

Statement of Common Ground: Landscape

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 (reference APP/B3030/W/25/3364181) 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 This SoCG was instructed to be prepared by the Inspector at the Case Management Conference on 14 July 2025. The purpose of this SoCG is to identify where the principal parties (the Appellant and the Council) agree and where there is disagreement. This will allow the forthcoming hearing to focus on the most pertinent issues.
- 1.3 An overarching SoCG has been prepared and signed by both parties, dated 7th July 2025. This topic-based Landscape SoCG should be read in conjunction with the former document. This document seeks to clarify areas of common ground in terms of areas of agreement and areas of disagreement.
- 1.4 Some parts of section 2 of this report, for the avoidance of doubt, duplicates parts of the landscape and visual related information set out in the signed overarching SoCG, dated 7th July 2025.
- 1.5 The Application was refused for three reasons; however, the following reason is pertinent for this SoCG:
 - (a) "The proposed development, when taken cumulatively with other renewable energy developments in the locality, will result in unacceptable harm to 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**)

2. Areas of Agreement

Procedural Matters

2.1 The Appellant and Council agree that:

- (a) The Appellant's Landscape and Visual Impact Assessment (dated October 2023) and the LVIA Addendum and Photomontages (June 2024) submitted with the Development proposals, were generally undertaken in line with relevant industry standards.
- (b) An independent landscape consultant (Influence Landscape Planning and Design Ltd) ('Influence') was appointed as consultee for the application. They undertook an initial review of the LVIA in March 2024, which set out a number of recommendations. They then undertook a second review - of the LVIA Addendum and amended plans - in August 2024.
- (c) Informed by the reports produced by Influence, the Case Officer concluded in the committee report (Para 7.143) that *"...it is considered that the proposed development could be acceptably mitigated in visual, landscape character and biodiversity terms over time. As such, it is considered that the proposals would accord with Core Policy 12 of the Core Strategy together with policies DM5 and DM7 of the DPD."*

Planning Policy

2.2 The Appellant and Council agree that:

- (a) The Decision Notice cites Spatial policy 3, Core Policy 9, DM4, DM5, DM8 and (unspecified paragraphs in) the NPPF and PPG.
- (b) With regards to landscape character, the Site is located in the following:
 - (i) National Character Area (NCA) 48 - Trent and Belvoir Vales
 - (ii) Newark and Sherwood Landscape Character Assessment - Regional Landscape Character Area - Trent Washlands, specifically, Policy Zone - Trent Washlands Policy Zone 11: Cromwell, North and South Muskham, Kelham, Averham, Staythorpe and Rolleston Village Farmlands.
- (c) The Site is not a valued landscape within the meaning of Paragraph 187(a) of the NPPF.

Cumulative Effects

2.3 The Appellant and Council agree that:

- (a) Reason 2 identifies landscape appearance as the identified aspect of harm.
- (b) The Development as a standalone- project does not lead to unacceptable harm, it is only when considered in the context of other renewable energy developments in the locality that the Council identifies cumulative harm to landscape appearance.
- (c) There are a number of consented schemes, along with some in the planning system, which need to be considered in the cumulative assessment. The schemes are shown on a plan at Annex 1 These are namely:
 - (i) To the south-west of the Site is a consented BESS scheme, ref no: 23/00317/FULM

- (ii) There is another BESS scheme located further south-west of the Site, ref no: 22/01840/FULM
 - (iii) To the north-west lies a consented solar farm, ref no: 22/00976/FULM
 - (iv) To the north-west of the Site lies a consented solar farm, ref no: 22/00975/FULM
 - (v) Great North Road DCO is extensive and de-segregated and comprises solar rays together with a BESS facility and a substation. It extends 15km north-south and 12km east-west. A short distance to the north-east of the Site lies 3 solar fields associated with the Great North Road, Referenced DB001, DB002, and DB003. To the west of the Site lies a BESS facility, beyond which further west lies a 400kV substation. Council Ref no: 25/01086/CONSUL
- (d) The last of these - the Great North Road Solar and Biodiversity Park - was received by the Planning Inspectorate on 27 June 2025. The project was accepted for examination on 22 July 2025 and is currently in the pre-application stage.
 - (e) The Planning Case Officer, in their Report to Planning Committee 16th January 2025, recommended the application for approval, subject to the conditions outlined in Section 10.0 of the report and the completion of a section 106 agreement.
 - (f) The conclusions of the Case Officer in regard to the standalone scheme are set out in Paragraph 7.82 of the report where it states". *In summary, having regarding the provisions of the submitted LVIA and of the independent assessment, there would not be a significant adverse impact as a result of the proposals, nevertheless the potential harm (particularly to users of the footpath and in part the effected residential receptors along Broadgate Lane) still needs to be considered in the overall planning balance and weighed against the benefits of the proposal."*
 - (g) That the landscape and visual impacts of the development, when considered in isolation, have some adverse effects, but are not the reason for refusal, given appropriate mitigation. It is the Council's case that only when they are considered in combination with the other schemes identified at [2.3(c) above and Annex 1] that they become unacceptable.
 - (h) A total of 11 viewpoints were identified within the LVIA. All of the viewpoints except VP11 (1.7km) were within 750m of the Site. The 11 viewpoints identified can be seen on the Viewpoint Location Plan (Annex 2).
 - (i) No viewpoints were identified beyond 500m to the northeast of the Site, although the Zone of Theoretical Visibility (ZTV) suggests that there could be visibility around South Muskham / Little Carlton, which is approximately 2km north northeast of the Site. As a result, the Council has identified an additional viewpoint for assessment – labelled on the Viewpoint Location Plan as PR01 – which is located on PRoW NT/South Muskham/FP1A just south of the 'The Gables' Farm.
 - (j) Chapter 7 of the Guidelines for Landscape and Visual Impact Assessment 3rd Edition ('GLVIA3') provides the basis for how cumulative landscape and visual effects should be assessed.

3. Areas of Disagreement

3.1 At this stage, the Appellant and Council disagree:

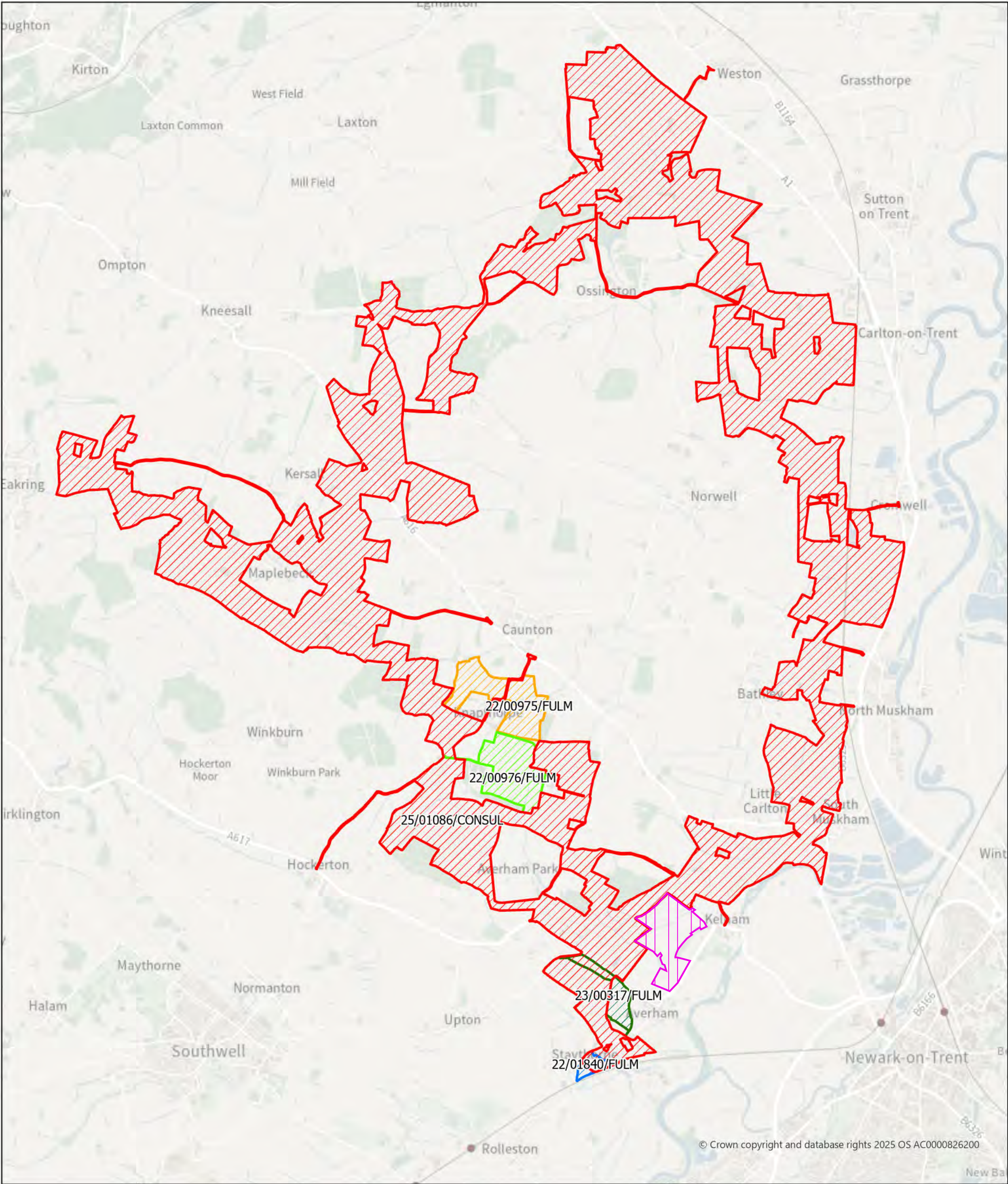
- (a) That the Development is contrary to the policies included in Reason 2.
- (b) The magnitude of cumulative landscape and visual effects, and their significance
- (c) Which of the viewpoints that are considered relevant for the scope of evidence that relate to the alleged unacceptable level of harm, and if there are any additional viewpoints not identified in the LVIA that relate to this matter.
- (d) What 'landscape appearance' refers to in the context of Reason 2. The Council consider this relates to how landscape is appreciated in terms of all visual aspects, which includes both landscape character and visual impact harms. Whereas the Appellant considers the wording of the RfR to relate to how a landscape is appreciated in terms of a view; for example a general visual amenity point.
- (e) That the RfR alleges harm to landscape character.
- (f) The Case Officer Report identified localised harm in terms of general visual amenity, as did the Council's independent landscape consultant.
- (g) Further to Paragraph 2.1 (a), the specific matter not agreed is if the Study Area and Viewpoints identified for assessment were proportional to the scale and nature of the proposed development

3.2 The parties will continue to work together to narrow the specific areas of disagreement ahead of the Inquiry.

Signatures

Signed: 	Signed: <i>Osborne Clarke LLP</i>
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

Annex 1 – Cumulative Schemes Location Plan



Legend

Planning Application

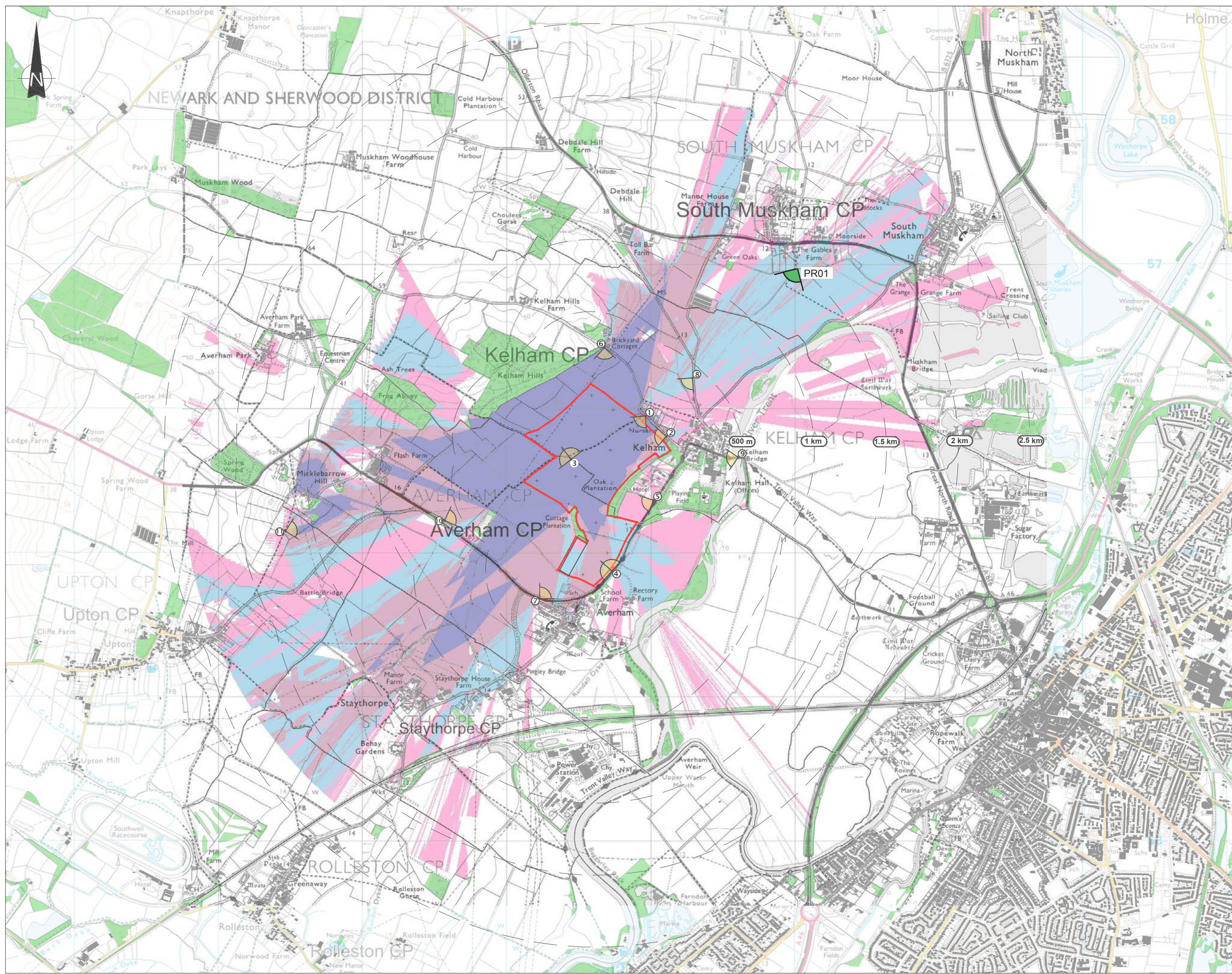
Planning Reference

- 22/00975/FULM
- 22/00976/FULM
- 22/01840/FULM
- 23/00317/FULM
- 25/01086/CONSUL
- Appeal Site

Location		Newark and Sherwood District Council
Drawing Title		Solar Applications within Newark and Sherwood
Drawing Reference		N 
Date Exported:		
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Annex 2 – Viewpoints Location Plan



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KEY

1. THIS DRAWING IS BASED UPON A COMPUTER GENERATED ZONE OF THEORETICAL VISIBILITY (ZTV) WHICH ILLUSTRATES AREAS FROM WHERE IT MAY BE THEORETICALLY POSSIBLE TO VIEW ALL OR PART OF THE PROPOSED DEVELOPMENT. THE ZTV IS GENERATED USING REPRESENTATIVE HEIGHT POINTS (2m agl) SPACED WITHIN THE SITE. THE (SCREENING) ZTV INCORPORATES THE SCREENING EFFECTS OF BUILDINGS (C.8m HIGH BARRIER) AND WOODLAND COVER (C.12m HIGH BARRIER) AS MAPPED ON ORDNANCE SURVEY VECTOR MAP DISTRICT DATA, BUT OMITTS SMALLER VEGETATION (EG HEDGEROWS) AND LOCALISED LANDFORM VARIATIONS. AS A RESULT THERE MAY BE RECEPTORS WITHIN THE STUDY AREA WHICH ALTHOUGH SHOWN AS FALLING WITHIN THE ZTV, ARE SCREENED OR FILTERED WHICH PRECLUDES VIEWING OPPORTUNITIES.

2. THE ZTVS ARE CALCULATED USING WINDFARM RESORT SOFTWARE THROUGH THE COMBINATION OF A DIGITAL TERRAIN MODEL (DTM) OF THE LANDSCAPE, DERIVED FROM THE ORDNANCE SURVEY 'TERRAIN 5' 5m RESOLUTION DTM DATA COMBINED WITH THE REPRESENTATIVE ILLUSTRATIVE HEIGHT POINTS FOR THE SOLAR ARRAYS. IN CALCULATING INTER VISIBILITY, THE SOFTWARE INCORPORATES EARTH CURVATURE AND THE EFFECTS OF REFRACTION THROUGH THE ATMOSPHERE. THE RESULTING ZTV IS OVERLAIN ON OS MAPPING AT AN APPROPRIATE SCALE. 1.6M VIEWING HEIGHT.

KEY

- SITE BOUNDARY
- STUDY AREA (500m bands / 2.5km)
- c.1 - 25% OF SOLAR ARRAYS THEORETICALLY VISIBLE
- c.26 - 50% OF SOLAR ARRAYS THEORETICALLY VISIBLE
- c.51% - 75% OF ARRAY THEORETICALLY VISIBLE
- c.76% - 100% OF ARRAYS THEORETICALLY VISIBLE
- ZTV HEIGHT SURVEY REFERENCE POINT
- PROPOSED VIEWPOINT
- WOODLAND
- BUILDINGS

REV	DESCRIPTION	DATE	BY

CLIENT

ASSURED ASSET
SOLAR 2 LTD


4245 Park Approach, Thorpe Park, Leeds. LS15 8GB. 0113 264 9960

JOB TITLE

KELHAM SOLAR FARM AND BESS

DRAWING TITLE

ZONE OF THEORETICAL
VISIBILITY - BARRIERS

DRAWN	DATE	APPROVED	DATE
A.S.	28/9/2023	J.C	28/9/2023

SCALE	SHEET	DRAWING NUMBER	REVISION
1:25,000	A3L	HOR1002/02/03	0