

Supplementary Statement of Case

By Newark and Sherwood District Council (“LPA”)

Appeal by Assured Asset Solar 2 Ltd at Land To The West Of Main Street, Kelham

Planning Inspectorate Reference: APP/B3030/W/25/3364181

LPA Application Reference: 23/01837/FULM

Date: 18th July 2025

1. Background and Introduction

- 1.1 The LPA submitted their Statement of Case (“SoC”) to the Planning Inspectorate (“PINS”) on 30th June 2025.
- 1.2 On the 7th July 2025, the Appellant’s wrote to PINS, concluding that they were prejudiced by the LPA SoC on the basis of it being inadequate.
- 1.3 On 7th July 2025, a signed main Statement of Common Ground (“SoCG”) was submitted on behalf of the parties to PINS.
- 1.4 At the Case Management Conference (“CMC”) on the 14th July 2025, the LPA confirmed that whilst they concluded their SoC to be acceptable and further to the additional points of agreement and disagreement provided within the main SoCG, they would provide some limited additional comments within a Supplementary SoC and encourage early agreement of topic specific SoCGs.
- 1.5 At the CMC, the Inspector acknowledged the LPA’s intention to provide a limited Supplementary SoC and set a deadline for topic specific SoCGs to be finalised by 19th August 2025, five weeks in advance of the proof of evidence deadline.
- 1.6 The remainder of this submission addresses the limited supplementary points the LPA raises further to their SoC. This submission should be read in conjunction with the original SoC.

2. Reason for Refusal 1

- 2.1 The LPA confirms that Policy DM8 is relevant to the RfR to the extent that it recognises that “*a sequential approach to site selection*” and demonstratable environmental or community benefits must outweigh the land use, as set out in the final paragraph of the policy. The LPA recognises that the Appellant’s undertook a site selection process that had regard to the availability of a grid connection and demonstrated that

there was no unconstrained land within the search area that had a lower grade of Best and Most Versatile Agricultural Land.

3. Reason for Refusal 2

3.1 Further to the position presented by the LPA at paragraph 6.7 of their SoC and for additional clarification, the LPA define “*landscape appearance*” as it is presented in the RfR as a term that addresses both landscape character and visual impact harms.

3.2 At the CMC the Inspector asked if the LPA’s case in relation to RfR2 related solely to the landscape impacts in the cumulative scenario, or if there was also identified harm on a standalone Appeal Scheme basis which would form part of the LPA’s case. It is clear that there will be both landscape and visual harms that arise as a result of the Appeal Scheme, and the LPA’s evidence will detail the level of adverse effects which will occur as a result of the Appeal Scheme. The LPA will refer to the fact that the LVIA that was submitted to accompany the application also identified both landscape and visual adverse impacts in its conclusions. It is the LPA’s case that only when these impacts are considered in combination with the effects of the cumulative schemes identified, would the development become unacceptable. The wording of RfR2 states that the harm would be of such a level that it would be considered to outweigh the benefits of the scheme.

4. Reason for Refusal 3

4.1 The LPA’s original SoC set out that the LPA will call a heritage witness who will demonstrate in evidence that the proposal would result in less than substantial harm to the setting of Kelham Hall, a Grade I Listed Building, the setting of a number of Grade II listed buildings, including the Farm Buildings at Home Farm and Kelham and Averham Conservation Areas, both individually and cumulatively, as well as two non-designated heritage assets.

4.2 To provide additional certainty to the Appellant on the heritage assets the LPA’s heritage witness will refer to, they are presented in full, below:

1. Averham Conservation Area
2. Kelham Conservation Area
3. Kelham Hall - Grade I Listed Building
4. Church of St Michael, Grade I Listed Building
5. Church of St Wilfrid, Kelham, Grade I Listed Building

6. Averham Park House, Grade II* Listed Building
7. Farm Buildings at Home Farm, Grade II Listed Building
8. The Old Rectory, Averham, Grade II Listed Building
9. Kelham Hall unregistered Park and Garden (NDHA)
10. Averham Park, unregistered Park and Garden (NDHA)