour of the application being approved.
- **Appeal Ref: APP/W3520/W/24/3345132** for a 47.28MW solar farm on land at Woodlands Farm, Stowmarket, Suffolk (approved 7 January 2025) – the decision in respect of which makes it clear that the Inspector found that a level of less than substantial harm would be caused to heritage assets, including a grade I listed church. That notwithstanding, the Inspector concluded that landscape impacts would be neutralised by tree and hedgerow planting and, taking into account both the fact that the development would be on site for only 40 years, and the contribution that this would make to meeting the country's emissions reductions targets, the benefits were found to justify the heritage impacts, and planning permission was granted; and
- **Appeal Ref: APP/B3030/W/21/3279533** for a solar farm and battery storage on land north of Halloughton, Southwell, Nottinghamshire (approved 18 February 2022) – in which the main issues included the landscape and visual impact of the scheme, the effect on heritage assets, and the planning balance. Considering each of these in turn, the Inspector concluded that it is inevitable that large scale solar farms may result in landscape harm, with the key question being whether that harm would be outweighed by the benefits of a scheme, including the contribution that this would make to carbon reduction targets (which, in that case, it was found to do). And, having found there to be less than substantial harm to a number of heritage assets, this was also found to be outweighed by the benefits.

Appeals referred to in appellant's statement of case

In all of the following, a degree of less than substantial harm to designated heritage assets was again found to be outweighed by the public benefits associated with the generation of renewable energy:

- **Appeal reference APP/Y2430/W/24/3340258** for a solar farm with an export capacity of 48.9MW and associated works on land to the south-east of Bottesford, in Leicestershire (approved 25 February 2025);

Appendix One – Relevant precedents

- **Appeal reference APP/V3120/W/24/3356504** for a 30MW solar photovoltaic farm and associated infrastructure in Oxfordshire (approved 3 April 2025);
- **Appeal reference APP/P2935/W/24/3357752** for 256 solar panels (output of 0.3MW) and ancillary equipment in Northumberland (approved 11 April 2025); and
- **Appeal references APP/B3410/W/24/3352967** and **APP/B3438/W/24/3352966**, each for the installation of a solar photovoltaic array which would together create a 49.9MW solar farm crossing the administrative boundary between East Staffordshire Borough Council and Staffordshire Moorlands District Council (both approved 16 April 2025).

Additional appeals determined since appellant's statement of case submitted

- **Appeal reference APP/X4725/W/24/3354032** for a ground-mounted photovoltaic solar array (installed capacity of 22.2MW) and associated infrastructure in the Wakefield Metropolitan District Council Area (approved 11 June 2025) – with the main issues considered in the appeal including the effect of the proposal on landscape character and on the setting of a nearby scheduled monument. In respect of which, the decision notice highlights that any impact would be temporary and reversible, as well as the need to give substantial weight to both the proposal's contribution to renewable energy generation and biodiversity enhancements that would be delivered, with those benefits considered to outweigh a moderate adverse impact on local landscape character and less than substantial harm to the setting of the designated heritage asset in that case;
- **Appeal reference APP/E2001/W/25/3360978** for the construction of a 49.9W solar farm in Yorkshire (approved 18 July 2025) – in deciding which, the Inspector found that there would be moderate harm to the character and appearance of the countryside, but that this would be outweighed by the proposal's contribution to mitigating climate change (which was given substantial weight), local economic benefits (which were given moderate weight), and delivery of biodiversity enhancements (which were also given significant weight); and
- **Appeal reference APP/Q3115/W/24/3358132** for a 500 MW battery storage facility and associated infrastructure, access and landscaping, with a connection to the Culham Jet National Grid connection (approved 22 July 2025), part of the application site for which is within the Nuneham Courtenay Grade I Registered Park and Garden (RPG). The heritage interest of the RPG was though considered to be diminished by power lines that pass through the site. And, while the proposed development was considered to have less than substantial harm on the RPG, and moderate/minor harm to the character of the landscape and to the visual amenity of the area, it was noted that this would be temporary, with the inspector concluding that this would be far outweighed by the significant weight that had to be afforded to the need for infrastructure of this nature.

Pippa

From: John Krawczyk <John.Krawczyk@bassetlaw.gov.uk>
Sent: 24 October 2024 12:37
To: Pippa
Subject: 24/00384/FUL - Land adjacent to the A614, Worksop

Follow Up Flag: Follow up
Flag Status: Completed

Good morning Pippa,

I hope you are well. Please accept my apologies for the delay in updating you in respect of the above-mentioned application, I do appreciate that you provided additional information to overcome the concerns raised by consultees a little while ago.

I am currently chasing final responses from the Highways Authority, Nottinghamshire Wildlife Trust and the Council's Environmental Health Team and Ecologist but it would appear that the issues that were raised have now been overcome. You have no doubt noticed that Historic England have now provided further comments stating *'It is for the local authority to place the public benefits in the balance with the great weight of the conservation of the designated assets. Should you be minded to consent we would urge you to consider the further setting back of solar panels from West Drayton Avenue, and the planting of mixed species hedgerow specimen trees between Normanton Inn and West Drayton Avenue, rather than regularly spaced single species, to ensure this avenue does not detract from the predominance of West Drayton Avenue.'*

We refer you to our previous advice and the advice regarding further archaeological investigation recommended to manage potential impacts on non-designated features.'

It is obviously for the applicant to consider whether they would like to amend the scheme to set back the panels further from West Drayton Avenue but Historic England have made it clear that it is for the LPA to weigh the obvious public benefits of the scheme against the less than substantial harm arising. The planting detail can obviously be dealt with in the planning condition.

In terms of archaeology, Lincolnshire County Council have recommended that trial trenching is undertaken to allow a full assessment of the site's archaeological potential. Whilst I do understand this position as it seeks to reduce the risk of the development having to be amended to account for archaeological remains but if the developer is comfortable with the imposition of an appropriately worded condition I would be happy to take that approach

Kind regards

John Krawczyk
Planning Development Manager

Bassetlaw District Council
Queens Buildings
Potter Street
Worksop
Nottinghamshire S80 2AH



John Krawczyk

Planning Development Manager

Bassetlaw District Council, Potter Street, Worksop, Nottinghamshire, S80 2AH

W: www.bassetlaw.gov.uk

This email is only for the use of the addressee. It may contain information which is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient you must not copy, distribute or disseminate this email or any enclosure to anyone other than the addressee. If you receive this communication in error please delete it

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd** on behalf of Bassetlaw District Council.