



DEPARTMENT FOR LEVELLING UP, HOUSING AND COMMUNITIES

REF: APP/B3030/W/21/3279533

NEWARK AND SHERWOOD DISTRICT COUNCIL REF: 20/01242/FULM

TOWN AND COUNTRY PLANNING ACT 1990 (AMENDED)

SECTION 78

APPEAL

By JBM Solar Projects 6 Ltd

AGAINST

the decision of the Local Planning Authority (LPA) Newark and Sherwood District Council to refuse
permission for the
*“Construction of a solar farm and battery stations together with all associated works, equipment and
necessary infrastructure”*

At

Land North of Halloughton, Southwell

PLANNING PROOF OF EVIDENCE ADDENDUM – BIODIVERSITY NET GAIN UPDATE

by

Honor Whitfield MRTPI

on behalf of Newark and Sherwood District Council

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Chapter 1: Introduction

1.0 Introduction

- 1.1 This statement has been prepared by Honor Whitfield, Planning Officer at Newark & Sherwood District Council. My qualifications and experience are set out in my Proof of Evidence.
- 1.2 This statement is provided on behalf of Newark & Sherwood District Council in relation to the appeal against the refusal to grant full planning permission for the construction of a solar farm and battery stations together with all associated works, equipment and necessary infrastructure at land north of Halloughton, Southwell. It should be read alongside my main Proof of Evidence.
- 1.3 This evidence which I have prepared and provide for this appeal within this statement is true, and has been prepared, and is given, in accordance with the guidance of my professional institution, the Royal Town Planning Institute. I confirm that the opinions expressed are my true and professional opinions.
- 1.4 This short statement addresses additional evidence submitted by the Appellant during the course of the Inquiry on Thursday 9th December relating to Biodiversity Net Gain (BNG) (Biodiversity Net Gain Note prepared by Avian Ecology, dated 8th December 2021 and the Cotmoor Biodiversity Net Gain Assessment Metric 02.12.21 spreadsheet).
- 1.5 The Council commissioned Ms Amy Tose, Ecological Consultant from VIA East Midlands, to provide a review of the evidence submitted to verify the updated Metric 3.0 calculation. Her advice can be found in full at Appendix A1 to this statement.

Chapter 2: Ecological Enhancements

2.0 Ecological Enhancements

- 2.1 The Ecological Enhancements proposed as part of the Appeal Scheme are considered at paragraphs 3.51-3.54 of my main Proof of Evidence (C8A). In these paragraphs I explain that the original Ecology Assessments (A8A-F) submitted with this Appeal conclude that an overall net gain of 36.78% in habitat units could accompany the Appeal Scheme with a 23.68% net gain in hedgerow units (using BNG Metric 2.0, see Core Document A8C).
- 2.2 When considering this as a benefit of the scheme I explain that ecological mitigation, management and enhancement reflects common practice in the development of solar farms, which accords with the expectations of local and national planning policy for developments to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains where possible. Accordingly I attached moderate weight to this as a benefit of the Scheme.

Updated Biodiversity Net Gain Calculation

- 2.3 An updated BNG Calculation using Metric 3.0 was submitted during the course of the Inquiry. This updated calculation concludes that a net gain of 91.74% in habitat units could accompany the Appeal Scheme with a 31.95% net gain in hedgerow units.
- 2.4 In terms of the differences between the two assessments, as part of the amendments to the Appeal Scheme (A47) minor changes were made to the scheme as detailed in Core Document A46. The Biodiversity Net Gain Note prepared by Avian Ecology (December 2021) also explains the differences between the two BNG assessments at paragraph 11, stating that there is a minor change in habitat area (some 5 hectares more of higher scoring neutral grassland for the second assessment). This note also goes on to state that in the 3.0 calculation there is a difference in the assignment for Condition scores for post-development habitats (higher scores in the Metric 3.0 assessment).

- 2.5 To assess the validity of this updated calculation the Council's Ecological Consultant, Ms Tose, has reviewed both the Metric 2.0 and 3.0 calculation. When considering the 3.0 calculation she has advised:

"The habitat baseline, creation and enhancement areas were checked to ensure accuracy across the BNG calculations. It was considered that the majority of the areas were accurate. However, the baseline area, and total loss of other neutral grassland (noted as semi-improved grassland on the phase 1 habitat plan) was inaccurate. The Metric 3.0 figure determined that 0.98ha is the baseline for other neutral grassland, and the development would also result in the loss of 0.98ha. The review determines that the baseline area is approximately 7.2ha for other neutral grassland, with the total loss also being 7.2ha. The Metric 3.0 calculations result in +72.88% net gain when calculated using a baseline figure / loss of 7.2ha. It is recommended that this is checked with Avian Ecology Ltd. to ensure this area has not been included elsewhere within the metric calculations."

- 2.6 In light of this advice and without further discussions with the Appellant's Ecologist, the Council is unable to agree that the Revised Scheme could result in a 91.74% BNG. It is however accepted that assessing the Scheme using Metric 3.0 results in an increased BNG percentage over the original calculation, principally due to the updated Condition score assignment value within Metric 3.0, but also due to the minor changes in the scheme design (and as further explained in Ms Tose's advice).

Chapter 3: Conclusion

3.0 Conclusion

Planning Balance and Conclusion

- 3.1 In light of the advice given by Ms Tose, whilst I cannot presently verify the 91.47% BNG put forward by Avian Ecology, I accept that Metric 3.0 provides a more accurate calculation of the

BNG that could be achieved at this site, which based on Ms Tose's calculation would be c.72.88% BNG in Habitat Units.

- 3.2 I accept that this percentage increase is greater than the 10% BNG which will be required as a minimum through The Environment Act (2021). I also accept that a 72.88% increase is greater and therefore more beneficial in biodiversity terms than a 36.78% increase (in Habitat Units).
- 3.3 I do, however, remain of the opinion that ecological mitigation, management and enhancement reflects common practice in the development of solar farms. Delivering ecological enhancements and BNG also accords with the expectations of local and national planning policy for developments to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains where possible. I also remain of the opinion that the ecological enhancements have to be considered in the context of the Scheme as a whole, in that they are a by-product of the development and in part necessary for mitigation and that there will be an overall loss of arable agricultural land for crop production. The BNG percentage increase calculated must also be considered in the context that the existing arable agricultural land has a very low baseline value as a starting point which would be changed to neutral grassland across the site.
- 3.4 Overall, in light of the explanations above, the weight I attach to this as a benefit of the scheme would rise from moderate to moderate-significant.
- 3.5 Considering this change in weighting in the context of my overall planning balance, I nevertheless remain of the opinion that when all matters are weighed together (see Chapter 4 of C&A for this exercise in full), the proposed development would continue to cause harm of a weight and magnitude, which tips the balance and outweighs the benefits of the development. Ultimately the scheme therefore represents an unsustainable form of development.
- 3.6 Overall, my opinion remains that the material considerations in the balance are not considered to outweigh the identified conflicts with the Development Plan or the statutory

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objective of preservation required under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. On this basis I therefore consider the Appeal should be dismissed.