



Ministry of Housing,
Communities &
Local Government

Ellen Fortt
Pegasus Group
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Our ref: APP/Y2430/W/24/3340258
Your ref: 22/00537/FUL

Sent by email only
ellen.fortt@pegasusgroup.co.uk

25 February 2025

Dear Ellen Fortt

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY JBM SOLAR PROJECTS 10 LTD
LAND LOCATED TO THE SOUTH-EAST OF BOTTESFORD, COMPRISING LAND TO
THE SOUTH OF THE A52, TO THE WEST OF EASTHORPE LANE AND MUSTON
VILLAGE, TO THE NORTH OF THE GRANTHAM CANAL, TO THE EAST OF THE
WINTER BECK, AND ACCESSED FROM, AND INCLUDING LAND TO THE EAST OF,
CASTLE VIEW ROAD
APPLICATION REF: 22/00537/FUL**

This decision was made by Matthew Pennycook MP, Minister of State for Housing and Planning, on behalf of the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of Richard Clegg BA(Hons) DMS MRTPI, who held a public local inquiry on 10-13, 17 and 18 September 2024 into your client's appeal against the decision of Melton Borough Council to refuse your client's application for planning permission for the construction of a solar farm, together with all associated work, equipment and necessary infrastructure, in accordance with application Ref. 22/00537/FUL, dated 30 March 2022.
2. On 20 September 2024, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act (TCPA) 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that this appeal be allowed, and planning permission granted subject to conditions.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. She has decided to allow the appeal and grant planning permission. The Inspector's Report (IR) is attached. All references to paragraph numbers, unless otherwise stated, are to that report.

Ministry of Housing Communities & Local Government Email: PCC@communities.gov.uk
Laura Webster, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the environmental information submitted before the inquiry opened. Having taken account of the Inspector's comments at IR1.6, the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for her to assess the environmental impact of the proposal.

Matters arising since the close of the inquiry

6. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024 and updated on 7 February 2025. The Secretary of State referred back to parties in respect of the revised Framework on 19 December 2024. Representations were received from various parties, and these are listed in Annex A of this decision letter. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter. The Secretary of State is satisfied that the issues raised in those representations do not affect her decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. The IR contains paragraph references to the previous version of the Framework; this decision letter refers to both the old and the new paragraph numbers, where these are different.

Policy and statutory considerations

7. In reaching her decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
8. In this case the development plan consists of the Melton Local Plan 2011 to 2036 (October 2018) and the Bottesford Neighbourhood Plan (October 2021). The Secretary of State considers that relevant development plan policies include those set out at IR5.2-5.5.
9. Other material considerations which the Secretary of State has taken into account include the Framework published on 12 December 2024 and updated on 7 February 2025, and associated planning guidance (the Guidance), as well as the matters set out at IR5.6-5.11.

Emerging plan

10. The emerging plan comprises the Melton Local Plan Update, for which a Regulation 19 consultation commenced on 17 January 2025.
11. Paragraph 49 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The Secretary of State considers that given the early stage of preparation, the emerging Melton Local Plan Update carries no weight.

Main issues

Climate change

12. For the reasons set out at IR12.3-12.9, the Secretary of State agrees with the Inspector that national and local policy provide broad support for proposals involving the generation of renewable energy such as the appeal scheme (IR12.3). The Secretary of State notes that the Inspector has given separate weight to the proposal's early contribution to generation from renewable sources (IR12.6-12.8) and energy security (IR12.9). However, taking into account paragraph 168(a) of the Framework, which states that significant weight should be given to 'the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future', she considers that these matters both fall under 'benefits associated with renewable and low carbon energy generation', and in line with paragraph 168(a) should collectively carry significant weight.

Character and appearance

13. For the reasons set out at IR12.10-12.17 and IR12.25, the Secretary of State agrees that, having regard to paragraph 187(a) (formerly 180(a)) of the Framework, the site is not a valued landscape (IR12.14). She further agrees with the Inspector that the site is of medium value (IR12.15). For the reasons set out at IR12.16, the Secretary of State agrees with the Inspector that while the proposal would retain and strengthen existing field boundaries, the scheme would result in existing open fields being replaced by arrays of solar panels that would represent a major and adverse change to the landscape of the site. She further agrees that when combined with the outcomes for sensitivity, this change indicates an adverse effect of major or moderate-major significance (IR12.16). The Secretary of State does not consider that the difference between these two conclusions affects her overall determination of the case. She agrees with the Inspector at IR12.25 that the harm to landscape carries significant weight.
14. For the reasons given at IR12.18-12.25, the Secretary of State agrees with the Inspector that in the early years of the development there would be clear views of the structures at the solar farm from the Public Right of Ways (ProWs), and that while the impact of the solar arrays and other structures would be moderated to an extent by hedgerow and tree planting, there would remain places from where the panels would be visible (IR12.18). She further agrees that where they run alongside existing hedgerows, new hedgerows on their other side would have the effect of enclosing these paths and would restrict views across the open fields of the site. She agrees this would cause significant harm (IR12.19). The Secretary of State agrees with the Inspector's conclusion at IR12.24 that the visual effects of development would be primarily apparent to receptors on foot.
15. The Secretary of State agrees with the Inspector that there would be harm to visual amenity, principally in localised views from within and around the site, which merits significant weight (IR12.25). Like the Inspector, she considers the proposal would have a harmful effect on the character and appearance of the area. She agrees that while the proposed development would not have an unacceptable adverse effect upon important landscape features, it is contrary to Local Plan Policies EN1(II), which requires new developments to respect existing landscape character, and D1(a), which requires siting to be sympathetic to the character of the area (IR12.25). She further agrees the proposal would be contrary to Neighbourhood Plan Policy 2, specifically with regard to parts 1 and 5 (IR12.57).

Heritage assets

16. The Secretary of State notes there is agreement among the main parties that there would be a degree of less than substantial harm to the significance of several heritage assets as a result of the proposal (IR6.1). For the reasons set out at IR12.26-12.31, the Secretary of State agrees with the Inspector that the proposal would detract from the setting of the Grade I listed Belvoir Castle, and so cause less than substantial harm to the significance of the listed building, towards the mid-point of the scale (IR12.31). For the reasons set out at IR12.32-IR12.35 she also agrees that the proposal would impinge on the setting of Belvoir Registered Park and Garden, and this would be at the lower end of the scale of less than substantial harm (IR12.35). She agrees with the Inspector's analysis at IR12.36-12.37 that the proposal would cause less than substantial harm to the significance of Belvoir Conservation Area, towards the lower end of the spectrum. For the reasons given at IR12.38-12.41, she further agrees with the Inspector that the proposal would detract from the setting of Grade I listed St Mary's Church and so cause less than substantial harm, towards the mid-point of the range. For the reasons given at IR12.42, the Secretary of State agrees with the Inspector the proposal would cause less than substantial harm to the significance of Grade II* listed St John's Church, towards the lower end of the range.
17. For the reasons given at IR12.43, the Secretary of State agrees with the Inspector that the proposal would not materially affect the setting of scheduled monument Moated Grange, Muston, and therefore would not harm its significance.
18. The Secretary of State therefore agrees with the Inspector's overall conclusions on heritage assets at IR12.44 and IR 12.54, and agrees that the proposal would be contrary to Policy EN13 of the Local Plan, which expects heritage assets to be protected and enhanced. She further agrees with the conclusions at IR12.57 that the proposal complies with part 5 of Policy 1 of the Neighbourhood Plan, but the harm which would be caused to the landscape and heritage assets would bring the proposal into conflict with part 1 of the policy (IR12.57). In line with paragraph 212 (formerly 205) of the Framework, the Secretary of State agrees that the heritage harms set out above carry great weight (IR12.66).
19. In line with the heritage balance set out at paragraph 215 (formerly 208) of the Framework, the Secretary of State has considered whether the identified less than substantial harm to the significance of the Belvoir Castle, Belvoir Castle Registered Park and Garden, Belvoir Conservation Area, St Mary's Church and St John's Church is outweighed by the public benefits of the proposal. Her conclusions are set out at paragraph 35 below.

Nature conservation interests

20. For the reasons set out at IR12.45-12.47, the Secretary of State agrees with the Inspector's conclusions at IR12.47 that the change in use of the land and the buffer provided would be sufficient to avoid adverse impacts on the Muston Meadows Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR).
21. The Secretary of State notes the concerns regarding the effect of the proposal on the ground-nesting skylark (IR12.49). She agrees with the Inspector that a condition requiring a mitigation strategy is necessary.

22. The Secretary of State notes the concerns regarding the prospect of harm to the Grantham Canal and Banks Local Wildlife Site (LWS) (IR12.50). She agrees with the Inspector that there is no potential pathway for adverse impacts.
23. The Secretary of State agrees that the delivery of biodiversity net gain of 144.64% in habitat units and of 32.13% in hedgerow units (IR12.51) would be an important benefit of the development which carries significant weight (IR12.52). She further agrees with the conclusion at IR12.52 that with the safeguard of conditions, the proposal would not have a material adverse effect on nature conservation interests.

Other matters

24. For the reasons given at IR12.55, the Secretary of State agrees with the Inspector that there would be an improvement in respect of downstream flood risk and compliance with Policy EN11. Like the Inspector, she agrees the proposal would result in a reduction in flood risk due to greater control of run-off and that this benefit carries moderate weight (IR12.67).
25. For the reasons given at IR12.57, the Secretary of State agrees with the Inspector that the provision of a permissive path and an area of open space at the southern end of the site, the proposal would enhance green infrastructure, and this should carry limited weight (IR12.67).
26. For the reasons given at IR12.59-12.60, the Secretary of State agrees that the proposed development would be consistent with the provisions of paragraph 187(b) (formerly 180(b)) of the Framework. She agrees the land would remain in agricultural use for grazing and that agricultural arguments do not weigh against the appeal proposal (IR12.60).
27. The Secretary of State agrees with the Inspector at IR 12.61 that there is no detailed evidence to substantiate the assertions made about diversification of income and it is not a matter which merits weight in support of the proposal.
28. For the reasons given at IR12.62, the Secretary of State agrees that the economic benefits arising from employment opportunities during the initial construction period and the operational life of the solar farm should carry limited weight.
29. For the reasons set out at IR12.48 and IR12.63, the Secretary of State agrees with the Inspector that with regard to the potential impacts of construction work, a suggested construction method statement and a traffic construction management plan could be secured by condition to provide effective mitigation for the local community.
30. For the reasons set out at IR12.64, the Secretary of State agrees with the Inspector that education resource benefits should carry limited weight.

Planning conditions

31. The Secretary of State had regard to the Inspector's analysis at IR12.65, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 57 (formerly 56) of the Framework and the relevant Guidance. She is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 57 (formerly 56) of the Framework and that the conditions set out at Annex B should form part of her decision.

Planning balance and overall conclusion

32. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Policies EN1(II), D1(a) and EN13 of the Local Plan and Policy 1 part 1 and Policy 2 parts 1 and 5 of the Neighbourhood Plan. She agrees with the Inspector at IR12.70 that the balancing exercise involving these matters in Policy EN10 leads to a finding in support of the appeal proposal, and therefore considers that the appeal scheme is, on balance, in accordance with the development plan overall. She has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.
33. Weighing in favour of the proposal are the benefits of renewable energy provision and the contribution to Biodiversity Net Gain, which each carry significant weight; the reduction in flood risk, which carries moderate weight; and provision of a permissive footpath and open space, economic benefits and educational resources which each carry limited weight.
34. Weighing against the proposal are the impacts on landscape character and visual amenity, which each carry significant weight; and the less than substantial harm to the setting of five designated heritage assets, which carries great weight.
35. In line with the heritage balance set out at paragraph 215 (formerly 208) of the Framework, the Secretary of State has considered whether the identified less than substantial harm to the significance of the designated heritage assets is outweighed by the public benefits of the proposal. Overall, the Secretary of State agrees with the Inspector at IR12.66-12.68 that the public benefits of the appeal scheme are collectively sufficient to outbalance the identified less than substantial harm to the designated heritage assets. She considers that the balancing exercise under paragraph 215 (formerly 208) of the Framework is therefore favourable to the proposal.
36. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that the accordance with the development plan and the material considerations in this case indicate that permission should be granted.

Formal decision

37. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby allows your client's appeal and grants planning permission subject to the conditions set out in Annex B of this decision letter for the construction of a solar farm, together with all associated work, equipment and necessary infrastructure, in accordance with application Ref. 22/00537/FUL, dated 30 March 2022.
38. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the TCPA 1990.

Right to challenge the decision

39. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990.
40. A copy of this letter has been sent to Melton Borough Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Laura Webster

Decision officer

This decision was made by Matthew Pennycook MP, Minister of State for Housing and Planning, on behalf of the Secretary of State, and signed on his behalf

Annex A – Schedule of representations

Representations received in response to the Secretary of State's letter of 19 December 2024

Party	Date
SAVE Our Vale Environment	6 January 2025
Pegasus Group on behalf of the appellant	8 January 2025
Bottesford Parish Council	9 January 2025
Heatons on behalf of Melton Borough Council	9 January 2025

Annex B – List of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following plans:
 - i. Site Location Plan P19-2022_03 Rev F
 - ii. Site Layout and Landscape P19-2022_24 Revision C
 - iii. Indicative Landscape Sections, drawing number P19-2022_25 Revision B
 - iv. Typical Single Axis Tracker Table Details Rev A
 - v. Fence, Track and CCTV Details Rev A
 - vi. Trench Sections Details Rev A
 - vii. Inverter Station Details Rev A
 - viii. Spares Container Details Rev A
 - ix. Customer Switchgear Details Rev A
 - x. Access Gate Rev A
 - xi. Indicative Construction Compound Rev A
 - xii. Comms and Weather Station Mast Rev A
 - xiii. Compound Details Rev A
- 3) No development shall take place until full details of the DNO control room and the customer switch room (as shown on the plan Belvoir compound details revision A) have been submitted to and approved in writing by the local planning authority. These buildings shall be constructed in accordance with the approved details.
- 4) The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first commercially exported from the solar panels to the electricity network (The First Export Date), with the exception of the DNO substation and the internal road between it and the site access which are to remain in perpetuity. Written notification of the First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring.
- 5) No development shall take place until a construction method statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The CMS shall include details of the following:

- i. The phasing of construction works.
- ii. The formation and position of the temporary construction compounds.
- iii. Dust management and suppression measures.
- iv. Measures for pollution control, including the protection of watercourses and ground water.
- v. Illumination during the construction period.
- vi. The methods to be adopted to reduce the effects of noise occurring during the construction period to the lowest practicable levels and in accordance with B.S. 5228: Noise control on construction and open sites.
- vii. The storage of materials and disposal of surplus materials.
- viii. The construction of the access into the site, the erection of any entrance gates and the creation and maintenance of associated visibility splays.
- ix. The method of working for cable trenches, including soil storage and back-filling, and details of cable boring methodologies below roads, water courses and hedges.
- x. Soil storage.
- xi. Post-construction reinstatement of the working areas.
- xii. The control of surface water to prevent it entering the public highway or carrying sediment to the surface water drainage network in the vicinity of the site.
- xiii. Measures to protect root protection areas during construction.
- xiv. Measures to exclude small animals from excavations.

The development shall be implemented in accordance with the approved CMS throughout the construction period.

- 6) No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The LEMP shall be prepared in accordance with the Site Layout and Landscape Strategy ref P19-2022_24 Rev C (sheets 1 & 2), the mitigation measures contained with the Environmental Statement Chapter 2 - Landscape and Visual Impact Assessment (January 2022), and the Biodiversity Management Plan by Avian Ecology dated 20 September 2022, and it shall include details of the following:
 - i. The proposed new hedgerow and tree planting, including any strengthening of existing vegetation.
 - ii. Planting plans, written specifications of operations associated with plant and grass establishment, and schedules of plants.

- iii. The management and monitoring of the site during the operational period.
- iv. The layout and planting within the community orchard.

The approved LEMP shall be implemented in full before the end of the first planting season following the date when electrical power is first exported. Any revisions to the LEMP shall be implemented in accordance with details which have been submitted to, and approved in writing by, the local planning authority.

- 7) In the event that the development hereby permitted ceases to export electricity to the grid for a continuous period of two years at any point after the date of first export (other than for operational reasons outside of the operator's control), a scheme of early decommissioning works (the early decommissioning scheme) shall be submitted no later than 3 months after the end of the two years non-electricity generating period to the local planning authority for its approval in writing. The approved early decommissioning scheme shall be implemented in full in accordance with a timetable that shall be set out in the early decommissioning scheme.
- 8) Not later than 24 months before the expiry of the permission for those elements of the development other than the DNO substation and the internal road between it and the site access, a decommissioning and site restoration scheme shall be submitted for the written approval of the local planning authority. The scheme shall make provision for the removal of the solar panels and associated equipment and the subsequent restoration of the site. The scheme shall include details of:
 - i. The extent of equipment and foundation removal and the site restoration to be carried out.
 - ii. The management and timing of the works.
 - iii. A traffic management plan to address traffic impact during the decommissioning period.
 - iv. An environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife, habitats and trees on the site.
 - v. The location of material laydown areas.
 - vi. Full details of the removal of the solar arrays, buildings and plant, trackways and sub-surface cabling and all associated works of ground restoration including trench backfilling.
 - vii. Full details of all other works to restore the land to allow for agricultural production following the removal of structures from the site.
 - viii. A programme of implementation.

Decommissioning and site restoration shall be implemented within 6 months of the expiry of the permission for those elements of the development other than the DNO

substation and the internal road between it and the site access, in accordance with the approved scheme.

- 9) Prior to the commencement of each phase of development (construction, operation and decommissioning), a soil management plan shall be submitted to, and approved in writing by, the local planning authority. The plan shall include consideration of the appropriate time of year for soil handling, planting beneath the panels and return to the former land quality as indicated in Appendix 6 of the Agricultural Land Classification survey dated 9th January 2023 – Issue 9 carried out by Amet Property. The development shall be carried out in accordance with the approved soil management plan.
- 10) An inspection by a qualified soil scientist shall take place before the installation is completed, in order to identify any areas where compaction needs alleviating. A restoration methodology shall be prepared following the inspection, setting out the date of completion of the construction, and the recommendations within the restoration methodology shall be implemented within 6 months of the completion of the installation. For the first three years after the completion of the construction phase, every six months, inspections of the planting and soil must be carried out by a qualified soil scientist, to ensure adequate growth of the planting and that any compaction or channelisation of the soil can be identified and addressed. Any remedial work identified in the inspection shall take place within 6 months of the date of the inspection.
- 11) Prior to the First Export Date details of the cleaning procedure for the panels shall be submitted to, and approved in writing by, the local planning authority. The details shall include but not be limited to the frequency of cleaning, volumes of water required, details of any detergents to be used and any required mitigation. The cleaning of the panels shall thereafter take place in accordance with the approved details.
- 12) There shall be no permanent illumination on the site unless otherwise agreed in writing by the local planning authority. In such circumstances, prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.
- 13) Prior to their erection on site details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the development hereby permitted.
- 14) No development shall take place until details of a scheme of heritage interpretation boards and information boards has been submitted to, and approved in writing by, the local planning authority. The boards shall be erected in accordance with the approved

scheme before electrical power is first exported and shall be maintained for the lifetime of the development.

15) With the exception of the visibility splays, no other part of the development hereby permitted shall take place until the access arrangements shown on the Proposed Site Access Arrangements drawing (reference P19-2022 Figure 4.1 Rev. A - dated 27 June 2022) have been implemented in full.

16) With the exception of the access arrangements shown on the Proposed Site Access Arrangements drawing (reference P19-2022 Figure 4.1 Rev. A - dated 27 June 2022) no other part of the development hereby permitted shall take place until visibility splays of 2.4 metres by 215 metres south and 2.4 x 114 metres north (to the nearest site junction) have been provided at the site access. These visibility splays shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent highway.

17) No development shall take place until a construction traffic management plan (CTMP) has been submitted to, and approved in writing by, the local planning authority. The CTMP shall include details of the following:

- i. A timetable for implementation of the CTMP.
- ii. The routing of construction traffic.
- iii. Cleaning of the site entrance, facilities for wheel washing and cleaning the adjacent public highway.
- iv. Parking facilities.
- v. Arrangements for banks-staff and temporary signage.
- vi. The sheeting of all heavy goods vehicles carrying spoil from the site to prevent spillage or deposit of any materials on the highway.
- vii. Dilapidation surveys on Castle View Road and arrangements for making good damage to the highway from construction traffic identified in the surveys.

18) No development shall take place until a scheme for the treatment of the public rights of way within the site and the proposed permissive footpath has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:

- i. A timetable for implementation.
- ii. Arrangements for management during the construction period.
- iii. Details of surfacing, width, signage and landscaping.

The development shall be carried out in accordance with the approved scheme.

19) The development shall be carried out in accordance with the submitted flood risk assessment (ref December 2022/LJ/P19-2022/by Pegasus Planning Group Ltd) and the following mitigation measures therein:

- i. The proposed solar panels mounting structure will be a tracker system, with panels mounted above the ground so as not to interfere with any overland flow routes.
- ii. Finished levels are to be raised a minimum of 150mm above existing ground levels with vulnerable equipment away from areas where flood risk is noted to be higher.

These mitigation measures shall be fully implemented in accordance with the scheme's timing arrangements. The measures shall be retained and maintained thereafter throughout the lifetime of the development.

20) No development shall take place until a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- i. A timetable for implementation.
- ii. Arrangements for infiltration testing to assess the suitability of the site for use of infiltration as a component of the drainage system.
- iii. Arrangements for maintenance of the surface water drainage system.

The development shall be carried out and the drainage system maintained in accordance with the approved scheme.

21) No development shall take place until a scheme for the management of surface water during the construction period has been submitted to, and approved in writing by, the local planning authority. Construction shall be carried out in accordance with the approved scheme.

22) No development shall take place until a badger survey update has been submitted to, and approved in writing by, the local planning authority. The survey must be undertaken within the three months that precede construction-related site or vegetation clearance. Any mitigation measures proposed shall be carried out in accordance with a scheme and timetable which have been submitted to, and approved in writing by, the local planning authority.

23) No development shall take place until a skylark mitigation strategy has been submitted to, and approved in writing, by the local planning authority. The skylark mitigation strategy shall include the following:

- i. Purpose and conservation objectives for the strategy.

- ii. A schedule of works, and a timetable for their implementation.
- iii. Arrangements for management and monitoring of the strategy.

The skylark mitigation strategy shall be implemented in accordance with the approved details and timetable, and the mitigation measures shall be retained for the lifetime of the development.

24) No development shall take place until a scheme of mammal pass-throughs in the security fencing have been submitted to, and approved in writing by, the local planning authority. The fencing shall be erected in accordance with the approved scheme, and retained for the lifetime of the development.

25) No development shall take place until a written scheme of archaeological investigation (WSI) has been submitted to, and approved in writing by, the local planning authority. The WSI shall include:

- i. A statement of significance and research objectives.
- ii. The programme and methodology of site investigation and recording, and the nomination of a competent person or organisation to undertake the works.
- iii. The programme for post-investigation assessment and subsequent analysis, publication and dissemination, and deposition of the resulting material.



Report to the Secretary of State

by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Date 26th November 2024

TOWN AND COUNTRY PLANNING ACT 1990

MELTON BOROUGH COUNCIL

APPEAL BY

JBM SOLAR PROJECTS 10 LTD

Inquiry opened on 10 September 2024

Land to the south-east of Bottesford

File Ref: APP/Y2430/W/24/3340258

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Abbreviations

BMV	Best and most versatile agricultural land. Land in grades 1, 2 & 3a of the Agricultural Land Classification.
BOAT	Byway open to all traffic
CCTV	Close circuit television
CD	Core document
DNO	Distribution network operator
GLVIA3	Guidelines for Landscape and Visual Impact Assessment 3 rd edition: the Landscape Institute and the Institute of Environmental Management and Assessment
GW	Gigawatts
LCA	Landscape character area
LPA	Local Planning Authority
LWS	Local wildlife site
MW	Megawatts
NCA	National character area
NNR	National nature reserve
NPPF	National Planning Policy Framework
PC	Parish Council
PPG	Planning Practice Guidance
PRoW	Public right of way
RPG	Registered park and garden
SAVE	Save Our Vale Environment. A local group which was represented at the inquiry.
SSSI	Site of special scientific interest
ZTV	Zone of theoretical visibility

File Ref: APP/Y2430/W/24/3340258

Land located to the south-east of Bottesford, comprising land to the south of the A52, to the west of Easthorpe Lane and Muston village, to the north of the Grantham Canal, to the east of the Winter Beck, and accessed from, and including land to the east of, Castle View Road

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by JBM Solar Projects 10 Ltd against the decision of Melton Borough Council.
- The application Ref 22/00537/FUL, dated 30 March 2022, was refused by notice dated 11 September 2023.
- The development proposed is the construction of a solar farm, together with all associated work, equipment and necessary infrastructure.
- The inquiry sat for six days: 10-13, 17 & 18 September 2024.
- Site visits took place on 19 September 2024.

Summary of Recommendation: The appeal be allowed, and planning permission granted subject to conditions.

1. Procedural matters

- 1.1 After the inquiry had closed, the appeal was recovered for a decision by the Secretary of State by a direction dated 20 September 2024, as it involves proposals of major significance for the delivery of the Government's climate change programme and energy policies.
- 1.2 A case management conference was held on 24 June 2024 to consider the ongoing management of the case and arrangements for the inquiry. There was no discussion of the merits of any of the parties' cases at the conference. A note of the meeting (core document 10.4 (CD10.4)) is included in the core document library, which can be accessed via the following link: [Muston Solar Farm Planning Inquiry | localplan \(meltonplan.co.uk\)](https://localplan.meltonplan.co.uk) .
- 1.3 On the application form (CD1.1), the location of the appeal site is given as land within the Belvoir Estate, Grantham, and the Local Planning Authority's (LPA's) decision notice (CD3.3) refers to fields OS 6700, 6722 & 5200 Muston Lane, Easthorpe. Neither reference adequately identifies the site, which is some distance from Grantham and is not on Muston Lane. The Appellant and the LPA (the main parties) agreed a revised description which more accurately identifies the site as land located to the south-east of Bottesford (CD11.8), and I have included the full version of this description in the appeal details above.
- 1.4 Subsequent to the refusal of planning permission and prior to the case management conference, the Appellant proposed several amendments to the scheme¹. In field 13, at the southern end of the site, the extent of solar panels was reduced by just over 2.2ha, the orchard tree planting was moved eastwards, and an information board was included. Elsewhere hedgerow trees were added in a number of fields. Other changes were made to reflect existing public rights of way (PROW) and vegetation. The changes proposed are relatively minor, and have been the subject of consultation². No objection was made to inclusion of the

¹ The amendments are listed in paragraph 3.7 of the statement of common ground (CD9.5), and shown on plans in CD2.5. The statement of common ground incorrectly refers to the revised site plan as plan reference P19-2022_24 Revision B: it is actually revision C (CD2.2) as set out in CD2.5.

² Responses to the consultation are at CD10.6.

amendments as part of the proposed scheme at the case management conference. I do not consider that the proposed changes would materially alter the proposal, nor that any prejudice would be caused by taking them into account in my consideration of the proposed development. Accordingly, I have considered the proposal on the basis of the amended scheme.

- 1.5 The suite of plans does not include full details of the elevations of the distribution network operator (DNO) control room and the customer switch room, both of which are shown to be sited within the DNO compound (CD1.23.11). Submission of these details could be required by a condition should planning permission be granted for the scheme.
- 1.6 An environmental statement was submitted in support of the planning application (CDs1.31-1.34). Subsequently, supplementary environmental information notes were issued in respect of the Muston Meadows Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) (CD1.35), and cumulative landscape and visual impact (CDs1.38 & 1.42). In response to a request from The Planning Inspectorate under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (CD10.3), the Appellant submitted further information concerning potential cumulative effects (CD10.11). I am satisfied that the environmental statement, together with the subsequent submissions, meets the requirements of the 2017 Regulations.
- 1.7 The LPA's first reason for refusal refers to the effect of the proposal on best and most versatile (BMV) agricultural land. No detailed evidence in support of this reason for refusal was offered by the LPA since it considered that harm in that respect would not outweigh the benefits of the proposal³.
- 1.8 This report contains a description of the site and its surroundings, an explanation of the proposal, identification of relevant planning policies, details of agreed matters, and the gist of the submissions made at the inquiry and in writing, followed by my conclusions and recommendation. Sections 7 - 10 set out the material points of the parties' cases, and do not form part of my conclusions. Lists of possible conditions, appearances and inquiry documents are appended.

2. The site and surroundings

- 2.1 The site lies to the south of the A52, the main road between Nottingham and Grantham⁴, extending as far as the disused Grantham Canal. On the north side of the A52 is the small settlement of Easthorpe, whilst, at about 0.8km, the larger settlement of Bottesford is slightly further away to the north-west. Muston, another small settlement, is to the east of the site, from which it is separated by a stretch of agricultural land.
- 2.2 This is a rural area, with the site forming part of an extensive area of gently undulating land within the Vale of Belvoir⁵. Much of the land is farmed, including fields in arable use. About 1.5km to the south of the site, the land rises sharply

³ See note of the case management conference (CD10.4), para 5, and para 8.5 of Mr Bond's proof of evidence (CD9.7C).

⁴ The position of the appeal site is shown on the location plan, CD2.1.

⁵ LCA Map 3 within the Melton Borough Landscape & Historic Urban Character Assessment Report (CD8.6) shows the extent of the Vale of Belvoir Landscape Character Area.

to the Belvoir ridge⁶. The area between Bottesford and the Belvoir ridge is crossed by a number of minor roads and a network of PROWs⁷.

- 2.3 Muston Meadows SSSI and NNR is situated close to the appeal site and is in two parts⁸. The larger part abuts the eastern side of the appeal site to the north of the Grantham Canal. A smaller area is off Woodsthorpe Lane, near Muston, about 0.4km to the east of the site.
- 2.4 Heritage assets in the vicinity of the site include the following. Belvoir Castle, a grade I listed building, is in a prominent position on the ridge to the south: the castle is situated within a grade II* registered park and garden (RPG) and Belvoir Castle Conservation Area⁹. The Church of St Mary in Bottesford is a grade I listed building¹⁰. In Muston, the Church of St John the Baptist is a grade II* listed building, and on the west side of the village is the scheduled monument of a monastic moated grange with fishpond¹¹.
- 2.5 The appeal site is an irregular shaped parcel of land, extending to about 99.95ha. It is low-lying with gradual slopes down towards the A52 to the north and to Winter Beck to the west. The greater part of the land is in agricultural use, and is cultivated as arable fields, with hedgerows and some trees on field boundaries. A relatively small area, at the northern end, is categorised as best and most versatile (BMV) agricultural land: 7% of the site is grade 2 and <1% is grade 3a¹². Most of the site (93%) is classified as grade 3b. A short stretch of Castle View Road, where it runs on the west side of fields which are included within the proposal, is also part of the appeal site.
- 2.6 Three public rights of way (PROWs) lie within the site. Footpath 82 crosses the site from the west to Muston, footpath 90 runs inside the western boundary close to Winter Beck, and a byway open to all traffic (BOAT) runs from the southern end of the site towards Muston. An electricity transmission line, carried by pylons, also crosses the site.

3. Planning history

- 3.1 Other than a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 that the proposal amounts to environmental impact assessment development¹³, my attention has not been drawn to any previous relevant planning history on the appeal site.

4. The proposal

- 4.1 The proposed development is described in the statement of common ground and shown on the submitted plans¹⁴. The solar farm would have the capacity to

⁶ Belvoir Castle on the ridge is about 2km from the site.

⁷ Figure 4A in appendix 1 to CD9.6A shows roads and PROWs in the surrounding area, figure 4B shows PROWs in the vicinity of the site.

⁸ A map showing the location of the SSSI & NNR is at CD11.7. Their position relative to the appeal site is shown on the plan of statutory designated nature conservation sites in CD1.33.11.

⁹ The list entry for Belvoir Castle is at appendix 5 of CD1.33.7, the list entry for the registered park and garden is at appendix 6 of CD1.33.7, with a plan at appendix 7A of CD9.6B, and a plan of the conservation area is in appendix 3 (page 40) of CD9.6B.

¹⁰ The list entry for St Mary's Church is at appendix 7 of CD1.33.7.

¹¹ The list entry for St Mary's Church is at appendix 8 of CD1.33.7, and that for the moated grange at appendix 12.

¹² Table 1 in appendix 4 of CD9.6C.

¹³ See para 5.2 of CD9.5.

¹⁴ CD9.5, section 3. The relevant plans are CDs 2.1-2.3 and CDs 1.14.1-1.23.11.

export 49.9 megawatts (MW)¹⁵ from solar panels extending across the site in two large parcels linked by an access track. A tracking system is proposed which would enable the arrays of panels to follow the position of the sun. The sub-station and the access track leading to it are intended to be permanent. For the rest of the scheme permission is sought for an operational period of 40 years, following which it would be decommissioned and that part of the site restored. At the inquiry the main parties agreed that, should planning permission be granted, a condition should require the submission of a decommissioning and restoration scheme no later than 24 months before the expiry of the operational life of those elements of the solar farm.

- 4.2 Within field 10, which is in a central position within the site, a DNO compound would be constructed. From here, electricity would be exported to the distribution network via an existing pylon. A point of connection mast, about 32m in height, would be erected close to the pylon, and the compound would also include a lower communications and weather station mast, a transformer, a DNO control room and a customer switch room. A series of inverter stations would be situated throughout the development and security fencing and pole-mounted close circuit television cameras would be installed. Access would be taken from the northern end of Castle View Road, at the position of an existing field access. From here internal access tracks would be formed, leading to the sub-station and each of the 13 fields where the solar arrays would be positioned.
- 4.3 Some short sections of hedgerow would be removed to enable the construction of fencing and access tracks. Elsewhere, hedgerows would be strengthened and tree planting is proposed. The existing PROWs would be retained, and for much of their lengths within the site they would run within green lanes due to the planting of additional hedgerows. A new permissive path would be formed, running in a green corridor across the site to the south of the sub-station. Information boards would be provided at a number of locations, and a picnic area would be established at the southern end of the site, where part of field 13 would be sown as grassland. It is intended that the fields within which the arrays would be installed would be grazed by sheep.

5. The policy context

The Development Plan

- 5.1 The Development Plan comprises the Melton Local Plan adopted in 2018 (CD5.1) and the Bottesford Neighbourhood Plan made in 2021 (CD5.2).

The Local Plan

- 5.2 Policy SS1 reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF): applications which accord with the policies in the Local Plan should be approved without delay unless material considerations indicate otherwise. A development strategy is set out in Policy SS2: in the open countryside new development will be restricted to that which is necessary and appropriate there. Policy EN1 seeks to conserve the Borough's landscape and countryside. New development is expected to respect the existing landscape character and features, and proposals will be supported where they do

¹⁵ Planning statement (CD1.24), para 3.1.

not have an unacceptable adverse effect upon important landscape features and an area's sense of place and local distinctiveness. No land is allocated for renewable energy development in the Local Plan: proposals for energy generation from renewable and low carbon sources are to be assessed against Policy EN10. Such proposals will be supported and considered in the context of sustainable development and climate change. Factors to be taken into account include the surrounding landscape, heritage assets, designated nature conservation considerations, and high-quality agricultural land. Heritage assets should be protected and enhanced when proposals which affect their significance and setting are considered (Policy EN13). Policy D1 promotes high-quality design. Amongst other considerations, siting and layout are expected to be sympathetic to the character of the area, and existing trees and hedges, together with new landscaping, should be utilised to negate the effects of development.

- 5.3 Other policies of relevance include EN2, EN3 and EN11. Policy EN2 seeks to protect and enhance biodiversity and geodiversity. Proposals which would create new habitat are supported provided, amongst other considerations, that they do not harm nationally important sites. The enhancement of green infrastructure elements is supported by Policy EN3, and Policy EN11 is concerned to ensure that proposals do not increase, and seek to reduce, flood risk.

The Neighbourhood Plan

- 5.4 Policy 1 is concerned with sustainable development: proposals will be supported which, amongst other matters, safeguard the character of the landscape, conserve heritage assets, and conserve or enhance biodiversity. Part 5 of Policy 1 limits development in the open countryside to that which is necessary and appropriate in such a location, reflecting Policy SS2 of the Local Plan. Policy 2 seeks to protect landscape character, and proposals should be sympathetic to the landscape setting within Bottesford Parish. Key views should be respected, and key views 2 & 6 include parts of the appeal site¹⁶. Having regard to their scale, nature and location, proposals should take account of the cultural sensitivity and historical link between St Mary's Church and Belvoir Castle. Where it is necessary and practicable to do so, the layout and design of development should safeguard the viewpoint of the church from the castle. The supporting text to Policy 2 refers to wide views across the Vale of Belvoir from Belvoir Castle, described in the Melton and Rushcliffe Landscape Sensitivity Study: Wind Energy Development (CD8.8) as a notable viewpoint¹⁷, and says that the borough-wide importance of this view must be reflected in development proposals in the Parish that might affect it¹⁸.
- 5.5 Policy 9 addresses renewable energy and low carbon technologies. Part 4 explains that development which delivers renewable energy will be supported provided it satisfies a series of criteria, including that it does not have an unacceptably adverse effect on amenity, having regard to views and vistas and the sensitivity and character of the landscape amongst other matters, does not have a significant adverse effect on any designated site (including SSSIs), and does not result in the loss of BMV land. Policies 3 and 5 are concerned with biodiversity and green infrastructure respectively. As appropriate to their scale,

¹⁶ Key views 2, 5, 6 & 8 are shown on map 9a. Photographs of the key views are included in appendix C to CD5.2.

¹⁷ CD8.8, figure 5.1 and para 7.6.

¹⁸ CD5.2, paras 102 & 103.

nature and location, proposals should conserve or enhance biodiversity value (Policy 3), and green infrastructure assets should be protected and enhanced where applicable (Policy 5).

Energy legislation and policy

- 5.6 The Climate Change Act 2008 (2050 Target Amendment) Order 2019 established a target for a reduction in net carbon dioxide emissions by 2050 of 100% relative to the 1990 level (known as net zero)¹⁹. Subsequently, in the Net Zero Strategy: Build Back Greener of 2021, the Government committed to fully decarbonising the power system by 2035, subject to security of supply²⁰. The Strategy also explains that a low-cost, net zero consistent electricity system is most likely to be predominantly composed of wind and solar generation²¹.
- 5.7 In 2022, the British Energy Security Strategy included an objective to ramp up deployment of solar power, with an ambition that this could mean up to 70 gigawatts (GW) by 2035. That would represent a five-fold increase from the then 14GW of solar capacity²².
- 5.8 Reference was made in the representations to the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3). EN-1 refers to the likelihood of an increase in demand for electricity associated with a reduction in emissions in large parts of transport, heating and industry. If demand for electricity doubles by 2050, a four-fold increase in low-carbon generation would be required. In similar vein to the Net Zero Strategy, EN-1 anticipates that a secure, reliable, affordable, net zero consistent (generating) system in 2050 is likely to be composed predominantly of wind and solar²³.
- 5.9 EN-3 makes clear that the Government is committed to sustained growth in solar capacity, and that solar is a key part of the strategy for low-cost decarbonisation of the energy sector. Proposals should, where possible, use suitable previously developed land and contaminated land. Where the use of agricultural land is necessary, poorer quality land should be preferred, and the use of BVM land avoided where possible. The continued recreational use of PRoWs should be ensured, with consideration given to opportunities for enhancement. Where possible the visual impacts for users should be minimised²⁴. High quality design, including fitness for purpose and sustainability, is important. Good design may be demonstrated in terms of siting relative to landscape character, land-form and vegetation²⁵. EN-3 provides an indication of the land-take of solar farms, explaining that along with associated infrastructure, a solar farm requires between 2 and 4 acres for each MW of output²⁶.
- 5.10 EN-1 and EN-3 have effect for decisions by the Secretary of State on applications for nationally significant energy developments. The appeal proposal falls below the threshold of schemes generating more than 50MW, which are

¹⁹ CDs 4.9 & 4.8.

²⁰ CD4.17, page 19.

²¹ CD4.17, chapter 3i, para 11.

²² CD4.18, pages 30 & 19.

²³ CD4.3, paras 2.3.7, 3.3.16 & 3.3.20.

²⁴ CD4.4, paras 2.10.9, 2.10.29 & 2.10.42-44.

²⁵ CD4.4, para 2.10.59. CD4.3, paras 4.7.1 & 4.7.6.

²⁶ CD4.4, para 2.10.17.

nationally significant infrastructure projects in accordance with the Planning Act 2008. Nevertheless, EN-1 explains that it, in combination with relevant technology specific national policy statements, may be a material consideration in respect of proposals which fall under the Town and Country Planning Act 1990. Paragraph 1.2.2 of EN-1 makes clear that the extent to which the policies therein are material to proposals of 50MW or less will depend upon the extent to which the matters are covered by applicable planning policy²⁷. In this case, Policy EN10 of the Local Plan and Policy 9 of the Neighbourhood Plan provide an adequate means of assessing a solar farm of the size proposed. Accordingly, I give limited weight to the provisions of EN-1 and EN-3.

5.11 In May this year, the Government issued a written ministerial statement (WMS) concerning solar development, food security and BMV land (CD4.28). The WMS refers to the importance of both food and energy security. Due weight should be given to the proposed use of BMV agricultural land when considering proposals for solar developments. In all cases, the use of the highest quality land is least appropriate, and, as the land grade increases, there is a greater onus to show that the use of high quality land is necessary.

National planning policy and guidance

5.12 Paragraph 157 of the National Planning Policy Framework (NPPF) says that the planning system should support the transition to a low carbon future, and , amongst other measures, renewable and low carbon energy and associated infrastructure should be supported. Applicants should not be required to demonstrate the overall need for renewable or low carbon energy, and proposals should be approved if the impacts are (or can be made) acceptable (paragraph 163).

5.13 In July 2024 the Government published a consultation on amendments to the NPPF. Whilst the consultation has closed, the draft amendments may be subject to change when the final version of the revised NPPF is published. Consequently the draft NPPF carries limited weight in my considerations.

5.14 I have also taken into account relevant sections of Planning Practice Guidance (PPG).

6. Agreed matters

6.1 A signed statement of common ground (CD9.5) between the Appellant and the LPA (the main parties) sets out matters agreed by those parties. Matters agreed include the following:

- The appeal site is located outside any defined settlement boundary and is therefore in the open countryside.
- The proposal is an acceptable form of development in the countryside subject to other material considerations.
- There is no requirement for the Appellant to demonstrate the overall need for renewable energy, as confirmed by paragraph 163 of the NPPF.

²⁷ Paragraph 1.2.1 of CD4.4 says that section 1.2 of EN-1 provides details of the role of EN-3 in the wider planning system.

- The development would constitute a low carbon, renewable energy source that would make a valuable contribution towards meeting national renewable energy targets.
- The site is not considered to be a valued landscape under paragraph 180(a) of the NPPF.
- The development would not result in unacceptable direct adverse impacts on residential amenity.
- There will be some harm to views from PRowS, but the magnitude and acceptability of this impact is not agreed.
- The access proposals and the construction vehicle route from the strategic highway to the site, are acceptable.
- The proposed solar panels would not emit significant noise or vibration.
- The proposed development would not result in unacceptable glint and glare impacts on nearby sensitive receptors, including residents and users of the adjacent highways (the A52 and Castle View Road).
- The majority of the appeal site comprises land within flood zone 1, with a small area within flood zone 3 adjacent to Winter Beck. All infrastructure would be located outside flood zone 3.
- The proposed development would not result in any more surface water run-off than occurs currently. The likely significant effects of the solar farm would be beneficial and include a reduction in the risk of silt run-off, more uniform flow characteristics in the receiving watercourses, and improved run-off quality. There would be an improvement in respect of downstream flood risk, subject to appropriate conditions being imposed.
- The development would deliver a net gain in biodiversity of + 144.64% in habitat units and + 32.13% in hedgerow units.
- There would not be an unacceptable impact on trees and hedgerows through damage or loss.
- The classification of the agricultural land forming the site is about 93% grade 3b, <1% grade 3a, and about 7% grade 2.
- The installation and decommissioning process will not result in the permanent loss or any downgrading of the quality of the agricultural land. Agricultural use, in the form of grazing, could take place during the operational phase, and following decommissioning the land could revert to arable use.
- The proposed development is a form of farm diversification and could enable reinvestment in the remainder of the farm holding.
- A degree of less than substantial harm would arise to the following designated heritage assets, due to a change in setting:

Belvoir Castle, grade I listed building

Belvoir Castle park and garden, grade II* RPG

Belvoir Conservation Area

Church of St Mary, Bottesford, grade I listed building.

- The following benefits weigh in favour of granting planning permission, but the weight to be afforded to these benefits is a matter of dispute:

Renewable energy generation which would contribute to targets to reduce carbon dioxide emissions.

Ecological enhancements to the site.

Grid connection availability given the national shortage in available grid capacity.

Economic benefits arising from the construction, including financial investment and business rates.

Improvements to soil resource and agricultural land quality.

Improvements in respect of flood risk and drainage.

Educational strategy and resource.

7. The case for the Appellant²⁸

Introduction

7.1 There is a climate emergency and deployment of solar is critical to the delivery of this country's net zero ambitions. The level of solar that needs to be delivered combined with the barriers to delivery, including a lack of grid connections and the consenting process, presents a colossal challenge²⁹.

7.2 The appeal site is unconstrained by policy designations. It is not a valued landscape and is not designated, whether for its landscape character, nature conservation, or any other reason. It does not lie in a conservation area or the Green Belt. It lies in the wider setting of, but at some distance to, a number of heritage assets. There would be no direct harm to these assets. The LPA has found other solar farms in the area to be acceptable.

Landscape

7.3 Almost any solar project of this scale would give rise to some adverse landscape and visual effects, but it is common ground that despite such impacts, solar farms represent an acceptable form of development in the open countryside (subject to other material considerations). The final proposal has resulted from an extensive iterative design process, and key mitigation measures include:

- i. The omission of solar arrays from some fields.
- ii. Offsetting of solar arrays from the boundaries and security fencing, with offsets from the green lanes of between 4 to 36m.

²⁸ The Appellant's case is summarised principally from the closing submissions of Ms Osmund-Smith & Ms Chalaby, CD11.22.

²⁹ The National Audit Office, Achieving Net Zero, 2020 (CD4.16), page 6, para 6.

- iii. Hedge planting, with hedges softening visual impacts, supported by the principle of providing widths for users of the new green lanes in the order of 10m.
- iv. Ensuring that PRowS are not framed on both sides by solar arrays.
- v. Provision of new green infrastructure comprising trees, woodlands, an orchard, native hedgerows and grassland habitats.

Landscape character

- 7.4 The site and wider area broadly align with the key descriptors of National Character Area (NCA) 48 Trent and Belvoir Vales and NCA 74 Leicestershire and Nottinghamshire Wolds. That includes the low-lying landform, agricultural land use, medium fields, red brick architecture, and rural villages linked by quiet lanes³⁰. It is notable that the NCA guidance encourages conversion of arable to pasture and grassland habitats to, amongst other things, benefit local character. The guidance also encourages enhancement of the woodland and hedgerow network, supporting new planting to enhance landscape diversity and counteract threats to landscape character³¹.
- 7.5 At the more local level, the site falls within the expansive gentle vale landscape of Landscape Character Area (LCA) 1 Vale of Belvoir, with LCA2 Bottesford to the north-east and LCA9 Parkland to the south³². There would be no significant effects on these adjacent LCAs³³. In the context of the Vale of Belvoir, the development proposed is low-lying (with the dominant element 3m high); it works within the framework of existing fields and vegetation, and it can be draped over rather than altering the existing landform. Taking these matters into account, LCA1 is of medium sensitivity.
- 7.6 The higher sensitivity put forward by the LPA's landscape witness for the appeal site itself is not justified. The factors put forward do not elevate the sensitivity of the site. Insofar as time depth and views of Belvoir Castle are concerned, views of the castle are possible across a wide area of the Vale. Distinctiveness, having regard to an intact historic field pattern is not borne out by historic mapping³⁴, and, with regard to recreation access, the site does not have an unusually high number of footpaths³⁵.
- 7.7 In relation to the site and its immediate context, the change of land use and introduction of new structures would result in a large scale impact, with a high-medium magnitude and moderate adverse effect³⁶. In terms of the surrounding landscape up to around 1km, before planting matures there would be a moderate adverse effect, but by year 15, this would reduce to a moderate-slight effect³⁷. Beyond 1km from the site within the 5km study area, effects would be of

³⁰ NCA profile 48: Trent and Belvoir Vales (CD8.5), page 6.

³¹ CD8.5, pages 17 & 18.

³² Melton Borough Landscape & Historic Urban Character Assessment Report (CD8.6), pages 15 & 16.

³³ Mr Kratt's proof of evidence, CD9.6A, paras 8.5.25 & 8.5.30.

³⁴ Extracts from historic maps showing field boundaries no longer present are in CD11.10.

³⁵ Figures 4B and 4C respectively show PRowS within the site and its immediate surroundings, and within the 10km study area.

³⁶ Mr Kratt's proof of evidence (CD9.6A), para 8.5.3.

³⁷ Mr Kratt's proof of evidence (CD9.6A), paras 8.5.8 & 8.5.9.

negligible scale, with limited intervisibility and little discernible change to landscape character and key characteristics³⁸.

- 7.8 Even if there were considered to be a significant effect at site level, that does not assist in determining overall acceptability. The LPA accepts that solar development is acceptable in the open countryside, and a number of schemes have been permitted within and close to the study area³⁹. Moreover, solar farms with features such as panels, fencing and storage containers are becoming increasingly common in worked farming landscapes.
- 7.9 The LPA's landscape witness found a significant effect at a character area level by creating a new local character area – the Vale around Bottesford⁴⁰. This has involved drawing a line around the boundaries of five solar schemes, but does not fully extend to the zone of visual influence of those schemes⁴¹. Including the proposed development to define the extent of the Vale around Bottesford has led the LPA to elevate the sensitivity of this character area, however another understanding of the defined area is that the presence of existing solar energy infrastructure reduces the susceptibility to such development.
- 7.10 The LPA has found a high magnitude of change to the new landscape character area as a whole, but this area extends to about 3,000ha of which the vast majority would remain unaffected by solar development. Caution needs to be applied to the LPA's approach since the new character area would only come into being if the proposed development were built. As such, it is unclear against what baseline the effects have been assessed, and the effects identified on the new LCA do not relate to the impact of the proposal alone but are bound up with the LPA's cumulative case.
- 7.11 The Appellant's landscape witness has followed the approach to cumulative impact set out in the Guidelines for Landscape and Visual Impact Assessment⁴², and has included all four permitted schemes within a 5km study area. Solar development would make up just 2% of the study area⁴³. Insofar as the visual envelope is concerned, there would be no visibility of the appeal site across the majority of even the LPA's new landscape character area. Due to the topography and vegetation there are only limited opportunities to experience any combined or successive cumulative impacts. Viewpoints VP9 in the vicinity of Belvoir Castle and VP15 from Beacon Hill are from higher ground⁴⁴. In both viewpoints, all the solar farms would sit below the skyline, the expansiveness of the views would remain, the open aspect across the landscape would be retained, and the overriding scene would still be rural countryside with elements of development.
- 7.12 There would be significant spatial separation, with a minimum of about 4km between solar developments. That represents at least an hour's walk between boundaries, accepting there is likely to be a degree of visual influence beyond the boundary. Car users are typically considered less sensitive, given their speed,

³⁸ Mr Kratt's proof of evidence (CD9.6A), para 8.5.12.

³⁹ CD11.20, page 1 lists the permitted sites, and their location is shown on figure SH-5 in appendix 2 to Mr Higson's proof of evidence (CD9.7A). The site at Foston bypass is just beyond the 5km study area.

⁴⁰ Figure SH-6 in appendix 2 to Mr Higson's proof of evidence (CD9.7A).

⁴¹ See figure 13 in appendix 1 to Mr Kratt's proof of evidence (CD9.6a).

⁴² CD8.1, para 7.20.

⁴³ Mr Kratt's proof of evidence (CD9.6A), para 8.6.11.

⁴⁴ See figure 2.4 in CD1.32.9.

focus, and purpose of travel. The existing description of the landscape would not alter, and the landscape character would not tip to become something new.

Visual amenity

- 7.13 The significant visual effects of the scheme would be predominately felt within 1km, mostly limited to footpath users and visitors to areas adjacent to the site. This extent of visibility is not continuous, with views of the site cutting in and out, depending on topography and vegetation, and a key aspect of the design strategy is to set solar arrays back by at least one field on at least one side of each PRow.
- 7.14 The proposed hedgerow screening is an appropriate approach to mitigation. Where green lanes are proposed, they would be at least 10m wide, representing an attractive environment for a walker, and being similar to walks in local lanes including the route to Muston on footpath 89. There are no existing controls to prevent the landowner managing the hedges as they wish, and hedges in the area are not cut uniformly or to consistent heights. In any event, expansive views out to the wider landscape would remain.

Heritage

- 7.15 Any harm to the significance of the assets concerned derives from a change in views to or from an area that lies within their setting. It is only the part of the significance derived from setting that is affected. All the significance embodied in the asset itself would remain intact. The following overarching conclusions are now understood to be common ground. Even on the LPA's case, the harm alleged to any of the assets is nowhere near substantial harm, and it is not part of the LPA's case that the scheme threatens the viability, status and importance of the assets in question. This is a time-limited development for 40 years. The assets concerned have existed for hundreds of years and are expected to remain for hundreds more.

Grade I Belvoir Castle

- 7.16 The significance of this asset is principally derived from the architectural, historic, aesthetic and archaeological interest of its physical fabric. Of the elements of the setting that contribute to significance, the most important are the spatial and visual relationships between the Castle and the associated designated heritage assets which together form the Conservation Area. The physical form and fabric of the Castle is best understood from the gardens and parkland within the RPG. The latest iteration of the Castle as a domestic residence places a greater emphasis upon its interior design and the relationship with the domestic grounds and parkland which lie to the south and south-east.
- 7.17 The appeal site forms part of that wider landscape setting of the Castle, and is intervisible with it, albeit with no designed views in either direction. It was also part of the estate by 1849, such that there is a historic functional and associative connection⁴⁵.

⁴⁵ CD9.6B, Ms Armstrong's proof, para 4.12.

- 7.18 The proposed development would not affect the physical fabric of the castle, from which its significance is principally derived. Nor would it change the most important parts of the setting: the relationship between the castle, conservation area and designed gardens would remain. There is no historic reference before the inquiry that suggests views from the castle to the north-west are important, and planting introduced in the 18th century curtails views of the Vale in this direction. The landscape setting has undergone visible change over its lifespan to respond to evolving social, economic, and technological conditions. The appeal site forms a small part of wide views at some 2km distance, and the patchwork field pattern of the agricultural landscape would remain.
- 7.19 The King's Rooms are located on the north-west side of the Castle⁴⁶, but it is understood that they were used for the King as they provided three connecting rooms of a suitable size, rather than for the view⁴⁷. The north-west view has been described in both recent and 19th century sources as dreary, dull, or the least pleasing aspect⁴⁸. Publications about the Castle from the 19th century suggest that views to the south or east were most prized⁴⁹.
- 7.20 A portrait of the 5th Duchess shows people standing on the balcony of the Elizabeth Saloon, with what appears to be the spire of St Mary's Church at Bottesford in the background⁵⁰, but there is artistic licence in this painting⁵¹. There is no evidence that views to the church influenced the design or construction of the castle, and even with the development in place, St Mary's would not be removed from the view. There are other locations in addition to the appeal site, from where St Mary's and the castle can be seen⁵².
- 7.21 The conclusions of a specialist study indicate that there would be no adverse glint and glare impacts in views from the castle which would detract from its setting⁵³.
- 7.22 Some views of the castle from the appeal site would change, some would remain, and some would be lost. Where the context of views would change by way of the introduction of solar panels, the castle would still be appreciated as a residence of status which sits on high ground. The development would also provide a new publicly accessible recreational area which would afford clear views towards Belvoir Castle with picnic seating and interpretation boards.
- 7.23 Taking the nature of the change into account, that the significance of the asset is primarily derived from its physical form, and that elements of its setting that make a greater contribution to its significance would not be harmed, the harm arising would be at the lower end of the spectrum of less than substantial.

Grade II RPG*

- 7.24 The RPG covers about 900ha, mostly to the south of the castle and largely laid out to a plan of 1780 by Capability Brown⁵⁴. The heritage significance of the RPG

⁴⁶ See second floor plan in appendix 7B of CD9.6B.

⁴⁷ CD9.6B, Ms Armstrong's proof, para 4.29.

⁴⁸ CD9.6B, Ms Armstrong's proof, para 4.30.

⁴⁹ CD9.6B, Ms Armstrong's appendix 3, paras 3.45-3.47.

⁵⁰ CD9.6B, Ms Armstrong's appendix 3, page 28.

⁵¹ CD9.6B, Ms Armstrong's appendix 3, para 3.34.

⁵² CDs 11.15 & 11.16.

⁵³ CD9.6B, appendix 7, and CD11.12.

⁵⁴ Appendix 6 to Heritage Statement, pages 3-4, in CD1.33.7 ES appendix 3.1 – Heritage Statement part 2.

is principally embodied in the historic, aesthetic and archaeological interest of its physical form, as well as its connections with Brown and with the castle itself. Whilst the appeal site forms part of the wider setting of the RPG there is no evidence that the design of the gardens sought to borrow from the wider landscape. There is also no evidence of any designed views out from or back to the RPG in the wider landscape. In fact, Brown's design sought to separate the RPG from that wider landscape with screening tree belts⁵⁵. Should trees which provide screening to the north-west be lost, replanting would be undertaken by the Estate⁵⁶.

- 7.25 Where the RPG can be seen from the site, it is essentially appreciated as planting associated with the castle. The proposed development would be visible from parts of the RPG, but it would be viewed as a change within the working landscape some distance away. The visibility of the proposal would not alter the overall design intent of the designed landscape, nor the understanding and experience of the spatial and visual relationships between the castle and its gardens and parkland. Harm would be less than substantial, and at the lower end of that spectrum.

Belvoir Conservation Area

- 7.26 Any contribution made by the appeal site to the significance of the conservation area is derived from the contribution which it makes to the understanding, experience and appreciation of Belvoir Castle and the RPG. That contribution should be viewed in the context of the site forming a small part of the estate landholding beyond the designed landscape, the distance between these areas, and the lack of designed interaction.
- 7.27 Based upon the assessments of the Castle and the RPG, the harm arising to the conservation area due to a change in its setting would be less than substantial, and at the lower end of the spectrum.

Grade I Church of St Mary, Bottesford

- 7.28 The Church of St Mary is a parish church dating from the 13th century with a particularly tall spire rebuilt in the 19th century⁵⁷. There is a connection with the Earls and Countesses and later the Dukes and Dutchesses of Rutland, which contributes to the historic interest of the building. The Church was once a place of burial for the Earls and Countesses, until in the 18th century a mausoleum was built at Belvoir Castle⁵⁸. It is understood that a patronage connection between the Manners family and the church remains, with the family continuing to hold some events there⁵⁹. St Mary's is a parish church and not an estate church⁶⁰, and there is no evidence that its construction was funded by the Belvoir Estate. There are other places of worship associated with the castle. There are no connections between the architectural styles of the church and the castle, there are no designed visual connections, and there are no designed routes between these two assets.

⁵⁵ See Brown's plans in CD11.13.

⁵⁶ CD11.22, Appellants' response, page 2.

⁵⁷ Appendix 7 to Heritage Statement, pages 3-4, in CD1.33.7 ES appendix 3.1 – Heritage Statement part 2.

⁵⁸ CD9.6B, Ms Armstrong's proof, para 5.5.

⁵⁹ Ms Armstrong's proof of evidence, CD9.6B, para 5.5.

⁶⁰ CD9.6B, Ms Armstrong's proof, para 5.6.

7.29 The heritage significance of St Mary's is principally derived from the historic, architectural, aesthetic and archaeological interest of the physical fabric of the church itself. The church is best appreciated from that part of its setting which encompasses the churchyard and the settlement it serves. Incidental views from the wider landscape, including the appeal site, make a lesser contribution to significance. Whilst both the castle and the church can be seen from parts of the appeal site, they are not seen together, and such viewpoints are available elsewhere⁶¹. Harm to the significance of the church would be at the lower end of the less than substantial spectrum.

Grade II Church of St John the Baptist, Muston*

7.30 The appeal site forms a small part of the setting of the church, and makes a limited contribution to its heritage significance. Whilst the development would result in a change to incidental views of the church from the site, in the majority of views the change would be limited to the foreground only. The resulting change at some distance from the asset and its associated settlement would not alter the understanding of the church as a waymarker in the landscape. There would be less than substantial harm at the lower end of the spectrum.

Scheduled moated grange, Muston

7.31 There is no inter-visibility between the appeal site and the scheduled monument. There is no definitive proof of any historic connection, but even if there had been such a connection, it would have been severed following the dissolution of the monasteries in the 1500s, with the landscape subsequently subject to enclosure. Over time the grange has been separated from the site by agricultural fields and a road, and the parts of the landscape that now contribute to its significance are those that lie adjacent to the monument (and outside the site) where spatial and visual connections can be understood through visible ridge and furrow earthworks. No harm would arise as the site does not contribute to the asset's significance.

Nature conservation

7.32 Interested parties have suggested there is potential for the scheme to adversely affect the Muston Meadows SSSI and NNR⁶². However, the potential construction-related effects would be indirect and very limited. They would be managed by way of a proposed construction method statement, the purpose of which is to ensure any potential effects on the environment would be avoided, minimised, and mitigated through appropriate measures. As to the operational phase, any impacts on designated sites would be limited to periodic maintenance of panels and would represent a likely improvement over the activities of arable farming, including spraying chemicals and use of farm vehicles, ultimately leading to a minor positive impact on statutory designated sites⁶³.

7.33 Natural England had suggested that there should be an additional buffer of at least 10m to the SSSI⁶⁴. However there is no justification for such an amendment, given the extent of the buffer already proposed, with solar panels

⁶¹ CDs 11.15 & 11.16.

⁶² CDs 9.11, 9.10, 9.16.

⁶³ The Environmental Statement volume 1, para 5.5.50 (CD1.31.5).

⁶⁴ CD7.10A, page 2.

set back from 14.5m-27.2m, and the fence by 11.2m-19.5m, from the SSSI boundary⁶⁵.

- 7.34 In respect of the Grantham Canal and Banks Local Wildlife Site there is no potential pathway for impacts from the development, due to the separation distance (about 0.6km) and lack of hydrological connectivity⁶⁶.
- 7.35 Interested parties also raised the issue of skylarks. The breeding bird survey estimated 10 skylark territories on the site, from where nesting skylarks could be displaced, although they would still use the land for foraging⁶⁷. The view of the County Ecologist is that bird populations on the site are of no more than local significance, and that, although there would be loss of farmland habitat, some habitat creation of higher value is proposed, and species will also be displaced to adjacent farmland habitats which are the dominant land-use in this area⁶⁸.
- 7.36 Impacts on skylarks do not represent a significant effect that requires mitigation. The number of skylark territories within the site is small, and skylark numbers fluctuate each year with crop rotation. The change on the site from arable to pasture would provide a better foraging resource and increase the breeding productivity of pairs in the immediate vicinity. Moreover, skylarks would be able to relocate to the other agricultural fields in the area. However, if considered necessary, mitigation can be provided by way of the agreed pre-commencement condition⁶⁹. A mitigation strategy could be expected to provide skylark plots within adjacent arable land.
- 7.37 The proposal would provide substantial biodiversity net gain of 144.64% in habitat units and 32.13% in hedgerow units⁷⁰. Overall, the development would be a positive change for nature, contributing to a resilient ecological network through habitat enhancement and cessation of modern agricultural practices, which in turn would be beneficial to the SSSI.

Other matters

- 7.38 Only a small part of the site qualifies as BMV land, and there is no policy requiring agricultural land to be used for food production or for arable in particular. Moreover the Government has supported the removal of arable land from food production under the Countryside Stewardship Scheme⁷¹. The agricultural land would not be lost as it would be available for agricultural use when the scheme is decommissioned, and grazing by sheep could continue while the scheme is operational. Resting the soil from intensive arable production over 40 years is likely to be a benefit to the soil resource.
- 7.39 Interested parties raised the issue of the efficiency of the site, with SAVE alleging that either the solar farm would produce too much energy, or it would not produce enough. However, the relevance of the comparator sites put forward is unclear: in particular it is unclear whether they have been measured in

⁶⁵ CD1.35.2, para 3.2.2.

⁶⁶ Mr Fearn's statement, para 6.1.5, at appendix 3 of CD9.6C.

⁶⁷ CD1.35.5, Breeding Bird Survey Report – 2020, table 3.1.

⁶⁸ CD7.6A.

⁶⁹ CD11.11.

⁷⁰ These increases in biodiversity are recorded in the statement of common ground (CD9.5) at para 7.32.

⁷¹ CD9.6C, appendix 4. Mr Kernon's statement says that in 2023 the Government funded the change of use of 161,000ha of arable land to non-food producing agri-environmental purposes under the Countryside Stewardship Scheme.

alternating or direct current, and whether the measurements are for panelled areas or to site boundaries. An overplanting statement explains the efficiency of the scheme and shows that it falls within the size range anticipated by policy and is not dissimilar to other solar farms with the same output⁷².

Benefits and balance

- 7.40 Neither the Local Plan nor the Neighbourhood Plan allocates any sites for solar development, nor do they identify broad areas where applications for such schemes would be welcomed. Nonetheless, the Development Plan does encourage renewable energy in appropriate places. The Local Plan notes that the Borough has a strong potential to develop renewable energy, including solar, and notes that there is likely to be continued demand for large scale renewable proposals⁷³.
- 7.41 Policy EN10 of the Local Plan is a permissive policy that provides support for solar schemes subject to a number of criteria. It is possible to comply with this policy despite causing some harm to heritage and landscape, and each of the assessment criteria are satisfied. Policy EN13 refers to national heritage policy in the NPPF. Having regard to the NPPF's heritage balance at paragraph 208, there is compliance with Policy EN13 as the heritage harm arising in this case is outweighed by the public benefits. Policy EN1 relates to landscape. The key question with respect to this policy is not whether there are any adverse effects, but whether any effects cross the threshold of unacceptability. The proposal is in accord with this policy.
- 7.42 The proposal complies with relevant criteria in Policies 9 and 2 of the Neighbourhood Plan since there would be no unacceptable effects in respect of renewable energy or landscape. It complies with the Development Plan.
- 7.43 Since the adoption of the Local Plan in 2018, the supportive policy context for solar has strengthened. In 2021, with the publication of the Net Zero Strategy, the Government established the ambition that the UK should be entirely powered by clean energy by 2035 subject to security of supply⁷⁴. The British Energy Security Strategy in 2022 then established the ambition of 70GW of solar by 2035 against 14GW existing capacity⁷⁵. The newly designated NPS EN-3 notes an urgent need for electricity and explains that renewables are an essential element of the transition to net zero⁷⁶.
- 7.44 A further material consideration is the new policy contained within NPS EN-1, the critical national priority for nationally significant low carbon infrastructure⁷⁷. The closer a scheme is in size to a nationally significant infrastructure project the greater the weight that can be given to EN-1. Furthermore, EN-1 explains that the materiality of the policies contained within it in the wider planning system depends on the extent to which the matters are already covered by applicable planning policy⁷⁸. In this case there are no development plan policies dealing specifically with large-scale solar, nor with critical national priority infrastructure. In most circumstances, residual impacts are unlikely to outweigh the urgent need

⁷² CD9.6C, appendix 2.

⁷³ CD5.1, paras 7.19.2 & 7.20.4.

⁷⁴ CD4.17, page 19.

⁷⁵ CD4.18, pages 30 & 19.

⁷⁶ CD4.4, paras 1.1.1 & 1.1.2.

⁷⁷ CD4.3, paras 4.2.2-4.2.9.

⁷⁸ CD4.3, para 1.2.2.

for critical national priority infrastructure⁷⁹. The Secretary of State will take as the starting point for decision-making that critical national priority infrastructure has met policy tests which require a clear outweighing of harm.

- 7.45 The new Government has reaffirmed the scale of the net zero challenge and the need to address it immediately. The focus of the NPPF consultation document is on speeding up delivery of renewables, with the expressed aim of the proposed amendments to increase the likelihood of local planning authorities granting permission to renewable energy schemes⁸⁰. The proposed amendments to the NPPF with respect to renewable energy build on the last four years of consistent government policy, which bears on the weight which should be given to them. The urgency of the need for renewable energy set out in evolving policy has led to a series of permissions being granted in recent years by the Secretary of State and Inspectors for large-scale solar development on sensitive sites⁸¹.
- 7.46 There are a number of benefits associated with the scheme. The need for renewable energy is urgent, and there is a significant need for large scale solar to come forward to realise the Government's net zero ambitions. The Appeal Scheme would generate up to 49.9MW of electricity, meeting the equivalent annual electrical needs of over 23,100 homes, and avoiding the production of approximately 1.6 million tonnes of CO₂ over the lifetime of the project⁸². This should attract substantial weight.
- 7.47 The scheme would have a theoretical capacity of 70MW. This situation, where the installed generating capacity measured in direct current exceeds the grid connection capacity measured in alternating current is known as overplanting⁸³. Overplanting is considered to be an essential aspect in the design of solar farms, as recognised in EN-3. Without overplanting, it would not be possible to make full use of the grid connection due to degradation in panel array efficiency over time, power losses from transporting electricity and the increasing or decreasing of voltage levels, power losses from the conversion of direct current electricity to alternating current electricity which can be exported to the grid, and times of low irradiation. The grid export capacity of 49.9MW would not be exceeded.
- 7.48 Both Parliament and the Council declared climate change emergencies in 2019⁸⁴. The appeal scheme's ability to deliver on these declarations rapidly is a separate benefit to renewable generation, in the light of the urgency of action the declarations demand, and this should be given significant weight.
- 7.49 Delivering energy security is a further matter that is both urgent and of critical importance to the country⁸⁵. This is a separate benefit, as it turns on how and where energy is produced and therefore how secure it is. It should be given substantial weight.
- 7.50 The scheme would use a tracking system together with bi-facial panels, which would increase continuous electrical productivity by 20-25% when compared to

⁷⁹ CD4.3, paras 4.2.15 & 4.2.16.

⁸⁰ CD4.31, para 7.

⁸¹ The Appellant refers to appeal decisions at CDs 6.9, 6.12, 6.15, 6.17, 6.26, 6.31 & 6.38.

⁸² CD9.6C, para 7.5.

⁸³ See the Appellant's overplanting statement at appendix 2 of CD9.6C.

⁸⁴ CDs 4.11 & 5.8.

⁸⁵ See CD4.20, page 2.

traditional fixed arrays⁸⁶. The additional efficiency due to use of the best available technology should receive moderate weight.

- 7.51 The good design of the scheme is a further benefit. The good design includes removing panels from fields, the setting back of panels from hedgerows and PRowS, making sure solar arrays are only on one side of PRowS, and the positive approach towards wider biodiversity considerations. This is also worth moderate weight.
- 7.52 This proposal has a confirmed grid offer that would allow the scheme to connect immediately if permission were granted. There are no alternative sites within the viable 1km corridor either side of the grid line to exploit this capacity⁸⁷. Significant weight is afforded to the grid offer, and moderate weight to the proximity of the grid connection.
- 7.53 The scheme would also bring about significant environmental benefits, including a biodiversity net gain of 144.64% in habitat units and 32.13% in hedgerow units. Other environmental benefits would be: resting the soil from intensive arable production over 40 years which should be given limited weight⁸⁸, improvements to green infrastructure, which merit moderate weight⁸⁹, and enhancements to surface water drainage, which would result in betterment in terms of both run-off rates and downstream flood risk and attract limited weight⁹⁰.
- 7.54 The solar farm would provide an important source of diversified income for the wider agricultural business⁹¹, attracting further limited weight. The appeal scheme represents a significant financial investment, with benefits to the local economy including construction jobs and annual business rate contributions in the order of £2.9million⁹², a matter worth moderate or significant weight. There would also be an educational resource, with an outdoor classroom and interpretation boards, a matter which attracts limited weight.
- 7.55 There would be less than substantial harm at the low end of the spectrum to five designated heritage assets. Given the significance of the assets combined with the low level of harm identified, the heritage harm should be afforded moderate adverse weight, and this harm is outweighed by the public benefits of the scheme. There would be some landscape harm during the operational life of the scheme, which would largely be reversed on decommissioning. It attracts limited weight. Any residual impact in relation to hedgerows would depend on the management of the landowner, as is currently the case. The harms in this case are both limited and acceptable, and the balance in this case lies firmly in favour of a grant of permission.

⁸⁶ The efficiency of the tracking system is explained in appendix 1 of CD9.6C.

⁸⁷ CD9.6C, Mr Burrell's proof of evidence, para 11.45.

⁸⁸ CD9.6C, Mr Burrell's proof of evidence, para 11.53.

⁸⁹ CD9.6C, Mr Burrell's proof of evidence, paras 11.56 & 11.57.

⁹⁰ CD9.5, paras 7.28-7.30.

⁹¹ CD9.6C, appendix 4, para 6.13.

⁹² This is a revised figure from that included in Mr Burrell's proof of evidence, and was given in his oral evidence to the inquiry.

8. The case for the LPA⁹³

Character and appearance

8.1 It is common ground that the development will give rise to harmful adverse effects on both landscape character and appearance⁹⁴. The issue between the parties is the extent of harm and whether it is significant or not.

Landscape character

- 8.2 The LPA assesses the sensitivity of the site as high, whereas the Appellant considers sensitivity as medium. That is due to a difference concerning value, the assessment of which is underplayed by the Appellant. Having regard to table 1 of the Landscape Institute's Technical Guidance Note (TGN) 02/21 there are a number of factors which may elevate the value of the site⁹⁵, including offering a sense of time depth, good physical condition, distinctiveness through its strong sense of identity as part of the Vale of Belvoir, recreational opportunities and scenic qualities.
- 8.3 One indicator of value is landscape which contributes to distinctive views and landmarks. Both the Melton and Rushcliffe Landscape Sensitivity Study: Wind Energy Development and the Bottesford Neighbourhood Plan consider that it is desirable to preserve the expansive and rural patchwork character of the landscape within which the site sits, which contributes to the view from Belvoir Castle⁹⁶. This is a factor which should elevate the value of the site.
- 8.4 The landscape is in good condition, as recognised in the Environmental Statement⁹⁷. Distinctiveness and a strong sense of place may indicate a higher value. The profile for National Character Area 48 considered that this was the case for the Vale of Belvoir; one of its statements of environmental opportunity includes to promote and carefully manage the elements that contribute to the overarching sense of place⁹⁸. Cultural heritage may elevate value, with TGN 02/21 noting that this will occur in landscapes which contribute to the significance of heritage assets, for example by forming their setting⁹⁹. The site demonstrates that characteristic, falling within the setting of at least five designated heritage assets.
- 8.5 There is also a difference with the Appellant on the magnitude of effect. There would be a fundamental and adverse change to the landscape characteristics of the site and its immediate context. That would be the case both at Year 1 and Year 15 and would be unaffected by the various mitigation measures put forward by the Appellant. It also takes into account the fact that some landscape elements, principally the existing hedgerows, would not be removed. The panels and associated infrastructure would cover a substantial area of land that is currently undeveloped. New fencing and CCTV would also be installed. There would be additional built form too, including 20 inverter stations at around 3m in

⁹³ The LPA's case is summarised principally from the closing submissions of Mr Parkinson, CD11.21.

⁹⁴ The Appellant refers to harm at paras 7.

⁹⁵ CD8.3, table 1, pages 7-11.

⁹⁶ CD8.8, table 3.4.

⁹⁷ CD1.31.2, para 2.4.10.

⁹⁸ CD8.5, page 20, SEO4.

⁹⁹ CD8.3, table 1, pages 7-8.

- height and a permanent sub-station. The solar farm would be perceived as major new industrial-style development built in the open countryside, and the magnitude of change would be high.
- 8.6 The Appellant's landscape witness concluded that the magnitude of change would only be medium-high on the basis that the effects would only be apparent over a localised area. However, this is a large site: the harm would be felt across an area of about 100ha, and within that area there would be a fundamental and adverse change to the baseline landscape character. It is apparent that the effects would be felt on the immediately adjacent fields, for example the montages from heritage viewpoint 6B shows the effect one field away on footpath 82¹⁰⁰. Not only would the effects be perceived from both Belvoir Castle and Beacon Hill, but there are other locations closer to the site within a 1km radius where there would be a noticeable change to landscape character¹⁰¹. From these positions, the proposed new hedgerows would offer limited screening.
- 8.7 This site-level harm is a harm in its own right, but the level of harm is also important context when considering the cumulative effects of the development. There are four approved solar farm developments around the village of Bottesford. The addition of the solar farm at the appeal site would result in a total combined area of approximately 317ha (based on site area).
- 8.8 There is no prescribed methodology for assessing cumulative impact. The LPA's landscape witness used the methodology in the environmental statement, an approach which is in accordance with Guidelines for Landscape and Visual Impact Assessment (third edition – GLVIA3)¹⁰².
- 8.9 A study area of 5km has been used by both main parties¹⁰³. Solar development is not currently a key characteristic within any of the landscape character areas that fall within the study area, or within the study area itself. However, the effect of the development would be the creation of a new landscape character area, with a materially different character, around Bottesford (the Vale around Bottesford)¹⁰⁴. That area would have solar development as one of its key characteristics.
- 8.10 The fact that the existing schemes have been consented and found to be acceptable in their own right is irrelevant. GLVIA3 is clear that harmful cumulative effects can arise where the project under consideration tips the balance through its additional effects¹⁰⁵. Post-development, whether one leaves Bottesford to the north, east, south or west, one would quickly be in the zone of theoretical visibility (ZTV) of a solar farm¹⁰⁶, whereas at present much of the area to the south of Bottesford is outside the ZTV of any consented solar farm. There may not be significant inter-visibility between each solar farm, but, considered sequentially, solar development would become a key characteristic of the Vale around Bottesford.

¹⁰⁰ In CD9.6A.

¹⁰¹ See, for example, the photomontages from LVIA viewpoint 6 (about 700m to the east of the site) and context photograph 3 in appendix 3 of CD9.7A (taken on footpath 82 about 200m to the west of the site).

¹⁰² GLVIA3, Landscape Institute and Institute of Environmental Management & Assessment, CD8.1.

¹⁰³ CD1.33.2, Environmental Statement appendix 2.1, para 1.7; CD9.6A, Mr Katt's proof, para 6.1.2; CD9.7A, Mr Higson's proof, para 1.4.1.

¹⁰⁴ This area is shown in figure SH-6, IN CD9.7A, appendix 2.

¹⁰⁵ CD8.1, para 7.28.

¹⁰⁶ See figure 13 in CD9.6A, appendix 1.

8.11 It is true that there would remain a distance of about 4km between each solar farm¹⁰⁷. However distance between solar farms does not mean that solar development cannot become a key characteristic. The effects of solar development would be regularly perceived when travelling around the area. A significant adverse effect can still arise through the creation of a new character area with different key characteristics. The adverse cumulative effects should be given significant weight. The cumulative magnitude of change for the wider LCA1 Vale of Belvoir and LCA2 Bottesford would be moderate and adverse, with negligible and neutral effects for LCA9 Parkland¹⁰⁸.

Visual effects

8.12 There is an extensive network of PRowS, both within and adjacent to the site¹⁰⁹. This network connects directly into the villages of Muston and Bottesford, and represents a considerable recreational resource. There are a number of places where one would pause to appreciate the view. They are of local/district value and the sensitivity of these views has been underplayed by the Appellant. The rural character of these paths is a key part of their appeal to local residents and visitors. In particular, the PRowS enable clear open views across the expansive vale. This is a significant part of the value of the existing views. Whilst there are some parts of the PRow network which are enclosed on both sides, this is limited, and the vast majority of the routes have a hedge on one side only.

8.13 The experience of walking these paths would be fundamentally and negatively changed. In particular, the existing expansive and high-quality views over the site would be lost. At Year 1, from a number of viewpoints, solar panels and security fencing would be visible at close range before planted screening takes effect. Even at Year 15, the new hedgerows would not prevent awareness of the presence of the development behind them in close-range views. Further, because of the topography of the site, there are viewpoints where the panels would not be screened even at Year 15: for example, heritage viewpoints 7C and 13B¹¹⁰.

8.14 The most harmful effect would be the loss of open views across the site. Views of panels in Year 1 would be replaced by views of a hedge at Year 15. A hedge would not mitigate the loss of an open view, but would simply change what is blocking that view. Enclosure would become a characteristic of the appeal site, but even if an oppressive tunnelling effect has been avoided, 10m wide paths would be of little consolation to users for the visual harm caused by the loss of the existing open views. There would be a significant effect on the Appellant's visual receptor group 1¹¹¹, which ought to be given significant weight.

8.15 There would also be clear views of the scheme from elevated publicly accessible locations. Part of Jubilee Way runs along the north-western edge of the Belvoir Castle RPG. The view from here, which takes in the site, is considered to be a view of Borough-wide importance¹¹², but the rural patchwork character of this view would be interrupted by the proposal. In the view from Beacon Hill, to the north

¹⁰⁷ CD9.6A, Mr Kratt's proof, para 8.6.7.

¹⁰⁸ CD9.7A, appendix 1 to Mr Higson's proof of evidence, para 3.3.30.

¹⁰⁹ See figure 4b in CD9.6A, appendix 1.

¹¹⁰ Photomontages in CD9.6A visualisation pack.

¹¹¹ The Appellant's visual receptor group 1 encompasses roads and footpaths in close proximity to the site, and is represented by viewpoints 2-5 & 12 from the original LVIA. See CD9.6A, Mr Kratt's proof, para 6.6.14.

¹¹² LVIA/ appeal viewpoints 9, CD9.6A visualisation pack, and CD8.8, table 3.4.

of Bottesford, the solar farm would be seen in a key view identified in the Neighbourhood Plan¹¹³.

8.16 Overall, the landscape harm should be given significant weight.

The effect on heritage assets

8.17 The views of the LPA's heritage witness are closely aligned with those of Historic England. Historic England's position that the Appellant had understated the harm to heritage assets should be given significant weight. Historic England did not formally object to the application, but it had concerns on heritage grounds and its underlying reasoning is of vital importance.

Belvoir Castle

8.18 An important part of the heritage significance of the castle derives from its historic associations as a seat of aristocratic power, physically manifested as a castle originally and later as a stately home, situated in a dominant location with a designed landscape encircling it. Both the LPA and Historic England take the view that the position of the castle as one of the most dominant features within the landscape is a key aspect of its setting and makes an important contribution to its significance¹¹⁴.

8.19 The historic connection between St Mary's Church in Bottesford and Belvoir Castle is of vital importance. The rites of passage of the family that live in the castle happen in the church. The church was the burial place for the Manners family until the 19th century, and there are monuments to eight of the Earls of Rutland within it. Whilst burials at the church have ceased, the connection between Belvoir Castle and the church remains, and there is also a historic patronage connection between the Manners family and the church.

8.20 The importance of the connection with St. Mary's is emphasised by the inclusion of the spire of the church as the background for the portrait of the 5th Duchess. There is no doubt some artistic licence in the painting, but the inclusion of the church in the portrait is a deliberate choice by the artist.

8.21 Whilst there is no designed visual connection between the church and the castle, this does not mean that there cannot be a strong associative connection between the two assets. Given the importance of this connection, locations where it is possible to see the church and the castle together from the same location, and therefore appreciate and understand that historic connection between the two, are likely to be particularly important elements of the setting of both the church and the castle.

8.22 The site is a location from which the dominance of the castle can be appreciated, seen against the skyline and towering above the agricultural farmland of the vale. The site, and the paths that cross it, are particularly important as they provide an opportunity to see both the castle and St Mary's spire from the same area. There are other locations in the wider area where it is possible to see both the castle and the church, but this is rare.

¹¹³ Appeal viewpoint 15, CD9.6A visualisation pack, and CD5.2, map 9a.

¹¹⁴ Historic England consultation response, 8 June 2022, CD7.14A.

- 8.23 The site enables the castle to be seen in its original context. Apart from some changes in field boundaries, and the addition of pylons (common in a rural context), the fields within the appeal site are much the same now as they would have been originally.
- 8.24 Some views of the castle would be directly blocked for a period of 40 years: for example from heritage viewpoint 10 at the northern end of the site, and post-submission viewpoint 1 on the BOAT¹¹⁵. From other viewpoints, for example from heritage viewpoints 7C and 13B on footpath 82, the eye would be drawn to the panels in the foreground first, before the castle. From these viewpoints there would be a significant impact on the ability to appreciate the significance of the castle. As the latter locations are places where both the castle and St Mary's Church can be seen together, the development would interfere with the ability to appreciate the historic connection between the two. Such non-designed views can be just as important as designed views in enabling appreciation of the significance of a heritage asset.
- 8.25 There would also be an impact on views from the castle. The large area that the development would cover is in the line of sight from the northern terrace and first floor balcony at the northern end of the Elizabeth Saloon. Rows of panels in the fields would become more apparent during the day as they moved following the sun. This would result in a clearly discernible change to the existing agricultural landscape setting for the castle.
- 8.26 The choice of this northern part of the castle for accommodating royalty, rather than the southern aspect which faces the sun and the gardens, demonstrates that the views over the vale must have been of importance. Whilst views from the castle are currently limited by mature trees, during the life of the solar farm, storms, natural ageing, pests and disease may result in thinning of the screening effect. Overall, the harm is at the mid-point of less than substantial harm.

Belvoir Castle RPG

- 8.27 The significance of the RPG derives from the implementation of a historic designed landscape around the castle to enhance its immediate setting. Although much of the RPG is south of the castle, it has an elevated position on the northern side, providing vistas and long distant views to, and from, the Vale of Belvoir.
- 8.28 Modern intrusions are minor elements in the landscape. They do not detract from an understanding of how the wider agricultural landscape provides the backdrop and contrast to the designed landscape of the RPG. It is from this setting that the wooded upland of the RPG can be seen from the Vale of Belvoir, and its association with the castle experienced.
- 8.29 LVIA/ appeal viewpoint 9 is located at the northern edge of the RPG, and provides views of the castle and its parkland, whilst also allowing an expansive vista northwards over the Vale of Belvoir¹¹⁶, including St Mary's Church spire against the skyline. The RPG can be fully appreciated and experienced in its landscape setting from this position. The proposed development would be clearly

¹¹⁵ Existing views and photomontages in CD9.6A visualisation pack.

¹¹⁶ Existing views and photomontages in CD9.6A visualisation pack.

visible in the distance, to the south-east of St Mary's, changing this historic rural setting. It would also fundamentally change how the RPG could be appreciated as part of the Castle's designed landscape from within the site, due to the blocking of and distraction in views. The harm is at the mid-point of less than substantial harm.

Belvoir Conservation Area

8.30 The significance of the Conservation Area derives from its special architectural and historic interest as the estate village for Belvoir Castle. Given the importance of the castle as the predominant heritage asset within the conservation area, harm to the significance of the castle would have a parasitic effect on the significance of the conservation area. The harm to the conservation area would be at the mid-point of less than substantial harm.

St Mary's Church, Bottesford

8.31 The significance of St Mary's Church lies not only in its architectural form, but also in its spiritual importance as the centre of its surrounding community and congregation. The spire is an important aspect of the significance of the listed building. It functions as a landmark across much of the wider landscape, and this physical dominance helps the church to demonstrate its spiritual importance.

8.32 It is in more distant views that the landmark status of the church can be fully appreciated. The lack of competing development means that from a number of places within the site, the church is the dominant built development within the view and there is no distraction from the ability to appreciate its significance. There is an historic link between the castle and the church. The site plays an important role in enabling this historic association to be appreciated, and also in enabling the church to be seen in its original context.

8.33 There are some points along the east-west footpath 82 where views of the church would be blocked. The complete blocking of a view would have a significant long-term impact on the ability to appreciate the significance of the church. In other views, the development would distract from the ability to appreciate the church spire as the dominant built feature in the landscape. The harm would be at the mid-point on the spectrum of less than substantial harm.

Muston moated grange

8.34 The Manor of Muston was given to the Augustine abbey of Owston (Charnwood, Leicestershire) in 1341. The proximity of the scheduled monument to the north-eastern part of the appeal site suggests that part of the abbey's landholding would have been included within the site, and there is an historical association between the site and the grange.

8.35 Whilst there is no direct intervisibility between the scheduled monument and the site, there is sequential visibility achieved by walking along footpath 82, which continues over Easthorpe Lane to the scheduled monument. This setting of the scheduled monument contributes to its significance by providing a tranquil context at the edge of Muston, crossed by footpaths so that the public can experience the scheduled monument in its rural surroundings and understand its historic relevance as part of mediaeval life. Harm to the significance of the scheduled monument would be at the lower end of less than substantial harm.

Conclusion on heritage impacts

8.36 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty to have special regard to the desirability of preserving a listed building or its setting. There is not yet an equivalent statutory duty in respect of scheduled monuments and registered parks and gardens, but the NPPF adopts a uniform approach to all designated heritage assets as a matter of policy. That policy states that great weight should be given to the conservation of heritage assets. This is irrespective of whether the harm amounts to substantial harm, total loss or less than substantial harm to its significance. Therefore, regardless of where harm falls on the spectrum, it is a matter that must be given considerable importance in the overall planning balance.

Overall planning balance

8.37 The benefits of the development have been exaggerated by the Appellant. Its approach involves a degree of double counting, and also an attempt to artificially divide the same benefit into a number of separate, free-standing benefits.

Renewable energy generation

8.38 It is agreed that substantial weight should be given to the renewable energy generation benefits of the proposal. The Council has always recognised both the nature and the scale of the climate crisis and the extent of the step-change needed to deliver on the Government's aspirations. However, the context of this crisis does not mean that every site is suitable for large-scale solar development.

Climate emergency

8.39 This is not a free-standing benefit. The existence of the climate emergency explains why increased renewable energy capacity is needed. However, that emergency is no greater in areas where local authorities have taken the step of acknowledging it. The development would deliver the same level of CO₂ displacement, and power the same number of homes through renewable energy, even if the Council had not declared a climate emergency.

Energy security

8.40 This is not a free-standing benefit. Rather, the benefit relating to energy security adds to the weight to be given to the generation of renewable energy and allows that benefit to be afforded substantial weight.

Best available technology

8.41 Using best available technology is in the operator's commercial interest in order to get maximum return from the grid connection. The use of the tracking system is what enables the development to power 23,100 homes. Therefore, this is not a free-standing benefit, but rather explains why the site is able to generate the level of electricity that it is agreed should be given substantial weight. If the Appellant had not made use of an available technology in order to make most efficient use of land, that would register as a harm against the proposal.

Good design

8.42 Delivering a development of high-quality design is a policy expectation under Policy D1 of the Local Plan and paragraph 139 of the NPPF. Even if the

development is policy compliant in this respect, merely avoiding harm through policy compliance is not a benefit.

Early grid connection and lack of alternative sites

- 8.43 The proposal would potentially reduce environmental impacts compared with a grid connection further away and provide prompt access to the grid. However, it is this prompt access which enables the other benefits to be delivered, and there is a strong degree of overlap between this and other benefits. At the most, moderate weight should be given to this as a benefit.

Biodiversity net gain

- 8.44 Solar development often achieves net gains in excess of 100%. That is because, in general terms, converting arable farmland to grassland for pasture registers as an increase in habitat units under the metric. Given that, the percentage net gain will depend on the size of the site. The percentage increase in biodiversity net gain here is primarily a function of the size of the site, and carries moderate weight.

Green infrastructure enhancements

- 8.45 This re-counts other benefits that have already been taken into account. It includes biodiversity net gain, rest to farmland (given limited weight as a separate benefit), retention and enhancement of the landscape fabric (taken into account as a factor to reduce the extent of landscape character harm), new accessible open spaces (taken into account as a separate benefit of limited weight). The only free-standing benefit that falls within this category is the new permissive path. However, this would suffer from much the same harm as the existing PRowS on the site, and should be given very limited weight as a benefit.

Economic benefits

- 8.46 Jobs created during the construction period would be short-term. Once operational, the facility would be unmanned, with one maintenance visit per month¹¹⁷. The job creation would be very limited. The business rates contributions failed to take into account the fact that only half would be retained locally. In any event, business rates contributions are not material: in accordance with paragraph 11 of the PPG on Determining a Planning Application, no weight should be given to this consideration. The benefits in terms of farm diversification are also very limited. The scheme would not diversify the existing farming operation, which would be displaced elsewhere. The extent to which additional revenue would be necessary and of benefit to the Estate is only explained in very general terms. Overall the economic benefits are worthy of only limited weight.

The harms

- 8.47 The harm is half-way up the scale towards being substantial for each of the heritage assets the LPA finds harmed (with the exception of the scheduled monument). Heritage harm must be given substantial weight in the overall balance. The harm to landscape character and appearance should be given significant weight.

¹¹⁷ In cross-examination the appellant's planning witness said that there would be 1-2 maintenance visits per month.

- 8.48 Whilst there would be no direct loss of BMV land, the effect of the development would be that the site could no longer be used for arable farming. That is the most efficient and economically valuable way of farming the land: Strutt & Parker calculated that, at £11,300 per acre, the value of arable land in England in 2023 was almost 30% more valuable than pastureland¹¹⁸. Limited weight ought to be afforded to this matter.
- 8.49 On a straightforward balance of harms and benefits, the harms of the proposal outweigh its benefits and its impacts are unacceptable. Related to the Development Plan, the effect is that the development is contrary to Policy EN10 of the Local Plan and Policy 9 of the Neighbourhood Plan. The development also conflicts with Policies EN1 and D1 of the Local Plan and Policy 2 of the Neighbourhood Plan (Parts 1 and 5), and would be contrary to the Development Plan taken as a whole.
- 8.50 EN-1 is a material consideration, but the proposal is not a nationally significant infrastructure project. The weight to be given to it will depend on the extent to which matters are already covered by applicable planning policy. Here, there are policies in the Development Plan which address renewable energy, and which are up-to-date. Accordingly, no more than limited weight should be given to EN-1. There are no material considerations which outweigh the non-compliance with the Development Plan.

Conclusion

- 8.51 The NPPF does not support solar development at any cost. With the benefit of renewable energy provision comes corresponding harm. That harm is a function of this sensitive site being simply unsuitable for a development of this nature. It includes significant harm to the character and appearance of a landscape which is highly valued by those who live in and around it, and harm to five designated heritage assets. This harm is of such a weight and magnitude that it outweighs the benefits of the scheme.

9. The cases for other parties who appeared at the inquiry

Bottesford Parish Council¹¹⁹

- 9.1 The Parish Council supports solar development in the right location, but this proposal would have an adverse impact. The proposal is in contravention of Neighbourhood Plan Policies 2 and 9. Part 1 of Policy 2 seeks to protect key views. This proposal would adversely affect key views 6 and 7 to the south and west of Muston¹²⁰. Hedgerows provided as mitigation would take 15 years to mature, would block views across open countryside, and would interfere with views towards Belvoir Castle. High hedgerows and fences would produce a tunnelling effect, and areas of permissive access may be closed¹²¹.
- 9.2 The development does not sufficiently take into account the cultural sensitivity and historical link and viewpoint between St Mary's Church and Belvoir Castle, contrary to part 4 of Policy 2. It is positioned between them, and the Melton and Rushcliffe Landscape Sensitivity Study: Wind Energy Development says that it is

¹¹⁸ CD10.14, page 1.

¹¹⁹ The Parish Council's case is set out in its statement of case (CD9.4) and subsequent representation (CD9.11).

¹²⁰ CD5.2, map 9a.

¹²¹ Paths used with permission (commonly used accesses) are shown on the plan at page 29 of CD9.11.

desirable to maintain uninterrupted views of the spire of St Mary's (Church) from the castle¹²².

9.3 Part 4 of Policy 9 supports development that delivers renewable energy, subject to compliance with a series of criteria: the proposal would conflict to some extent with each of these criteria. The proposal would urbanise the ecological setting of Bottesford. It would not be appropriate adjacent to Muston Meadows SSSI and NNR, and would spoil enjoyment of this area.

9.4 Other solar farms are proposed in the Vale of Belvoir¹²³, and the proposal would result in an adverse cumulative effect. Figures from the Appellant suggest that the development would be amongst the least efficient in the country, generating only 0.5MW per hectare at peak output¹²⁴, which may be an inefficient use of land.

Save our Vale Environment¹²⁵

9.5 SAVE has consistently argued that the harms resulting from the proposal outweigh the benefits. The reason for this is that the installation would be inappropriately sited. The scheme would degrade the character of the countryside.

9.6 The site is adjacent to a SSSI hosting unique orchids and endangered fauna. It abuts a heritage canal built in the 1790s and providing a home for water species. Several species of red-listed birds nest here, most notably the ground-nesting skylarks. The prospect across the site connects two Grade 1 listed buildings in Belvoir Castle and St. Mary's Church, Bottesford. Proposals on hedgerow management will not work, as tall hedges would block views across open countryside, and would interfere with views towards Belvoir Castle.

9.7 It is considered that there is only one factor in favour of this site, and this is its accessibility to the grid. Arguments are made on the basis of this factor, and the legal simplicity of the land ownership, that this site has to be chosen, and the scheme has to be operated for 40 years: but that is an argument that cannot be challenged because the figures that underlie it are not open to inspection.

9.8 The Belvoir Solar Farm Independent Landscape Review has suggested in respect of cumulative impact, that, if this project comes to fruition, it could be concluded that solar farms would be a key characteristic of the landscape¹²⁶.

9.9 The harms versus benefits equation is not properly weighted if no value is attributed to the current agricultural land use. If the production of above-average crop yields, reflected in the rent price, is to be dismissed because the land is graded 3b, the calculation cannot be properly done. Neither can the calculation be properly done if the advantages accruing from the proposal are overstated. The benefits to the local economy have been claimed but not explained.

9.10 SAVE challenges the stated outputs of the scheme. It is not convinced that the local climate could produce the output intended. If only 49.9MW is generated, the solar farm would produce 0.5MW electricity per hectare, less than at other

¹²² CD8.8, table 3.4, page 16.

¹²³ CD9.11, page 37.

¹²⁴ CD9.11, page 42.

¹²⁵ SAVE's case is set out in its statement (CD9.10) and Professor Hammond's statement (CD11.4).

¹²⁶ CD7.19B, para 5.2.6.

sites¹²⁷. Either it will produce in excess of 49.9MW, or it is inefficient compared to other less land-hungry schemes.

9.11 The appeal site is identified as land suitable for food production in a research paper related to preparation of the National Food Strategy of 2022. It includes grade 3a and grade 3b land¹²⁸, and is used for growing cereals and pulses. It is calculated that the food loss over 40 years would be about 26,500 tonnes of wheat, about 6,000 tonnes of beans, and about 5,000 tonnes of oil seed rape¹²⁹. There is concern that compaction of soil would increase flood risk.

9.12 The mitigations presented are either unwanted, impractical or would not mitigate the problems. Genuine mitigations would have included pushing the site further south and west of the village envelope, decreasing its area and using solar panels of a similar size to other schemes in the vicinity. Hedgerow management cannot mitigate the visual damage to views and landscape character. The creation of signposted walks where once walkers could roam freely is itself unsatisfactory.

Councillor Pritchett¹³⁰

9.13 Key view 7 in the Neighbourhood Plan is relevant, and was not considered in the committee report. Intervisibility between Belvoir Castle and the site is greater than suggested in the report. The setting of a heritage asset can be appreciated in other than public viewpoints. It is suggested that Historic England's concerns about the proposal were downplayed in the committee report, and that there were shortcomings in the approach to the heritage. The report did not include all relevant information: there was insufficient in the report to support approval and much in the case documents to support refusal of planning permission.

10. Written representations

Responses to notification of the appeal¹³¹

10.1 Belvoir Vale Ramblers are concerned that the proposed mitigations are insufficient to offset the loss of views and enjoyment of the countryside over a 40 years' period. The width of green lanes is insufficient to avoid a corridor effect; the width should be at least 8m. Occasional trees could help to create a good green space without restricting views. The proposed permissive path is welcomed. There should be plans to address sections of footpath which are prone to flooding. Some panels should be removed to increase the width of paths and improve views.

10.2 Five objections were received from individuals. The reasons stated for objection include: food security and the loss of land from food production for a lengthy period at a time of falling self-sufficiency, the effect on the character of the area and the loss of open views, an adverse effect on Belvoir Castle and St Mary's Church, harm to Grantham Canal Local Wildlife Site (LWS) and Muston Meadows SSSI, effect on bird life, soil compaction and risk of flooding, noise, disruption

¹²⁷ CD9.10, page 18.

¹²⁸ See paragraph 2.5 for a breakdown of the site by agricultural grade.

¹²⁹ CD9.10, para 1.4.

¹³⁰ Councillor Pritchett's case is referred to in his representation of 6 September 2024 (CD9.14A).

¹³¹ CD9.16.

and highway safety during the construction period, and reservations about the likely level of output.

Responses to proposed amendments

10.3 Natural England advises that the amendments put forward at appeal stage do not alter its previous view that appropriate mitigation is required to avoid damage to Muston Meadows SSSI¹³². In particular Natural England considers that a larger buffer area should be provided alongside the SSSI. No substantive comments were made by other parties whose views are not summarised above.

Responses to the planning application

10.4 Representations submitted prior to call-in are summarised in the LPA's report on the planning application¹³³. In addition to Bottesford Parish Council and Natural England, a number of other organisations submitted representations.

10.5 Whilst Historic England has not objected to the application, it has concerns due to the impact upon the settings of designated heritage assets, and considers the impacts and effects on Belvoir Castle, and St Mary's and St John's Churches to be higher than indicated in the environmental statement¹³⁴. Whilst the church spires and the castle might remain visually prominent, in several places they would no longer be experienced as the dominant built features. The solar farm would draw the eye and be the focus of attention, constituting a negative impact upon the setting of these heritage assets. The harm to the significance of the designated heritage assets would be less than substantial: the extent of harm to the significance of Muston moated grange scheduled monument would be low, rising to a more moderate degree of harm to the Church of St Mary.

10.6 The County Ecology Manager accepts that the proposal would result in significant biodiversity net gain, and comments that sheep grazing on the land would benefit biodiversity more than arable use¹³⁵. Wintering and breeding birds were of moderate local value, with reference made to a small number of skylark territories. There would be loss of farmland bird habitats, but some habitat of higher value is proposed, and species would also be displaced to adjacent farmland. Conditions are suggested concerning mammal pass-throughs and a biodiversity and landscape management plan.

11. Possible conditions

11.1 Possible conditions were discussed at the inquiry. A schedule, prepared by the main parties covers the following matters¹³⁶: the time-limited nature of the scheme, a construction method statement, a landscape and ecological management plan and other aspects of mitigation on the natural environment, failure to produce electricity, panel cleaning, illumination, materials, interpretation boards, access, a construction traffic management plan, PRow's, drainage, flood risk, and archaeological investigation. In addition the Appellant

¹³² CDs 10.6 & 7.10A.

¹³³ CD3.1, section 7.

¹³⁴ See CDs 7.14A & 7.14B.

¹³⁵ See CDs 7.6A-7.6C.

¹³⁶ CD9.15.

submitted possible conditions concerning skylark mitigation and plans of the DNO and customer switch rooms¹³⁷.

¹³⁷ CDs 11.11 & 11.20.

12. Inspector's conclusions

12.1 References to earlier paragraphs in this report are in square brackets [].

Main considerations

12.2 Having regard to the representations submitted, I have identified the following main considerations in this case:

- (i) The implications of the proposed development for meeting the challenge of climate change.
- (ii) The effect of the proposed development on the character and appearance of the area.
- (iii) The effect of the proposed development on heritage assets.
- (iv) The effect of the proposed development on nature conservation interests.
- (v) Whether the proposed development would be consistent with the Development Plan.
- (vi) The effect of other considerations on the overall planning balance.

Climate change

12.3 Both national and local planning policies provide broad support for proposals involving the generation of renewable energy. Paragraph 157 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, and paragraph 163 explains that even small-scale renewable and low-carbon projects provide a valuable contribution to the significant cutting of greenhouse gas emissions, and that proposals should be approved if their impacts are acceptable. A similar approach is taken in the Neighbourhood Plan at Policy 9 [5.5]. Policy EN10 of the Local Plan sets out a series of criteria against which proposals should be assessed [5.2], but the supporting text refers to the need to reduce carbon emissions and to support economic growth through low carbon energy generation.

12.4 The Government published a consultation draft of a revised NPPF in July 2024. In referring to the determination of planning applications for renewable energy development, it states unequivocally that local planning authorities should support all forms of renewable and low carbon development. Paragraph 164 also introduces a clear indication on weight, indicating that significant weight should be given to the contribution to renewable energy generation and a net zero future. As a consultation draft, this document only carries limited weight [5.13], but it does indicate the direction of thinking in national policy.

12.5 The national context provides strong support for renewable energy proposals. The Climate Change Act 2008 (as amended) imposes a statutory requirement for the level of greenhouse gas emissions in the UK to be reduced to net zero by 2050 [5.6], and the Net Zero Strategy of 2021 made a commitment to fully decarbonising the power system by 2035, subject to security of supply [5.6]. In the British Energy Security Strategy, the importance of solar development in contributing to the increased need for renewable energy generation is made clear. Emphasis on solar is also highlighted in the national policy statements EN-1 and EN-3 [5.8, 5.9], although given that they are intended primarily to apply

to nationally significant energy proposals and that there are policies in the Development Plan which apply to renewable energy schemes, I give their provisions limited weight.

- 12.6 The proposed solar farm would generate up to 49.9MW of electricity, with the potential to supply over 23,100 homes [7.46]. Both Bottesford PC and SAVE have expressed reservations about the output of the solar farm, suggesting that it would be inefficient or that the level of output has been under-estimated [9.4, 9.10]. The Appellant has explained that the solar farm would have the theoretical capacity to generate a maximum level of about 70MW of electricity measured in direct current [7.47]. Overplanting, where the maximum generating capacity would exceed the grid connection offer, is not uncommon in solar development due to degradation in panel efficiency over time, power losses from transporting electricity and the conversion of direct current electricity to the alternating current electricity which can be exported to the national grid, and times of low irradiation [7.47]. It is recognised in EN-3 as an approach which should be considered acceptable, provided certain criteria are satisfied. There is no technical evidence before me to counter the Appellant's explanation that, having regard to the above factors, overplanting is required to ensure maximum take-up of the grid connection offer for 49.9MW.
- 12.7 Although EN-3 primarily provides policy for nationally significant renewable energy infrastructure, it gives, at paragraph 2.10.17, a ratio which is useful for assessing the size of solar farms generally. It indicates that 2-4 acres are required for each MW of output. The proposal would be consistent with this range, whether considering the panelled area alone (2.12 acres per MW¹³⁸ over 149 acres) or the whole site (3.5 acres per MW over 247 acres). I note that, in figures produced by the Parish Council and SAVE, the appeal proposal is shown as producing a somewhat lower output relative to size of site than at several other developments [9.4, 9.10]. It is unclear whether these comparisons are based on the panelled areas or the whole site. In any event, differences in site configuration and topography will affect capacity, and the differences are not so great as to indicate that the appeal proposal would be an outlier in terms of efficient electricity generation.
- 12.8 Ambitious targets have been set to move to a low carbon future. These require a significant increase in generation from renewable sources, with the British Energy Security Strategy expecting a five-fold increase in solar deployment by 2035 [5.7]. Given the scale of the increase sought, over a short time horizon, the availability of the grid connection at the appeal site carries particular importance. The key role for solar development and the contribution which the appeal proposal could make at an early stage are factors which carry substantial weight in support of the proposal.
- 12.9 I agree with the LPA that the declaration of climate emergencies by Parliament and Melton Borough Council and the use of the best available technology are not additional factors in support of the proposed solar farm. The climate emergencies emphasise the need for action to move to a low carbon future, rather than being a free-standing benefit, and the best available technology, involving tracker panels, would enable the proposal to achieve the level of

¹³⁸ The Appellant gives a figure of 2.85 acres per MW of output. However, on the basis of a panelled area of 149 acres and capacity output of 70.13MW DC, the correct figure is 2.12 acres per MW).

output identified. The development would, though, play a role in helping to enhance energy security by contributing to an increase in domestic energy production. This is a factor which merits significant weight in support of the proposal.

Character and appearance

- 12.10 The appeal site lies within NCA48, Trent and Belvoir Vales, and close to NCA74, Leicestershire and Nottinghamshire Wolds [7.4]. These are extensive areas, and it is the LCAs identified at Borough level which provide the more appropriate context for assessing the effect of the proposal on landscape character. LCA1, Vale of Belvoir, encompasses the site [7.5]: an area described as a gentle vale landscape with a strong pattern of medium scale fields, and which is punctuated by nucleated villages with prominent church spires¹³⁹. The site is generally consistent with the character of the wider LCA, with its gentle variations in topography.
- 12.11 The proposal would respect the existing pattern of field boundaries and strengthen hedgerow cover. Although it would involve encroachment onto a block of open land, the Vale of Belvoir is a large LCA, extending from the north of Bottesford to beyond Belvoir Castle to the south-west, and I do not consider that the proposed development would have more than a minor adverse effect on the landscape of LCA1 as a whole.
- 12.12 I have also considered the effect of the development on two nearby LCAs: LCA2 Bottesford and LCA9 Parkland. Much of LCA2 is separated from the appeal site by the busy A52, and this area includes Bottesford itself. Although the south-eastern part of the LCA lies to the south of the A52 and extends along Easthorpe Lane, the proposal would have a negligible adverse effect on the wider character area.
- 12.13 LCA9 Parkland includes a large part of the Belvoir Castle RPG. Much of the character area extends to the south of the castle and away from the appeal site, from which it is clearly separated by a belt of countryside to the south of the Grantham Canal. I agree with the views of both main parties that the proposed development would not adversely affect LCA9 [7.5, 8.11].
- 12.14 Insofar as the effect on the site and its immediate surroundings is concerned, there is disagreement between the main parties about the sensitivity of the site itself, which derives from differing assessments of value. The LPA points to factors in TGN02/21 which may elevate the value of the site [8.2]. I note that these are broadly the same range of factors as in Box 5.1 of GLVIA3, factors that can help in the identification of valued landscapes. It is common ground that the site is not a valued landscape, having regard to paragraph 180(a) of the NPPF [6.1]. Whilst that does not mean that it has no value, it does point to caution in assessing the level of value.
- 12.15 The site forms part of the setting of several designated heritage assets, including Belvoir Castle, and the Melton and Rushcliffe Landscape Sensitivity Study and the Neighbourhood Plan both refer to the importance of preserving the character of the landscape which contributes to the view from the castle.

¹³⁹ CD8.6, page 16.

Whilst those are positive circumstances in terms of value, the setting of the castle and St Mary's Church in particular extend beyond the site. Nor is the landscape of the site distinctive with reference to the Vale of Belvoir, of which it is only a part. The landscape is in good physical condition, but, in addition to the A52, the site is affected by the presence of an electricity transmission line and pylons, and these influences detract from scenic quality. Recreational opportunities essentially relate to rights of way across and around the site. Taking account of these factors, I consider that the site is of medium value. Using the matrix in the landscape and visual impact assessment (LVIA) of the Appellant's landscape witness leads to an outcome of medium sensitivity. The LPA has used the methodology in the LVIA submitted as part of the environmental statement, and acknowledged by the Appellant's landscape witness as an appropriate approach. That leads to an outcome of medium-high sensitivity.

- 12.16 The proposal would retain and strengthen existing field boundaries, but the existing open fields would be replaced by the arrays of solar panels, the compound and associated infrastructure [4.1, 4.2]. That would represent a major and adverse change to the landscape of the site, and, given its size of almost 100ha [2.5], the influence of that change would extend into the surrounding area. When combined with the outcomes for sensitivity, the matrices indicate an adverse effect of major or moderate-major significance.
- 12.17 Planning permission has been granted for four solar farms in the area around Bottesford [7.8, 8.7], two of which are operational, and the LPA suggests that implementation of the appeal proposal would create a new LCA – the Vale around Bottesford [8.9]. These developments lie in different directions from Bottesford and are clearly separated by at least 4km [7.12]. The appeal proposal would not alter that position, and the greater part of the area identified by the LPA would remain free of solar farms. I do not consider that the construction of a solar farm on the appeal site would, taking account of other solar development in the area around Bottesford, have the effect of changing the landscape to the extent that it would be perceived as a distinct LCA.
- 12.18 I turn now to consider the visual impact of the proposed development. During construction and in the early years of the development, there would be clear views of the structures at the solar farm from the ProWs which cross and run alongside the site. It is acknowledged by the Appellant that at year 1 there would be a major-moderate adverse effect within the localised area of the site as a consequence of the development. Tree and hedgerow planting is proposed alongside footpaths and the BOAT to provide screening. As hedgerow and tree planting became established, the impact of the solar arrays and other structures would be moderated to an extent, but, as photomontages from heritage viewpoints 6B and 7C on footpath 82 indicate, there would remain places from where the panels would be visible. Hedgerow height is expected to be maintained between 2m and 3m, and that would reflect the varying height of existing hedges on and around the site.
- 12.19 Where they run alongside existing hedgerows, as in the case of footpath 90 on the western side of the site, part of byway 85B on the eastern side and on the northern side of footpath 82 across the site, new hedgerows on their other side would have the effect of enclosing these paths [7.14, 8.14]. At about 10m in width, these green lanes may not be oppressive, but they are not characteristic

of the area, and, notwithstanding the presence of solar arrays to one side only, they would restrict views across the open fields of the site. I consider that to be a significant harm of the appeal proposal.

12.20 I anticipate that the proposed planting would also restrict views and the sense of openness from nearby locations on Castle View Road and Easthorpe Lane, to the west and east respectively (for example LVIA & heritage viewpoints 12 and heritage viewpoint 2). The development would also impinge on key view 6 of the Neighbourhood Plan which extends to the north-west from Easthorpe Lane. In some places, such as on footpath 82 between Castle View Road and the site boundary, because of topography it is likely that solar arrays would be apparent despite the planting proposed.

12.21 The Appellant acknowledges that there would be some views of the solar farm from further afield, on Belvoir Road to the west (LVIA viewpoint 11) and on Woolsthorpe Lane to the east (LVIA viewpoint 6). At this greater distance, the development would not be prominent, and the structures on the site would represent a relatively minor component of views of the wider countryside.

12.22 There are views towards the appeal site from the elevated vantage points of the Belvoir Ridge (LVIA/ appeal viewpoint 9) and Beacon Hill (LVIA/ appeal viewpoint 15). Beacon Hill is about 1.5km from the site: it affords expansive views over the Vale of Belvoir beyond Bottesford and incorporates key view 2 of the Neighbourhood Plan. Existing and proposed planting would break up the development, which, whilst visible, would be largely assimilated into the patch-work field pattern of the Vale, on which it would have only a minor adverse effect. The other solar farms around Bottesford would be able to be seen from here, but neither of the two operational sites, Elton and Lodge Farm at Orston, are significant features in the landscape. Given the clear separation between the solar sites (above, para 12.17), the distance from Beacon Hill, and the moderating effect of vegetation, the addition of a solar farm at the appeal site would not result in an adverse cumulative effect.

12.23 The viewpoint on Belvoir Ridge is a similar distance to the south of the appeal site but higher than Beacon Hill: it is also further from most of the other solar sites. My conclusions about the visual impact of the development from Beacon Hill apply with equal force to the extensive views from Belvoir Ridge. The presence of the solar farm would cause a minor level of visual harm, but it would not give rise to an adverse cumulative effect. Nor would there be a significant adverse effect in views towards St Mary's Church in Bottesford, contrary to part 4 of Policy 2 in the Neighbourhood Plan.

12.24 The visual effects of the development would be primarily apparent to receptors on foot. People travelling in vehicles along the nearby roads would be moving more quickly, particularly on the A52 which abuts the northern edge of the site, and consequently views towards the site would be of limited duration. Moreover, I expect that users of the A52 would be principally concerned with their journey and not with appreciation of the countryside. On Castle View Road and Easthorpe Lane views would be restricted by roadside hedgerows. I consider that little harm would be caused to the visual amenity of drivers and passengers on nearby roads.

12.25 The proposed development would have a minor adverse effect on the landscape of LCA1. Insofar as the site and its immediate surroundings are

concerned, the development would represent a major change, and an adverse impact of moderate-major significance from the introduction of solar panels and associated infrastructure onto the fields between the A52 and the Grantham Canal. This is a matter to which I attach significant weight. There would also be harm to visual amenity, principally in localised views from within and around the site. That harm also merits significant weight. I conclude that the proposed development would have a harmful effect on the character and appearance of the area. Although I have not found that the proposed development would have an unacceptable adverse effect upon important landscape features, it would conflict with the provision of Policy EN1(II) of the Local Plan which requires new developments to respect existing landscape character, and with Policy D1(a) which requires siting to be sympathetic to the character of the area. Similarly I find conflict with Policy 2 of the Neighbourhood Plan in that there would be an adverse effect on landscape and key views, but I do not consider that the impact on the latter designations would be so great as to be unacceptable, nor that there would be an unacceptably adverse impact on the amenity of residents and visitors, including on views and vistas and the sensitivity and character of the landscape, contrary to part 4(a) of Policy 9. There would be conflict with paragraph 180(b) of the NPPF, which explains that planning decisions should recognise the intrinsic character and beauty of the countryside.

Heritage assets

Belvoir Castle

12.26 Belvoir Castle is a grade I listed building, situated in a prominent position on a ridge above the Vale of Belvoir, and about 2km beyond the southern part of the appeal site. There has been a building on the ridge since Norman times¹⁴⁰. The first castle was built for defensive purposes and, following rebuilding in the mid-sixteenth century, it was demolished during the Civil War. The list description records that the castle was rebuilt on a courtyard plan from 1665-68, and subsequently remodelled between 1801 and 1830. On the north-west side are the entrance and the Kings Rooms, referred to in the list description as being on the main elevation. The main feature on this side of the castle is the four storey Thoroton's Tower which projects onto the north terrace. The tower accommodates the opulent Elizabeth Saloon, adjacent to which is the other state room, the state dining room. Rooms on the other side of the castle, including the Regent's gallery, overlook garden areas. The remodelled castle is not a defensive structure, but a stately residence which is the home of the Duke and Duchess of Rutland [7.16].

12.27 The significance of Belvoir Castle derives not only from the architectural, historic and aesthetic interest of the building, but also from the architectural and historic interest in the imposing position of the building above the low-lying Vale of Belvoir. This low-lying area, of which the appeal site forms part, emphasises the dominance of the castle over the surrounding countryside, and, in so doing, the setting to the north of Belvoir Ridge contributes to the significance of the listed building. Further to the north, within Bottesford, is St Mary's Church, which has strong connections with the family occupying Belvoir

¹⁴⁰ See Belvoir Castle list description, appendix 5 to the Heritage Statement, CD1.33.7 (part 2).

Castle. The Church was previously the burial place for the Earls of Rutland, and there is a patronage connection.

- 12.28 From the north terrace and from inside the castle there are views over the Vale. However with the exception of the Elizabeth Saloon, direct views from principal rooms are to the north-west and north-east, and not towards the appeal site which is positioned due north of the castle. Moreover the emphasis in these rooms is on their interior design and furnishing, rather than on views out from the building. The balcony of the Elizabeth Saloon affords an expansive view over the Vale, including to the north. A predominantly agricultural landscape is seen (heritage viewpoint 9) with a patchwork of fields interspersed with several blocks of tree cover. The presence of some built development and pylons is also apparent. Similar views are available from the north terrace and Jubilee Way (LVIA/ appeal viewpoint 9). Whilst the solar farm would be apparent in these views, it would not significantly detract from views across the Vale, nor the ability to appreciate the historical and functional connection between the Estate's rural landholding and the castle. There is no evidence of designed views between Belvoir Castle and St Mary's Church [7.28, 8.21]. The spire of the church would remain visible from the castle and Jubilee Way, and the presence of the panels at some distance from the site, and broken up by vegetation on the field boundaries, would not impede an understanding of the historical connection between the castle and the church.
- 12.29 Mature tree cover on the north-west side of the castle restricts outward views to an extent. The LPA has suggested that over the lifetime of the development, storms, natural ageing and disease could result in a thinning of this cover [8.26]. There is no certainty that that circumstance would arise, and, in any event, the Appellant has explained that replanting takes place when trees are lost [7.24]. I have also considered the potential for glint and glare from the panels to adversely affect views from the castle and its surroundings. An assessment prepared for the Appellant predicts that there would be no impact at viewpoints in the vicinity of the castle [7.21], and there is no technical evidence which sets out a contrary position.
- 12.30 From within and close to the site, the presence of the development and the additional planting would restrict the extent of views towards Belvoir Castle. For example, from heritage viewpoint 10 at the northern end of the site panels would obscure much of the ridge and dominate the distant castle at year 1, and the photomontage shows that planting is expected to mask the castle completely by year 5. Elsewhere, on footpath 82 at viewpoint 13B, even by year 15 with additional planting having matured, the panels would remain a noticeable presence in the foreground of views towards the castle. Whilst there would remain clear views towards the castle, such as from that part of field 13 to be retained as open space (post-application viewpoints 5 & 6), the extent of the development on the appeal site would detract from the relationship between the castle and this part of its setting.
- 12.31 I conclude that the proposal would detract from the setting of Belvoir Castle, and so cause less than substantial harm to the significance of the listed building. Bearing in mind that the effect on setting as experienced from the castle would be limited, and the prominence of this listed building from the Vale, the harm caused would be at about the mid-point on the scale of less than substantial harm.

Belvoir Castle RPG

12.32 The RPG encompasses Belvoir Castle, but extends principally to the south of the listed building and on the opposite side of the ridge to the appeal site. Immediately to the south-west of the castle are formal garden areas with parkland and wooded areas extending beyond. As a designed landscape associated with a stately home, it is of historic and aesthetic interest. Much of the RPG was laid out in accordance with a plan by Capability Brown [7.24], and this association emphasises its historic interest.

12.33 On the north side of the castle, the Vale of Belvoir forms an extensive backdrop to the RPG. The continuity of the rural landscape, descending from the ridge and across the Vale, contributes to the significance of the RPG. I have already found that on this side of the castle, from positions which are within the RPG, the solar farm would not significantly detract from views across the Vale, and it would represent a limited change in an extensive landscape. Moreover tree cover on the north-west side of the castle restricts outward views to an extent.

12.34 As with the castle itself, from locations in the Vale within and close to the appeal site the presence of the development and the additional planting would restrict the extent of views towards the RPG. From this distance, whilst the prominence and importance of the castle are evident, distinctive features of the RPG are less easy to discern.

12.35 I conclude that the proposal would impinge on the setting of Belvoir Castle RPG, and so cause less than substantial harm to the significance of the RPG. The harm caused would be towards the lower end of the scale of less than substantial harm.

Belvoir Conservation Area

12.36 The Conservation Area includes the Castle and other associated buildings, but covers a smaller area than the RPG [2.4]. The significance of the conservation area derives in large part from the architectural and historic interest of the heritage assets within it and their interrelationships. Consequently, as with the castle and the RPG, the setting of the low-lying vale extending below the Belvoir Ridge contributes to the significance of the conservation area.

12.37 Given that the proposed development would cause less than substantial harm to the significance of Belvoir Castle and the RPG, I find that it would also detract from the setting of the conservation area. Accordingly I conclude that the proposal would cause less than substantial harm to the significance of Belvoir Conservation Area, towards the lower end of the spectrum.

St Mary's Church, Bottesford

12.38 This grade I listed building is a parish church and dates from the 13th century. It is notable for its tall spire, built above the tower, and visible for some distance beyond the settlement of Bottesford, signifying its spiritual importance in the area. In addition to its architectural interest, the church derives significance from its historic connection with Belvoir Castle [7.28]. It was previously a mausoleum for the Earls and Countesses of Rutland, and the chancel contains several monuments from that period. It is understood that a

patronage connection between the Church and the Manners family remains [7.28].

12.39 As a consequence of its tall spire and connection to the Castle, the setting of St Mary's Church is extensive. The building as a whole is best appreciated from close at hand within Bottesford. From locations within the appeal site and the surrounding area, and from Belvoir Castle and Jubilee Way, the spire is visible as a slender structure, pointing skywards above its surroundings. This image of the church is included in a portrait of the 5th Duchess of Rutland which hangs in the castle [7.20, 8.20] and points to the connection between the two buildings.

12.40 Although the spire of St Mary's is visible from the appeal site and the surrounding area, it appears as a relatively modest structure in views from this part of the Vale. Some views of the spire would be altered: photomontages from heritage viewpoints 6B and 13A on footpath 82 show respectively panels in the foreground at year 15 and more substantial hedgerows and the tops of panels at year 5. Elsewhere, for example from viewpoint heritage 7A also on footpath 82, planting is expected to obscure the spire by year 5. Heritage viewpoint 7 is one of a number of locations from where it is at present possible to look separately towards the church and the castle, but there are several other locations within the Vale where this is possible¹⁴¹.

12.41 The presence of the development would detract from some views towards the spire of St Mary's and result in the loss of others. In consequence it would diminish to an extent the ability to appreciate the relationship between the Church and the wider area beyond the settlement of Bottesford. I conclude that the proposal would detract from the setting of St Mary's Church and so cause less than substantial harm to the significance of this listed building. Given the impact of the proposal on views towards St Mary's Church from the appeal site and its surroundings, I place that harm at about the mid-point of the range of less than substantial harm.

St John's Church, Muston

12.42 St John's Church is a grade II* listed building which dates from the 13th century. It is a relatively modest structure, with a much shorter spire than St Mary's. Having regard to the list description [2.4] and the representations [7.30], I consider that the significance of the church is derived primarily from the historic and architectural interest of its physical fabric. The appeal site does not make an important contribution to the setting of the church: there are some limited views of the spire from the appeal site, which enable an appreciation of the church's historic function as a focus for the community, but the church does not have the same presence in the landscape as St Mary's. There would be some changes in views towards St John's from the appeal site, with panels being seen in the foreground and some views being obscured. However the proposal would cause less than substantial harm to the significance of this heritage asset, harm which would be at the lower end of the range.

¹⁴¹ See the schedule and plan at CD11.15 & CD11.16.

Moated grange, Muston

12.43 The site of the monument contains substantial earthworks, and the significance of the grange is derived from its historic interest as a former monastic grange [2.4, 7.31, 8.34] and its archaeological interest in respect of material which may exist within the site. The main parties agreed that part of the appeal site is likely to have been within the landholding of the grange, but the landscape has changed subsequently due to enclosure, and there is no inter-visibility between the site and the area of the scheduled monument, which are set back on opposite sides of Easthorpe Lane. There is a footpath link between the appeal site and the moated grange, and I acknowledge that the nearby farmland provides a tranquil context for the scheduled monument. Nevertheless, the appeal site does not make an important contribution to the setting of the moated grange. I conclude that the proposed development would not materially affect the setting of the scheduled monument, and so it would not harm its significance.

Conclusions on heritage assets

12.44 I have found that the proposed development would result in less than substantial harm to the significance of five heritage assets through its effect on their settings: Belvoir Castle, Belvoir Castle RPG, Belvoir Conservation Area, St Mary's Church at Bottesford, and St John's Church at Muston. In consequence the proposal would conflict with Policy EN13 of the Local Plan which expects heritage assets to be protected and enhanced. I address the heritage balance of paragraph 208 in the NPPF in my overall conclusions below (paras 12.66-12.68).

Nature conservation interests

12.45 Muston Meadows SSSI and NNR is close to the appeal site [2.3]. It has been notified as an SSSI under section 28 of the Wildlife and Countryside Act as it contains some of the best remaining examples of neutral clay grasslands in the Midlands¹⁴². Natural England's report on Leicestershire's national nature reserves explains that Muston Meadows is one of the finest lowland meadows in England: the meadows are rich in plant life, and the NNR is notable for its colony of green-winged orchids¹⁴³.

12.46 Concerns have been expressed by SAVE, Bottesford Parish Council, and in individual objections that the proposed development would potentially have a harmful effect on the SSSI/ NNR [9.3, 9.6, 10.2]. There is, though, no detailed evidence to support these concerns.

12.47 Natural England refers to an existing buffer of 11m and has suggested that there should be an additional buffer of at least 10m alongside the SSSI [10.3]. However, the site plan shows a generous buffer of 11.2-19.5m to the security fencing and of 14.5-27.2m to the panels. In places the distance to the panels would be somewhat less than that sought by Natural England, but in places it would be greater. Overall I judge that the buffer provided would be sufficient to avoid adverse impacts on the SSSI, particularly bearing in mind that there would be limited activity on the site during the operational period. Indeed the

¹⁴² CD11.6, Muston Meadows SSSI citation.

¹⁴³ CD11.6, Leicestershire's National Nature Reserves, pages 5 & 6.

Appellant suggests that it is likely that the replacement of farm activities including spraying with periodic maintenance would represent a minor positive impact [7.32]. There is insufficient detail about the existing agricultural regime to be certain about this, but it is likely that the change in use of the land would have a neutral effect on the SSSI/ NNR during the period of operation of the solar farm.

- 12.48 Construction activities have the potential to cause disturbance to the designated sites. For this reason, a construction method statement is proposed which would include measures to control to minimise any potential adverse effects on the environment, and a condition could be imposed to ensure that the development took place in accordance with the statement.
- 12.49 SAVE has also raised concern about the effect of the proposal on the ground-nesting skylark [9.6]. There are an estimated 10 skylark territories within the site, and the Appellant suggests that the number is low and that no mitigation is required [7.35, 7.36]. I disagree. The breeding bird survey acknowledges that skylark is a red-list species and as a bird of conservation concern, I consider that a condition requiring a mitigation strategy would be necessary if the development were to proceed and existing territories lost.
- 12.50 Concern is also expressed in written representations about the prospect of harm to the Grantham Canal and Banks LWS [10.2]. The LWS is about 0.6km from the appeal site, and there is no detailed evidence to counter the Appellant's position that, given the distance from the appeal site and the lack of hydrological connectivity, there is no potential pathway for adverse impacts [7.34].
- 12.51 It is common ground between the main parties that the proposal would deliver biodiversity net gain of 144.64% in habitat units and of 32.13% in hedgerow units [6.1]. That would be an important benefit of the development. A landscape and ecological management plan would be instrumental in securing biodiversity net gain, and a condition could be imposed to this end. A condition could also require the inclusion of mammal gates in the security fencing to enable small animals to move across the site.
- 12.52 With the safeguard of conditions requiring a construction method statement, a landscape and ecological management plan, a skylark mitigation strategy, and gaps in the fencing for small mammals, I am satisfied that the proposal would not have a material adverse effect on nature conservation interests. The planting proposals would achieve a marked increase in biodiversity, and I give significant weight to the biodiversity net gain. That enhancement in biodiversity would accord with Policy EN2 of the Local Plan and part 1 in Policy 3 of the Neighbourhood Plan. As there would be no significant adverse effect on the SSSI/ NNR, the proposed development would comply with criterion 4(b) in Policy 9 of the Neighbourhood Plan. I am satisfied that the proposal would also be consistent with paragraph 186(d) of the NPPF, which makes clear that opportunities to improve biodiversity should be integrated into the design of developments.

The Development Plan

The Local Plan

- 12.53 It is common ground between the main parties that the proposal is an acceptable form of development in the countryside, subject to other considerations, and consequently it complies with the development strategy set out in Policy SS2. Policy EN10 supports proposals for renewable energy generation subject to consideration of a series of factors. No adverse consequences are suggested in respect of most of the relevant factors. The policy also requires account to be taken of landscape, heritage assets and visual amenity, and I consider the balance of these matters in my overall conclusions below (paras 12.66-12.70). However, notwithstanding that the proposed development would not have an unacceptable adverse effect upon important landscape features, since it would not respect the character of the landscape of the site and its surroundings, there would be conflict with Policy EN1 and with Policy D1.
- 12.54 Policy EN13 makes it clear that development proposals should avoid harm to the significance of historic sites, buildings or areas including their setting. In this case, there would be less than substantial harm caused to the significance of three listed buildings (two grade I and one grade II*), Belvoir Castle RPG and Belvoir Castle Conservation Area.
- 12.55 The proposal would benefit nature conservation interests, and it would comply with Policy EN2. It is agreed between the main parties that the proposal would result in a reduction in the risk of silt runoff, more uniform flow characteristics in the receiving watercourses, and improved run-off quality [6.1]. In consequence, there would be an improvement in respect of downstream flood risk and compliance with Policy EN11. The proposal would also be consistent with Policy EN3 which is concerned with the Melton Green Infrastructure Network. Enhancement of part of the site adjacent to the Grantham Canal, the retention and enhancement of hedgerows and tree cover, and the enhancement of access routes through the provision of a permissive footpath across the site are all aspects of the proposed development which would align with Policy EN3.

The Neighbourhood Plan

- 12.56 Part 4 of Policy 9 supports proposals which would deliver renewable energy subject to compliance with a series of criteria. I do not consider that there would be an unacceptably adverse impact on the amenity of residents and visitors, contrary to part 4(a) of the policy 9. Nor would the development result in the loss of BMV land, as the site would be used for sheep grazing in addition to energy generation. Criterion (e) refers to the location of transmission lines below ground, but in this case there would be a connection to the network via an existing pylon. There is no conflict with other criteria in part 4 of Policy 9, and the proposal complies with this part of the Neighbourhood Plan.
- 12.57 Insofar as Policy 2 is concerned, there would not be a significant adverse effect in views towards St Mary's Church from Belvoir Castle, contrary to part 4. However, although I do not consider that the impact on key views would be so great as to be unacceptable, the development would nevertheless have an adverse effect on key views 2 and 6 and on landscape character, and

consequently it would conflict with parts 1 and 5 in Policy 2. Through the provision of a permissive path and an area of open space at the southern end of the site, the proposal would enhance green infrastructure, consistent with Policy 5. It would also enhance biodiversity value in accordance with Policy 3. Given that the principle of the development is acceptable in the countryside, the proposal complies with part 5 of Policy 1, but the harm which would be caused to the landscape and heritage assets would bring the proposal into conflict with part 1 of the policy.

The Development Plan as a whole

12.58 There is support in both parts of the Development Plan for proposals involving the generation of energy from renewable sources. Other important policies concern landscape and heritage, and the proposal would conflict with certain provisions in the Development Plan concerning these matters. However these matters must also be taken into account in an assessment under Policy EN10. I consider the balance concerning these matters and the benefits of the proposed solar farm in my overall conclusions where I also conclude on the Development Plan as a whole.

Other considerations

Agricultural land

12.59 Although not pursued with detailed evidence at the inquiry, the LPA has expressed concern that the land would not be used for arable farming during the operation of the solar farm [8.48]. Written representations also made reference to the loss of land to food production for a prolonged period of time [10.2]. A relatively small part of the appeal site (about 7%) is BMV land, a factor which the 2024 Ministerial Statement makes clear should be taken into account when considering proposals for solar development. There is, though, no policy requiring the use of farmland for arable purposes, and the extent of BMV land included in the scheme is modest, both in relative and absolute (about 7ha) terms. As it is intended that the fields within which the panels would be situated would be used for sheep grazing, the land would remain in agricultural use. I note the LPA's argument that arable production is the most efficient and economically valuable way of farming the land [8.48]. That argument is countered by the benefit to the quality of the land by resting the soil from arable production for the lifetime of the development [7.53].

12.60 I find that, due to continuing agricultural use, the proposed development would be consistent with the provisions of paragraph 180(b) of the NPPF and paragraph 5-013 of PPG concerning agricultural land, and that agricultural arguments do not tell against the appeal proposal.

Diversification

12.61 The Appellant argues that the income from the farms and visitors to the Belvoir Castle site do not meet overheads and that revenue from the solar farm would provide an important source of diversified income [7.54]. A letter from the Duchess of Rutland touches on this matter¹⁴⁴. There is no detailed evidence

¹⁴⁴ CD9.6C, appendix 7.

to substantiate the assertions made about diversification, and it is not a matter which merits weight in support of the proposal.

Other economic considerations

12.62 Reference is made by the Appellant to benefits to the local economy from employment and business rates [7.54]. Employment opportunities would principally arise during the 6-9 months construction period. During the operational life of the solar farm, there are only expected to be 1-2 maintenance visits per month¹⁴⁵. Business rate contributions in the order of £2.9 million are expected to be made, but the Appellant did not dispute that half of the payment would be made to central government. In any event, I am mindful that paragraph 21b-011 of Planning Practice Guidance advises that it would not be appropriate to make a decision based on the potential for the development to make money for a local authority. Overall, I consider that the economic benefits of the proposal carry limited weight.

Construction implications

12.63 Individual representations express concern about the implications of construction of the solar farm including references to disturbance and the potential effect on highway safety. The suggested construction method statement would include details concerning the timetabling of works, dust suppression, and methods to address noise, amongst other matters. Separately, a traffic construction management plan would cover matters such as the routing of construction traffic, wheel cleaning and parking facilities. Both packages of measures could be secured by condition, and I am satisfied that they would provide effective mitigation for the local community from construction activities.

Education resources

12.64 Interpretation and information boards are proposed to be erected along footpaths within the site. The Appellant also suggest that the seating and picnic area at the southern part of the site could be used as an outdoor classroom, although there is no certainty that this would occur. I give this matter limited weight in my considerations.

Conditions

12.65 I have considered the suggested conditions in the light of the advice in PPG and the discussion on conditions at the inquiry. In accordance with section 100ZA(5) of the Town & Country Planning Act 1990, the Appellant has agreed to those conditions which would be pre-commencement conditions¹⁴⁶. Those conditions which I consider would be necessary if planning permission were granted are listed in the annex to this report, together with the reasons for their imposition. I do not consider that a condition concerning a construction method statement should specify application to repair work. There is nothing before me to indicate that repair works would be likely to be of such a frequency or scale as to require control in this way. Nor would it be necessary to impose a separate condition requiring compliance with the biodiversity management plan, as this

¹⁴⁵ Mr Burrell, cross-examination.

¹⁴⁶ CD11.24.

matter can be referred to in a condition concerning a landscape and ecological management plan.

Overall conclusions

- 12.66 The proposal would lead to less than substantial harm to the significance of five designated heritage assets. Where that is the case, paragraph 208 of the NPPF requires that the harm should be weighed against the public benefits of the proposal. In accordance with paragraph 205, I have given great weight to the assets' conservation.
- 12.67 There is an urgent need for energy from renewable sources in order to achieve carbon reduction targets, and a major contribution is expected from solar developments. The proposal would provide sufficient electricity for a significant number of homes, about 23,100, and importantly, the grid connection offer would enable the site to contribute at an early date to renewable generation. The key role for solar development and the contribution which the appeal proposal could make at an early stage are factors which carry substantial weight in support of the proposal. I also give significant weight to the role which the development would play in helping to improve energy security. The high level of biodiversity net gain also merits significant weight. Other public benefits of the scheme would be a reduction in flood risk due to greater control of run-off, to which I give moderate weight, and economic considerations in the form of job creation and business rates, and the provision of a permissive footpath, interpretation boards, and an area which may be used as an outdoor classroom, factors which carry limited weight.
- 12.68 The solar farm would not impinge directly on any of the heritage assets, but it would adversely affect their settings. In each case the solar farm would be sited away from the asset, and would occupy only part of a relatively extensive setting. Construction of the proposed solar farm in the Vale of Belvoir would not be at odds with giving great weight to the assets' conservation, in accordance with paragraph 205 of the NPPF, and I conclude that the public benefits of the proposal, in particular those relating to the generation of renewable energy, outweigh the less than substantial harm to the significance of heritage assets. Accordingly the consideration of heritage implications (factor 2) in Policy EN10 of the Local Plan does not tell against the proposal.
- 12.69 I have also reached the view that the benefits of the proposal would outweigh the localised adverse impact upon aspects of landscape character and visual amenity, both of which carry significant weight. That is a finding in favour of the proposal in respect of factors 2 and 3 in Policy EN10. I have found no harm in respect of high-quality agricultural land, and there is no evidence of adverse consequences in respect of other relevant factors in the policy. I find that the proposal would comply with Policy EN10 of the Local Plan.
- 12.70 Although the harm to heritage assets, landscape and visual amenity leads to conflict with provisions of Policies EN13, EN1 and D1 of the Local Plan and Policy 2 of the Neighbourhood Plan, the balancing exercise involving these matters in EN10 leads to a finding in support of the appeal proposal. Having regard also to compliance with other policies in both the Local Plan and the Neighbourhood Plan, the presumption in favour of sustainable development in Policy SS1 of the Local Plan supports the development. I conclude that the proposed development would comply with the Development Plan considered as a whole.

12.71 Because of the harm to the character and appearance of the area, the proposal would conflict with paragraph 180(b) of the NPPF, but it is consistent with paragraphs 163 and 186(d) concerning renewable energy and biodiversity respectively. Those matters have been considered in respect of policies in the Local Plan and the Neighbourhood Plan: neither policy considerations in the NPPF nor any other matters raised indicate that a decision should be taken other than in accordance with the Development Plan.

13. Recommendation

13.1 For the reasons given above, and having regard to all matters raised, I recommend that the appeal be allowed, and that planning permission be granted subject to the conditions in Annex 1 to this report.

Richard Clegg

INSPECTOR

ANNEX 1

SCHEDULE OF RECOMMENDED CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the following plans:
 - i) Site Location Plan P19-2022_03 Rev F
 - ii) Site Layout and Landscape P19-2022_24 Revision C
 - iii) Indicative Landscape Sections, drawing number P19-2022_25 Revision B
 - iv) Typical Single Axis Tracker Table Details Rev A
 - v) Fence, Track and CCTV Details Rev A
 - vi) Trench Sections Details Rev A
 - vii) Inverter Station Details Rev A
 - viii) Spares Container Details Rev A
 - ix) Customer Switchgear Details Rev A
 - x) Access Gate Rev A
 - xi) Indicative Construction Compound Rev A
 - xii) Comms and Weather Station Mast Rev A
 - xiii) Compound Details Rev A

Reason - To provide certainty.

- 3) No development shall take place until full details of the DNO control room and the customer switch room (as shown on the plan Belvoir compound details revision A) have been submitted to and approved in writing by the local planning authority. These buildings shall be constructed in accordance with the approved details.

Reason - To provide certainty.

- 4) The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first commercially exported from the solar panels to the electricity network (The First Export Date), with the exception of the DNO substation and the internal road between it and the site access which are

to remain in perpetuity. Written notification of the First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring.

Reason - In accordance with the time limited nature of the application.

- 5) No development shall take place until a construction method statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The CMS shall include details of the following:
- i) The phasing of construction works.
 - ii) The formation and position of the temporary construction compounds.
 - iii) Dust management and suppression measures.
 - iv) Measures for pollution control, including the protection of watercourses and ground water.
 - v) Illumination during the construction period.
 - vi) The methods to be adopted to reduce the effects of noise occurring during the construction period to the lowest practicable levels and in accordance with B.S. 5228: Noise control on construction and open sites.
 - vii) The storage of materials and disposal of surplus materials.
 - viii) The construction of the access into the site, the erection of any entrance gates and the creation and maintenance of associated visibility splays.
 - ix) The method of working for cable trenches, including soil storage and back-filling, and details of cable boring methodologies below roads, water courses and hedges.
 - x) Soil storage.
 - xi) Post-construction reinstatement of the working areas.
 - xii) The control of surface water to prevent it entering the public highway or carrying sediment to the surface water drainage network in the vicinity of the site.
 - xiii) Measures to protect root protection areas during construction.
 - xiv) Measures to exclude small animals from excavations.

The development shall be implemented in accordance with the approved CMS throughout the construction period.

Reason - To safeguard the living conditions of nearby residents, and to ensure that construction works do not have a harmful environmental effect.

- 6) No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The LEMP shall be prepared in accordance with the Site Layout and Landscape Strategy ref P19-2022_24 Rev C (sheets 1 & 2), the mitigation measures contained with the Environmental Statement Chapter 2 - Landscape and Visual Impact Assessment (January 2022), and the Biodiversity Management Plan by Avian Ecology dated 20 September 2022, and it shall include details of the following:

- i) The proposed new hedgerow and tree planting, including any strengthening of existing vegetation.
- ii) Planting plans, written specifications of operations associated with plant and grass establishment, and schedules of plants.
- iii) The management and monitoring of the site during the operational period.
- iv) The layout and planting within the community orchard.

The approved LEMP shall be implemented in full before the end of the first planting season following the date when electrical power is first exported. Any revisions to the LEMP shall be implemented in accordance with details which have been submitted to, and approved in writing by, the local planning authority.

Reason – To protect the character and appearance of the area, and to ensure the delivery of biodiversity net gain.

- 7) In the event that the development hereby permitted ceases to export electricity to the grid for a continuous period of two years at any point after the date of first export (other than for operational reasons outside of the operator's control), a scheme of early decommissioning works (the early decommissioning scheme) shall be submitted no later than 3 months after the end of the two years non-electricity generating period to the local planning authority for its approval in writing. The approved early decommissioning scheme shall be implemented in full in accordance with a timetable that shall be set out in the early decommissioning scheme.

Reason - The use and associated buildings and structures cause some harm to the character and appearance of the area and to five designated heritage assets. The use and associated buildings and structures should therefore be removed as soon as possible if the solar farm is no longer required.

- 8) Not later than 24 months before the expiry of the permission for those elements of the development other than the DNO substation and the internal road between it and the site access, a decommissioning and site restoration scheme shall be submitted for the written approval of the local planning authority. The scheme shall make provision for the removal of the solar panels and associated equipment and the subsequent restoration of the site. The scheme shall include details of:
 - i) The extent of equipment and foundation removal and the site restoration to be carried out.
 - ii) The management and timing of the works.
 - iii) A traffic management plan to address traffic impact during the decommissioning period.
 - iv) An environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife, habitats and trees on the site.
 - v) The location of material laydown areas.

- vi) Full details of the removal of the solar arrays, buildings and plant, trackways and sub-surface cabling and all associated works of ground restoration including trench backfilling.
- vii) Full details of all other works to restore the land to allow for agricultural production following the removal of structures from the site.
- viii) A programme of implementation.

Decommissioning and site restoration shall be implemented within 6 months of the expiry of the permission for those elements of the development other than the DNO substation and the internal road between it and the site access, in accordance with the approved scheme.

Reason – To safeguard the character and appearance of the area.

- 9) Prior to the commencement of each phase of development (construction, operation and decommissioning), a soil management plan shall be submitted to, and approved in writing by, the local planning authority. The plan shall include consideration of the appropriate time of year for soil handling, planting beneath the panels and return to the former land quality as indicated in Appendix 6 of the Agricultural Land Classification survey dated 9th January 2023 – Issue 9 carried out by Amet Property. The development shall be carried out in accordance with the approved soil management plan.

Reason – To safeguard the quality of agricultural land.

- 10) An inspection by a qualified soil scientist shall take place before the installation is completed, in order to identify any areas where compaction needs alleviating. A restoration methodology shall be prepared following the inspection, setting out the date of completion of the construction, and the recommendations within the restoration methodology shall be implemented within 6 months of the completion of the installation. For the first three years after the completion of the construction phase, every six months, inspections of the planting and soil must be carried out by a qualified soil scientist, to ensure adequate growth of the planting and that any compaction or channelisation of the soil can be identified and addressed. Any remedial work identified in the inspection shall take place within 6 months of the date of the inspection.

Reason – To safeguard the quality of agricultural land.

- 11) Prior to the First Export Date details of the cleaning procedure for the panels shall be submitted to, and approved in writing by, the local planning authority. The details shall include but not be limited to the frequency of cleaning, volumes of water required, details of any detergents to be used and any required mitigation. The cleaning of the panels shall thereafter take place in accordance with the approved details.

Reason – To maintain the efficiency of electricity generation.

- 12) There shall be no permanent illumination on the site unless otherwise agreed in writing by the local planning authority. In such circumstances, prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason - To safeguard the character and appearance of the area.

- 13) Prior to their erection on site details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the development hereby permitted.

Reason - To safeguard the character and appearance of the area.

- 14) No development shall take place until details of a scheme of heritage interpretation boards and information boards has been submitted to, and approved in writing by, the local planning authority. The boards shall be erected in accordance with the approved scheme before electrical power is first exported and shall be maintained for the lifetime of the development.

Reason - To maintain appreciation of heritage assets and the countryside.

- 15) With the exception of the visibility splays, no other part of the development hereby permitted shall take place until the access arrangements shown on the Proposed Site Access Arrangements drawing (reference P19-2022 Figure 4.1 Rev. A - dated 27 June 2022) have been implemented in full.

Reason - In the interest of highway safety.

- 16) With the exception of the access arrangements shown on the Proposed Site Access Arrangements drawing (reference P19-2022 Figure 4.1 Rev. A - dated 27 June 2022) no other part of the development hereby permitted shall take place until visibility splays of 2.4 metres by 215 metres south and 2.4 x 114 metres north (to the nearest site junction) have been provided at the site access. These visibility splays shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent highway.

Reason – In the interest of highway safety.

17) No development shall take place until a construction traffic management plan (CTMP) has been submitted to, and approved in writing by, the local planning authority. The CTMP shall include details of the following:

- i) A timetable for implementation of the CTMP.
- ii) The routing of construction traffic.
- iii) Cleaning of the site entrance, facilities for wheel washing and cleaning the adjacent public highway.
- iv) Parking facilities.
- v) Arrangements for banks-staff and temporary signage.
- vi) The sheeting of all heavy goods vehicles carrying spoil from the site to prevent spillage or deposit of any materials on the highway.
- vii) Dilapidation surveys on Castle View Road and arrangements for making good damage to the highway from construction traffic identified in the surveys.

Reason – In the interest of highway safety, to safeguard the living conditions of local residents, and to ensure that construction traffic does not have a harmful environmental effect.

18) No development shall take place until a scheme for the treatment of the public rights of way within the site and the proposed permissive footpath has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:

- i) A timetable for implementation.
- ii) Arrangements for management during the construction period.
- iii) Details of surfacing, width, signage and landscaping.

The development shall be carried out in accordance with the approved scheme.

Reason – To facilitate off-road movement across the site.

19) The development shall be carried out in accordance with the submitted flood risk assessment (ref December 2022/LJ/P19-2022/by Pegasus Planning Group Ltd) and the following mitigation measures therein:

- i) The proposed solar panels mounting structure will be a tracker system, with panels mounted above the ground so as not to interfere with any overland flow routes.
- ii) Finished levels are to be raised a minimum of 150mm above existing ground levels with vulnerable equipment away from areas where flood risk is noted to be higher.

These mitigation measures shall be fully implemented in accordance with the scheme's timing arrangements. The measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason – To minimise flood risk.

- 20) No development shall take place until a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- i) A timetable for implementation.
 - ii) Arrangements for infiltration testing to assess the suitability of the site for use of infiltration as a component of the drainage system.
 - iii) Arrangements for maintenance of the surface water drainage system.

The development shall be carried out and the drainage system maintained in accordance with the approved scheme.

Reason – To ensure adequate drainage provision and to avoid an increased risk of flooding, both on and off the site

- 21) No development shall take place until a scheme for the management of surface water during the construction period has been submitted to, and approved in writing by, the local planning authority. Construction shall be carried out in accordance with the approved scheme.

Reason - To ensure adequate drainage provision and to prevent flooding and pollution off-site.

- 22) No development shall take place until a badger survey update has been submitted to, and approved in writing by, the local planning authority. The survey must be undertaken within the three months that precede construction-related site or vegetation clearance. Any mitigation measures proposed shall be carried out in accordance with a scheme and timetable which have been submitted to, and approved in writing by, the local planning authority.

Reason - To safeguard badgers on the site.

- 23) No development shall take place until a skylark mitigation strategy has been submitted to, and approved in writing, by the local planning authority. The skylark mitigation strategy shall include the following:
- i) Purpose and conservation objectives for the strategy.
 - ii) A schedule of works, and a timetable for their implementation.
 - iii) Arrangements for management and monitoring of the strategy.

The skylark mitigation strategy shall be implemented in accordance with the approved details and timetable, and the mitigation measures shall be retained for the lifetime of the development.

Reason – To provide alternative foraging and nesting opportunities for skylarks displaced by the development.

- 24) No development shall take place until a scheme of mammal pass-throughs in the security fencing have been submitted to, and approved in writing by, the local planning authority. The fencing shall be erected in accordance with the approved scheme, and retained for the lifetime of the development.

Reason – To permit the movement of small mammals across the appeal site.

- 25) No development shall take place until a written scheme of archaeological investigation (WSI) has been submitted to, and approved in writing by, the local planning authority. The WSI shall include:

- i) A statement of significance and research objectives.
- ii) The programme and methodology of site investigation and recording, and the nomination of a competent person or organisation to undertake the works.
- iii) The programme for post-investigation assessment and subsequent analysis, publication and dissemination, and deposition of the resulting material.

Reason – To safeguard and to ensure the investigation and recording of archaeological assets within the site.

ANNEX 2

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Parkinson	Counsel, instructed by the Legal Services Manager, Melton BC
He called	
Mr S Higson BA(Hons) MA CMLI	Director, Felstone Consulting Ltd.
Mr T Malim BA(Hons) FSA MCIFA	Director, Hampton Heritage Design & Consultancy Ltd.
Mr P Bond BSc(Hons) MA MRTPI	Planning Director, Heaton Planning Ltd.

FOR THE APPELLANT:

Ms T Osmund-Smith & Ms O Chalaby	Counsel, instructed by Mr Burrell.
They called	
Mr H Fearn MSc MCIEEM	Director, Avian Ecology Ltd.
Mr A Kratt BA(Hons) FLI	Director, LDA Design.
Ms H Armstrong BA(Hons) MSc IHBC ACIfA	Director, Pegasus Group.
Mr P Burrell BSc(Hons) DipUP MRTPI	Executive Planning Director, Pegasus Group.

INTERESTED PERSONS:

Councillor B Bayman	Chair, Bottesford Parish Council.
Professor B Hammond	Co-chair, Save our Vale Environment.
Councillor D Pritchett	Member of the Borough Council for Bottesford Ward.

ANNEX 3

INQUIRY DOCUMENTS

Superseded documents are not included in this list

- CD11.1 Ms Osmund-Smith's & Ms Chalaby's opening statement on behalf of the Appellant.
- CD11.2 Mr Parkinson's opening statement on behalf of the LPA.
- CD11.3 Video about Owls Hatch Solar Farm, Kent. Submitted by SAVE.
- CD11.4 Professor Hammond's statement on behalf of SAVE.
- CD11.5 The LPA's notification letter about the inquiry and accompanying distribution list.
- CD11.6 Citations for Muston Meadows NNR & SSSI.
- CD11.7 Plan showing Muston Meadows NNR & SSSI.
- CD11.8 Revised site description agreed by the Appellant and the LPA.
- CD11.9 Schedule of visual material submitted as part of the application and appeal.
- CD11.10 Plan showing historic field boundaries within the appeal site. Submitted by the Appellant.
- CD11.11 Suggested skylark mitigation condition. Submitted by the Appellant.
- CD11.12 Revised table 2 of appendix 7 to Ms Armstrong's proof of evidence.
- CD11.13 Higher quality scans of plates 4.5 & 4.6 in appendix 3 to Ms Armstrong's proof of evidence.
- CD11.14 Plans showing dimensions of green lanes. Submitted by the Appellant.
- CD11.15 Schedule of viewpoints for Belvoir Castle and St Mary's Church, Bottesford. Submitted by the Appellant.
- CD11.16 Plan showing viewpoints in CD11.15. Submitted by the Appellant.
- CD11.17 Plan showing suggested route for accompanied site visits.
- CD11.18 Itinerary to accompany CD11.17.
- CD11.19 Suggested condition for DNO control room and customer switch room. Submitted by the Appellant.
- CD11.20 Schedule and plans of solar farm developments in the area around the appeal site.
- CD11.21 Mr Parkinson's closing submissions on behalf of the LPA.
- CD11.22 Ms Osmund-Smith's & Ms Chalaby's closing submissions on behalf of the Appellant and response to CD11.21.
- CD11.23 Regulation 2(4) notice concerning pre-commencement conditions.
- CD11.24 The Appellant's response to CD11.23.



Ministry of Housing, Communities & Local Government

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, King's Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.