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**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 9 November 2022

To all Members of the Planning Committee

Dear Councillor

Planning Committee – Thursday, 10 November 2022

The following is a schedule of representations received after the agenda for the Planning Committee was finalised.

Yours sincerely



Gemma Dennis  
Monitoring Officer

## **AGENDA**

### 4. Planning Applications (Pages 1 - 8)

The report of the Director for Development and Economic Growth

### Membership

Chairman: Councillor R Butler  
Vice-Chairman: Councillor Mrs M Stockwood  
Councillors: B Bansal, S Bailey, N Clarke, L Healy, D Mason, F Purdue-Horan,  
V Price, C Thomas and J Walker

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**22/00809/FUL**

**Applicant** Tim Mackeller

**Location** Land At Church Farm Gotham Road Kingston On Soar  
Nottinghamshire

**Proposal** The construction, operation and decommissioning of a solar photovoltaic (PV) farm and associated infrastructure, including inverters, substation compound, security cameras, fencing, access tracks and landscaping.

**Ward** Gotham

## LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Neighbour representation

**RECEIVED FROM:** 8 Kingston Hall

### **SUMMARY OF MAIN POINTS:**

- Support the proposal. The submitted plans show incredible sensitivity to the rural setting and the addition of extra hedges and wildflower meadows add much needed wildlife habitat.
- The ground retains its green field status
- Concerns regarding the number of potential developments in the area - namely the power station site, however, each application must be assessed on its individual merits.

### **PLANNING OFFICERS COMMENTS:**

Noted.

2. **NATURE OF REPRESENTATION:** Neighbour representation

**RECEIVED FROM:** The Cottage

### **SUMMARY OF MAIN POINTS:**

- The height and the position from which the photo was taken is not

representative of our view. The photo was taken from a lower level than that of the Cottage. The difference in height has a unacceptable effect to the overall vista of the site, particularly from the upper level. The implications of taking this photo at such a different level creates an entirely different depth of field when contemplating this vista from such a low level.

- Our vista is more than just a northerly, it is in fact all the way from the west to the east, all of which be affected by the proposal not just in a northerly direction which appears to be EDP's only point instead of looking in the whole of the picture, again misleading observer,
- The NPPF demands that there should be "exceptional circumstances" before green belt boundaries can be changed and says that inappropriate development is harmful to the Green Belt and should be approved only in "very special circumstances".

### **PLANNING OFFICERS COMMENTS:**

Loss of view is not a material planning consideration.

An assessment of the impact upon the Green Belt is considered in paras. 46-63 of the committee report.

3. **NATURE OF REPRESENTATION:** Update on Rushcliffe B C Guidance on Solar Farms

**RECEIVED FROM:** Planning Service Consultant

### **SUMMARY OF MAIN POINTS:**

#### ***Purpose***

This note assesses the Church Farm, Kingston planning application for a solar farm (22/00809/FUL) against the emerging RBC Planning Guidance on this matter.

#### ***Context***

The Council has been developing a specific approach towards solar farms in recent months. The matter has recently been reported to the LDF Group and the emerging Guidance takes account of the comments made at that meeting.

The Planning Guidance has been prepared to provide broad guidance on the following matters:

- the planning policy context in respect of major, stand-alone ground mounted solar photovoltaic panel developments (hereafter referred to as 'major solar

- farm developments') that do not exceed 50 megawatts (MW) generating capacity;
- the key material planning considerations likely to be relevant to the determination of planning applications for major solar farm developments within the Borough; and
  - examples of the information/documents that the Council expects should be submitted with planning applications for major solar farm developments.

### ***The Guidance***

The Guidance provides general commentary on national and local planning policies. No comments are made on this element of the Guidance as they are addressed in the Committee report.

Section 6 of the Guidance consolidates the approach taken in Policy 16 of LPP2. It is based around the key material considerations (set out as criteria) in the policy. The remainder of this note follows that same format.

### ***Green Belt policy***

The committee report addresses this matter in considerable detail. In short, the application:

- assess the application against the purposes of the Green Belt,
- has undertaken an Analysis of Alternative Sites;
- has set out a case to justify that very special circumstances exist to justify the approval of the application which is temporary and reversible.

This matter has been considered by the Council's independent landscape consultant. He has concluded that 'the submitted report employs a standard methodology and reaches justified conclusions. I agree that the existing site makes a 'moderate-low' contribution to the NPPF Green Belt purposes based on the methodology in Appendix EDP 8.'

### ***Landscape and Visual Impacts***

The application is accompanied by a Landscape and Visual Assessment. The proposed development has been designed to respect the character of the landscape and uses the strong field pattern to integrate the scheme as far as practicable. Existing landscape features would be retained, protected, and strengthened, including the retention of all existing field margins (hedgerows and ditches) except where necessary for access and standoffs from boundary habitats. All trees on the site would be retained and additional planting provided, where necessary, to fill gaps in the existing boundary planting and to provide mitigation in the form of screening.

The independent landscape architect comments that 'the LVA assesses landscape effects within the immediate context of the site to also be 'moderate/minor' and that effects will reduce with distance across the wider landscape character area, the East Leake Rolling Farmland. I agree with this

statement, but I believe this also supports the need for the assessment of landscape effects on the site to be 'moderate'. Landscape effects on the site will certainly be higher than those in the wider context.'

#### *Ecology and Biodiversity*

The applicant contends that the landscaping and planting proposals associated with the application would bring about significant ecological benefit when compared to the present situation at the site, including upgrading lower-value, biodiversity-poor, arable land to higher value habitats.

#### *Best and Most Versatile Agricultural Land*

The application site consists of approximately 61 hectares of agricultural land. It comprises predominately Grade 3b (moderate quality) agricultural land with small areas of Grade 2 (very good quality) and Grade 3a (good quality). In this context the site is farmed as a unit of Grade 3b land and is classed as such for the purposes of this planning application.

#### *Historic Environment*

Whilst the proposed development is near the Registered Park at Kingston Hall, the densely planted cluster of trees which lies within the Park, adjacent to Gotham Road creates an intentionally secluded approach to the Hall and prevents intervisibility between it and the Proposed Development. Similarly, most of the proposed development would not be visible from the Grade II Listed lodge and gateway at ground level due to falling topography on the northwest side of Gotham Road. Parts of the proposed development in the southeast corner of the site would be visible in oblique views from the gate lodge towards the northeast, although the far southeast corner of the site is screened from view by a dense belt of conifers.

The site is very well-screened from designated heritage assets in the village of Kingston on Soar, including the grade I listed St Winifred's Church and several 19th century estate cottages on The Green. It would be fleetingly visible from these positions. Furthermore, the only views between the Grade II Listed Kegworth Bridge and Proposed Development also feature Ratcliffe Power Station and overhead lines, and views of the proposed development are likely to be largely, if not entirely, obscured by vegetation.

The application concludes that the proposed development is anticipated to cause less than substantial harm to the settings of nearby heritage assets and that this harm is outweighed by the public benefits of the proposal, notably the general of renewable energy and biodiversity net gains.

#### *Open Space*

Whilst the application does not directly affect this matter, it includes detailed arrangements for the management of the site in general terms, and for the establishment of safeguarded strips of land on either side of the footpath. It also proposes detailed management arrangements for the parcel of land to the immediate north of The Cottage. Further details of land management within the

Application Site boundary would be secured via the Landscape and Ecological Management Plan (LEMP) Condition 14.

### *Site and Internal Access*

The application proposes that a new access will be created on Gotham Road to accommodate all construction and operational traffic to the Site. This access was in part chosen to keep construction traffic away from the village of Kingston on Soar and to ensure that it did not impact upon the day-to-day operation of Church Farm. A visibility splay of 2.4m by 215m is achievable to the south of the junction and 2.4m by 175m is achievable to the north of the junction.

Within the site a temporary area of hardstanding would be set aside for vehicles to manoeuvre in to enable all vehicles, including articulated lorries, to enter and leave in forward gears. The provision of an area of hardstanding within the Application Site for vehicles to manoeuvre in and over which they would drive prior to accessing the public highway reduces the risk of mud being trafficked onto the public highway and the ensuing nuisance this can cause. Appropriate measures to control construction related impacts will be secured within the Construction Environmental Management Plan (CEMP) condition 16. The construction working hours set out in Condition 15 are agreed.

It is proposed that all construction traffic would access the site via the A453, West Leake Lane and Gotham Road. This is the shortest route from the Application Site to the Strategic Highway Network which comprises the A453 in the vicinity of the Application Site, and avoids traffic passing through the village of Kingston on Soar

In summary these matters are addressed to industry standards, and which will be satisfactorily assimilated within the local environment.

### *Grid Connection*

This is secured to industry standards

The application anticipates that the containers/cabins and other small buildings would be appropriately coloured or clad to minimise any visual impact and comply as far as practicable with the local vernacular. The structures would be functional in appearance, reflecting their purposes, which is for the generation of electricity

The Point of Connection tower and substation would be situated next to the existing electricity pylon within the Application Site.

Cabling between rows of panels, inverters and the grid connection point would be underground at a prescribed depth to ensure that there would be no requirement for over ground cabling and/or additional pylons

### *Form and Siting*

The solar panels and associated infrastructure would be set within the existing field pattern, with field margins and boundary vegetation retained. The fencing around the site would be situated inside the outer-boundary vegetation, ensuring

that access is available for hedge trimming and maintenance and the fencing is not outwardly visible.

The inverters would be set within the rows of panels to reduce visual impact. The Point of Connection tower and substation compound are proposed in the vicinity of an existing electricity pylon, into which the mast is proposed to connect.

In addition, the details of the proposed layout take a sensitive approach to both the topography of the site and the footpath which runs through the site in a north-south direction. The detailed final site layout and the design of other components would be for subsequent approval secured through Condition 3.

### *Decommissioning*

The applicant recognises its responsibilities on this matter. It is addressed in Condition 5 within the officer report.

### *Cumulative Impacts*

The applicant has undertaken an assessment of the cumulative impacts of the proposed development and other existing and proposed developments in the immediate locality.

The Council's independent landscape architect has considered this matter. He concludes that:

'This application is one of several solar farm proposals currently being considered by Rushcliffe Borough Council. I have also provided separate landscape reviews for 22/00319/FUL (Land to the West of Wood Lane and Stocking Lane, Gotham) and 22/00303/FUL (Land at Highfields Farm, Costock). Due to intervening vegetation, topography, and elements of built development, I do not identify any intervisibility between the three proposed sites and therefore do not consider there to be cumulative visual effects. In addition, if all were to be approved, I do not believe the scale of landscape change would lead to significant cumulative landscape character effects. There may be a low-level change noticed by people travelling by car or walking along the Midshires Way on routes that come close to multiple solar farm sites, but this would be minor across the wider landscape character areas (the East Leake Rolling Farmland and the Gotham and West Leake Hills and Scarps).'

### *Amenity/Glint and Glare*

The application has been carefully designed to mitigate its impact on the wider village to the south of the proposed site. Measures have been put in place to safeguard the amenities of The Cottage to the south of the site.

The applicant has commissioned a glint and glare assessment. It concludes that 'the effects of glint and glare and their impact on receptors has been analysed in detail. All impacts fall within the relevant legislation and guidance that is available. The impact on all ground-based receptors is predicted to be either Low or None, and therefore not significant. The impact on aviation receptors is



predicted to be not significant', and this assessment is corroborated by East Midlands Airport Aerodrome Safeguarding Authority in its consultee response.

### *Flood Risk and Drainage*

Most of the application site lies within Flood Zone 1, defined as land having a less than 1 in 1000 annual probability of river or sea flooding. However, small areas of the site fall with in Flood Zones 2 and 3.

A sustainable drainage strategy, involving the use of swales, is proposed for managing surface water runoff on the site. Swales are proposed at the low points of the application site to intercept extreme flows which may already run offsite. The swales do not form part of a formal drainage scheme for the development but are provided as a form of 'betterment'. It is considered that the provision of swales would lead to an overall reduction in surface water flow rates from the site and mitigate any increase in run-off due to the minor reduction in the overall permeable area of the site.

The proposed drainage strategy would ensure that the development would therefore have a negligible impact upon site drainage and surface water arising from the developed site would mimic the surface water flows arising from the site prior to the proposed development. The natural drainage regime would be retained except in the extreme storm event when a benefit is achieved by reducing the extreme storm run-off flows.

### *Minerals Safeguarding*

This matter is not directly relevant to the application.

### *Site Security*

This site will be secured to industry standards including the use of CCTV cameras, the details of which would be secured through Condition 3.

### **Summary**

Your officers consider that the application performs well against the information in the Planning Guidance.

The report on the application provides further details on both policy and site consideration matters.

### **PLANNING OFFICERS COMMENTS:**

Update be noted.

- 4. NATURE OF REPRESENTATION:** Amendment to condition 5

**RECEIVED FROM:** Planning Officer

### **SUMMARY OF MAIN POINTS:**

The application seeks permission for a 40 year period, however, it is recognised that based on the technological advancements, the site may not be required to be retained in its current form for that period, that being the case, condition 5 be amended to secure one weeks notice of the decommissioning and clearance of the site if it is no longer required for the generation of electricity.

### **PLANNING OFFICERS COMMENTS:**

Recommend that condition 5 be amended to the following:

Condition 5

“The development hereby approved is for a period of 40 years electricity generation, after which electricity generation is to cease, the solar panels and all ancillary infrastructure are to be removed from the site and the land is to be restored to its former condition. Within 6 months of following the operational use of the site hereby approved commencing, a Decommissioning Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include the timing for decommissioning of all, or part of the solar farm if it ceases to be operational, along with the measures, and a timetable for their completion, to secure the removal of panels and any foundations or anchor systems, plant, fencing, equipment and landscaping initially required to mitigate the landscape and visual impacts of the development. In addition, a decommissioning traffic management plan and access route including provision for addressing any abnormal wear and tear to the highway and a decommissioning plan to address noise and dust shall be submitted and agreed in writing with the local planning authority. The subsequent decommissioning of the site shall be carried out in accordance with the agreed details within 6 months of the expiry of this permission or within 6 months of the cessation of the production of electricity production (which ever is sooner). The applicant should provide the Local Planning Authority with not less than one week’s notice in writing of the cessation of the production of electricity and the intended date for commencement of decommissioning works under the terms of this permission.”