

**IN THE MATTER OF AN APPEAL PURSUANT TO S.78 OF THE  
TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal by:** Assured Asset Solar 2 Ltd

**Site:** Land to the West of Main Street, Kelham, NG23 5QY

**PINS Ref:** APP/B3030/W/25/3364181

**LPA Ref:** 23/01837/FULM

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**OPENING STATEMENT**

**ON BEHALF OF THE LOCAL PLANNING AUTHORITY**

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**Introduction**

1. This appeal concerns a proposal for a 49.9MW solar farm and 50MW battery energy storage system on approximately 65 hectares of agricultural land at Kelham. The Council refused planning permission on 31st January 2025 for three substantive reasons relating to agricultural land loss, cumulative landscape harm, and heritage impacts.
2. The Council does not oppose renewable energy development in principle. Indeed, the Development Plan actively supports such proposals where appropriately located. However, this is not such a case. This appeal raises fundamental questions about the cumulative effect of renewable energy infrastructure on valued rural landscapes and the point at which individual acceptable schemes collectively cross the threshold into unacceptable harm.
3. The Inspector will hear evidence from three expert witnesses on behalf of the Council:
  - a. **Mr Paul Reynolds** BA(Hons) PGDip MA CMLI UDGRP FRSA on cumulative landscape and visual impacts;

- b. **Mr Mark Clifford** BSc. (Hons) MA IHBC on impacts on heritage assets;
- c. **Mr Chris Whitehouse** BSc (Hons) MRICS on planning policy compliance and the planning balance

### **RFR 1: Agricultural Land**

- 4. This proposal would remove 60.3 hectares of BMV agricultural land from arable production for at least 40 years - 92% of the total site area, including 36 hectares of Grade 2 land (second-best quality).
- 5. This is not a short-term or reversible loss in any meaningful sense. Forty years is longer than most people's working lives. It represents a generation and a half during which this highly productive land cannot contribute to food security. Notwithstanding this, Mr Whitehouse has had regard to the sequential site selection that has been undertaken by the Appellant – ultimately, it is considered that the Appellant has demonstrated an acceptable sequential approach to site selection, and there is no conflict with DM8 as a consequence.
- 6. Nonetheless, taking the appeal site – including over 60ha of BMV out of potential arable production for 40 years would have some effect on agricultural productivity in the locality. Having regard to §187(b) and in finding no policy conflict, it is the case that the appeal scheme would result in an adverse effect of limited significance insofar as it would impact on agricultural land, and that limited harm needs to be weighed in the planning balance.<sup>1</sup>

### **RFR 2: Landscape impacts**

- 7. This appeal must be understood in its proper context. The Council does not allege that this scheme in isolation causes unacceptable landscape harm. This is explicitly agreed in the Landscape Statement of Common Ground. The issue is cumulative impact.
- 8. The appeal site sits within an area that is experiencing unprecedented pressure from renewable energy development. Within the immediate vicinity, there are:

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<sup>1</sup> Whitehouse, §4.13.

- Two consented BESS schemes at Staythorpe (refs: 23/00317/FULM and 22/01840/FULM);
- Two consented solar farms north-west of the site (refs: 22/00976/FULM and 22/00975/FULM);
- Most significantly, the Great North Road Solar and Biodiversity Park - a very large DCO scheme extending 15km north-south and 12km east-west, with solar fields immediately adjacent to the appeal site.

9. The appeal scheme is not, therefore, a standalone proposal in an unspoiled landscape. It is the latest addition to what is becoming an industrialised energy landscape, fundamentally altering the character of this part of the District.
10. Mr Reynolds will demonstrate that the appeal site lies within Trent Washlands Policy Zone 11 (TWPZ11), as identified in the Council's adopted Landscape Character Assessment SPD. This zone is described as predominantly flat, large-scale arable landscape, characterised by open views across the flat landscape. There is a landscape action of "conserve and create", which this Proposed Development would fail to do.
11. Critically, while energy generation infrastructure is noted as a feature of the wider Trent Washlands area, it is not a characteristic of TWPZ11. The introduction of this type of development, coupled with the 3-4m tall hedgerow screening required to mitigate its visual impact, directly contradicts the landscape character.
12. The plan at Appendix A to Mr Reynolds' proof illustrates the extent to which TWPZ11 will be affected by cumulative renewable energy schemes. The concentration of these schemes within this single landscape character area is striking. The appellant's LVIA dismisses cumulative impacts as "negligible" based largely on separation distances, but together, those schemes will collectively erode the integrity of TWPZ11's landscape character.
13. They will also introduce energy infrastructure as a dominant feature where it was previously absent. The concentration of schemes in a small area of the LCA worsens

the effect and the required mitigation planting (tall hedgerows) blocks the open views that are the defining characteristic of this landscape.<sup>2</sup>

14. There will be in-combination effects where multiple schemes are visible from single viewpoints (e.g. viewpoints 6, 10, 11).<sup>3</sup> More significantly, there will be sequential effects for those moving through the landscape.<sup>4</sup> For example, PRoW users on the footpath through the site will have their existing open views restricted by the appeal scheme's 3-4m hedgerows for 645m of their route, and then by the Great North Road scheme for the remainder - effectively doubling the impact and blocking views for the entire 1.2km route.

15. The LVIA already acknowledges a "High" magnitude of impact on PRoW users from the appeal scheme alone. When considered cumulatively, this high impact is significantly amplified to unacceptable levels.

16. This ultimately result in a policy conflict including

- **Spatial Policy 3** - the scheme has a detrimental impact on landscape character and setting;<sup>5</sup>
- **Core Policy 9** - it fails to be of appropriate form and scale to its context;<sup>6</sup>
- **Policy DM4** - the detrimental impacts on landscape character are not outweighed by benefits;<sup>7</sup>
- **Policy DM5** - it fails to reflect the rich local distinctiveness of the District's landscape;<sup>8</sup> and
- **NPPF paragraphs 135 and 187**<sup>9</sup> - it is not sympathetic to local character and fails to recognise the intrinsic character and beauty of the countryside

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<sup>2</sup> §5.16 Reynolds Proof.

<sup>3</sup> §4.127 Reynolds Proof

<sup>4</sup> §4.128 Reynolds Proof

<sup>5</sup> §5.2.2 Reynolds Proof

<sup>6</sup> §5.2.3 Reynolds Proof

<sup>7</sup> §5.2.4 Reynolds Proof

<sup>8</sup> §5.2.5 Reynolds Proof

<sup>9</sup> §5.2.6 Reynolds Proof

### **RFR 3: Heritage Harm**

17. Mr Clifford will demonstrate less than substantial harm to a number of heritage assets, including:

- a. **Kelham Hall (Grade I)** - one of Sir George Gilbert Scott's "most successful works", designed with landmark qualities and "jagged skyline" intended to be seen across the landscape;<sup>10</sup>
- b. **Church of St Michael (Grade I)** - containing "the most important and extensive Anglo-Saxon architecture of the county"<sup>11</sup>
- c. **Averham Park House (Grade II\*)** - a hunting lodge with designed views across the Trent valley<sup>12</sup>
- d. **Kelham Conservation Area and Averham Conservation Area** (both of high significance).

18. Additionally, harm to three non-designated heritage assets will occur, including Kelham Hall's unregistered park and garden and Kelham Country Manor House <sup>13</sup> Mr Clifford's conclusions align much more closely with the view of the Council's conservation officer. In addition, the two Archaeology England colleagues (Susan Stratton and Charley James-Martin) seem to come to different views from each other. Indeed Susan Stratton's position appears to be closer to that of the Council at inquiry, than the case advanced by the Appellant.

### **The Planning Balance**

19. The Council acknowledges the significant benefits of renewable energy generation. Climate change is a critical challenge, and solar energy has an important role to play in meeting net zero targets. However, not every renewable energy scheme should be approved simply because it generates renewable energy. The planning system requires careful assessment of impacts and a proper balancing exercise.

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<sup>10</sup> §2.2 of Clifford Proof

<sup>11</sup> §2.64 Clifford Proof

<sup>12</sup> §3.54 Clifford Proof

<sup>13</sup> See §3.59 Clifford Proof.

20. In this case:

- a. The cumulative landscape harm is unacceptable and amounts to a fundamental change in landscape character and the cumulative visual impacts are unacceptable;
- b. There is harm to designated and non designated heritage assets.

21. There is also harm arising from the loss of agricultural land (even though that is not a RFR).

22. These harms, individually and collectively, are not outweighed by the benefits. Mr Whitehouse will demonstrate that the scheme is contrary to the Development Plan when read as a whole, and that there are no material considerations of sufficient weight to justify approval when the scheme is contrary to the Development Plan.

### **Conclusion**

23. In due course, the Inspector will be invited dismiss this appeal.

**Sioned Davies**

**No5 Chambers**

**21 October 2025**