

# APPEAL BY ONE PLANET DEVELOPMENTS LIMITED

## Land adjacent to the A614, Worksop, Nottinghamshire

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### OPENING STATEMENT ON BEHALF OF THE APPELLANT

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#### **Introduction**

1. The Local Plan for Bassetlaw District Council (“the Council”) explains at §3.30 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.”*

2. The Appellant’s proposal for a solar farm and battery energy storage system (“the Proposal”) at Land adjacent to the A614, Worksop, Nottinghamshire (“the Site”) presents an opportunity for the District to take a significant step in that direction. It also meets with Objective 11 of the Local Plan, which refers to the importance of “*maximising opportunities to generate and use a vibrant mix of renewable energy, zero carbon and other alternative technologies*”.<sup>1</sup>
3. The risks of climate change range from dangerous overheating and wildfires to floods and droughts, species and nature loss, and harm to valued buildings. Changing weather patterns are already causing these impacts, and the environmental receptors with which this appeal is concerned – including the historic landscape of the area – will not be immune.

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<sup>1</sup> Implementation of the Local Plan objective and the Council’s reflection of the national energy objectives is seen at section 10.2 of the Local Plan, paras 10.2.1 to 10.2.4 and positive policy position on supporting renewable generation schemes in policy ST 49.

4. The Government is very clear on the key role of rapid rollout of renewable energy to tackle the “climate emergency” that it has declared. Its Clean Power 2030 Action Plan (“CP 2030”) talks of “*a once in a generation shift in approach and in the pace of delivery*”, with “*unprecedented volumes of clean energy infrastructure projects*” needed.<sup>2</sup>
5. Even since CP 2030 in December 2024, a further stream of new policy documents providing even more support for solar power and battery storage have been published. These include the Solar Roadmap 2025, the Clean Flexibility Roadmap 2025, new National Policy Statements (“NPS”) for Energy designated January 2026, and the new draft National Planning Policy Framework (“NPPF”) published just before Christmas.
6. These policies are supportive of solar and battery storage for climate reasons, but also for a range of other important benefits that these developments can bring, not least tackling domestic energy insecurity, promoting economic growth, and addressing the biodiversity crisis.
7. That support is for schemes of the size of the Appeal Site but also for even larger schemes. The Government recently raised the threshold below which solar schemes are determined under the Town and Country Planning Act 1990 to 100MW to encourage more consenting by local authorities.
8. Schemes of this size and nature are inevitably found in rural areas.<sup>3</sup> With that comes some inevitable environmental impacts. There is no requirement for “no harm” – were there to be no schemes would get consented. While there are impacts here, the Appellant will submit they are both limited and acceptable.
9. In short, this is a good site. It is not subject to any protective designation, be that Green Belt, Best and Most Versatile Agricultural Land, National Landscapes, or ecology. It lies in the setting of nearby heritage assets, but it is agreed any harm would be “lower level”. There is unusually little public opposition, which reflects the fact that the Site is well contained and screened in landscape terms.

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<sup>2</sup> CD4.24

<sup>3</sup> 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, §21), Halse Road (CD 6.20, §77)

10. This Opening very briefly summarises the Appellant’s case in respect of the now withdrawn reasons for refusal, but first summarises some background in terms of the appeal.

### **The Appeal**

11. The Appellant appealed against non-determination. The Council then resolved, based on a Committee Report recommending the same, that it would have refused the application for three reasons relating to heritage, landscape and archaeology.

12. While initially the parties had agreed that the landscaping scheme could be finalised later through condition, during the course of the appeal the Appellant – to provide further clarity on the proposals – provided an updated layout plan and planting plan demonstrating minor landscaping changes and additions.<sup>4</sup> The changes include additional screening planting to the south and west and amendments to the tree planting to the southern boundary of the panels to align with Historic England’s advice.

13. It was agreed at the Case Management Conference that the proposed changes would not result in a substantially different development and that no unfairness would be caused in light of the Appellant’s proposal to carry out a further round of consultation with statutory consultees and the public.<sup>5</sup>

14. That consultation returned a range of responses. Importantly, it led to responses from Historic England (who made clear it now has “no objection” and considers the application meets the requirements of the NPPF<sup>6</sup>) and to a change in stance in respect of the heritage and landscape impacts from the Council’s own advisers.

15. The Council has since reviewed its case and has now come to a different view from that set out in the Committee Report, confirming through a series of Statements of Common Ground (“SOCG”) its final position that archaeology can be addressed by condition, that its objections on landscape and heritage grounds are withdrawn, and that permission should in fact be granted.<sup>7</sup>

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<sup>4</sup> The revised plans are CD7.1 and CD7.2. At CD7.3 is a note summarising the plan revisions.

<sup>5</sup> An explanation of the steps taken in respect of that consultation is provided at CD7.4. The Case Management Conference note which records that agreement is at CD5.12.

<sup>6</sup> CD8.7

<sup>7</sup> CDs 9.1-9.5

## Heritage

16. It is agreed with the Council in the heritage SOCG that any harm to heritage assets would be no more than a “lower level” of less than substantial harm (“LTSH”). Any harm identified would be reversed on decommissioning.
17. The following is agreed:
- a. Clumber Park (Grade I Registered Park and Garden (“RPG”) – agreed lower level LTSH
  - b. Drayton Gate (Grade II\* building) – agreed lower level LTSH
  - c. Thoresby Park (Grade I RPG) – agreed no harm
18. In addition, while Ms Jones’ evidence concludes no harm, the Council considers there would be lower level LTSH to West Bridge (Grade II) and Normanton Gate (Grade II\*). The Council has not provided any Proof of Evidence to support that position.
19. Nonetheless, even with a finding of harm to more assets, the Council is still in agreement with the Appellant that the totality of harm to heritage assets would be outweighed by the public benefits of the scheme, applying §215 of the NPPF.<sup>8</sup>
20. Historic England has confirmed that it has no objection to the application on heritage grounds and that the application meets the requirements of the NPPF.<sup>9</sup>
21. It is also agreed that the Appeal Scheme will provide heritage benefits, in the reinstatement of the historic line of the lost avenue leading to the Normanton Gate.<sup>10</sup>
22. On archaeological matters, the SOCG between the Council and the Appellant confirms that there are no outstanding issues in respect of archaeology and that appropriate mitigation

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<sup>8</sup> SOCG CD9.2

<sup>9</sup> CD8.7 18 December 2025

<sup>10</sup> SOCG CD9.3 at §2.1.1

can be secured through planning conditions.<sup>11</sup> This approach accords with other appeal and Secretary of State decisions.<sup>12</sup>

## **Landscape**

23. Mr Cook’s evidence demonstrates that whilst the Proposal would give rise to some limited adverse effects on landscape character and visual amenity, these would be highly localised. As such, there are no substantive landscape character or visual amenity reasons from a landscape planning perspective for refusing planning permission.
24. The Landscape SOCG confirms 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”*.<sup>13</sup>
25. In terms of landscape character, Mr Cook’s evidence explains that the Site is not a “valued” or designated landscape for the purposes of the NPPF.<sup>14</sup> It is of medium value, susceptibility and sensitivity.<sup>15</sup>
26. In terms of the impact of the Proposal on the Site itself, there would be benefits to a number of characteristic landscape elements due to the extensive planting proposed.<sup>16</sup> Extensive landscape mitigation and enhancement would reinforce the wooded character of the local landscape and provide further screening in what is already a well enclosed area. This includes new native trees and hedgerows and enhancement of boundary margins and areas underneath solar panels with species-rich grassland.<sup>17</sup>
27. Overall, there would be a low magnitude of change (given the retention and enhancement of green infrastructure combined with the limited physical footprint of the reversible built

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<sup>11</sup> CD9.5

<sup>12</sup> See e.g. Secretary of State Great Wymondley, Hertfordshire (CD 6.25)

<sup>13</sup> CD9.4 at §25

<sup>14</sup> SOCG CD9.2 at §2.22

<sup>15</sup> Mr Cook’s Proof at section 6

<sup>16</sup> Mr Cook’s Proof at section 5

<sup>17</sup> Mr Cook’s Proof at section 4

form), which would result in an overall minor effect on the landscape character of the Site itself.<sup>18</sup>

28. The wider national and local landscape character areas beyond the Appeal Site would be physically unaffected, whilst any highly localised visual effects would fall within a very well contained visual envelope.<sup>19</sup> In short, beyond the boundaries of the site, the landscape character of the relevant landscape character areas would remain materially unchanged.<sup>20</sup>
29. The actual visual envelope from where the Proposal would be seen would be limited and highly localised owing to the local topography and existing vegetation, principally the extensive woodlands and hedges in the intervening landscape between the visual receptor and the Site boundary.<sup>21</sup> Due to the low profile of the panels, they would not be readily perceptible in most views from publicly available viewpoints, and the layering effects of intervening vegetation would successfully integrate them into the wider landscape.<sup>22</sup>
30. Following decommissioning, all built infrastructure would be removed. However, the extensive planting would remain, resulting in a beneficial long-term legacy.

### **Planning Balance**

31. As to the overall balance, Mr Cussen finds that, applying s.38(6) of the Planning and Compulsory Purchase Act 2004, the Proposal complies with the statutory development plan read, as it must be, as a whole. He concludes 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. Mr Cussen also considers that the detail of the Proposal accords with and gains support from Renewable Energy Policy ST49 and its criteria.<sup>23</sup>
32. The benefits of the Proposal are weighty and in large part agreed with the Council.

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<sup>18</sup> Mr Cook's Proof at §7.4

<sup>19</sup> Mr Cook's Proof at §7.42

<sup>20</sup> Mr Cook's Proof at §7.56

<sup>21</sup> Mr Cook's Proof at §8.5

<sup>22</sup> Mr Cook's Proof at §8.24

<sup>23</sup> Mr Cussen's Proof at §9.16

33. Substantial weight must attach to the clean energy provision of 40MW of solar energy, the equivalent annual electrical needs of approximately 15,500 homes in England and delivering a saving of over 20,150 tonnes per annum of CO2 compared to the use of a gas-combined cycle.<sup>24</sup> Alongside the solar panels, the Proposal also includes the associated benefit of a battery energy storage system, which would help to balance the grid, provide resilience, and boost the usable energy output of the Site.<sup>25</sup>

34. To meet the new 2030 target of a system run entirely on clean energy, solar will have to increase from the current 15GW to 45-47GW within just 5 years, and battery storage will have to increase from 5GW to 23-27GW.<sup>26</sup> The challenge is “*colossal*”.<sup>27</sup> The targets equate to almost 2 solar farms of the scale of the appeal scheme being brought forward each week.<sup>28</sup>

35. The recently designated 2026 National Policy Statements (“NPS”) EN-1 and EN-3 confirm at §2.10.2 that:

*“Solar energy is at the heart of our Clean Power 2030 Mission. The government is committed to working with industry to radically increase our existing solar capacity by 2030 to boost growth across the country, create thousands of high skill, future proofed jobs and tackle the climate crisis”.*

36. The new draft NPPF (2025) provides at Policy W3 that substantial weight should be given to the benefits of low-carbon energy “*for improving energy security, supporting economic development and moving to a net zero future*”. Policy S5 (principle of development outside settlements) provides that various types of development “*should be approved, unless the benefits of doing so would be substantially outweighed*”. Included in the list is “*engineering operations and infrastructure (including for transport, energy and water)*”.

37. In short, the policy support is growing all the time. That support recognises the benefit of solar energy in contributing to domestic energy security, as documented in CP 2030, the 2022 British Energy Security Strategy, as well as 2023’s Energy Security Plan, which

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<sup>24</sup> CD10.1 Mr Cussen’s Proof §4.3

<sup>25</sup> CD10.1 Mr Cussen’s Proof §4.4

<sup>26</sup> CD4.24 at p.10

<sup>27</sup> National Audit Office CD4.57 at p.6 point 6.

<sup>28</sup> Mr Cussen’s Proof at §7.30

explains that delivering energy security is both “*urgent*” and of “*critical importance*” to the country.<sup>29</sup> That too must attract substantial weight.

38. A further significant benefit of the scheme is the secured grid connection. It is now well established that grid connections are a scarce resource in the UK and a major barrier in the transition to net zero, with many schemes facing “*serious connection delays*”.<sup>30</sup> The Appellant has secured a confirmed grid connection that would allow it to connect before 2030.<sup>31</sup> That is an opportunity not to be missed.
39. There would further be a vast biodiversity net gain (“BNG”) arising from the amended scheme of 213.62% in habitat units and 751.37% in hedgerow units.<sup>32</sup> That too must attract substantial weight in favour of the scheme, in line with many other recent solar farm appeal decisions.<sup>33</sup>
40. The wider environmental benefits would include soil regeneration and green infrastructure enhancements. Mr Cussen and Mr Cook have set these out in detail in their Proofs.
41. There would also be economic benefits arising, including investment into the green economy, new jobs and business rate contributions. The Government has put the planning system and net zero at the heart of its mission for growth.
42. Weighing against these benefits are the time-limited and reversible impacts on heritage and landscape.
43. In terms of heritage, the Appellant’s case is that the impacts would be at a lower level of LTSH and relate only to two assets, Grade I Clumber Park and Grade II\* Drayton Gates. These are assets of the highest significance in terms of the NPPF and great weight should be given to their conservation. However, as the harm is agreed to be lower level and outweighed by the public benefits, Mr Cussen affords this matter limited negative weight overall in the balance. That accords with the approach of Inspector Partington at *Burcot*, who gave limited weight to the impacts on a Grade I Registered Park and Garden and a

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<sup>29</sup> CD4.6

<sup>30</sup> Connections Action Plan (CD 4.70, page 9)

<sup>31</sup> Mr Cussen’s Proof at §11.28

<sup>32</sup> CD7.6 updated BNG Metric – this has been agreed with the LPA’s ecologist CD8.17

<sup>33</sup> See e.g. CD6.16 Crays Hall §25, 94% = substantial; CD6.33 Honiley Road §25, 135% = substantial; CD6.69 Fillongley solar

Conservation Area in circumstances where the parties were agreed that the harm was “lower level” LTSH.<sup>34</sup> The Courts have made clear that the NPPF does not require uniform weight to be given to all heritage impacts, and lower levels of harm can of course attract less weight.<sup>35</sup> The Council’s position is that moderate weight should apply.<sup>36</sup>

44. As to landscape, noting Mr Cook’s overall conclusion that whilst there would be some limited adverse effects on landscape character and visual amenity, these would be highly localised, it is agreed common ground with the Council that limited adverse weight should attach in the overall balance.<sup>37</sup>

45. Thus, while some slight differences remain on heritage and on the weight to various benefits, taking all of these matters in the round, the Council and the Appellant are now in full agreement that the harms are outweighed by the benefits and that permission should be granted.

46. Accordingly, in due course, the Inspector will be invited to grant permission, subject to appropriate conditions.

**ODETTE CHALABY**

**LANDMARK CHAMBERS**

**20<sup>th</sup> January 2026**

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<sup>34</sup> CD 6.43, §§72 to 74 and §96

<sup>35</sup> Applying the approach of *Palmer vs Herefordshire Council* [2016] EWCA Civ 1061 at §34

<sup>36</sup> Planning SOCG CD9.2

<sup>37</sup> Planning SOCG CD9.2