

**INSPECTOR'S NOTE OF CASE MANAGEMENT CONFERENCE (CMC)
HELD AT 2 PM ON 14 JULY 2025**

APPEAL REF: APP/B3030/W/25/3364181

LAND TO THE WEST OF MAIN STREET, KELHAM

PROPOSED DEVELOPMENT: *"Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work."*

1. Susan Heywood was the Inspector who undertook the CMC and who will be holding the inquiry. The Appellants, Assured Asset Solar 2 Ltd, were represented by Thea Osmund-Smith, Barrister. Newark and Sherwood District Council was represented by Sioned Davies, Barrister. All parties confirmed that they had seen and considered the Inspector's pre-conference Note and Agenda, which had been circulated in advance.

Purpose of the conference

2. The inquiry will open on 22 October 2025 and is currently scheduled to sit for 6 days. The CMC was an opportunity for the Inspector to discuss the management of the case and the procedural arrangements so that the forthcoming inquiry is conducted in an efficient and effective manner. This CMC Note reflects the discussion that took place.
3. It was made clear that there would be no discussion of evidence at the CMC or consideration of the merits of the appeal.

The applications and inquiry procedure

4. All parties were content with the inquiry being held face-to-face. The Council will be able to live-stream the inquiry if necessary. It will be for the Council to decide having regard to the likely level of public interest. The inquiry will be held in the Council Chamber, Newark.
5. Notification of the inquiry, and site notices, will need to include information on how to access any virtual elements of the inquiry.
6. The Inspector asked for the Council's letter of notification to request interested persons to notify them of their wish to speak at the inquiry. It is not mandatory for people to do so, but it will help to allocate time at the inquiry and to ensure the room is large enough.

7. One request to speak at the inquiry has currently been made to the Planning Inspectorate (PINS).
8. In terms of the application details, the Appellants clarified prior to the CMC that the address is 'land to the west of Main Street, Kelham'. The site area including the cable route is 71.18 ha, excluding the cable route it is approximately 65.7 ha. The Appellants also confirmed that the Battery Energy Storage System (BESS) is co-located but not linked to the photo-voltaic panels.
9. An updated Landscape Masterplan was submitted prior to the CMC. The Council confirmed that they would take the lead on consulting upon this. The Appellants confirmed that they would provide the necessary information relating to the updates for the Council to take this forward. The Inspector asked the Council to confirm to PINS when the consultation begins. Any responses will need to be forwarded to PINS.
10. The Council considers at this stage that the amendments proposed are minor and can be taken into account in the appeal, but wishes to reserve judgement until the outcome of the consultation is known.
11. The Inspector queried whether the site layout plan would need to be amended to reflect changes to the Landscape Masterplan. The Appellants agreed to look at this and consider whether that also needs to be included in the consultation.
12. The Inspector also queried the distinction between the Landscape Masterplan and Landscape Mitigation plans. The parties are requested to clarify whether these are the same plans, despite their different name and numbering. It is requested that this is clarified in the Overarching Statement of Common Ground (SCG).

Main issues

13. The main issues for the inquiry are:
 - The impact on Best & Most Versatile (BMV) Agricultural land;
 - The impact on the rural character and appearance of the area having regard to other renewable energy developments nearby;
 - The impact on heritage assets;
 - Benefits of the development / planning policy & balance (the planning evidence);

How the evidence will be heard

14. The Council confirmed that their witnesses would be:

- Chris Whitehouse, Next Phase Development – Planning witness
- Paul Reynolds, Tapestry Studio – Landscape witness
- Mark Clifford, Paul Butler Assoc. – Heritage witness
- Bryony Norman, Newark and Sherwood DC – may be needed for S106.

15. The Appellants confirmed that their witnesses would be:

- James Cook, The Sirius Group – Planning witness
- Andy Cook, Pegasus – Landscape witness
- Charlotte James-Martin, Arch-England – Heritage witness

16. It was confirmed by both parties that BMV would be dealt with by the planning witness, although Daniel Baird, Daniel Baird Soil would be providing a written statement for the Appellants.

17. The Appellants indicated that their heritage witness is a different person to the author of the Heritage Impact Assessment (HIA) and may therefore take a different view on impact. The Inspector stressed the need for early discussion between the witnesses and production of SCG.

18. It was agreed that the evidence will be heard on a topic basis with the Council's witness for each topic giving evidence first followed by the Appellant's witness before moving on to the next topic.

19. At this stage it was agreed that all issues will be dealt with as formal evidence and cross examination. The Inspector indicated that, depending on the level of agreement in SCG, landscape could be dealt with as a round table discussion (RTD). The Appellants expressed the view that this would likely need to be formal evidence due to the cumulative harm issues. The Inspector will make a final determination having seen the SCG and proofs of evidence.

20. The Inspector advised the parties that the evidence would need to be clear about the benefits of the BESS element of the scheme and weight to be given to these where this is different to the benefits of the solar farm.

21. The Inspector requested the Appellants set out and address the matters referred to in the interested party responses and point her to the relevant evidence and statutory consultees responses where relevant. This could be set out in the overarching SCG.

Statement of Case

22. Prior to the CMC the Appellants expressed concern regarding the level of information set out in the Council's Statement of Case (SoC). The Council agreed to provide a short supplementary SoC providing further clarification of their case by the end of the week and to work towards agreeing early SCG.
23. The Council confirmed that the landscape issue was likely to be broader than just the cumulative impact (as set out in the reason for refusal). The Inspector requested that the Council's case on this is set out in the supplementary SoC and that the witnesses liaise to produce a SCG.

Statements of Common Ground

24. The Inspector stressed the need for early and ongoing engagement between the parties to produce SCG. This will enable the proofs to only deal with the matters in dispute.
25. Separate, topic based SCG will be needed. They should set out agreement and disagreement on the points covered. They can be working documents that can be updated if further discussion provides agreement on earlier disputed matters.
26. Matters to be covered in topic SCG:
- **Overarching SCG** (already submitted but to be updated):
Updated list of application plans / documents – clarify the Landscape Masterplan / Mitigation.
Provide the updated plan number in the table of amendments.
Which local and national policies are in dispute (in terms of compliance)?
Weight to be given to the Solar SPD.
Amount of Biodiversity Net Gain – where is this set out?
List of benefits and weight each party ascribes (table is useful).
List of matters raised by interested parties (as set out earlier in this note).
Context to highway projects (raised by interested parties and A46 bypass mentioned in Committee Report).
Any other matters which can be agreed between the parties to narrow down the points of dispute.
 - **Agricultural Land**
The Inspector confirmed that she is assuming that the Council considers there would be a negative impact on BMV and does not therefore want the parties to spend time on any dispute over use of the word 'affect' in the reason for refusal.
Whether the land would be 'removed' or 'lost' – any dispute set out in SCG and deal with in evidence.
SCG to provide breakdown of what crops are currently grown.

Mitigation measures – set out in SCG and respective parties' views on weight to be given.

Whether development contrary to DM8.

Whether harm is outweighed by benefits.

Any other matters which can be agreed between the parties to narrow down the points of dispute.

- **Landscape SCG**

Cover agreement / disagreement on relevant Landscape Character Areas; the character of the site; visual receptors and impact from agreed viewpoints – table useful.

Map of other renewable projects.

Agreement on which are relevant for cumulative impact.

Great North Solar Park –agree how much is relevant to cumulative impact / which viewpoints.

Any other matters which can be agreed between the parties to narrow down the points of dispute.

- **Heritage**

Which heritage assets are affected and level of harm – table useful.

Map showing location / grade of LB / NDHA; copy of list descriptions.

The Inspector queried the figures in the appendix of the Heritage Impact Assessment which are watermarked 'Draft'. SCG to confirm that these are to be taken into account.

Any other matters which can be agreed between the parties to narrow down the points of dispute.

Conditions / S106

27. The Inspector requested an agreed list of conditions in word format to be forwarded to PINS case officer at the same time as the proofs.

28. The Appellants written agreement to any pre-commencement conditions will also be needed.

29. The heads of terms for the S106 agreement was submitted prior to the CMC. The Inspector asked the parties to consider why matters relating to Biodiversity Net Gain, hedgerow translocation and highway condition surveys need to be in the S106 rather than being conditions. She advised that, in accordance with current guidance, matters which are capable of being dealt with by condition should be dealt with as such. The Inspector will need an explanation if these matters are considered to require a S106 agreement.

30. A draft agreement will be needed before the inquiry at the same time as proofs are due. A completed and signed agreement will be required at the close of inquiry. The Inspector can allow 10 – 14 days for final signing after inquiry as long as no further drafting remains.

31. A Community Infrastructure Levy (CIL) compliance statement will be needed from the Council setting out how the matters in the S106 meet the tests in the CIL Regulations and NPPF.

Inquiry duration, running order and timetable

32. It was agreed that opening statements should be no longer than 15 minutes each. Interested parties' statements will be taken after the openings, although flexibility may be needed on this matter at the inquiry. A preliminary site visit could be undertaken on the afternoon of the first inquiry day.

33. The formal evidence will then be heard on landscape, heritage and planning matters. A round table discussion would take place on conditions / S106 towards the end of the inquiry, followed by closing submissions by the Council then the Appellant.

34. The inquiry is scheduled for 6 days. The following time estimates were agreed to be reasonable:

• Openings, interested parties, initial site visit	1 day
• Landscape	1.5 days
• Heritage	1 day
• Planning	1 day
• Conditions / S106	0.5 day
• Closings	0.5 day

• Total	5.5 days

35. All agreed therefore that the 6 days allocated for the inquiry should be sufficient. However, it was agreed that a further day should be reserved on Friday 31st October to allow for any potential over-run and the need to hear separate BMV evidence if necessary.

36. Sitting times for the inquiry will generally be 10am to 5pm, however shorter sitting days will be needed on Fridays (up to around 3pm) to enable everyone to travel home. Earlier starts on days other than Tuesdays can be discussed at the inquiry.

Management of appeal documents

37. It was agreed that the appeal documents would be accessible electronically. The Council agreed to set up a dedicated web page for the inquiry. The Inspector requests that a link be provided to the PINS Case Officer once the web page is set up. The web page needs to be publicly accessible.

38. The Inspector requested that the documents are separated into clearly marked folders on the web page. The parties were requested to agree a

list of Core Documents (CD) prior to producing the evidence. The Appellants agreed to lead on this.

39. Documents handed in at the inquiry should be kept to a minimum and should contain no surprises to other parties. They will be accepted at the Inspector's discretion. They should also be emailed to the PINS Case Officer with the agreement of the Inspector. All such documents should be added to the web-based document library.

40. The Inspector requested:

- that with large documents only the relevant sections and cover page should be provided;
- large appendices are kept to a minimum;
- that relevant development plan policies including their justifications should be included as a CD;
- that restraint should be shown with including appeal decisions and, if they are added to the CDs, it should be made clear which part of the evidence they relate to;
- that the evidence makes clear why any relevant judgements have been included in the document library.

41. One hard copy of the proofs of evidence and any rebuttals should be provided to the PINS Case Officer, for forwarding to the Inspector, at the same time as the electronic versions are submitted. Rebuttals should only be submitted where necessary and where they would reduce the matters to be discussed at the inquiry.

42. The Inspector also requested a hard copy of the LVIA photos / photomontages (A3 colour copies). She will not require a hard copy of the LVIA itself.

43. The Inspector requested that these hard copies be stapled or hole-punched rather than formally bound with separate covers / bindings.

Costs applications

44. Neither party had any instructions to apply for costs at the time of the CMC. The timetable for submission of any written costs application and response is set out below.

Site visit

45. The Inspector confirmed that she would see the site and surroundings from publicly accessible places in advance of the inquiry. An accompanied site visit would be made during the inquiry, probably on the first day. A further accompanied or unaccompanied visit may be needed after the close of the inquiry. Arrangements will be made during

the inquiry. The Inspector requested a map be provided, on the first day of the inquiry, of a suitable walking route and viewpoints.

Timetable for document submission:

(Please note that some of these dates differ slightly from those indicated at the CMC due to the inquiry start date being 22 October not 21 October).

19 August 2025	• Each topic SCG to be submitted.
24 September 2025	• Proofs / written statements to be submitted. • List of conditions agreed between Council / Appellant to be submitted – word format. • Appellants’ confirmation of any pre-commencement conditions. • Draft planning obligation to be submitted. • CIL compliance statement. • Written costs applications.
8 October 2025	• Rebuttal proofs (if necessary). • Written response to any costs applications.
15 October 2025	• Final timings provided by the main parties for the formal presentation of evidence and cross examination. • Council to notify PINS of any interested parties who wish to speak.
22 October 2025	Inquiry opens at 1000 hours.

Susan Heywood
INSPECTOR
15 July 2025