

7 January 2026

Our Ref: DD/DD/430129

App Ref: EN010162

Email: [REDACTED]@bbslaw.co.uk

FAO: The Examining Authority  
Planning Inspectorate  
c/o QUADIENT  
69 Buckingham Avenue  
Slough  
SL1 4PN

**BY E-PORTAL**

Dear Sir / Madam

**OUR CLIENTS: MR RICHARD GILL AND DRONE DEFENCE SERVICES LTD  
DEADLINE 1 – WRITTEN SUBMISSIONS**

We act for Mr Richard Gill and Drone Defence Services Limited

Please find enclosed further written submissions prepared by Groves Town Planning Ltd, submitted at Deadline 1 on behalf of both parties. The statement is intended to be read as a single, composite submission, and addresses matters arising from the application which are relevant to:

1. Mr Gill in his capacity as owner and occupier of [REDACTED] and
2. Drone Defence Services Limited as an established occupier and business operating from the site, including as a beneficiary of long-standing express easement rights affecting land within the Order limits.

The submissions build upon the earlier relevant representations made on behalf of both parties and address, amongst other matters, the impacts of the proposed development and the justification for compulsory acquisition and interference with existing rights.

No additional representations are made by way of this covering letter.

Yours faithfully,

[REDACTED]

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# Groves Town

## Planning LTD

Chartered Town Planners and  
Local Government Management

Consultants



Client	Mr R Gill  Drone Defence Services Ltd
Document Title  Version/Date	Further submissions to Development Consent Order Examination – The Great North Road Solar and Biodiversity Park  V6 070126
GTP ref	
PINS reference	EN010162
Applicant	Elements Green Trent Limited

### 1 Introduction

- 1.1 Groves Town Planning has recently been engaged to follow up earlier submissions in respect of the development described above.
- 1.2 There is no general dispute of issue over the nature and extent of the application site or the description of the proposed development, although it is clearly contended by those objecting here that the site and the detail of the development should be altered to enable it to be considered fully satisfactory and to ensure that benefits fully outweigh harm.
- 1.3 It is however contended that the site boundaries and development details should be altered to address significant harms that outweigh benefits, particularly for the 42-acre field south and west of [REDACTED] (Title Number NT332979), where only circa. 11 acres of panels are proposed. This parcel is not indispensable, as panels and infrastructure can be relocated or omitted with minimal impact on overall capacity, supported by the scheme's flexibility demonstrated in setbacks and removals applied elsewhere (e.g., blocks 9-SR32 and 9-SR33 to the west, and reductions in Order Limits).
- 1.4 This submission anticipates examiner scrutiny by highlighting evidential gaps in the Applicant's assessments, such as the RVAA's erroneous assumption of an existing southern boundary hedgerow (which does not exist, leading to understated visual impacts), the heritage chapter's omission of [REDACTED] as a non-designated heritage asset (NDHA), and the failure to address an independent

heritage report recommending complete removal of solar infrastructure from Title NT332979.

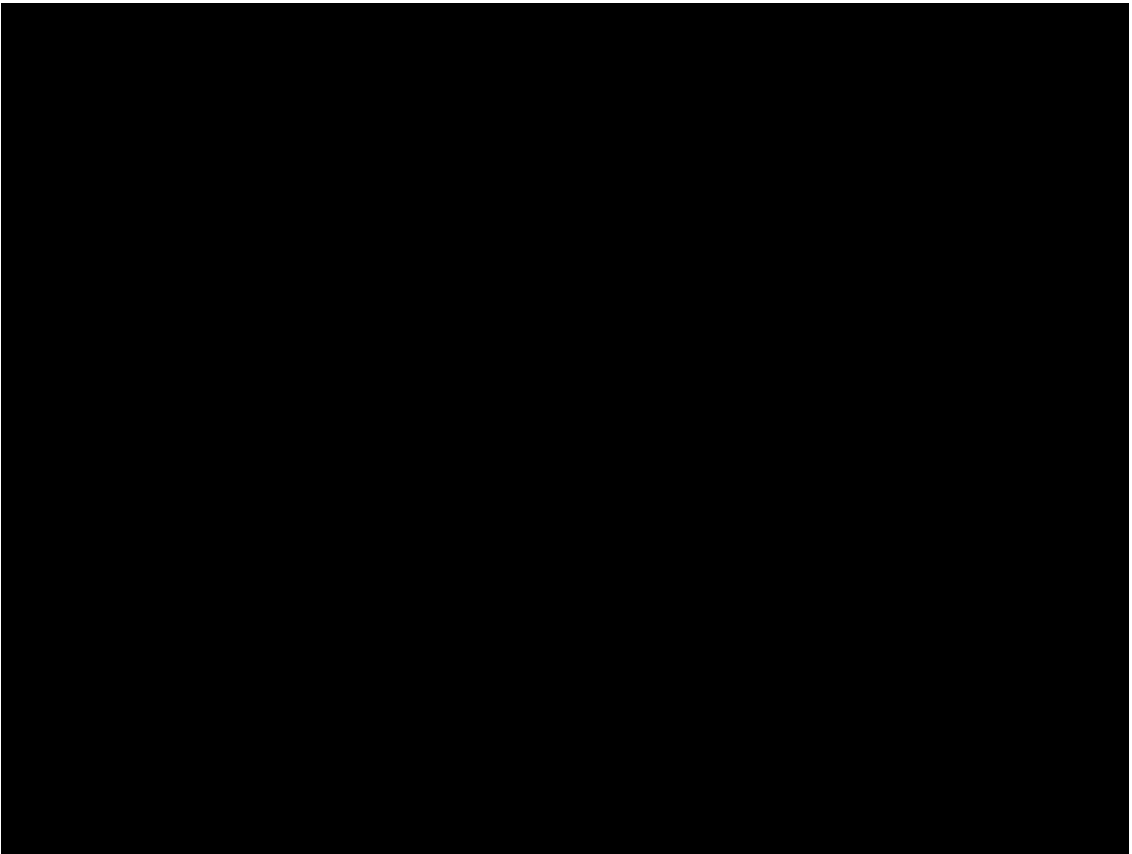
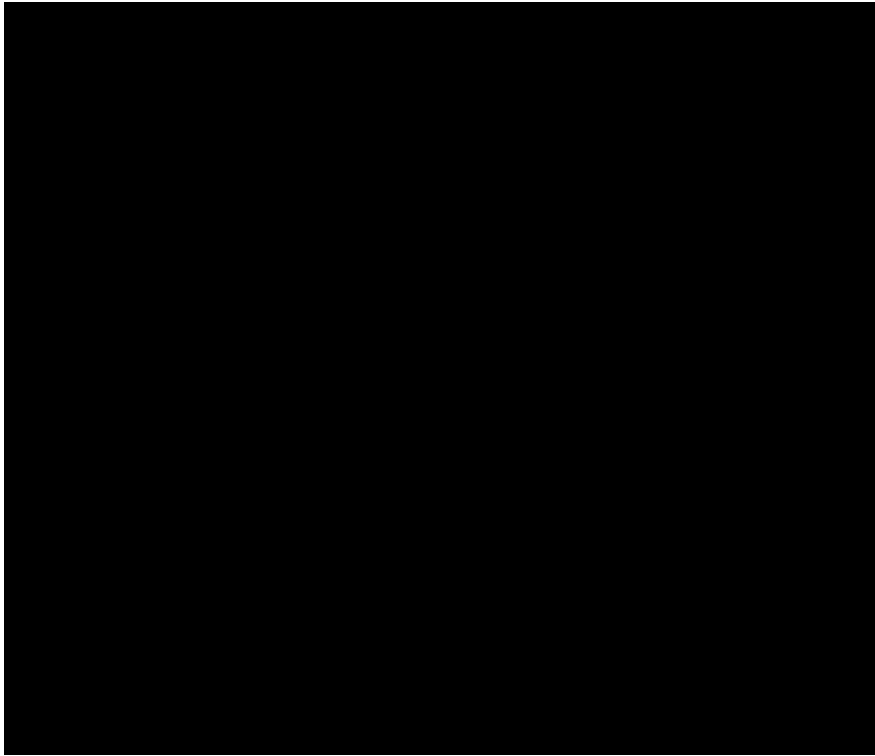
1.5 An Accompanied Site Visit (ASV) is requested to verify local topography, views, operational constraints, and the scale of impacts from the property itself (including balconies, gardens, and main rooms).

1.6 Additionally, if the Applicant persists with compulsory acquisition (CA) powers for this parcel, a Compulsory Acquisition Hearing is requested to present oral evidence on alternatives, harms, and legal conflicts. These procedural steps would enable direct verification and potentially resolve flaws through redesign, avoiding unnecessary harm in a project of this magnitude.

## 2 The Objectors

2.1 Mr and Mrs Gill own and reside at [REDACTED] The property is isolated but generally sits in open agricultural land to the south of the settlement of Norwell Woodhouse.

2.2 The dwelling has no connection to usual utilities with all such services provided independently of any physical links. Provision has been secured in the form of easements across adjoining land which enable connection to services should this become necessary as a result of current off-grid arrangements becoming unsustainable or unviable.



2.3 Mr Gill also operates a business from the property and commercial premises elsewhere in Nottinghamshire. The business involves the provision of protective systems which prevent the misuse of drones in terms of illicit use around secure

locations – such as prisons, and in terms of protection of clients from invasion of privacy – such as residential properties or intrusion on commercial activity – access to events.

2.4 The space available at [REDACTED] enables testing of equipment and systems away from sensitive locations and in line with the provisions of the Civil Aviation Authority.

2.5 Relevant Representations RR- 045 and RR- 181 have been submitted to address the concerns arising from impacts on the business operation and residential property.

2.6 Further DDS is a licensed occupier under a 1998 Deed of Easement, which grants rights to "the owners and occupiers for the time being" over adjacent lands (Lots 1, 2, and 3, including Title NT332979). These include rights of way for all purposes (with vehicles), free passage of services (e.g., water, electricity, telecoms) via existing or new conduits, and entry for maintenance, enduring for an 80-year perpetuity period until 2078.

### 3 Policy considerations

3.1 The Secretary of State (SoS) is required to have regard to any relevant national policy statement (NPS), amongst other matters, when deciding whether to grant a DCO. Where there is a relevant NPS in place DCO applications are determined in line with section 104 of the Planning Act 2008.

3.2 It is additionally the case that consideration needs to be given to the provisions of those parts of the 2008 Act which relate to provisions for the Applicant to acquire land covered by the Order – specifically section 122.

3.3 The following NPSs are considered relevant to the determination of this DCO Application and set out the assessment principles for judging impacts of energy projects:

- EN-1 – Overarching National Planning Policy Statement for Energy
- EN-3 – National Planning Policy Statement for Renewable Energy Infrastructure

3.4 It is acknowledged the provisions of the NPS will take precedence over the NPPF where there is contradiction or conflict. It is however considered important to note areas of relevance to the representation tabled here which relate to the provisions of the Framework.

3.5 These include sections relating to design and amenity and particularly Paragraph 200 insofar as it relates to the protection of existing businesses from the impacts of new development and the extent to which those businesses would have unreasonable restrictions placed upon them as a result of development permitted after they were established.

3.6 The Development Plan Framework for the impacted area of Nottinghamshire includes the:

- Newark and Sherwood Amended Core Strategy (March 2019) and Allocations and Development Management Development Plan Document (July 2013)
- Nottinghamshire Minerals Local Plan (March 2021)
- Nottinghamshire and Nottingham Waste Local Plan (September 2025)

## 4 Cumulative Impacts

4.1 Review of the Local Impact Reports prepared by both Nottinghamshire County Council and the Newark and Sherwood District Council identifies considerable

concern over the cumulative impact of energy related development schemes in close proximity to the site subject to the order under consideration here.

4.2 It is noted that there are several other nationally significant solar development proposals within a short distance of the proposed order limits of this project. Within Nottinghamshire, this includes One Earth Solar Farm (2.36km from the order limits) and Steeple Renewables Project (15.00km from the order limits), both of which are at examination stage.

4.3 Further nationally significant solar developments have been approved in Lincolnshire which involve underground cabling to connect to substations in Nottinghamshire, including Gate Burton, Cottam, West Burton and Tillbridge Solar Projects.

4.4 There are also many solar projects which have been proposed through applications submitted to the LPA under the TCPA 1990.

4.5 The Great North Road Solar and Biodiversity Park must be considered having regard to the overall impact of the widespread developments planned within the area. It cannot be viewed entirely in isolation.

4.6 In this context it should be noted that for nationally significant solar farms, the National Policy Statement for Renewable Energy Infrastructure (EN-3) advises that such solar farms should be sited on previously developed and non-agricultural land.

4.7 The County Council notes that the proliferation of these projects in Nottinghamshire and Lincolnshire is due to a combination of the legally binding target for “net zero” and easy access to the grid connections at the former coal fired power stations. Concern expressed by the County is shared by the Objectors here in terms of the adverse cumulative impact of this growing list of projects which will change the face

of the wider Trent Valley area and impact on the way the valley is perceived. Whilst there have always been elements of non-agricultural industry in the Nottinghamshire countryside, these proposals are resulting in the wholesale transformation of green fields into glass and steel.

### 5 Landscape and visual impact

5.1 It is considered that the development will have an adverse and significant effect on the landscape resource at a regional scale, as it is cumulatively considered with a number of large NSIPs and consented schemes.

5.2 The submissions made by the Applicant in this regard are weak and fail to consider impact on a strategic scale. This is a rural agricultural landscape and the schemes in combination have the potential to permanently change the character of the immediate and wider landscape.

5.3 The Topography of the area, which forms the setting of [REDACTED] is described in the LPAs Landscape Character Assessment SPD (December 2013) for the Mid-Nottinghamshire Farmlands Regional Area. Caunton Village Farmlands with Ancient Woodland area is identified as a specific character area (Policy Zone MN PZ 28). The characteristic visual features of the landscape are described as; gently undulating rounded topography, with some flat areas; medium distance views to frequently wooded skylines; intensive arable fields with generally strongly trimmed hedges; occasional blocks of mixed deciduous woodland and busy A616 runs through the area NW – SE.

5.4 The scale and extent of the Development would also lead to significant effects on views from large group of receptors across the scheme area, changing rural view

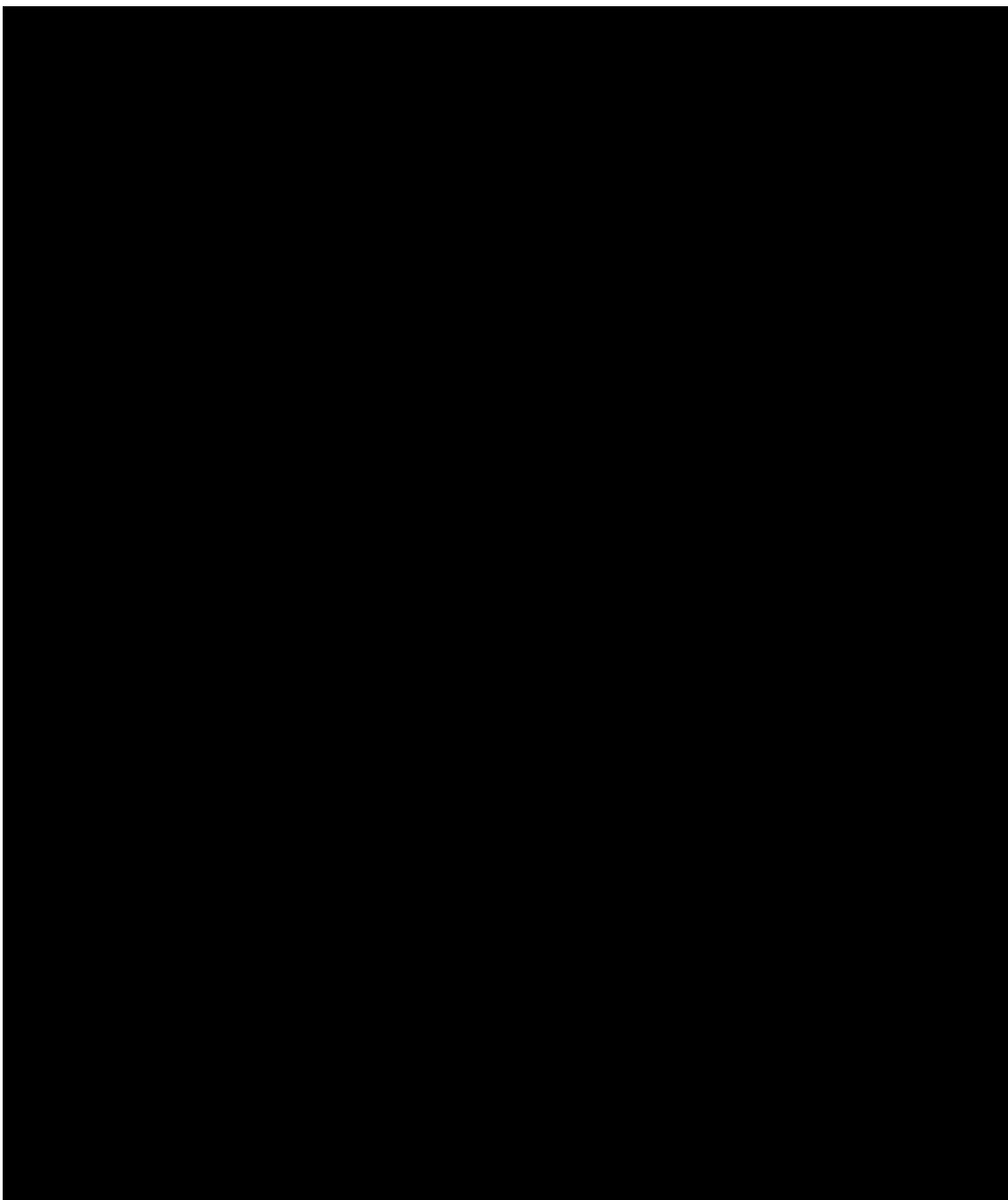
through the introduction of the solar arrays. The LVIA does consider the 'sequential' views at a Site level, however the cumulative impacts on receptors as they move through the landscape has not been assessed. The LVIA needs to address receptors on PRowS and local roads, who are moving through this landscape across several kilometres.

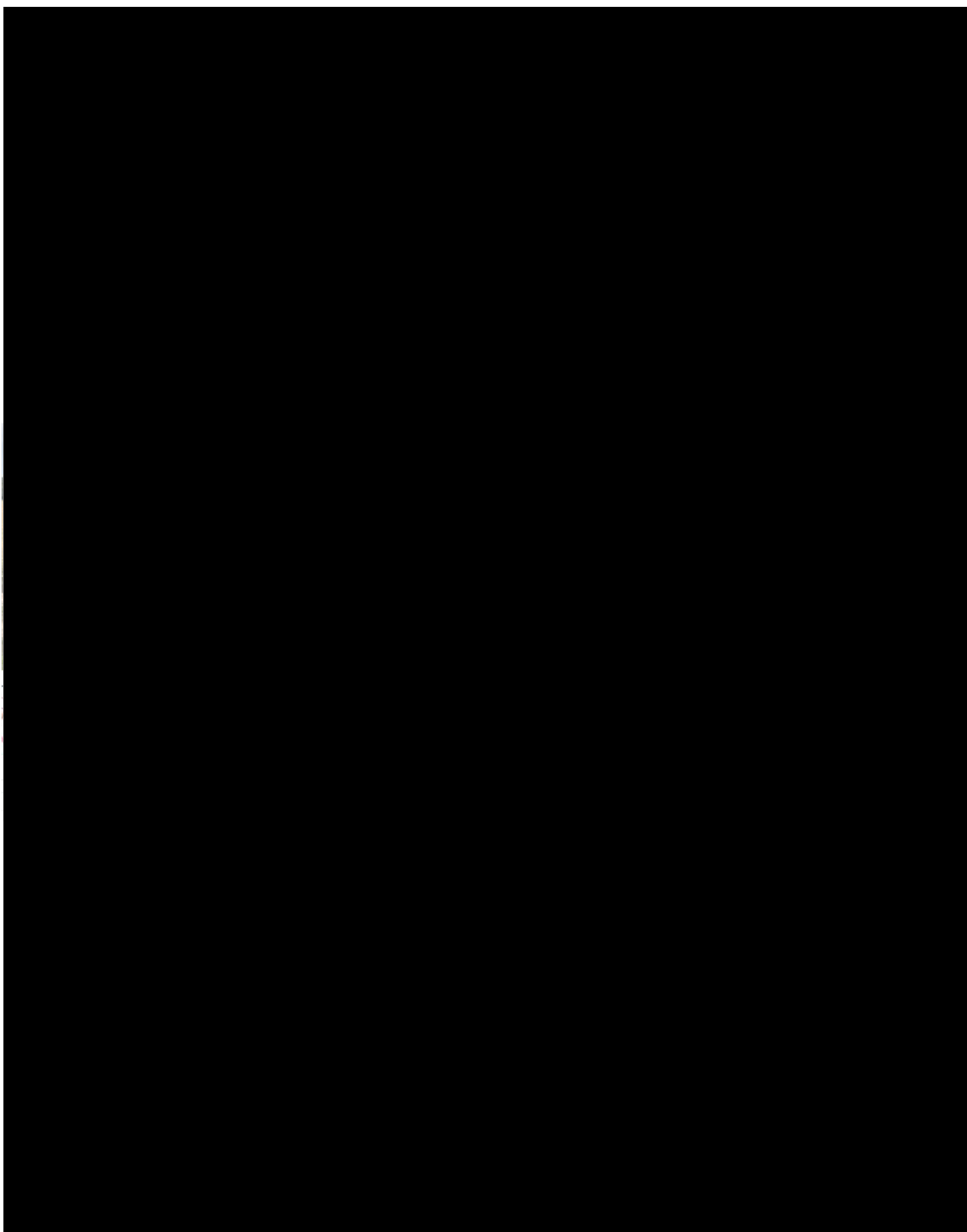
5.5 Previous representations have also highlighted omission of detail local assessment on landscape and visual impact.

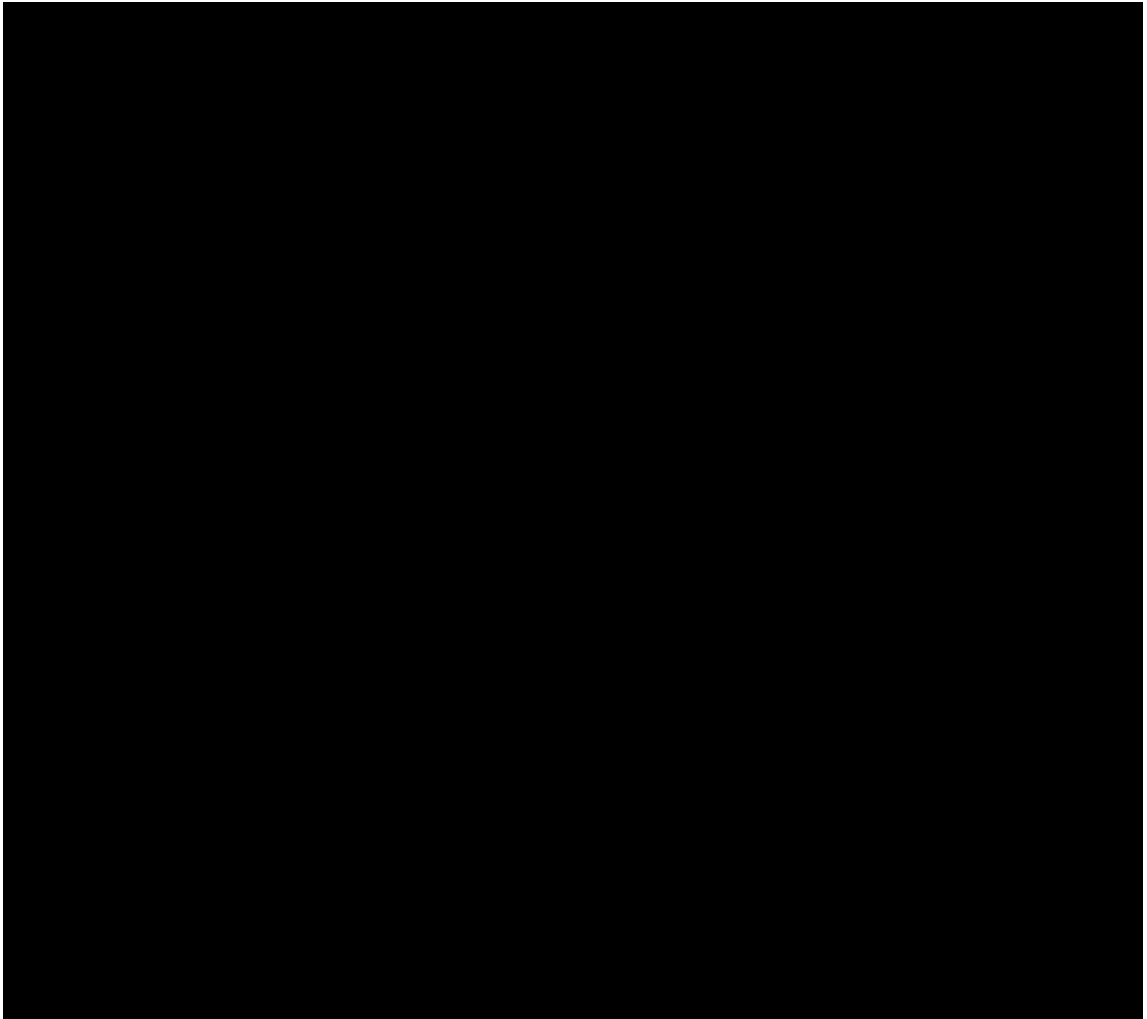
5.6 The direct impact of the development from across Cuanton Lodge Farm and the entirety of its curtilage.

5.7 Consideration of the nature of the receptor has been assessed in the broadest of terms as opposed to the very specific and detailed impacts from the dwelling and the site in which it is set.

5.8 The proposed panels not only extend to within 150m of the boundary of the curtilage they extend across the viewpoint of any receptor on the property.







5.9 These illustrations prepared by the Objector, clearly demonstrate the specific local impact of the development. Imagery probably understates impact as it does not show the contours and undulation of the land across which panels will be sited.

5.10 Critically the view of any receptor within the dwelling or within the curtilage will be harmed as the current perception of the agrarian, rural landscape is interrupted by a dominant horizontal feature which bisects the transition from a level field gently rising to the escarpment to the south.

5.11 It needs to be reiterated in this context that the panels are not placed at a low height above ground level, they sit with a top edge 4m above ground level.

5.12 This is an adverse and significant impact.

5.13 Newark and Sherwood Council reference core policy 13 (Landscape Character)  
Amended Core Strategy Development Plan Document 2019:

*'New development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced.'*

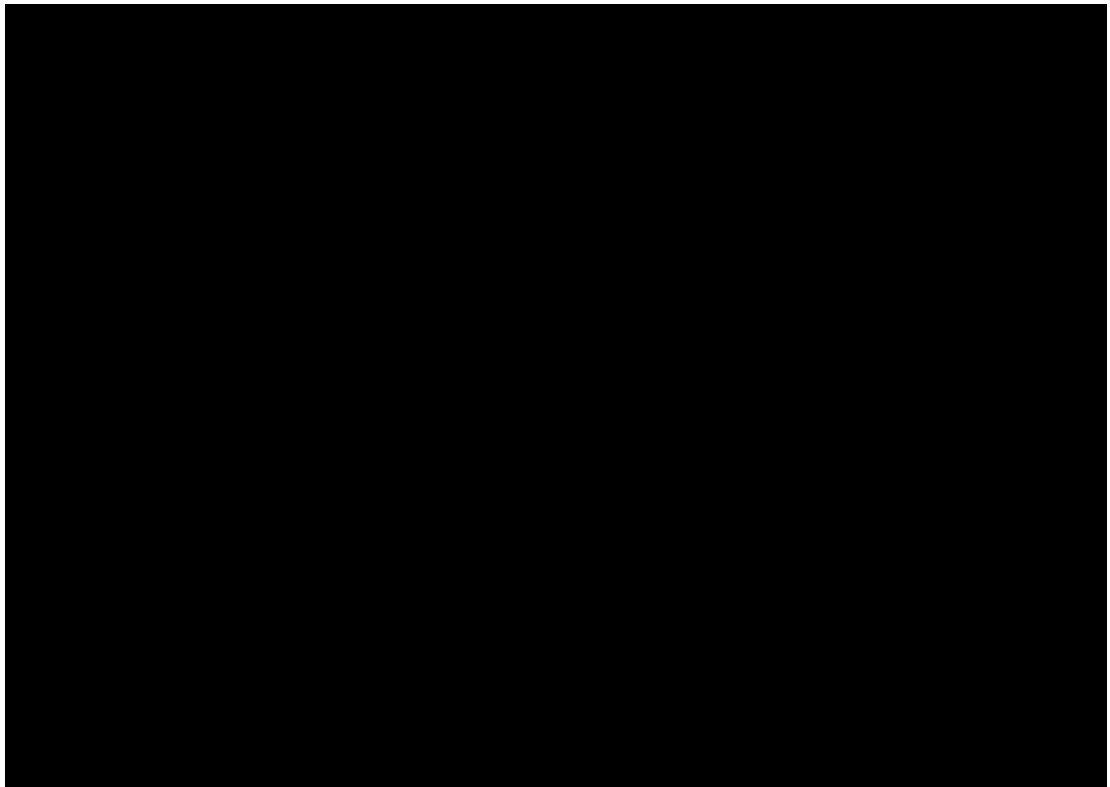
Policy DM5 (Design) Allocations and Development Management Development Plan Document 2013: 'Supporting text states - The diversity of landscape and built form within the Policy DM5 (Design) of the Allocations and Development Management Plan Document 2013 states:

*'The diversity of landscape and built form within the District displays much local distinctiveness which the Council is keen to see reflected in new development'*

5.14 The District Council concludes that the proposed development is in direct conflict with the development plan. The Objector fully supports this position.

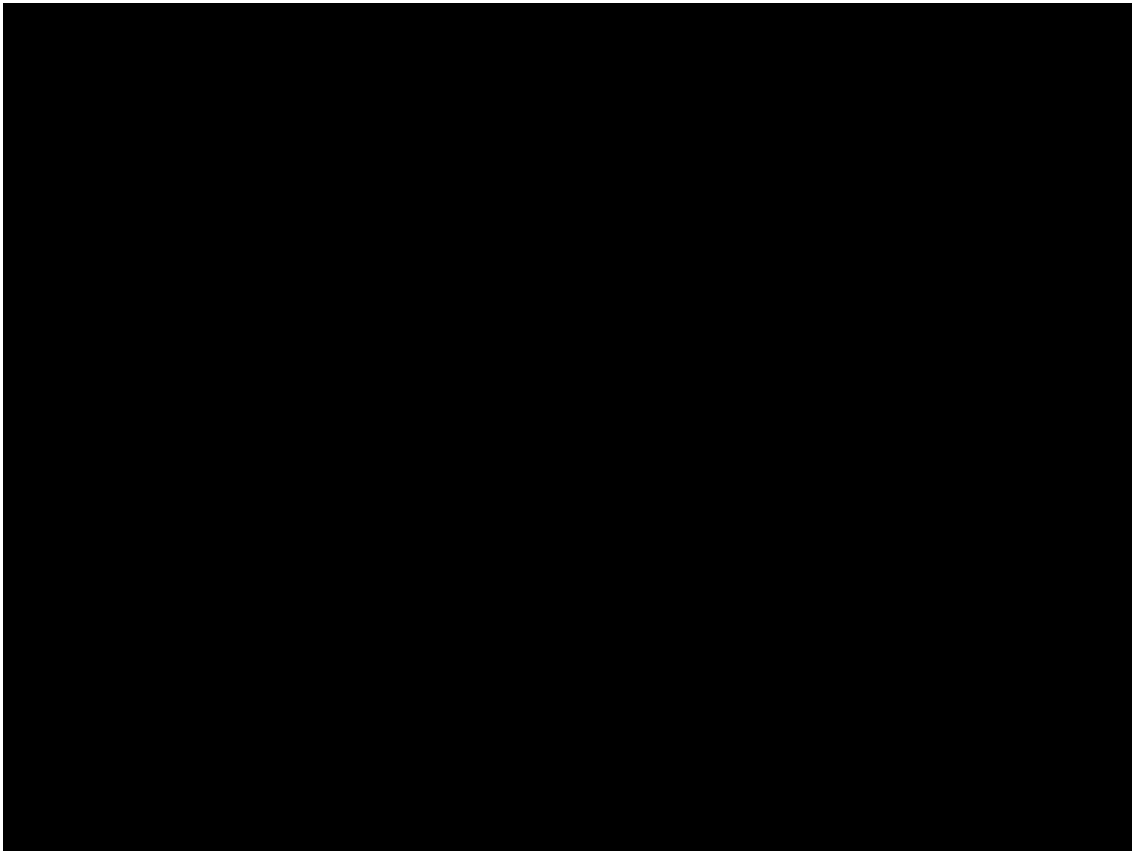
5.15 The LVIA submitted with the application for the Consent Order is inevitably flawed as it can only review a limited number of receptors. It is acknowledged that a standard methodology for identification of receptors has been established but this can still miss significant view points from which the impact of the development will be experienced.

5.16 In this case the only receptors identified in close proximity to [REDACTED] are receptors 26 and 32. Receptor 26 on a bridleway north of Caunton. This viewpoint looks across existing fields towards the [REDACTED]. It follows that views from the receptor of the Objector's property and the proposed relocated public right of way will experience the same landscape and visual impact albeit viewed from north to south rather than south to north. The Applicant's analysis of this viewpoint accepts that notwithstanding mitigation the development would be visible across the period of construction and operation.



5.17 Viewpoint 32 takes a view from a public footpath south of Norwell Woodhouse. Assessment again concludes that the proposed solar panels will be visible. In this case it is considered that impact is understated having insufficient regard to the changes in level and general topography from the footpath to the south towards [REDACTED] and the Order limits. The viewpoint does not take account of the

change experienced as any viewer moves along the footpath towards the proposed panels.



5.18 The assessment references the presence of pylons and wind turbines as having impact on the existing landscape setting from the perspective of this viewpoint. Illustrations from [REDACTED] contradict this contention with such features having negligible visual impact on the landscape. The pylons carry lower voltage cables on the telegraph poles. It is difficult to identify reference to wind turbines.

5.19 On this basis it can be concluded that there are serious concerns over the level of strategic harm to valued landscape across the area affected by the proposed development, and very clear specific harm to the landscape and visual qualities of the area close to the Objector's property.

5.20 Notwithstanding concerns over wider unacceptable levels of landscape and visual impact, it can thus be demonstrated that there is significant specific and local harm which is sufficient to outweigh the benefits of the development.

## 6 Impact on existing use rights of the property

6.1 Submissions made under RR-045 on behalf of Drone Defence Services clearly set out the basis for concern over the impact of the proposed development on the existing use of [REDACTED]

6.2 Drone Defence Services Limited is a UK-based company engaged in the development, testing and deployment of defence and security technologies, including systems for the detection, monitoring and management of unmanned aircraft. The activities undertaken by the company are relevant to national security, public safety and the protection of critical infrastructure, and form part of a sector that is supported in national policy as being in the public interest. The company operates from [REDACTED] pursuant to permissions and licences that are already granted and in force, and the site functions as a working location for research, development and operational testing rather than as the main administrative base of the company.

6.3 The current use of the property in association with the business represents a unique position which has taken advantage of the specific characteristics of the location, terrain, space, air space and the absence of residential or commercial neighbours. As previously noted this enables the company to test and research the use of unmanned aerial systems and air space monitoring systems to deliver equipment and services which prevent illicit and inappropriate use of drone technology.

6.4 Activities undertaken at the property include routine drone flight testing, radar-based detection and monitoring, and the operation of sensitive RF systems. These activities typically take place within the immediate environs of the property, including within visual line of sight and over adjoining land within a limited local operating area. The operation of these systems is not confined to the curtilage of the property but relies on lawful connectivity to sensors and infrastructure located on adjacent land, facilitated by long-established easement rights that enable the installation and operation of service infrastructure linking those systems back to the operational base at [REDACTED]

6.5 Lawful overflight does not require the consent of underlying landowners.

6.6 The Objectors benefit from express easement rights reserved in the Transfer dated 30 September 1998, including rights for the passage and running of services and rights to enter the burdened land to lay, construct, connect to, maintain, repair and replace service installations over an 80-year period. These are long-standing, registered proprietary rights which run with the land and are exercisable by both owners and occupiers of [REDACTED]. They are binding on successors in title and are not contingent on current physical manifestation or immediate use. Any interference with those rights would require lawful acquisition and appropriate compensation.

6.7 The systems provided in the context of the easements are critical to the continued success and operation of the business. The suitability of the site for these purposes is inherently location-dependent and arises from its rural seclusion, low levels of unrelated activity, i.e. an agricultural field rather than a site covered with technical equipment, absence of intensive development, low background RF noise

environment, and the current ground conditions of surrounding land, which together provide a low-risk operating context for testing and monitoring activities. These baseline conditions underpin both the physical deployment of sensors across the wider area and the functional performance of radar and RF systems connected via the easement network.

6.8 Solar infrastructure (inverters, transformers) emit electromagnetic interference (EMI) and RF noise, raising the ambient floor and masking drone signals (Pager Power note; analogous to MoD objections on radar). Panels create physical obstructions and reflective clutter for radar sensors, generating blind spots (e.g., spurious reflections confusing detection).

6.9 The construction process will limit drone flights.

6.10 The proposed development will remove these baseline requirements and therefore scope for continued operation of the specific aspect of the business from the site.

6.11 The presence of the panels, relocation of the public right of way. The change of the status of the land in terms of Ground Risk Class – change from low risk farm land to a high risk commercial use renders the site as unusable for the current uses possible under CAA regulations.

6.12 There would be significant technical, regulatory and practical difficulties to be able to replicate the accommodation and facility currently available.

6.13 Paragraph 200 of the Framework is clearly applicable and must be weighed in the balance of competing benefit and harm in the consideration of the DCO.

6.14 In essence Paragraph 200 has three elements

- Integration – new development should fit in with existing businesses, not the reverse.

- Protection of existing users – established business should not face restrictions as a result of a more recent development.
- Agent of change – if new development negatively affects an existing business or facility, the development must provide suitable mitigation measures.

6.15 The requirements of Paragraph 200 are wholly applicable in this instance.

- New development does not fit in with the existing business. It undermines continued operation.
- New development will introduce restrictions to the point of the existing business becoming inoperable.
- New development as proposed clearly has negative impact with no suitable mitigation.

6.16 Whilst possibly an untypical example of the application of the agent of change principle, the provisions of Paragraph 200 are clearly designed to remove scope for a new development to become established in such a way as to prevent an existing enterprise to be constrained or restricted and certainly for that new development to compromise the existing business to the degree that it can no longer operate.

6.17 The onus provided through Paragraph 200 is clearly placed on the development to amend proposals to remove these constraints.

6.18 The Applicant has previously demonstrated flexibility by reducing the scheme and removing land elsewhere from the Order Limits. Despite the easement being registered, known to the landowner, identifiable through land referencing, and expressly raised during consultation in January 2025, this field has been retained. The absence of response on this point results in the Objector having to respond in

the manner highlighted above and to have no indication as to why further amendment is being resisted.

### 7 Amenity

7.1 In addition to the impact on visual and landscape amenity the proposed development will have a detrimental impact on the amenity of those occupying the existing dwelling on the site.

7.2 The existing dwelling serves to provide its occupiers with a tranquil, relatively isolated setting, with scope not only to enjoy the privileges of that setting but also to secure the benefits of living almost entirely off-grid.

7.3 This level of amenity will be compromised not only by the physical impact of the development itself but as a consequence of the intention to relocate a public right of way immediately adjacent to the boundary of the site. Views into previously totally private parts of the dwelling and its curtilage will become available where no such intrusions were previously possible.

7.4 Such a level of loss of amenity is contrary to the provisions of the development plan and should not be simply dismissed as a minor or local impact of the proposed development, but part of the cumulative harm arising from the development.

7.5 It is also noted that the easements onto land within the Order Limits provide connection to services and facilities for the dwelling. Whilst there is a clear ambition to secure all necessary provision of essential services from within the site there will inevitably need to be some scope to ensure provision and back up services to cover unforeseen circumstances.

## 8 Heritage Impact

8.1 Newark and Sherwood Council are preparing a list of local important buildings in terms of heritage value.

8.2 As it stands [REDACTED] is not locally listed. This does not mean that it cannot have status as a non-designated heritage asset. Previous assessment has concluded that inclusion of the property in the Nottinghamshire Heritage Environment Record supports consideration as a NDHA.

8.3 Objectors have secured independent professional advice commenting on this issue.

8.4 That advice notes that a key aspect of the property's setting and how the non-designated asset is experienced is that it can be appreciated in long ranging and wide aspect views through this rural area particularly from the east and south. Long range and wide aspect views from the property looking out across the countryside are also inherent to how it is experienced. The property is conspicuous in the countryside to any walkers' experience of the area when utilising nearby rights of way. The landscape setting of [REDACTED] can be concluded to be intrinsic to its heritage interest.

8.5 [REDACTED] sits on a high point within the undulating open countryside. The property's curtilage is well defined by boundary treatments and within this curtilage is a well-maintained dwelling house of local vernacular construction (red brick and pantile) served by a tarmacked driveway and parking area. The house is accompanied by ancillary buildings and structures to its north side which include a small-scale wind turbine and solar panels. A small, enclosed garden area serves the house on its south side house but beyond this are large expanses of lawn to the east (including a pond), south and west.

8.6 [REDACTED] has its origins as a residence and historic barn with the barn latterly converted into residential use c.1998 and the building subsequently extended. The red brick and predominantly pantile roof building now presents as a combination of historic and modern brick-built structures of a vernacular type. Where historic fabric survives in the west gable end of the barn it incorporates historic detailing in the form of vitrified headers stating the date '1796', assumed date of construction, along with cross shaped ventilation openings.

8.7 The earliest six-inch OS maps dating back to 1884, 1900 and 1921 all identify and name [REDACTED] it being an isolated farm within the farmed rural landscape between the small countryside settlements of Caunton and Norwell Woodhouse. [REDACTED] is a farm of historic provenance, established within the Nottinghamshire countryside for over at least 200 years, and contributes to the historic character of the area. [REDACTED] has heritage interest as a non-designated heritage asset.

8.8 On this basis it is considered that the existing property can be shown to have significance as a heritage asset.

8.9 In this context both the NPPF and NPS offer relevant advice.

8.10 The NPPF at Paragraph 216 requires consideration to be given to the effect of development on NDHA.

8.11 NPS EN-3 requires proposals for development to design proposals with impact on heritage in mind and specifically refers to the need to consider the impact of solar farms on the setting of heritage assets.

8.12 Paragraph 2.10.118 states:

'As the significance of a heritage asset derives not only from its physical presence but also from its setting, careful consideration should be given to the impact of large-scale solar farms which depending on their scale, design and prominence, may cause substantial harm to the significance of the asset.'

8.13 In this case it is concluded that the proposed solar park would have a direct and significant impact on the setting of the non-designated heritage asset that is [REDACTED]. This impact would cause substantial harm to the setting of this non-designated heritage asset, would be overwhelmingly insensitive, would overwhelmingly fail to make a positive contribution to setting and overwhelmingly fail to demonstrate good design contrary to Paragraph 2.5.2 NPS EN-3 and Paragraphs 5.9.13 and 5.9.25 NPS EN-1.

## 9 Compulsory acquisition and legal matters

9.1 Under Section 122 of the Planning Act 2008, CA powers require the land to be "required" for the development and a compelling public interest case, with all reasonable alternatives explored (DCLG Guidance 2013, paras 8-10). The Applicant has not met these tests for Title NT332979: the 11 acres of panels proposed are a minor spur off the main array, not indispensable-panels and perimeter access can be relocated or omitted, reducing the scheme by a negligible fraction without affecting viability, as evidenced by removals elsewhere (e.g., blocks 9-SR32 and 9-SR33).

9.2 Review of s122 in detail shows that it sets two conditions to the inclusion of powers for compulsory acquisition when granting a DCO. The first of these is the onus upon

the decision maker to be satisfied that the land is “required” for the stated purpose.

Whilst relating to definitions within the Town & Country Planning Act 1990, the Court of Appeal decision relating to Sharkey and another v Sec of State for the Environment and South Bucks DC (1992) 63 P & CR 332 remains the leading case when considering the meaning of ‘required’.

9.3 The leading judgement concluded that in that case that the word ‘required’ meant ‘necessary in the circumstances of the case’.

9.4 Given that this objection focuses on the very specific impact of a very minor portion of the proposed development it is impossible to see how the parcel of land at the core of that objection is required to enable the development to proceed.

9.5 The second condition which has to be satisfied relates to the need for a compelling case for the land to be acquired compulsorily.

9.6 It is not intended to argue that there may not be some level at which the public interest may be served by the delivery of additional solar energy provision.

9.7 It is however argued that in the context of identified harm, that there is no compelling public interest to justify acquisition of the land of concern in this case. Inclusion of the land would offer only marginal capacity gains from 11 acres with any minor benefit outweighed by local harm, including heritage erosion, amenity degradation, operational conflicts, and rights interference.

9.8 Useful guidance was published by the then DCLG in 2013. Although dated the advice remains relevant.

9.9 Having regard to compulsory acquisition it is noted that it is the responsibility of the Applicant to demonstrate that all reasonable alternatives to the CA (including

modification to the scheme) have been explored. For the reasons outlined above it is concluded that the Applicant has failed to meet this obligation.

9.10 Guidance goes on to note that the Applicant will also need to demonstrate that the proposed interference in rights of those with an interest in the land is for a legitimate purpose and that it is necessary and proportionate. It is again demonstrated the compulsory acquisition in which the Objectors have an interest is neither necessary nor proportionate in securing public benefit.

9.11 The Applicant's scheme would erode the integrity of that easement framework, not merely affect its alignment. By extinguishing or sterilising a substantial proportion of the available easement corridors, the proposal would permanently reduce the robustness, redundancy, and adaptability that the easements were expressly designed to secure. In property law terms, this is not a minor or technical interference: it is a fundamental alteration of the quality and utility of the rights themselves. A right whose integrity is compromised-so that it no longer performs the function for which it was granted-is not being preserved in substance, even if some residual ability to pass services might theoretically remain.

9.12 The key point is that an express easement is a permanent property right whose value and protection do not depend on the extent to which it is currently exercised or on whether alternative servicing arrangements might theoretically exist. The relevant question for Section 122 purposes is therefore whether the Applicant's scheme would materially interfere with the integrity and utility of the easement as granted, and whether that interference is necessary and proportionate.

9.13 Guidance emphasises that public benefits must "strongly outweigh" private loss, favouring homeowners where alternatives exist (DCLG 2013, para 17). Insisting on

inclusion of this parcel despite a sound basis for omission suggests acquisition for convenience, contrary to guidance.

9.14 Critically the guidance stresses that the use of alternative dispute resolutions is encouraged. The Applicant has shown no indication that this approach has been applied in this instance.

9.15 It is concluded that the case for CA of land adjacent to [REDACTED] over which Mr Gill and DDS Ltd have rights through long established easements, fails to meet the requirements of both legislation and guidance.

### 10 Conclusions on harm and the planning balance

10.1 It is apparent from other submissions made in respect of the application that there is a considerable number of wider issues which introduce significant and cumulative harm which weigh heavily against the grant of consent of the Order.

10.2 The Objectors for whom this submission is provided do not attempt to consider the wider harm of the development, largely as a consequence of the complexity and depth of the issues involved.

10.3 It is apparent however that key parties engaged in the process, notably the County and District Councils continue to identify harm which arises from the development.

10.4 The County Council notes in particular:

*This LIR has identified several negative or inconclusive effects at this stage which NCC believes should be further addressed by the Applicant, through further assessment work, evidence and mitigation measures. The main areas of concern relate to impact upon traffic and local flood risk, which in our view have not been assessed to the required standard or adequately mitigated.*

*NCC also remains concerned about the cumulative impact upon the local landscape and the loss of agricultural land arising from this proposal and other nationally significant proposals for ground mounted solar within the county, further evidence on which is covered in the NSDC LIR.*

10.5 The District Council notes:

*Newark and Sherwood District Council (NSDC) note the need for Renewable Energy development and the wider benefits that this brings, but there are some specific and direct negative impacts associated with the proposed development including landscape and visual impacts, leading to a marked change in the character of the area and the loss of Best and Most Versatile Agricultural Land.*

*In addition, there are impacts around the potential loss of trees, other areas of potential impacts and areas of mitigation that require further development during the examination, so as to clearly understand the means to which more significant impacts associated with the proposed development will be suitably mitigated, including the mechanisms to ensure this mitigation is fully implemented.*

10.6 The Objectors represented here support these positions in terms of concerns relating to the wider impact and harm resulting from the proposed development.

10.7 It is clear from the submissions tabled that these global concerns are reflected as a more specific level in terms of the local harm to landscape and visual impact, harm

to amenity, harm to a heritage asset and the threat that compulsory acquisition and development would cause to a successful local business.

10.8 In this context and in line with Government advice the Objectors would at the very least seek modification to the development scheme to secure an acceptable balance of harm to public benefit and to resolve the clear contradiction of the requirements of S122 of the 2008 Act.