

Statement of Common Ground

Appeal Reference APP/B3030/W/25/3364181

LPA Reference 23/01837/FULM

Appellant Name Assured Asset Solar 2 Ltd

Site Address Land To The West Of Main Street Kelham

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1. Introduction

- 1.1 This Statement of Common Ground ("**SoCG**") is made in reference to the appeal made by Assured Asset Solar 2 Limited ("**Appellant**") against the refusal on the 31st January 2025 of a planning application registered with reference 23/01837/FULM ("**Application**") by Newark & Sherwood District Council ("**Council**") for a solar farm and battery storage project ("**Development**") on the land to the west of Main Street in Kelham ("**Site**").
- 1.2 The purpose of this Statement of Common Ground is to identify the areas where the principal parties (the Appellant and the Council) are in agreement. This will allow the forthcoming Inquiry to focus on the most pertinent issues. Topic specific Statements of Common Ground will be produced between the parties to address best and most versatile land, heritage matters and landscape matters, being broadly the three issues forming the three grounds of refusal of the Application.
- 1.3 The full description of the Development is:
- "Proposed ground mounted photo voltaic solar farm and battery storage system with associated equipment, infrastructure, grid connection and ancillary work".
- 1.4 The Application was validated on 17 October 2023.
- 1.5 The Planning Committee resolved on 16 January 2025 to refuse the Application and a decision notice refusing the Application was dated and issued on 31 January 2025 ("**Decision**").
- 1.6 Three reasons were given in the Decision for the refusal of the Application:
- (a) "A significant proportion of the site would affect the best and most versatile agricultural land, which would be removed from arable farming production for a period of at least 40 years. The loss of this land is not sufficiently mitigated or outweighed by the other benefits of the scheme. The proposal is therefore considered to be an unsustainable form of development, contrary to Policy DM8 and national advice contained within the National Planning Policy Framework (2024) and Planning Practice Guidance ("**Reason 1**").
 - (b) The proposed development, when taken cumulatively with other renewable energy developments in the locality, will result in unacceptable harm to the landscape appearance, contrary to Spatial Policy 3 (Rural Areas) and Core Policy 9 (Climate Change) of the Amended Core Strategy (2019) and Policies DM4 (Renewable and Low Carbon Energy Generation), DM5 (Design) and DM8 (Development in the Open Countryside) of the Allocations and Development Management DPD (July 2013) in addition to the National Planning Policy Framework (2024) and Planning Practice Guidance. There are no other material planning considerations that would outweigh this harm ("**Reason 2**").
 - (c) The proposed development will result in less than substantial harm to designated heritage assets including Kelham Conservation Area and Kelham Hall. Whilst the significant benefits of the proposal in terms of renewable energy are acknowledged the public benefits and any other material planning considerations do not outweigh the harm. The proposal is thereby contrary to Policy CP14 of the Amended Core Strategy (2019) and DM9 of Allocations and Development Management DPD (July 2013) and national guidance contained within the National Planning Policy Framework (2024) and Planning Practice Guidance. The proposed development fails to preserve the setting of Kelham Hall in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("**Reason 3**")."

2. The Appeal Site



Figure 1. Site location

- 2.1 The Site comprises three fields and part of a fourth, totalling approximately 65ha of flat land located between the villages of Kelham and Averham on which the solar farm and BESS would be constructed together with associated infrastructure, together with approximately 6ha of subsoil through which the grid connection cable would be placed. The crops grown on Site are energy and animal food crops. A small irrigation pond is located in the eastern corner of the Site.
- 2.2 From the Nottinghamshire County Council Definitive Map there is a single public right of way that enters the north eastern boundary of the Site. The public footpath runs in a westerly direction and once it meets the western boundary of the Site it splits into two public footpaths, one heads north west and the other south west.
- 2.3 There is a high voltage overhead power line that runs across the north western corner of the Site in a northeast/southwest alignment.
- 2.4 The Site is currently accessed via three separate field gates, two entrances from the A617 along the eastern and south eastern boundary. The third entrance is from Broadgate Lane on the north eastern boundary.
- 2.5 The Site is bounded by a network of hedgerows and ditches, with copses of broadleaved woodland. The surrounding area consists mainly of agricultural land. Along the south eastern edge of the Site is Main Road (A617), beyond which is the village of Averham and the River Trent. To the east of the Site, beyond the established plantation, is Kelham House, a handful of secluded residential properties and the village of Kelham. Broadgate Lane bounds the Site to the north east, beyond which is a row of residential properties that overlook the Site. To the west and south is a continuation of agricultural land.

- 2.6 Environment Agency Flood Risk Maps advise that the Site is largely within Flood Zone 1 with an area of Flood Zone 2 along the eastern boundary; a small part of the site access would fall within Flood Zone 3.
- 2.7 The Newark and Sherwood Local Development Framework identifies the Site as being in the open countryside.

The Local Area

- 2.8 The nearest residential properties to the Site, are along Broadgate Lane, located along the Site's northeastern boundary, and to the east lies a small, gated cul-de-sac of detached dwellings, known as 'The Rutlands'. There are also residential properties in the nearby villages of Kelham and Averham.
- 2.9 The nearest non-residential property to the Site is Kelham House, used as a hotel/wedding venue, located beyond the established plantation to the east of the site's boundary.
- 2.10 The Site does not lie within any historic environments, however Kelham Conservation Area is adjacent to the eastern boundary of the Site. There are 13 Listed Buildings within the 1km study area. The nearest Listed Building is the Grade II listed Farm Buildings at Home Farm located within Kelham, approximately 130m to the east of the Site. The Grade I listed Kelham Hall is approximately 330m to the east of the Site. The nearest Scheduled Monument is 'Averham moat and enclosure' located approximately 420m south of the Site.
- 2.11 There are no statutory ecological designations within 5km of the Site, the nearest non statutory designation is Kelham Hills Local Wildlife Site (LWS), located approximately 160m to the west of the Site. There are a further 4 LWS within 1km of the Site.

3. The Appeal Proposal

- 3.1 The Appellant seeks permission for the construction of a 49.9MW solar farm and 50MW battery energy storage system (BESS).
- 3.2 The full description of the Development is:
- "Proposed ground mounted photo voltaic solar farm and battery storage system with associated equipment, infrastructure, grid connection and ancillary work".
- 3.3 The proposal would comprise of the following:
- (a) Photovoltaic (PV) panels;
 - (b) Mounting frames - matt finished small section metal structure;
 - (c) Battery container units;
 - (d) Scheme of landscaping and biodiversity enhancement;
 - (e) Permissive public access
 - (f) Inverters (accommodated on the mounting frames) and transformers (housed in prefabricated containers) and associated cabling (largely below ground);
 - (g) Separate Distribution Network Operator (DNO), communication mast(s) and customer substations and meter points for the solar and BESS;
 - (h) Deer fencing and infra-red CCTV (CCTV cameras would operate using motion sensors and would be positioned inward only to ensure privacy to neighbouring land and property);
 - (i) Temporary construction set down and storage area;
 - (j) Internal service roads; and
 - (k) Site access for the construction and operational phases.
- 3.4 The solar facility would have an export capacity of 49.9MW, i.e. the amount of power that is supplied to the local grid. The BESS element would have a capacity of 50MW, i.e. the amount of power that can be stored and distributed back to the grid when needed. The scheme would have a lifespan of 40 years after which all equipment would be removed from Site and the land would be returned to its former condition (being agriculture) in agreement with the Council.
- 3.5 The solar panels would be connected to small inverter units typically located on the racking of the frames. The inverters would connect to transformer stations which convert the electricity from Direct Current (DC) to Alternating Current (AC). The transformers ensure that electricity can be transferred to the substation and then to the 'local grid' more efficiently. Details of the transformers are presented in drawing HC1002/05/08. For comparison metering of the electricity generated by the solar farm, 'customer' substation would also be provided.
- 3.6 The solar panels would be arranged in rows in an east-west alignment across the deployment area and would be angled at approximately 15° to the horizontal and orientated south. All solar panels would be mounted on metal frames and have a maximum height of 2.0m above ground level; the lowest part of the panel will be circa 0.6m above ground level.

- 3.7 The rows of panels would be set to between 3m and 5m apart to avoid shadowing and allow for scheduled maintenance. Substations and Switchgear Cabin details are approximately 3m in height, as show in drawings HC1002/05/06 and HC1002/05/07.
- 3.8 During construction, operation and decommissioning a buffer zone where no development would take place would be established from hedgerows, ponds and ditches.
- 3.9 There would be two types of mounting frames used on Site. The majority would be matt finished galvanised steel that would be fixed to the ground employing a pile mounting system, the piles would be pushed into the round via a mobile piling rig. Where there is known archaeological features on Site, the panel frames would be mounted on ballast blocks to ensure stability of the panels and frames without disturbing heritage features. A geo-grid system would be installed beneath each ballast block to reduce soil cohesion to the block when it is moved. In some of archaeological mitigation areas, the ground height would be raised by 300mm to increase the soil depth to avoid potential compaction of the archaeological feature.
- 3.10 The soil used to create the raised areas would be Site won material. Drawing HC1002/05/05 and Figure 2 below provide a specification of the panel and frames.

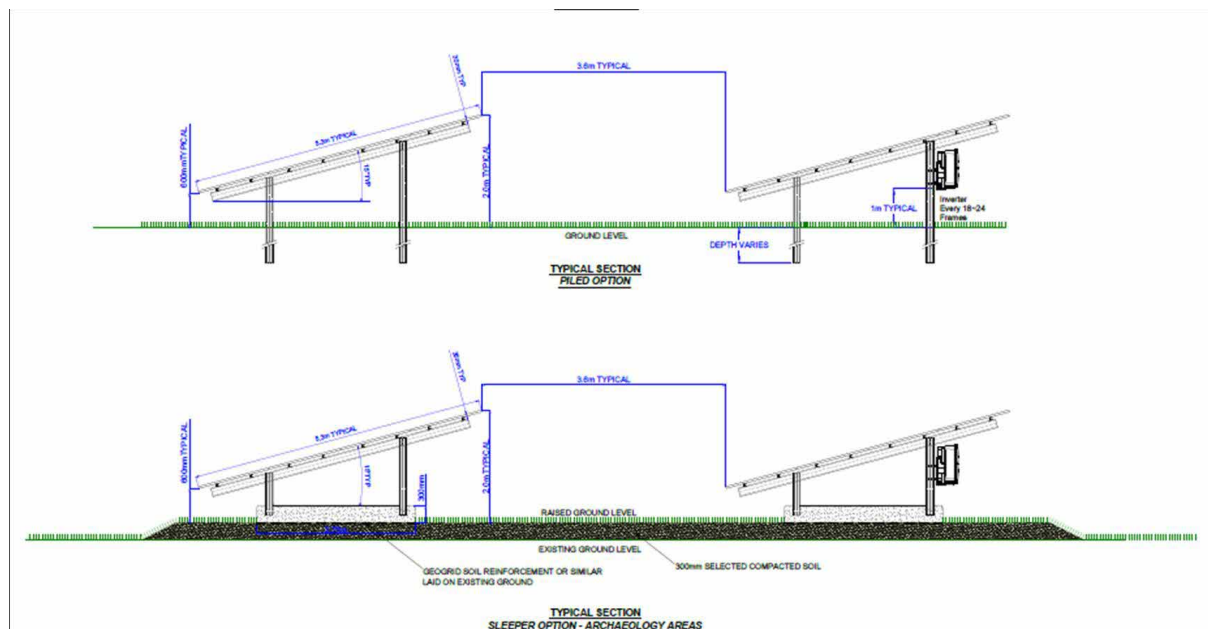


Figure 2. Panel and Frame Specification

- 3.11 The DNO operates the local electricity transmission network. They are obliged to ensure that the electricity supply system runs within specified limits. Many factors change these operating conditions, but none more so than the balance between the electricity being demanded by customers connected to the national network and the electricity generators available to produce the electricity they require.
- 3.12 The proposed Battery Energy Storage System (BESS) would have a capacity to charge, store and export up to 50 MW of electricity from/to the distribution network. The facility would provide balancing services to National Grid to ensure the future security of the country's electricity supply. The facility would provide power to the local distribution network in a short space of time when demand is greater than available supply.

- 3.13 The BESS compound measures approximately 0.36ha and would have a gravel surface. The BESS would comprise 20 battery-clusters that contain 22 smaller modules. Each battery cluster would measure typically 15.3m in length, 2.5m wide and 3.2m in height. Drawing HC1002/05/11 and Figure 3.2 below provide a specification for the battery clusters.

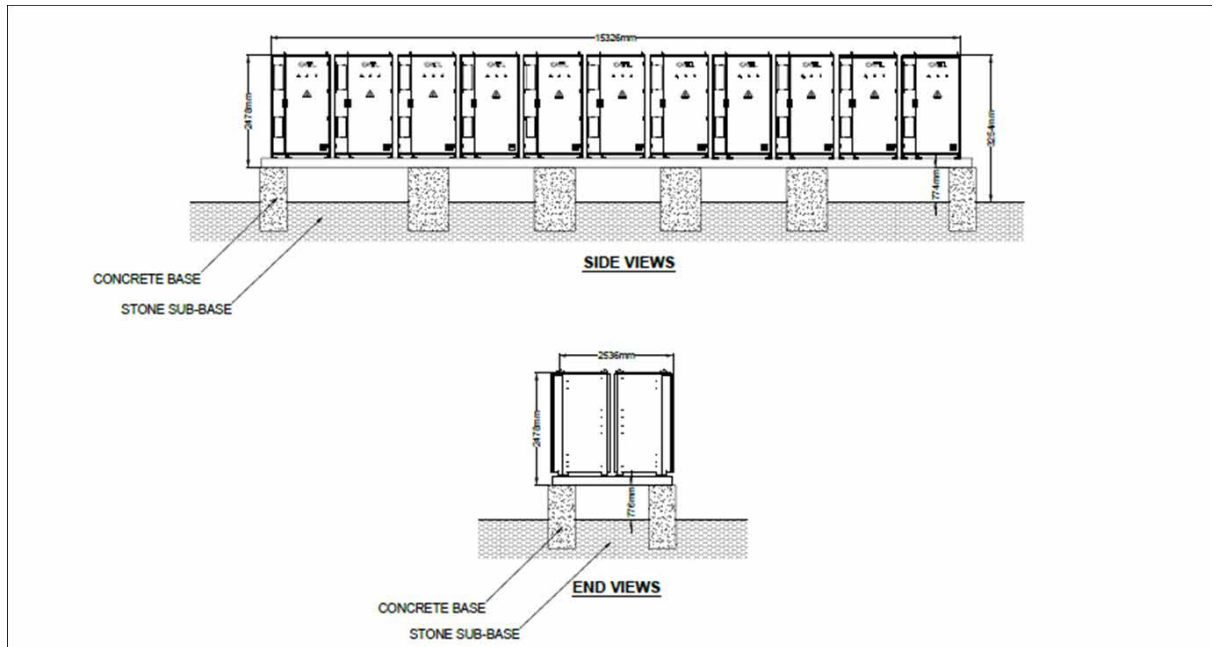


Figure 3. Battery Cluster Specification

- 3.14 The battery clusters would sit in bays of two surrounded by 3m high concrete firewalls. The batteries will operate whenever called upon by the DNO. But as electrical demand is greatest in the morning and early evening this is when the facility would most likely to be delivering power to the grid.
- 3.15 The BESS compound would also comprises two switchgear cabins, substations for both the BESS and solar farm, two spare storage cabins and four containers, details of which are shown on Drawing HC1002/05/07.
- 3.16 The Distribution Network Operator (DNO) requires communication mast(s) to be provided as part of the substation arrangement. However, the DNO have yet to confirm the position and size of the mast(s).
- 3.17 Indicative positions of the BESS compound have been provided on drawing HC1002/05/04 and indicative images of the mast have been provided on drawing WPD EPEX GA 01 where a suggested specification is provided. Details of the mast(s) will be confirmed by way of a condition.
- 3.18 A c.4m high acoustic fence would surround the BESS compound, details of which are provided on Drawing HC1002/05/21.
- 3.19 The proposed point of connection is at Staythorpe Substation. The cable route would run underground within the highway. Any reinforcement works necessary at Staythorpe Substation to facilitate the connection would be carried out by the statutory undertaker using permitted development rights.

- 3.20 The indicative cable route is presented in Drawing HC1002/05/14. The drawing shows a 'corridor' within which the cable would be laid. The exact alignment of the route would be confirmed at the detailed design stage via separate authorisation from the Local Highway Authority.
- 3.21 Once operational, the solar farm deployment areas would be secured by a c. 2m high stock fence or similar. Infra-red (non-visible at night), inward facing pole mounted CCTV cameras (c. 2.5m – 3m in height) would also be provided at regular intervals along the boundary fence. These would enable remote surveillance of the Site. Fencing and CCTV camera details are presented on Drawing HC1002/05/17. The CCTV cameras will be positioned to avoid views of any private property.
- 3.22 The proposed access from the A617 would be secured by a gate to prevent unauthorised vehicular access, however, pedestrian access would be available. A detailed design of the gate would be confirmed by way of condition. The existing gate off Broadgate Lane will be retained.
- 3.23 The BESS compound would be secured by a 2.4m high paladin fencing as illustrated on Drawing HC1002/05/22. The substations would be secured by a 2.4m high palisade fencing. A 4m high acoustic fencing would surround the substation on the western, southern and eastern elevation, see drawings HC1002/05/19 and 21
- 3.24 The proposed scheme seeks to provide both biodiversity and landscape enhancement. In addition to land between and beneath the panels, there would be some areas of non-development land located within the Site that would be brought under formal management for the life of the scheme.
- 3.25 The landscape and visual impact appraisal and ecology and nature conservation chapters provide full details of the enhancement proposals presented by the Appellant; in summary these would include:
- (a) Where solar panels are being installed, a buffer of a minimum 7m is present between the woodland and hedgerows. This would ensure woodland is protected and retained;
 - (b) All existing boundary hedges would be allowed to grow to at least 3m.
 - (c) Semi Native low scrub planting would be implemented along the proposed bunds and the eastern corner of the Site,
 - (d) Beneath the panels a low maintenance grass mix would be provided for added ecological benefit, a tussock grassland mix, suitable for ground nesting birds.
 - (e) In the min. 4m gap between the boundary hedges and Site security fence, a General Purpose Meadow Mix would be used but left to grow longer to provide additional cover and wildlife habitat adjacent to woodland blocks and hedgerow corridors.
 - (f) Existing hedgerows would be gapped up.
 - (g) Hedgerows would be left for biodiversity purposes and annual cutting not proposed.
- 3.26 A Landscape Masterplan is included at drawing HC1002/05/16 Rev 3.
- 3.27 During the construction and operational phases of the Development, the existing field entrance off the A617 to the south of the Site would be utilised. The entrance off Broadgate Lane would not be used in association with the solar farm and BESS. Details of the proposed access arrangements during construction and information regarding the solar farm expecting to employ 50 staff are presented in the Transport Statement.

- 3.28 As part of the construction phase a temporary construction compound would be provided on Site towards the south, near to the access off the A617. Vehicles would make deliveries here, be able to turn around and leave the Site in a forward gear.
- 3.29 The access during the operational phase would be as per the construction routes. Service tracks are required to the substations and BESS area, as well as within and around the solar farm deployment areas which would provide vehicular access around the Site as part of inspections and maintenance.
- 3.30 The existing public right of way through the Site would remain open throughout the life of Development. A detailed CEMP will provide (prior to commencement of the development) a strategy to ensure the safety of footpath users would not be adversely affected. The Appellant and Council have agreed wording (draft condition 6) to specifically make reference to protection of the public rights of way.
- 3.31 A permissive bridleway would be provided along the perimeter of the Site as part of the proposals. The bridleway would have a grass surface, be around 10m wide typically from the proposed security fence to the existing hedgerow/woodland and would measure 4.5km in length (see para 2.1.7 of the LVIA Addendum). The permissive route would be removed on decommissioning of the scheme. Drawing HC1002/05/27 shows the alignment of the permissive bridleway.
- 3.32 During construction of the solar farm, there would be approximately 50 people employed to construct the frames, panels, battery units and associated infrastructure.
- 3.33 During construction of the Development, it is proposed the temporary construction compound on Site would provide parking for all staff vehicles, as a result there would be no parking on public highways.
- 3.34 Once operational, the Site would be managed remotely. However, the Site would require monthly maintenance checks.
- 3.35 A Detailed Construction Environmental Management Plan (CEMP) would be prepared prior to the development works commencing on Site. A Site Waste Management Plan (SWMP) would be prepared as part of the CEMP. The SWMP would detail:
- (a) Actions to meet the waste hierarchy;
 - (b) Identify the person with responsibility for the SWMP;
 - (c) Details of the types and quantities of waste that would be produced by the Contractor as part of the construction phase; and
 - (d) Details of all consignments made for example a WRAP waste recording and reporting spreadsheet.
- 3.36 The Appellant will seek to agree the wording of draft condition 6 with the Council to specifically make reference to waste management.
- 3.37 Although the solar panels would divert the downward path of falling rain, being raised off the ground on frames, they would not reduce the permeable area where they are sited. Rainfall that does fall onto the Site would, as now, infiltrate into the soil substrate. Therefore, the surface water runoff from the Site would be no different pre and post-development. There would be no increase in surface water run-off or exacerbation of off-site risk as a result of the proposals.

- 3.38 The construction of the Development would be expected to last around 6 to 12 months, however, the majority of vehicle movements would be carried within the first six months. The remaining 6 months would be commissioning and 'snagging' works which typically do not generate HGV movements
- 3.39 Construction would be expected to take place during the hours of 0800 to 1800 (Monday to Friday) and 0800 to 1600 hours (Saturday).
- 3.40 Once operational, the solar farm and BESS would be unmanned and access for occasional maintenance would be typically made by light goods vehicles, e.g. vans or 4x4 vehicles. Maintenance would occur once a month.
- 3.41 Solar farms and BESS developments require little maintenance.

4. Core Documents:

4.1 The following documentation was submitted as part of the Application on 16 October 2023:

- (i) HC1002/05/01 Rev 0 Site Location Plan
- (ii) HC1002/05/2A Rev 1 Planning Application Boundary Sheet 2 of 2
- (iii) HC1002/05/2B Rev 1 Planning Application Boundary Sheet 1 of 2
- (iv) HC1002/05/03 Rev 0, Rev 1 Site Layout
- (v) HC1002/01/03 Rev 0 Constraints Mapping
- (vi) HC1002/02/01 Rev 1 LVIA Study Area
- (vii) HC1002/02/02 Rev 1 Landscape Planning Constraints
- (viii) HOR1002/02/03 Rev 0 Zone of Theoretical Visibility Barriers
- (ix) HC1002/02/04 Rev 1 Landscape Character Policy Zones
- (x) HC1002/02/05 Rev 3 Landscape Mitigation
- (xi) HC1002/02/06 R3 Rev 0 Cumulative Sites
- (xii) HC1002/02/07 Rev 1 Residential, Settlement and Transport Receptors
- (xiii) HC1002/05/04 Rev 0 Substation and BESS Compound Arrangement
- (xiv) HC1002/05/05 Rev 0 PV Panel Details (including details of different mounting systems, to be read in conjunction with Drawing no. HC1002/5/28 Archaeology Mitigation Areas)
- (xv) HC1002/05/06 Rev 0 DNO Substation Details
- (xvi) HC1002/05/07 Rev 0 Solar and BESS Switchgear Cabins Details
- (xvii) HC1002/05/08 Rev 0 Solar Transformer Station Details
- (xviii) HC1002/05/09 Rev 0 Spares Cabin Details
- (xix) HC1002/05/10 Rev 0 Container Details
- (xx) HC1002/05/11 Rev 0 Battery Modules Details
- (xxi) HC1002/05/12 Rev 0 Battery Transformer Inverter Details
- (xxii) HC1002/05/13 Rev 0 Battery Firewall Details
- (xxiii) HC1002/05/14 Rev 0 Point of Connection Details
- (xxiv) HC1002/05/15 Rev 0 Sections Through Substations and BESS Compound
- (xxv) HC1002/05/16 Rev 0 Landscape Masterplan

- (xxvi) HC1002/05/28 Rev 0 Archaeology Mitigation Areas
- (xxvii) Planning Statement prepared by Sirius Planning dated October 2023 (Ref: HC1002/PS)
- (xxviii) Landscape and Visual Impact Assessment prepared by Sirius Planning Ltd dated October 2023 (Ref: HC1002/02/01/LVIA Final) including:
 - (A) LVIA Appendix 1 - Methodology
 - (B) Photomontage VP1
 - (C) Photomontage VP2
 - (D) Photomontage VP3
 - (E) Photomontage VP4
 - (F) Photomontage VP5
 - (G) Photomontage VP6 - 10
 - (H) Photomontage VP11
- (xxix) Ecological Appraisal prepared by FPCR Environment and Design Ltd dated September 2023 (Ref: 9511 Rev B)
- (xxx) Noise Impact Assessment prepared by Noise & Vibration Consultants Ltd dated 10th October 2023 (Ref: R23.0603/DRK)
- (xxxi) Outline Construction Environmental Management Plan prepared by Sirius Planning Ltd dated October 2023 (Ref: HC1002/CEMP)
- (xxxii) Soil Resources and Agricultural Quality Report prepared by Land Research Associates Ltd dated September 2023 (Ref: 1909/2)
- (xxxiii) Stage 1 Road Safety Audit Brief prepared by Sanderson Associates Consulting Engineers dated July 2023 (Ref: 153262/002/03)
- (xxxiv) Letter of Comfort from National Highways dated 22 December 2022 (No Ref)

4.2 The following documentation was uploaded on 18-20 October 2024, following the validation of the Application on 17 October 2023:

- (i) Geophysical Survey prepared by Archaeology England dated December 2022 (Ref: 2092 Version 2)
- (ii) Heritage Impact Assessment prepared by Archaeology England dated August 2023 (Ref: 2218 Version 2)
- (iii) Archaeology and Cultural Heritage Desk Based Assessment prepared by Archaeology England dated September 2023 (Ref: 2027 Version 2)
- (iv) Archaeological Evaluation Interim Report dated August 2023 (Ref: 2222 Version 01) (Part 1, 2A, 2Bx2)

- (v) Statement of Community Involvement prepared by Thirty 4/7 dated October 2023 (No Ref)
- (vi) WPD EPEX GA 03 REV B AND WPD EPEX GA 01 Communication Mast Indicative Specification
- (vii) Battery Fire Safety Statement prepared by Sirius Planning Ltd (No date, No ref)
- (viii) Bird Report prepared by FPCR Environment and Design Ltd dated September 2023 (Ref: 9511 Rev D)
- (ix) Design and Access Statement prepared by Sirius Planning Ltd (Ref: HC1002/DAS Final)
- (x) Transport Statement prepared by Sanderson Associates Consulting Engineers dated October 2023 (Ref: 153656/001/02)
- (xi) Flood Risk Assessment and Drainage Strategy prepared by KRS Environmental Limited dated October 2023 (ref: KRS.0297.051.R.001.B) including: Flood Risk Assessment – Appendix 2 – Topographical Survey.
- (xii) HC1002/05/27 Rev 0 Public Access Details
- (xiii) HC1002/05/17 Rev 0 Fencing and Security Details
- (xiv) HC1002/05/18 Rev 0 Internal Access Track Construction Detail
- (xv) HC1002/05/19 Rev 0 Palisade Fencing Details
- (xvi) HC1002/05/20 Rev 0 Deer Mesh Fencing Details
- (xvii) HC1002/05/21 Rev 0 Acoustic Fence Details
- (xviii) HC1002/05/22 Rev 0 Paladin Fence Details
- (xix) HC1002/05/23 Rev 0 Site Access Details
- (xx) HC1002/05/24 Rev 0 Site Access Construction Details
- (xxi) HC1002/05/25 Rev 0 Temporary Site Set Down Area Details
- (xxii) HC1002/05/26 Rev 0 Indicative 132kv Substation Details

4.3 The following documentation was uploaded on 27 November 2023:

- (i) Second Letter of Comfort from National Highways (No Ref, No Date).

4.4 The following documentation was published on 18 January 2024:

- (i) Archaeological Evaluation Report prepared by Archaeology England dated 21 December 2023 (Ref: 2797)

4.5 The following documentation was uploaded on 9 February 2024:

- (i) Amended Stage 1 Road Safety Audit Brief prepared by Sanderson Associates Consulting Engineers dated July 2023 (Ref: 153262/002/03)

- (ii) Sanderson Associates response dated February 2024 to Nottinghamshire County Council's Highways Development Control Team

4.6 The following documentation was published on 26 February 2024:

- (i) Heritage Impact Assessment Addendum prepared by Archaeology England dated January 2024 (Ref: 2267)

4.7 The following documentation was uploaded on 21 June 2024:

- (i) Amended HC1002/05/03 Rev 2 Site Layout
- (ii) Amended HC1002/05/27 Rev 1 Public Access Details
- (iii) Amended HC1002/02/16 Rev 1 Landscape Mitigation
- (iv) HC1002/02/08 Viewpoint Rev 0 Location Plan
HC1002/05/23 Rev 1 Site Access Details
- (v) HC1002/02/08 Rev 0 Viewpoint Location Plan
- (vi) Soil Management Plan prepared by Land Research Associates Ltd 3 (Ref: 1909/2) (ref: 1909/3)
- (vii) Agricultural Land Impact Assessment prepared by Assured Agronomy dated January 2024 (No Ref)
- (viii) LVIA Addendum prepared by Sirius Planning dated June 2024 (Ref: HC1002/02/Adden) including updated Viewpoints 4, 5, and 7.
- (ix) Construction Traffic Management Plan prepared by Sanderson Associates Consulting Engineers (Ref: 153262/007/02)
- (x) Planning Phase Battery Safety Management Plan – Fire Strategy prepared by OWC dated 10 May 2024 (Ref: OWC-041558-000-REP002)
- (xi) HC1002/05/29 Rev 2 Translocated Hedgerow Plan
- (xii) Biodiversity Net Gain Calculation/Report

4.8 The following documentation was published between 20 August and 11 September 2024:

- (i) Applicant's response dated 20 August 2024 to rights of way comments
- (ii) Applicant's response to Natural England Comments dated 8 August 2024
- (iii) Applicant's response to Nottinghamshire Fire and Rescue Comments dated 11 September 2024

4.9 The following documentation was uploaded on 15 November 2024 and then again on 16 December 2024:

- (i) Amended HC1002/05/03 R2 Footpath/B/FF Rev S Site Layout

4.10 The following documentation was uploaded on 20 December 2024:

- (i) Amended HC1002/02/16 Rev 2 Landscape Mitigation
- (ii) Amended HC1002/05/17 Rev 1 Fencing and Security Details
- (iii) Amended HC1002/05/03 Rev 4 Site Layout
- (iv) Amended HC1002/05/28 Rev 2 Archaeology Mitigation Areas
- (v) Amended HC1002/05/25 Rev 2 Temporary Site Set Down Area Details
- (vi) Amended HC1002/05/27 Rev 2 Public Access Details

4.11 The following documentation was uploaded on 10 January 2025:

- (i) Amended HC1002/05/14 Rev 1 Point of Connection Details
- (ii) Amended HC1002/05/04 Rev 1 Substation and BESS Compound Arrangement

4.12 The following documentation was published on 25 April 2025:

- (i) HC1002/02/09 Rev 0 Solar and BESS Zone of Theoretical Visibility including Barriers

4.13 Where documents have been amended, their revisions are detailed below:

Document	Revision uploaded to Council on	Reason for revision
Stage 1 Road Safety Audit Brief prepared by Sanderson Associates Consulting Engineers dated July 2023 (Ref: 153262/002/03)	9 Feb 2024	Response to Nottinghamshire County Council Highways comments.
HC1002/02/16 Landscape Masterplan	21 June 2024	Response to comments from Influence (on behalf of the LPA) dated 21st March 2024.
	20 December 2024	Removal of the 1.3ha of deployment from the National Highways' flood compensation scheme.
	11 July 2025	The Landscape Masterplan Rev 3, retires the need and any reference to the Landscape Mitigation plan. The minor amends to the Landscape Masterplan covers: Inclusion of additional hedgerow along existing PRow running along the western boundary leaving a minimum 10m corridor for the permissive bridleway and existing footpath. This has resulted in the loss of 80 panels;

		- The extension of the dotted yellow line illustrating the proposed permissive bridleway route to Broadgate Lane; - The addition of 3m reference in the key to the Existing and Proposed hedgerows; - Amendment to typos in the key; - Amended alignment of the PRoW off site where it exits the middle of the western boundary heading west. Please note the 'definitive' map is different to the OS base. The OS base appears to follow a track – both have been shown for the avoidance of doubt; - Annotated the 'orchid' area; - Shown the location of proposed interpretive boards
HC1002/05/03 Site Layout	15 November 2024	
	16 December 2024	Amend to a proposed vehicle turning head on the southern boundary.
	20 December 2024	Removal of the 1.3ha of deployment from the National Highways' flood compensation scheme.
	11 July 2025	Revision 5 to ensure consistency with updated Landscape Masterplan
HC1002/05/17 Fencing and Security Details	20 December 2024	Changes to the proposals resulting from the removal of the 1.3ha of deployment from the National Highways' flood compensation scheme.
HC1002/05/28 Archaeology Mitigation Areas	21 June 2024	Agreeing the extent of the mitigation areas with County Archaeologist.
	20 December 2024	Changes to the proposals resulting from the removal of the 1.3ha of deployment from the National Highways' flood compensation scheme.
	11 July 2025	Revision 3 to ensure consistency with updated Landscape Masterplan
HC1002/05/25 Temporary Site Set Down Area Details	20 December 2024	Changes to the proposals resulting from the removal of the 1.3ha of deployment from the National Highways' flood compensation scheme.
HC1002/05/27 Public Access Details	20 December 2024	Changes to the proposals resulting from the removal of the 1.3ha of deployment from the National Highways' flood compensation scheme.
	11 July 2025	Revision 3 to ensure consistency with updated Landscape Masterplan

HC1002/05/14 Point of Connection Details	10 January 2024	
HC1002/05/15 Sections Through Substations and BESS Compound	10 January 2024	

4.14 A list of the final documents used in the consideration of the Application can be found in **Appendix 1**.

5. Planning History

5.1 A chronology of the Application is as follows:

Event	Date
Pre-application Response from Council	4 August 2022
Initial consultation letter with local community	22 August 2022
Public Exhibition Event	31 August 2022
Screening Opinion (22/SCR/00012)	9 September 2022
Public Information Event	21 September 2023
Letter of Comfort - National Highways	22 December 2022
Consultation Report published	October 2023
Application received	16 October 2023
Application validated (23/01837/FULM)	17 October 2023
Amendments to the proposal plans in response to comments from consultees	December 2024
Standard Consultation Date	9 January 2025
Determination Deadline	16 January 2025
Decision Issued	31 January 2025

5.2 Relevant planning applications in the wider area:

- (a) 22/01983/FULM - Land at Foxholes Farm, Bathley Lane, North Muskham - Construction of Solar farm with associated works, equipment and necessary infrastructure. Pending Consideration.
- (b) 20/02501/FULM - Winkburn Solar Farm – Land at Winkburn Lane, Winkburn -- Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure. Approved.
- (c) 22/01840/FULM - Construction of Battery Energy Storage System and associated infrastructure, refused on 07.07.2023 for the following reason:

“The proposed development by virtue of its scale, size and design, proximity to adjoining dwellinghouses would have a harmful visual and amenity impact that would not be appropriately mitigated. The visual harm is exacerbated by the loss of the ancient hedgerow along the highway required in order to facilitate highway visibility spays. In addition, the development would result in the loss of agricultural land and it fails to meet the sequential test for flooding as there are alternative sites within the immediate locality at lower risk. Furthermore, there is a perceived risk to safety resulting from potential battery fires. It is considered that the harm and risk identified would not be outweighed by the benefits of the proposal. The development therefore represents an unsustainable

and unacceptable form of development and is considered to be contrary to Spatial Policy 3 (Rural Areas), Core Policy 9 (Climate Change) 4th and 5th bullet point, Core Policy 12 (Biodiversity and Green Infrastructure 2nd bullet point [conserve biodiversity] of the Amended Core Strategy (Adopted March 2019) and Policies DM4 (Renewable and Low Carbon Energy Generation) points 1 and 4, DM5 (Design) points 3, 4, 5 and 9, DM8 (Development in the Open Countryside) and DM10 (Pollution and Hazardous Materials) of the Allocations & Development Management Development Plan Documents (July 2013), in addition to the National Planning Policy Framework which is a material consideration.”

Following a Public Inquiry, the appeal was allowed in a decision letter dated 03.05.2024.

- (d) 23/00810/FULM - Laying of an underground cable run linking Battery Energy Storage System to Grid Connection Point at Staythorpe Substation. Application Permitted 19.06.2024.
- (e) 24/01261/FULM - Infrastructure associated with the connection of battery energy storage system to National Grid Staythorpe Electricity Substation and associated works. Approved at planning committee December 2024.
- (f) 23/00317/FULM - Construction and operation of Battery Energy Storage System (BESS), transformer/sub-station and associated infrastructure. Pending Determination. On 19 June 2024 the Council's Planning Committee agreed that Planning Permission should be approved subject to conditions and completion of a Section 106 agreement for the matters set out within the report.
- (g) 22/00975/FULM and 22/00976/FULM – Construction of solar farm – Land at Knapthorpe Lodge Hockerton Road Caunton. Refused on 17.11.25 for the following reasons:

In the opinion of the Local Planning Authority, the proposed development would result in the loss of agricultural land (9.52 hectares of which is Grade 3a which is the Best and Most Versatile (BMV) agricultural land and 64.86 hectares of which is Grade 3b quality) for a period of 40 years. The loss of this land for this length of time is considered to be harmful to the aims of delivering food and non-food crops and sustainable food production. This loss of agricultural land (including BMV land) throughout the lifetime of the proposed development is a site-specific impact that has not been justified by the most compelling evidence, as required. In addition, by virtue of the significant scale of the development, it is considered that it would lead to a significant detrimental impact to the local landscape character (Mid-Nottinghamshire Farmlands Policy Zone MN30), by virtue of the identified major adverse effect that would result from the development individually and cumulatively with surrounding developments, that would last for the lifetime of the development. The proposal would therefore fail to conserve and enhance landscape character and visual amenity and therefore would be harmful to the character, appearance and visual perception of the area.

Although the proposal would bring meaningful environmental and economic benefits to the District, in the overall planning balance, these are not considered sufficient to outweigh the harm identified on the 40-year loss of the land for agricultural productivity or the landscape character and visual amenity of the area by the sheer scale and siting of the proposal. The proposal would therefore be contrary to Core Policies 9 (Sustainable Design), Core Policy 13 (Landscape Character) of the Amended Core Strategy, Policies DM4 (Renewable and Low Carbon Energy Generation), DM5 (Design), DM8 (Development in the Open Countryside) and DM12 (Presumption in Favour of Sustainable Development) of the Allocations and Development Management Development Plan Document (2013) in addition to the provisions of the Landscape Character Assessment Supplementary Planning Document (2013), the Planning

Practice Guidance, and the National Planning Policy Framework (2023) which are material considerations.

The appeal was allowed in a decision letter dated 01.04.2025.

- (h) Great North Road Solar and Biodiversity Park (NSIP scale solar farm) This was submitted to the Planning Inspectorate on 27 June 2025 and was accepted for examination on 22 July 2025.
- (i) 23/00486/CONSUL - A46 Newark Bypass Scheme – Development Consent Order. Undecided. This was sent by the Examining Authority to the Secretary of State on 1 July 2025 with a recommendation to approve.

5.3 In November 2024 the Environment Agency raised an objection to the Development on flood risk grounds. The Environment Agency's letter dated 12 November 2024 stated "*New information has come to light related to the A46 NSIP scheme which conflicts with the plans for this development, as submitted. We require further information to be provided by the applicant to ensure that the flood storage area of the proposed A46 is able to perform its function without increasing flood risk to this development.*"

5.4 In response, the Appellant yielded approximately 1.3ha of land which had been proposed for solar panel deployment (Drawing HC1002/05/05 rev 4) as at the time specific details on that area which was required for the proposed flood compensation was not available from National Highways. Without detailed information on the flood compensation scheme (associated with the A46 NSIP scheme) the Appellant could not demonstrate that solar panel deployment in the 1.3ha of land would not lead to unacceptable flood risk

6. Development Plan

6.1 The relevant Amended Core Strategy policies for the purposes of the Development are:

- (a) Spatial Policy 3 – Rural Areas
- (b) Spatial Policy 7 – Sustainable Transport
- (c) Core Policy 9 – Sustainable Design
- (d) Core Policy 10 – Climate Change
- (e) Core Policy 12 – Biodiversity and Green Infrastructure
- (f) Core Policy 13 – Landscape Character
- (g) Core Policy 14 – Historic Environment

6.2 The relevant DPD policies for the purposes of the Development are:

- (a) Policy DM4 - Renewable and Low Carbon Energy Generation.
- (b) Policy DM5 – Design
- (c) Policy DM7 – Biodiversity and Green Infrastructure
- (d) Policy DM8 - Development in the Open Countryside
- (e) Policy DM9 – Protecting and Enhancing the Historic Environment
- (f) Policy DM10 – Pollution and Hazardous Materials
- (g) Policy DM12 – Presumption in Favour of Sustainable Development

6.3 In addition to the above reference policies, the Planning Officer's Committee Report also identifies the following additional local policies and other material documents:

- (a) Nottinghamshire Minerals Local Plan (2021): Policy SP7: Minerals Safeguarding, Consultation Area, and Associated Minerals Infrastructure.
- (b) Newark Sherwood District Council's Climate Emergency Strategy 2020
- (c) Newark and Sherwood Landscape Character Assessment SPD, 2013
- (d) Newark and Sherwood Non-Designated Heritage Asset Criteria, 2021
- (e) Planning Decisions - Appeal Decision for Planning Application 22/01840/FULM

6.4 The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024 and has been subject to an examination in public in November 2024. Whilst the Draft Amended Allocations & Development Management DPD is therefore at an advanced stage of preparation the Inspectors report is still awaited. There are unresolved objections to amended versions of the above policies emerging through that process, and so, in having regard to paragraph 49 of the Framework the level of weight which those proposed new policies can be afforded is currently limited.

- 6.5 As the presumption in favour of sustainable development is engaged for this appeal, please refer to **Chapter 7 of this Statement entitled "National Policy and Other Guidance"** for the most important policies for the determination of the appeal.
- (a) For clarity, the Appellant and Council agree that an application that accords with the development plan should be approved without delay, but this is not an agreement that the Development accords with the development plan.
- 6.6 Save for the policies referred to in the reasons for refusal, the Appellant and Council agree that there has been full compliance with all other local policies relevant to the Appeal that are listed in this Section 6 of this Statement.

7. National Policy and Other Guidance

Guidance	Key paragraph	Contents
National Planning Policy Framework (NPPF)	7 & 8	"The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection. Achieving sustainable development means that the planning system has three over-arching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy".
	10	"a presumption in favour of sustainable development".
	11	[In relation to the application of the presumption in favour of sustainable development for decision-making, paragraph 11 of the NPPF states this means:] "c) approving development proposals that accord with an up-to-date development plan without delay;

	161	"The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure".
	168	"When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;
Planning Practice Guidance (PPG)	001 Reference ID: 5-001-20140306	"Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable".
Overarching National Policy Statement for Energy (EN-1)	2.6.1 & 2.6.2	"The government's wider objectives for energy infrastructure include contributing to sustainable development and ensuring that our energy infrastructure is safe. Sustainable development is relevant not just in terms of addressing climate change, but because the way energy infrastructure is deployed affects the well-being of the environment, society and the economy, for both current and future generations. For example, the availability of appropriate infrastructure supports the efficient working of the market so as to ensure competitive prices for consumers. "
	3.3.20	"Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar."
	2.10.10	"Solar also has an important role in delivering the government's goals for greater energy independence. The British Energy Security

National Policy Statement for Renewable Energy Infrastructure (EN-3)		Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW). It sets out that government is supportive of solar that is “co-located with other functions (for example, agriculture, onshore wind generation, or storage) to maximise the efficiency of land use”
	3.10.13 & 3.10.14	"Solar is a highly flexible technology and as such can be deployed on a wide variety of land types. While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land (avoiding the use of “Best and Most Versatile” agricultural land where possible)."
Written Ministerial Statement ‘Solar and protecting our Food Security and Best and Most Versatile (BMV) Land’ - 15th May 2024 (previous Government)	5	"Nevertheless, in balancing both the need for energy security and food production, we are concerned that as large solar developments proceed at pace, more of our ‘Best and Most Versatile’ (BMV) land could be used for solar PV instead of food production. I am therefore setting out further detail about how our policy on balancing these competing priorities is intended to be applied."

Other Material Considerations:

- 7.1 This is a renewable energy scheme, and Policy DM4 is a facilitative policy which is criteria based. These criteria provide a list of factors which need to be taken into account when determining whether to grant a planning permission.
- 7.2 There are a number of policy statements and guidance dealing with both planning policy and energy policy at the national level relevant to the determination of the Appeal :
- (a) Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
 - (b) Natural Environment and Rural Communities (2006) Act
 - (c) The Climate Change Act 2008
 - (d) UK Government Solar Strategy 2014
 - (e) Written Ministerial Statement on Solar Energy: protecting the local and global environment made on 25 March 2015
 - (f) The COP21 UN Paris Agreement 2016
 - (g) Clean Growth Strategy published by the Department for Business, Energy and Industrial Strategy (BEIS) in October 2017
 - (h) Conservation of Habitats and Species Regulations 2017, as amended.

- (i) The Setting of Heritage Assets -Historic Environment Good Practice Advice in Planning: 3 (2nd Edition)
- (j) UK Parliament's declaration of an Environmental and Climate Change Emergency in May 2019
- (k) Climate Change Act (2050 target amendment) Order 2019
- (l) UK Energy Statistics Press Release published by the Department for Business, Energy & Industrial Strategy, June 2020
- (m) The Ten Point Plan for a Green Industrial Revolution (2020)
- (n) Energy White Paper: Powering our Net Zero Future published in December 2020
- (o) The UK's Sixth Carbon Budget: The UK's Path to Net Zero (December 2020)
- (p) Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15 (February 2021)
- (q) Industrialisation Decarbonisation Strategy (2021)
- (r) UK Government's press release of acceleration of carbon reduction to 2035, dated April 2021
- (s) UK Energy in Brief, published by the Department for Business, Energy & Industrial Strategy, 2021
- (t) Department for Business, Energy and Industrial Strategy (BEIS) Outcome Delivery Plan (2021)
- (u) 'Net Zero Strategy: Build Back Greener' published by the UK Government in October 2021
- (v) The Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (2021), related Press Release and Statements (2021) • IPCC Second AR6 Report (February 2022)
- (w) IPCC Third AR6 Report (April 2022)
- (x) The Climate Crisis: A Guide for Local Authorities on Planning for Climate Change, prepared by the Town and Country Planning Association, dated October 2021 Growth Strategy, dated 23 September 2022
- (y) Making Government Deliver for the British People – UK Government February 2023.
- (z) IPCC AR6 Synthesis Report (March 2023) United Kingdom
- (aa) British Energy Security Strategy, published in April 2022 by the UK Government Powering up Britain (March 2023)
- (bb) IPCC, 2023: Summary for Policymakers. In: Climate Change 2023: Synthesis Report
- (cc) The UK Battery Strategy 2023
- (dd) Energy Bill (HL) 2022- 23 - Progress of the Bill published 26 February 2024

- (ee) Health and Safety Guidance for Grid Scale Electrical Energy Storage Systems, Department for Energy Security and Net Zero, March 2024 and April 2024
- (ff) International Agreements and Obligations July 2024 | CC/AC/TK | P21-1380 26
- (gg) (ff) The Solar Road Map June 2025
- (hh) The Solar Energy Supplementary Planning Document (SPD) adopted by the Council on 10 June 2025
- (ii) Clean Power 2030 Action Plan

- 7.3 The parties agree that the SPD does not adopt new policies, it merely provides guidance on those that already apply. The relevant consultation and adoption procedure for a new SPD was followed and so this document should be given appropriate weight in this Appeal.
- 7.4 Save for the policy referenced in the disagreement section of this Statement (Section 10) and relevant paragraphs of the NPPF the council refer to in their Statement of Case (being paragraphs 7, 8, 10, 11, 39, 48, 57, 58, 85, 87, 109, 115, 116 to 118, 135, 161, 164, 166 to 168, 181, 182, 187, 193, 202, 212, 215, 216) the Appellant and Council agree that there has otherwise been compliance with all national policies relevant to the Development .

8. List of Benefits

8.1 The Appellant and Council have recognised the following benefits that are ascribed to the Development. The parties have agreed that the below table details the specific weight that each party ascribes to the benefits .

8.2 For the avoidance of doubt, the parties agree that the following scale has been used to apply weighting to the below table, in ascending order:

- (a) 'No weight' meaning there is no benefit.
- (b) 'Limited weight' meaning that this is a minor benefit .
- (c) 'Moderate weight' meaning that this is a moderate benefit .
- (d) 'Significant weight' meaning that this is a significant benefit.
- (e) 'Substantial weight' meaning that this is a substantial benefit.

Benefit of Proposed Development	Appellant	Council
Solar		
The solar farm will make a compelling contribution to energy mix, providing benefits to combatting climate change (and the drive to net zero) and energy security.	Substantial weight should be attached to this sustainable development. See paras 161 & 168 of NPPF	Substantial weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future, having regard to para 168(a) of the NPPF
Increase in local biodiversity and associated ecological enhancement measures. This is at least 61.5% currently.	Significant weight should be attached on the basis that the development pre-dates the 10% mandatory requirement. The NPPF supports such gains in BNG via development – see paras 8 c), 187 d) and 193 (d).	Significant weight
Improving access to the countryside by formalisation and extension of permissive footpath/bridleway and also, by providing an alternative and safer/more pleasant route for walkers using the Trent Valley Way.	Moderate weight. See NPPF-para 125 which states: <i>'Planning policies and decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside'</i>	Moderate weight
Some job creation	Limited, but some weight should be attached to the job creation aspect of this development.	Limited weight
BESS		

BESS will meet the need for energy storage, provide balancing of power on the Grid, maximising the usable output from renewable energy. It also provides flexibility for periods of low wind or sun, or higher electricity demand.	Significant weight should be attached to bringing stability to the local distribution network.	Significant weight
Avoids the need for new generation capacity, reducing the requirement for curtailment of renewable energy generation and deferring ad-hoc investment in grid infrastructure to allow strategic planning by NESO.	Significant weight should be attached, see paras 161 & 168 of NPPF.	No separate weight.
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9. Areas of Agreement

- 9.1 This section sets out the matters not in dispute between the Appellant and the Council.

Format of Planning Application and Supporting Material

- 9.2 The format of the full planning application forms, plans and the supporting documents fulfilled the requirements of the various regulations and validation checklists, applicable at the time of submission.

Principle of Development

- 9.3 No land is specially allocated for the generation of renewable energy in the adopted development plan. Policy DM4 states that “planning permission will be granted for renewable and low carbon energy generation development, as both stand alone projects and part of other development, its associated infrastructure and the retro-fitting of existing development, where its benefits are not outweighed by detrimental impact from the operation and maintenance of the development and through the installation process upon.” 7 issues, which include landscape character (Issue 1) and Heritage Assets and their settings (Issue 3). Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable or can be suitably mitigated.
- 9.4 Relevant to this Appeal is the decision for a Battery Energy Storage System (BESS) elsewhere in the district at Staythorpe (PINs reference APP/B3030/W/23/3334043) in which the Inspector stated policy DM4 is the most direct relevant policy for renewable energy development. The Inspector stated that:

“17. The policies to deal with development in the countryside are set out in the Newark and Sherwood Allocations and Development Management Document (DPD) 2013. Policy DM4 promotes energy generation from renewable and low- carbon sources subject to certain qualifications concerning, among other things, flood risk, landscape character, heritage assets, amenity, highway safety and ecology. The Council sought to argue that the scheme conflicts with Policy DM8, which does not mention renewable energy as a development suitable in the open countryside. However, Policy DM4, not Policy DM8, is the most directly relevant policy in this case and its criteria clearly envisage that development related to renewable energy may take place in the countryside in certain circumstances. The scheme is not in conflict with the most directly relevant policy.”

- 8.5. Furthermore, the Inspector stated:

“38. Policy DM8 of the Allocations and Development Management DPD seeks a sequential approach in respect of the loss of the most versatile areas of agricultural land and requires proposals that cause the loss of such land to demonstrate environmental or community benefits that outweigh the land loss. This approach does not accord with national policy as set out in the National Planning Policy Framework. Moreover, it is unclear as to whether the section on agricultural land within Policy DM8 is intended to apply to categories of development such as renewable energy that are not referred to in that policy. The most relevant policy to the appeal scheme is Policy DM4, which allows for renewable energy schemes subject to certain criteria and does not refer to agricultural land quality as a criterion. But whatever the intention of Policy DM8, it is relevant to consider the effect on agricultural land; the National Planning Policy Framework seeks to protect soils and recognises the benefits derived from natural capital, including the best and most versatile agricultural land.... 42. In conclusion, the loss of a small amount of Grade 3a agricultural land during the lifetime of the development would not represent a significant loss in the stock of agricultural land, best and most versatile land, or productive agricultural capacity, and does not constitute a sound reason for dismissing the appeal. The scheme would not conflict with Policy DM8 (even if it were construed to be relevant) and would accord with Policy DM4 and the National Planning Policy Framework.”

- 9.5 The Council did not identify any policy conflict regarding the principle of the proposed development on page 15 of the Committee report nor its conclusions on pages 56-58 of the Committee report.
- 9.6 There is no dispute between the Council and Appellant regarding the principle of the proposed development in planning policy terms.

Site Selection

- 9.7 As outlined on pages 18 and 19 of the Committee report, while the Site has a high proportion of best and most versatile agricultural land, following a desktop search within a 3km radius of the grid connection point and the use of available ALC data, there were no alternative unconstrained sites within the search area of lower grade land due to environmental constraints.

Need for Renewable Energy

- 9.8 There is no requirement for the Appellant to demonstrate a need for renewable energy, as confirmed by Paragraph 168(a) of the NPPF.
- 9.9 The Development would constitute a low carbon, renewable energy source of electrical generation that would contribute towards meeting national renewable energy targets.
- 9.10 The Development would be a source of renewable energy and reduce the UK's dependence on fossil fuel power stations. Paragraph 168(a) of the NPPF 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"
- 9.11 In the Committee report section 9 (Conclusion) the planning officer concluded that the need for renewable energy was significant and was supported by both local and national planning policy. He concluded that the benefits of the Development outweighed the harm identified (reduction in agricultural productivity, landscape character and visual appearance).
- 9.12 There is no dispute with regards to the associated benefits of renewable energy being material to the planning balance.

Temporary Consent

- 9.13 A 40-year temporary consent is sought which would be secured by way of a condition in the event that planning permission is granted. A condition would be implemented to ensure the restoration of the Site to its current arable use would take place when the Development is decommissioned, and the equipment removed (retaining the structural landscaping implemented as part of the proposal, where necessary).
- 9.14 There is no dispute between the Council and Appellant that the proposal is for a temporary consent and that the temporary nature of the Development is a material consideration in the planning balance.

Agricultural Land

- 9.15 It is agreed that:
- (a) a detailed Agricultural Land Classification (ALC) survey has been completed in relation to 65.7 ha at Kelham (Land Search Associates September 2023);
 - (b) The Site is made up of the following grades

Table 1: Areas occupied by the different land grades

<i>Grade/subgrade</i>	<i>Area (ha)</i>	<i>% of the land</i>
Grade 2	36.0	55
Subgrade 3a	24.3	37
Subgrade 3b	3.5	5
Non agricultural	31.9	3
Total	65.7	100

- (c) the definition of the Best and Most Versatile agricultural land (BMV) is set out in Annex 2 of the NPPF as land in ALC Grades 1, 2 and 3a;
- (d) the installation of solar PV arrays does not result in the loss or downgrading, by sealing or permanent downgrading, of agricultural land;
- (e) there is no planning control that requires agricultural land to be farmed in any particular way or for food production;
- (f) a degree of agricultural land use can, in principle, continue through the operational phase;
- (g) the panels and infrastructure can be removed at the end of the Proposed Development and the land thereafter can therefore return to extent of agricultural use in place prior to development.

9.16 Use of agricultural land was not raised as a matter of dispute by the case officer in the Planning Committee report.

9.17 The Development would result in the Site not being actively farmed for arable purposes for a period of 40 years, but agricultural use (grazing sheep or other small livestock) can continue through the solar farm operational phase.

Landscape and Visual Amenity

9.18 Landscape and Visual amenity were addressed in the Committee Report.

9.19 The Committee Report identified landscape and visual harm in conflict of relevant policies from the Local Plan and Landscape Character SPD, but the officer conclude that this was outweighed (in the Committee Report) by benefits of the Development, when considering the planning balance.

9.20 The Appellant and Council agree that the Council appointed an independent landscape consultant as a consultee for the Application.

9.21 As set out at paragraph 2.19 of the landscape consultant's review, the The Landscape and Visual Amenity report concluded that *"upon completion there will be a moderate adverse effect on the site and the immediate environs but effects will decrease with increasing distance from the site and having a minor adverse effect over the study area generally"*. At paragraph 2.21 of the landscape consultant's review, they conclude that *"the culmination of magnitude of landscape effects upon the site and its immediate environs can be assessed as medium to high, and being of a higher magnitude of effect than 'medium' as stated in the report. Using the methodology of the LVIA and considering the reports' judgements of the solar arrays in terms*

of scale, geographical extent, and duration & reversibility, this would result in an overall moderate/major adverse level of effects, due the Proposals, when the BESS compound is also included in judgements. The report acknowledges that the change due to the Proposals would be 'diminishing the sense of place locally for users of the PRow crossing the north western areas of the site (and users of the permissive path)'. The Case Officer in the Officer's Report concluded that 'the proposed development could be acceptably mitigated in visual, landscape and biodiversity terms over time' and therefore provided an opinion that the proposal was in accordance with Core Policy 12 and DM5 and DM7 of the DPD.

Public Rights of Way

- 9.22 The Committee Report considers the impact on Public Rights of Way (PRow) on pages 50 to 51.
- 9.23 The Appellant and the Council agree that the routes of the existing PRow would not be physically affected by the proposed development and there would be no impacts on PRow users that would justify the refusal of planning permission on its own.

Drainage and Flood Risk

- 9.24 Drainage and flood risk are covered on pages 23 to 27 of the Committee report.
- 9.25 It is agreed with the Council that the Site is located in a predominately low- risk flood zone 1, there are no outstanding flood risk matters, foul drainage will not be created by the proposed development and surface water drainage details provided are acceptable with additional surface water drainage details to be secured by condition should the appeal be allowed.

Access and Highway Safety

- 9.26 Access and Highway Safety are covered on pages 47 to 50 of the Committee Report.
- 9.27 There are no objections from the Council or Highway Authority regarding access and highway safety.
- 9.28 It is agreed with the Council that there are no outstanding access or highway safety concerns that would justify the refusal of planning permission so long as a planning obligation is secured that a highway condition survey be undertaken to ensure there is no damage to the public road during construction.

Impact on Living Conditions (Residential Amenity)

- 9.29 Any potential impacts on living conditions (residential amenity) are covered on pages 51 to 53 of the Committee Report.
- 9.30 It is agreed with the Council that there are no outstanding impacts to the living conditions (residential amenity) of neighbouring residents which would be unacceptable.

Heritage and Archaeology

- 9.31 Heritage and Archaeology matters were addressed within the Committee report and were not considered to represent a bar to development.
- 9.32 It is agreed with the Council that there are no further assessments required relating to heritage or archaeological matters (subject to planning conditions) on the basis of insufficient information.

Ecology, Biodiversity and Trees

- 9.33 Ecology, biodiversity and trees are covered on pages 44 to 47 of the Committee Report.
- 9.34 It is agreed with the Council that there are no outstanding ecology, biodiversity or trees matters that would justify the refusal of planning permission subject to the completion of a s106 Agreement or imposition of appropriate conditions.

Health, Safety and Fire Risk Pollution

- 9.35 Health, safety and fire risk pollution are covered on pages 54 to 55 of the Committee Report.
- 9.36 Subject to a condition to produce an updated Fire Safety Management Plan, the parties agree that there are no outstanding health, safety or fire risk pollution matters which would justify the refusal of planning permission.

Minerals

- 9.37 Minerals are covered on pages 53 and 54 of the Committee Report.
- 9.38 It is agreed with the Council that there are no outstanding mineral matters (subject to planning condition to restore the site at the end of the life of the development) which would justify the refusal of planning permission.

Section 106 Agreement

- 9.39 The Appellant and Council agree that the matters set out in more detail at section 11 of this statement are necessary to make the Development acceptable in planning terms. The Appellant and Council have not yet agreed if these matters should be dealt with by conditions or a planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990

Conditions

- 9.40 The Appellant and Council agree that the conditions as set out in the Committee Report will be required to be updated on the granting of planning permission and the parties will negotiate the final proposed conditions.

Decision Notice

- 9.41 Each reason for refusal will be dealt in turn and the component parts of the reasoning broken down to demonstrate the areas of agreement and disagreement.

9.42 Reason 01 for refusal: BMV

- (a) It is agreed that the Site is made up of 92% BMV land (see 9.15(b)) and the Development will be situated on such.
- (b) The Council and Appellant note that the Agricultural Impact Assessment's content, measures and outcome are agreed.
- (c) The Appellant and Council agree that the Site would not be actively farmed for arable farming production for the duration of the Development.
- (d) The Appellant and Council also agree that there is no requirement in national or local policy for the Site to be used for arable farming and this does not form the definition of BMV (see 9.15(c)).
- (e) The Appellant and Council agree that agricultural use of the Site could continue once the Development is constructed through sheep grazing.

- (f) The Appellant and Council agree that subject to an appropriate condition being applied to the planning permission, the Development would have a lifespan of 40 years at the Site and that this is a temporary consent (see 9.13).
- (g) Potential permanent loss of land from agricultural production would be limited to the extent of land for habitat enhancement and the transformers and switchgear compound at the BESS substation and associated access tracks.
- (h) It is well established that there is no national policy or guidance that requires solar development to be subject to a sequential assessment in relation to BMV. To the extent that Policy DM8 requires this, it is inconsistent with the NPPF.
- (i) The parties further agree that the Appellant undertook an extensive site selection process, guided by the availability of a grid connection and the local area's agricultural grade (being that there was no unconstrained land within the search area that had lesser lower ALC).
- (j) The Appellant and Council agree that paragraphs 187 (b) of the current NPPF are the relevant paragraphs pertaining to BMV.
- (k) The parties agree that NPS EN3 at paragraphs 2.10.11, 2.10.28 – 2.10.34 and 2.10.89 are relevant to the decision.
- (l) It is agreed that the relevant Planning Practice Guidance, referred to in the reasons for refusal, is that which relates to the "Renewable and Low-carbon energy" section of the NPPG at 5-013-20150327. The weight to be given to the PPG will be a matter addressed in the evidence.

9.43 Reason 02 for refusal: cumulative impact

- (a) The Appellant and Council agree, that the Appellant's Landscape and Visual Impact Assessment dated 2023 and June 2024 Addendum and Photomontages submitted with the Development's proposal was undertaken in line with relevant industry standards.
- (b) The Appellant and Council also agree that Influence Landscape Planning and Design Ltd were appointed by the Council to review to the Appellant's assessment..
- (c) The Appellant and Council also agree that the Great North Road Solar Park predominantly to the north and north-west of the Site, at the time of the Application, was at an early design and conceptual stage.
- (d) The Appellant and the Council agree that it was not appropriate to include an assessment of this later project in the Applicant's Landscape and Visual Impact Assessment because of the lack of information at the time of the Application. It is also not a requirement under the *National Planning Policy Guidance, Renewable and low carbon energy, (paragraph 023, Ref ID: 5-023-20140306)* which requires only information regarding planning applications submitted or with proposals under consideration to inform the assessment.
- (e) The parties agree that the Great North Road Solar Park (with name change application pending to 'the Great North Road Solar and Biodiversity Park' pending) has now been made and is currently at the pre-examination stage. Consistent with the approach in the NPPG and case law, this project will need to assess cumulative landscape impact to the surrounding area.

- (f) The Appellant and the Council agree that Spatial Policy 3 is relevant to the decision given that it states that "new development should not have a detrimental impact on the character of the location or its landscape setting".
- (g) The Appellant and the Council agree that Core Policy 9 is relevant on the basis that it requires a high standard of sustainable design that protects and enhances the natural environment and contributes to and sustains its rich local distinctiveness.
- (h) The Appellant and the Council agree that Policy DM4 is relevant to the decision on the basis that it supports renewable energy projects, and confirms that planning permission will be granted where the benefits of projects are not outweighed by any detrimental impact of a project on "1. The landscape character...from the individual or cumulative impact of proposals...and 3. Heritage Assets and or their settings".
- (i) The Appellant and Council agree that Policy DM5 is relevant to the decision, through its requirement that "The rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.....all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document" and "natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced".
- (j) The Appellant and Council agree that the planning decision should contribute to and enhance the natural and local environment, making paragraph 187 of the NPPF relevant to the decision.

9.44 Reason 03 for refusal: heritage

- (a) The Appellant and the Council agree that, the Heritage Impact Assessment concludes that the impacts are less than substantial
- (b) The detail of the significance of, and impact on all relevant assets is set out in the topic specific SOCG on Heritage and will be addressed in detail in the parties' evidence.
- (c) The Appellant and the Council agree that, in having regard to paragraph 168(a) of the NPPF, at least significant weight should be ascribed to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.
- (d) The Appellant and the Council agree that there are principles from Policy CP14 which are relevant to determining the decision.
- (e) The Appellant and Council agree that Policy DM9 is relevant to this Development through the first introductory paragraph and then paragraphs 1, 2 and 5.
- (f) The Appellant and the Council agreed that DM9 is to be read having regard to chapter 16 of the NPPF. The Appellant and the Council agree that paragraphs 4.2.15 – 4.2.17 of NPS EN-1 and paragraphs 2.10.151 and 2.10.160 of NPS EN-3 are also relevant to the decision.
- (g) The Appellant and the Council agree that section 66(1) does not require one to preserve a listed building or its setting, but rather the Council and/or Secretary of State must take special regard to the *desirability* of preserving the building or its setting or any special architectural or historic interest which it possesses

10. Areas of Disagreement

- 10.1 The Appellant does not agree with the Council's grounds for refusal (see **1.6**) of the Application.
- 10.2 The Appellant does not agree that the Development is contrary and not compliant with the policies referred to in the grounds of refusal.
- 10.3 The Appellant and Council do not agree on the applicability of Policy DM8 to this Application. This will be addressed through proofs of evidence.
- 10.4 The Appellant and Council do not agree that the temporary nature of the Development should be considered as an independently positive mitigation consideration in the planning balance.

Decision Notice

- 10.5 Each reason for refusal will be dealt in turn. Separate SoCG for each reason of refusal and topic area are being referred to and should be considered in conjunction with this section of the overarching SoCG.

10.6 Reason 01 for refusal: BMV

- (a) The Council has not set out what it means by '*affect*' and whether or not this is a positive or negative affect or one which has been considered having had regard to relevant material considerations. It is not, therefore, agreed that '*affect*' has any specific meaning in the context of this ground for refusal. The Appellant does not agree that there is any negative effect. Further, it has been agreed that use of BMV land for the Development does not downgrade its agricultural land classification (see **Error! Reference source not found.**).
- (b) The Appellant does not agree with the Council that the land would be '*removed*' from arable farming, on the basis that it is agreed that the Site is currently being used to grow energy and animal food crop (see 2.1) and only, therefore, contributes minimally to food production across the region and country.
- (c) The Appellant concludes that the Site is not *removed* from arable farming production as a result of the Development, as it is agreed by the Appellant and the Council that there is no requirement for land to be used for food production and agricultural use, meaning that the Site could cease to be used for arable farming at any time irrespective of the Development. Also, the Appellant concludes that the Site can continue to be used for a number of farming uses throughout the lifetime of the Proposed Development's operational use (see **Error! Reference source not found.** and **Error! Reference source not found.**).
- (d) The Appellant concludes that they have expressly shown the benefits of fallowing land in their Agricultural Impact Assessment, which mitigates the use of BMV land through improvements to soil health and biodiversity.
- (e) The Appellant does not agree that the Development is '*unsustainable*'.
- (f) The Appellant does not agree that the Policy DM8 precludes explicitly or implicitly the Development of agricultural land for sustainable uses and that the Development is therefore '*contrary*' to it.
- (g) The Council believe that Policy DM8 is relevant to the Development in the context of Reason 1 for refusal of the Application, but the Appellant does not agree.

- (h) The Appellant does not agree that the Development fails to comply with the National Planning Policy Framework (2024) and Planning Practice Guidance
- (i) The Appellant does not agree that the benefits of the Development are outweighed by other material considerations; having regard to Reason for refusal 3, where the Council expressly acknowledge that there are other significant benefits of the Scheme, stating that the '*significant benefits of the proposal in terms of renewable energy are acknowledged*'

10.7 Reason 02 for refusal: cumulative impact

- (a) The Appellant does not agree with the Council that there will be '*unacceptable harm*' when taken cumulatively with other projects in the locality. The Appellant undertook a cumulative impact assessment (within the Landscape and Visual Impact Assessment) which determined that the Development, alongside nearby projects, only causes moderate landscape effect for years 1 to 10, with the assistance of proposed mitigation schemes and the effects 'not substantial'.
- (b) The Appellant does not agree that the Development is '*contrary*' to the parts of the relevant policies contained within this reason for refusal (see **Error! Reference source not found.**). This is contrary to the conclusion of the appointed independent landscape consultant.(see 9.20).

10.8 Reason 03 for refusal: heritage

- (a) The parties do not agree on whether the benefits of the Development outweigh the less than substantial harm to designated heritage assets
- (b) Whilst the Appellant and Council agree to the relevance of the listed policies, the Appellant does not agree that the Development is contrary to any of them.
- (c) The Appellant and Council disagree that the Development fails to preserve the setting of Kelham Hall.
- (d) The Appellant and Council disagree that Kelham Country Manor House is a NDHA and therefore whether it requires consideration as a heritage asset.
- (e) The Appellant and Council disagree on the level of significance of: Kelham Hall (Grade I); Church of St. Michael (Grade I); Church of St. Wilfrid (Grade I); Averham Park House (Grade II*); and Kelham Country Manor House (NDHA).
- (f) The Appellant and Council disagree on the level of harm to the following: Averham Conservation Area; Kelham Conservation Area; Kelham Hall (GrI); Church of St. Michael (GrI); Averham Park House (GrII*); Kelham Hall Park and Garden (NDHA); Averham Park and Garden (NDHA); and Kelham Country House (NDHA).

10.9 In summary

- (a) There are four main matters of dispute between the Appellant and the Council:
 - (i) The weight which should be attributed to the use of BMV agricultural land at the Site;
 - (ii) The degree of impact that the Development, when taken cumulatively with other renewable energy developments in the locality, would have on landscape appearance.

- (iii) The weight which should be attributed to the less than substantial harm to heritage assets and whether such harm is outweighed by public benefits.
- (iv) Whether the impacts identified by the Council (at (i)-(iii)) would be outweighed by the benefits of the Development in the planning balance.

11. Planning Obligations and Conditions

- 11.1 Planning Obligations and a set of planning conditions were attached to the Planning Committee report.
- 11.2 The final proposed conditions will be negotiated between the parties. The Appellant start letter (dated 8 May 2025) requests for a draft or heads of terms for a section 106 Agreement to be submitted ahead of the Case Management Conference.
- 11.3 The Case Management Conference was undertaken on 14 July 2025, and the Council and Appellant have agreed that the parties to the section 106 agreement (if required) would be:
- (a) Peridot Solar Limited as the parent company of Assured Asset Solar 2 Ltd acting as developer and holder of an option to lease;
 - (b) Newark and Sherwood District Council as the Local Planning Authority;
 - (c) Mr John Miller as landowner of Manor Farm; and
 - (d) Adrian Hatton as Rectory Farm owner.
- 11.4 There are no mortgagees relevant to the Site and it is not anticipated that Nottinghamshire County Council as Highways Authority will need to be party to the s106 agreement.
- 11.5 Four issues have previously been considered as potentially suitable as planning obligations and the following heads of terms have been agreed between the parties. However, in light of the Case Management Conference it has not yet been agreed that some of the issues can be dealt with by conditions:

Issue	Planning Obligation	Purpose / Details / Triggers etc
Site-wide Biodiversity Net Gain	Implementation of the provisions of approved Landscape and Biodiversity Enhancement, Management and Monitoring Plan (LBEMMP) – reference to proposed Condition Number needed in SOCG. (see MM's suggested consolidated planning condition)	To secure the establishment, management and monitoring of significant on-site biodiversity net gain for the lifetime of the project (being 40 years). Planting measures prior to Commission Date with Statement of Compliance to be provided. Maintenance from planting until Decommissioning. Post-commission preparation and submission of monitoring reports as per intervals in suggested condition i.e. at 1, 2, 3, 5, 10, 15, 20 and 30 years. A monitoring report to be submitted within the twelve months prior to Decommissioning of the development.

Hedgerow Translocation	Implementation of the proposal to translocate the hedgerow either side of the proposed site access as per Drawing 'Hedge Translocation Plan – ref HC1002 05 29 REV 2'	To secure the repositioning of the defined section of frontage hedgerow and its ongoing management under the approved LBEMMP. The repositioning to occur prior to the commencement of development. Maintenance post translocation for the lifetime of the development..
Ecological Monitoring Oversight	Payment of LPA's costs for monitoring the implementation and ongoing management and maintenance of the Landscape and Biodiversity Enhancement on-site.	A single financial contribution to be paid prior to commencement of development to cover 30+ years' costs of ongoing monitoring for the development The sum of £3,5201 (index linked) based on the Council's fees for BNG monitoring for sites of more than 10 hectares.
Highway Condition Survey(s)	Implementation of 2 surveys and remedial action by the Developer for damages caused to the local highway from the development, as per Drawing 153626-010 - Extent of Condition Survey (from CTMP)	First survey prior to commencement of development. Submission of written report to the LPA. Second survey report within two months of completion of all construction works at the Site with remediation and repair proposals for damage/defects/dilapidation attributable to development traffic. Works to be undertaken by the Developer before Commission Date.

11.6 The section 106 agreement shall also detail that arbitration will be carried out by an RICS qualified person, that the obligations within the agreement also apply to any section 73 (Town and Country Planning Act 1990) applications, and that there is a release and lapse of the agreement if the permission is refused on appeal.

11.7 The following plans shall be attached to the s106 agreement:

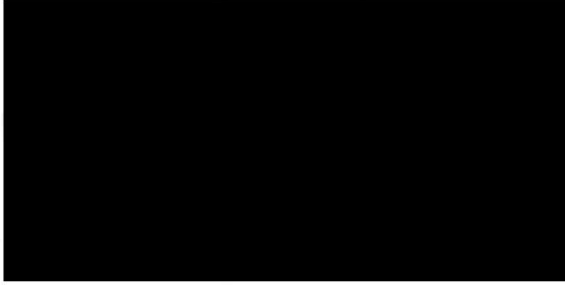
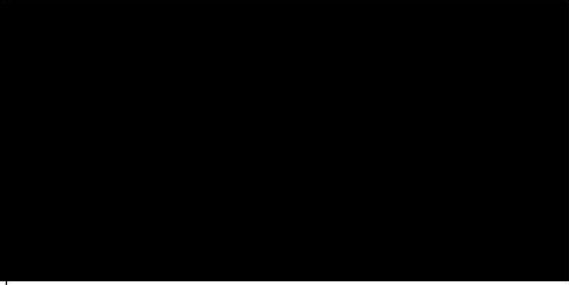
- (a) Site Location Plan R5
- (b) Highway Condition Survey Extents Drawing 153626-010 (from CTMP)
- (c) Hedgerow Translocation Plan Drawing Hedge Translocation Plan – ref HC1002 05 29 REV 2
- (d) Landscape Masterplan Plan Drawing Reference HC1002/5/16 r3 - Landscape Masterplan

11.8 The parties agree that, if a section 106 agreement is necessary, it will reflect the PINS guidance 'Planning Obligations: Good Practice Advice' (February 2025).

¹ <https://www.newark-sherwooddc.gov.uk/media/hsdc-redesign/documents-and-images/your-council/access-to-our-information/council-spending/fees-and-charges/Fees-and-Charges.pdf>

- 11.9 The Appellant and Council are negotiating amendments to the conditions in the proposed planning permission which serves to correct reference errors and consolidate conditions on the same topic..
- 11.10 It is expected that a full section 106 agreement and an agreed set of conditions will be provided to the Inspector prior to the commencement of the Inquiry.

Signatures

Signed: 	Signed: 
Name: Oliver Scott	Name: Osborne Clarke LLP (Lauren Gardner)
On behalf of: Newark and Sherwood District Council	On behalf of: Assured Asset Solar 2 Ltd
Date: 26 August 2025	Date: 26 August 2025

Appendix 1

Acoustic Fence Details	HC1002/05/21 Rev 0
Applicant's Response dated 20 August 2024 to Rights of Way Comments	
Applicant's Response to Natural England Comments dated 8 August 2024	
Applicant's Response to Nottinghamshire Fire and Rescue Comments dated 11 September 2024	
Archaeological Evaluation Interim Report dated August 2023	Ref: 2222 Version 01 (Part 1, 2A, 2Bx2)
Archaeology Mitigation Areas	HC1002/05/28 Rev 2
Battery Firewall Detail	HC1002/05/13 Rev 0
Battery Modules Details	HC1002/05/11 Rev 0
Battery Transformer Inverter Details	HC1002/05/12 Rev 0
Communication Mast – Proposed Elevation	WPD-EPEX-GA-03 Rev B
Communication Mast – Proposed Compound	WPD-EPEX-GA-01
Construction Traffic Management Plan	
Container Details	HC1002/05/10 Rev 0
Deer Mesh Fencing Details	HC1002/05/20 Rev 0
DNO Substation Details	HC1002/05/06 Rev 0
Fencing and Security Details	HC1002/05/17 Rev 1
Internal Access Tracks Construction Details	HC1002/05/18 Rev 0
Indicative 132kv Substation Details	HC1002/5/26 Rev 0
Landscape Masterplan	HC1002/5/16 Rev 2
Outline Construction Environmental Management Plan Report	
Paladin Mesh Fencing Details	HC1002/05/22 Rev 0
Palisade Fencing Details	HC1002/05/19 Rev 0

Planning Phase Battery Safety Management Plan – Fire Strategy	
Point of Connection Details	HC1002/05/14 Rev 1
Public Access Details	HC1002/05/27 Rev 2
PV Panel Details	HC1002/05/05 Rev 0
Sections through Substation and BESS Compounds	HC1002/05/15 Rev 0
Ste Access Details	HC1002/05/23 Rev 1
Site Access – Construction Details	HC1002/05/24 Rev 0
Site Layout	HC1002/05/03 Rev 4
Site Layout – Footpath Buffers	HC1002/05/03/R2
Solar and BESS Switchgear Cabins Details	HC1002/05/07 Rev 0
Solar Transformer Station Details	HC1002/05/08 Rev 0
Soil Management Plan	
Soil Resources and Agricultural Quality	
Spares Cabin Details	HC1002/05/09 Rev 0
Substation Details (Indicative)	HC1002/05/06 Rev 0
Substation and BESS Compound Arrangement	HC1002/05/04 Rev 1
Temporary Site Set Down Area Details	HC1002/05/25 Rev 2
Translocated Hedgerow Plan	HC1002/05/29 Rev 2

Agricultural Land Impact Assessment	
Archaeology Evaluation Report and Archaeology Evaluation Part 1 and 2A – 2B	
Battery Fire Safety Statement	
Bird Report	
BNG Report	
Constraints Mapping	HC1002/01/03 Rev 0
Cumulative Sites	HC1002/02/06 Rev 0
Desk Based Assessment Part A - C	

Design and Access Statement	
Ecology Appraisal	
Flood Risk Assessment and Drainage Strategy and Appendix 2 Topographical survey	
Geophysical Survey	
Heritage Impact Assessment and Addendum	
Landscape Character Policy Zones	HC1002/02/04 Rev 1
Landscape Planning Constraints	HC1002/02/02 Rev 1
Landscape and Visual Impact Assessment, LVIA Appendix 1 Methodology and Photomontages VP1 – VP11	
Letter of Comfort National Highways	
Second Letter of Comfort National Highways	
LVIA Study Area	HC1002/02/01 Rev 1
Noise Impact Assessment	
Planning Application Boundary Sheet 1	HC1002/05/2B Rev 1
Planning Application Boundary Sheet 2	HC1002/05/2A Rev 1
Planning Statement	
Residential, Settlement and Transport Receptors	HC1002/02/07 Rev 1
Sanderson Associates Response dated February 2024 to Nottinghamshire County Council's Highways Development Control Team	
Site Location Plan	HC1002/05/01 Rev 0
Solar and BESS Zone of Theoretical Visibility including Barriers	HC1002/02/09 Rev 0
Stage 1 Road Safety Audit Report February 2024	
Statement of Community Involvement	
Transport Statement and Stage 1 Road Safety Audit Brief July 2023	
Viewpoint Location Plan	HC1002 02 08 Rev 0
LVIA Addendum and Photomontages Viewpoints 4, 5 and 7	

