

When telephoning, please ask for: Tracey Coop
Direct dial 0115 914 8511
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 2 November 2022

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 10 November 2022 at 2.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>
Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



Gemma Dennis
Monitoring Officer

AGENDA

1. Apologies for Absence and Substitute Members
2. Declarations of Interest
 - a) Under the Code of Conduct
 - b) Under the Planning Code
3. Minutes of the Meeting held on 13 October 2022 (Pages 1 - 10)
4. Planning Applications (Pages 11 - 60)
The report of the Director for Development and Economic Growth
5. Planning Appeals (Pages 61 - 62)
The report of the Director for Development and Economic Growth

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Rushcliffe Arena
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NG2 7YG

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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**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 13 OCTOBER 2022**

Held at 2.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West
Bridgford

PRESENT:

Councillors R Butler (Chairman), Mrs M Stockwood (Vice-Chairman), S Bailey,
N Clarke, L Healy, D Mason, F Purdue-Horan and C Thomas

ALSO IN ATTENDANCE:

Councillors

OFFICERS IN ATTENDANCE:

A Ashcroft	Planning Services Consultant
P Cook	Interim Operations Manager
M Dunne	Team Manager Area Planning (East)
T Pettit	Landscape Officer
R Sells	Solicitor
T Coop	Democratic Services Officer
E Richardson	Democratic Services Officer

APOLOGIES:

Councillors B Bansal, V Price and J Walker

17 Declarations of Interest

Councillor R Butler declared a non-pecuniary interest for application 22/00243/FUL due to objecting to this application and for 22/01639/FUL as the ward councillor and would remove himself from the discussion and vote for this item.

Councillor L Healy declared a non-pecuniary interest for application 22/01639/FUL as the ward councillor and would remove himself from the discussion and vote for this item.

Councillor N Clarke declared a non-pecuniary interest for application 22/00108/TORDER as the ward councillor and would remove himself from the discussion and vote for this item.

Councillor C Thomas declared a non-pecuniary interest for application 22/01639/FUL as a member of the Crematorium member working group, but considered that she was not bias and pre-determined and would consider the application with an open mind, therefore could take part in the discussion and vote for this item.

18 Minutes of the Meeting held on

The minutes of the meeting held on 8 September were approved as a true record and were signed by the Chairman.

19 Planning Applications

The Committee considered the written report of the Director – Development and Economic Growth relating to the following applications, which had been circulated previously.

Councillor N Clarke removed himself from the meeting for this item.

22/00108/TORDER – TO Radcliffe on Trent No.1 Tree Preservation Order 2022 - 8 Lamcote Gardens, Radcliffe on Trent, Nottinghamshire

Updates

There were no updates for this application.

DECISION

THE TREE PRESERVATION ORDER 2022 BE CONFIRMED WITHOUT MODIFICATION.

Councillor N Clarke re-joined the meeting at this point.

Councillor R Butler removed himself from the meeting for the next item.

22/00243/FUL - Erection of 4 Poultry Sheds and associated Infrastructure, 8 no. feed bins, 2 no. feed blending rooms, gate house, generator, plant room, water tank, Dirty Water Tank and Gas Tanks. Creation of new access road, car parking and concrete apron as well as new attenuation pond – Land North of Cotgrave Road, Owthorpe, Cotgrave, NG12 3GE

Updates

Additional representations were received after the agenda was published and were circulated to the Committee before the meeting. In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr I Pick (on behalf of the Applicant), Mr T Bowden (Objector) joining remotely and Councillor T Combella (Ward Councillor) addressed the Committee.

Comments

Members of the Committee expressed their concerns in respect of the scale and overbearing nature of the development on the landscape, including the detrimental impact from noise, odour and light on the properties within the village. Members also expressed their concerns in relation to the observatory and the negative impact the development would have in respect of light and heat pollution. Additionally, members noted that the development was sited in the greenbelt and considered this was inappropriate development.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:

1. By virtue of the scale and size of the proposed buildings the proposal would have an unacceptable impact on the openness of the Green Belt. As such it would be contrary to the provisions of Section 13 of the NPPF and Policy 21 of the Rushcliffe Local Plan Part 2: Land and Planning Policies.
2. The scale and massing of the proposed buildings fail to recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services and would have an unacceptable impact on the appearance and character of the local landscape by virtue of their prominence. As such it would be contrary to the provisions of Section 15 of the NPPF and would fail to meet the requirements of Policy 10 of the Rushcliffe Local Plan Part 1 and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies.
3. The applicant has failed to demonstrate that the proposal would not have any undue impact by virtue of lighting, odour, ammonia, and noise on the amenity of residential properties in this part of the Borough. As such, the proposal would fail to meet the requirements of Policy 10 of the Rushcliffe Local Plan Part 1 and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies.
4. The applicant has failed to demonstrate that the proposal would not have any undue impact by virtue of its impact on lighting levels and heat haze on the effective and ongoing operation of the Nottingham Astronomical Society Observatory. As such, the proposal would fail to meet the requirements of Policy 10 of the Rushcliffe Local Plan Part 1 and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

Councillor Butler re-joined the meeting at this point.

22/01105/FUL – Erection of 1 No. 2 Storey detached dwelling (resubmission of Ref No. 22/00571/FUL – The Smithy, 45 Church Street, Ruddington, Nottinghamshire.

Updates

In accordance with the Council's Public Speaking Protocol for Planning committee, Mr G Machin (on behalf of the Applicant) addressed the Committee.

DECISION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- PL05A - Proposed Street Scene (received: 05 September 2022)
- PL04A - Proposed Elevations (received: 05 September 2022)
- PL03A - Proposed Floor Plans (received: 05 September 2022)
- PL02 - Proposed Site Plan (received: 05 August 2022)
- PL01 - Site Location Plan (received: 08 June 2022)

[For the avoidance of doubt and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

3. The off-street car parking space and cycle store, as shown on the approved site layout plan referred to under condition 2 of this planning permission, shall be retained for off-street car parking and cycle storage and kept free from all other obstructions, for the life of the development.

[To ensure that adequate off-street car parking is secured for the life of the development, in the interests of highway safety and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

4. The bathroom window, located in the first floor of the northern side elevation of the development hereby permitted must be;

- a) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and;
- b) fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent.

Thereafter, those window(s) must be retained to this specification throughout the lifetime of the development.

[To preserve the amenities of neighbouring properties, having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

5. Notwithstanding the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no additional windows (including roof lights and dormer windows) inserted within any part of the roof of the dwellings hereby approved, other than as shown on the

approved plans referred to in condition 2 of this permission, nor any alterations to any part of the roof of the dwellings hereby approved.

[In order to protect the living conditions of surrounding occupiers from any unacceptable levels of overlooking and/or loss of privacy, and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

6. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 and Class AA of the Town and Country Planning (General Permitted Development) (England)(Amendment) (No.2) Order 2020 (or any Order revoking or re-enacting that Order with or without modification) no enlargement or any other alteration, including the insertion of windows/doors in the northern side elevation, shall be carried out to the dwelling(s) hereby permitted without express planning permission from the Local Planning Authority.

[To ensure that adequate amenity space for the dwelling is retained in the interest of future occupiers, to protect the amenities of neighbouring properties and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

7. Notwithstanding the provisions Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no outbuildings or other structures shall be erected within the curtilage of the dwelling(s) hereby permitted without express planning permission from the Local Planning Authority.

[To ensure that adequate amenity space for the dwelling is retained in the interest of future occupiers and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

8. The residential dwellings hereby permitted shall be designed to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. The development hereby permitted must not be occupied or first brought into use until details of the bicycle parking/storage area within the site have been submitted to and approved in writing by the Local Planning Authority. The development must not be occupied or first brought into use until the bicycle parking/storage areas have been provided in accordance with the approved details. Thereafter the bicycle parking/storage areas must be retained on the site in accordance with the approved details and must be kept available for the parking of

bicycles at all times.

[To ensure there is adequate provision for the secure and undercover parking/storage of bicycles within the site to encourage the use of bicycles as an alternative to using motor vehicles having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014).]

10. The construction of the dwelling hereby permitted must not proceed above damp-proof course level until a scheme for the provision of Electric Vehicle Charging Point(s) (EVCP) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. The dwelling hereby permitted must not be first occupied until the EVCP has been installed in accordance with the approved details. Thereafter an EVCP must be permanently retained on the site in accordance with the approved scheme throughout the lifetime of the development.

[To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards a reduction in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 110 of the National Planning Policy Framework (July 2021).]

11. The development hereby permitted must not be occupied or first brought into use until details of the boundary treatments for the site have been submitted to and approved in writing by the Local Planning Authority.

[To ensure the appearance of the development is satisfactory having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

12. The development hereby permitted must not proceed above the damp proof course level until details of the type, texture and colour of the materials to be used in the construction of the exterior of the development have been submitted to and approved in writing by the Local Planning Authority. The development must only be constructed in accordance with the approved materials.

[To ensure the appearance of the development is satisfactory having regard to policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and the Rushcliffe Local Plan Part 2: Land and Planning Policies]

13. The development hereby permitted must not proceed above the damp proof course level until details of the materials to be used in the construction of the hard surface areas (driveway/parking area) have been submitted to and approved in writing by the Local Planning Authority. The hard surface areas must only be constructed in

accordance with the approved materials.

[To ensure the appearance of the development is satisfactory and to ensure that it is of permeable construction having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

NOTES TO APPLICANT

Please be advised that all applications approved on or after the 7 October 2019 may be subject to the Community Infrastructure Levy (CIL).

Further information about CIL can be found on the Borough Council's website at: <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

/Condition 8 requires the new dwelling to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins.

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

You are advised that should the site contain asbestos, it will require specialist removal. Further advice on this matter can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively you can obtain an asbestos fact sheet from their website.

Councillor R Butler and Councillor L Healy removed themselves from the meeting for the next item.

22/01639/FUL – Installation of freestanding Solar Photovoltaic Generation system and associated works – Rushcliffe Oaks, Main Road, Stragglethorpe, Nottinghamshire.

Updates

There were no updates for this application.

Comments

Members requested consideration be given to an environmental management plan in respect of the landscaping underneath and around the panels to ensure biodiversity enhancement and protection. Members also commented on the value of the solar panels and whether an element of security needs to be considered.

DECISION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development shall be undertaken in accordance with the following approved plans :-
D200008-CDS-EN-ZZ-DR-L-002 SITE CONCEPT = block plan
D200008-CDS-EN-ZZ-DR-L - 092-001- REV 1 section details
Solar Plan Floor Plan

[For the avoidance of any doubt and to ensure an acceptable development in accordance with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

3. Before development commences there shall be submitted to and approved in writing by the Borough Council, details of a biodiversity enhancement planting scheme proposed under and around the solar arrays and a management plan to maintain these in perpetuity. The approved planting scheme shall be undertaken prior to the development hereby approved being constructed and shall thereafter be maintained in accordance with the approved management details.

[To ensure that the proposed development contributes to the enhancement of biodiversity within the site and for the wider area in accordance Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre commencement condition to ensure that matters of ecological importance are adequately considered and implemented before construction commences].

4. Before development commences there shall be submitted to and approved in writing by the Borough Council, details of a security scheme to protect the site. The approved security scheme shall be implemented prior to the development hereby approved being constructed and shall

thereafter be retained.

[To ensure a satisfactory development and to protect the site from crime in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2 . This is a pre commencement condition to ensure that adequate consideration has been given to protection against possible criminal activities on the site].

NOTES TO APPLICANT

The site adjoins a public footpath to the south of the site. The footpath should remain unobstructed to the full width, open at all times, and be kept upon its legal alignment. Any foreseen works likely to cause an obstruction should be discussed in advance with the RoW team at NCC (Via) so a temporary closure or diversion order can be agreed where necessary.

The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks notice is required to process the closure and an alternative route on should be provided if possible

Please ensure that you have the necessary consents to undertake works in relation to any easements that may affect the site

Councillor R Butler and Councillor L Healy rejoined the meeting at this point.

20 Planning Appeals

The Committee noted the Planning Appeal Decisions report which had been circulated with the agenda papers.

The meeting closed at 4.56 pm.

CHAIRMAN

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Planning Committee

Thursday, 10 November 2022

Planning Applications

Report of the Director – Development and Economic Growth

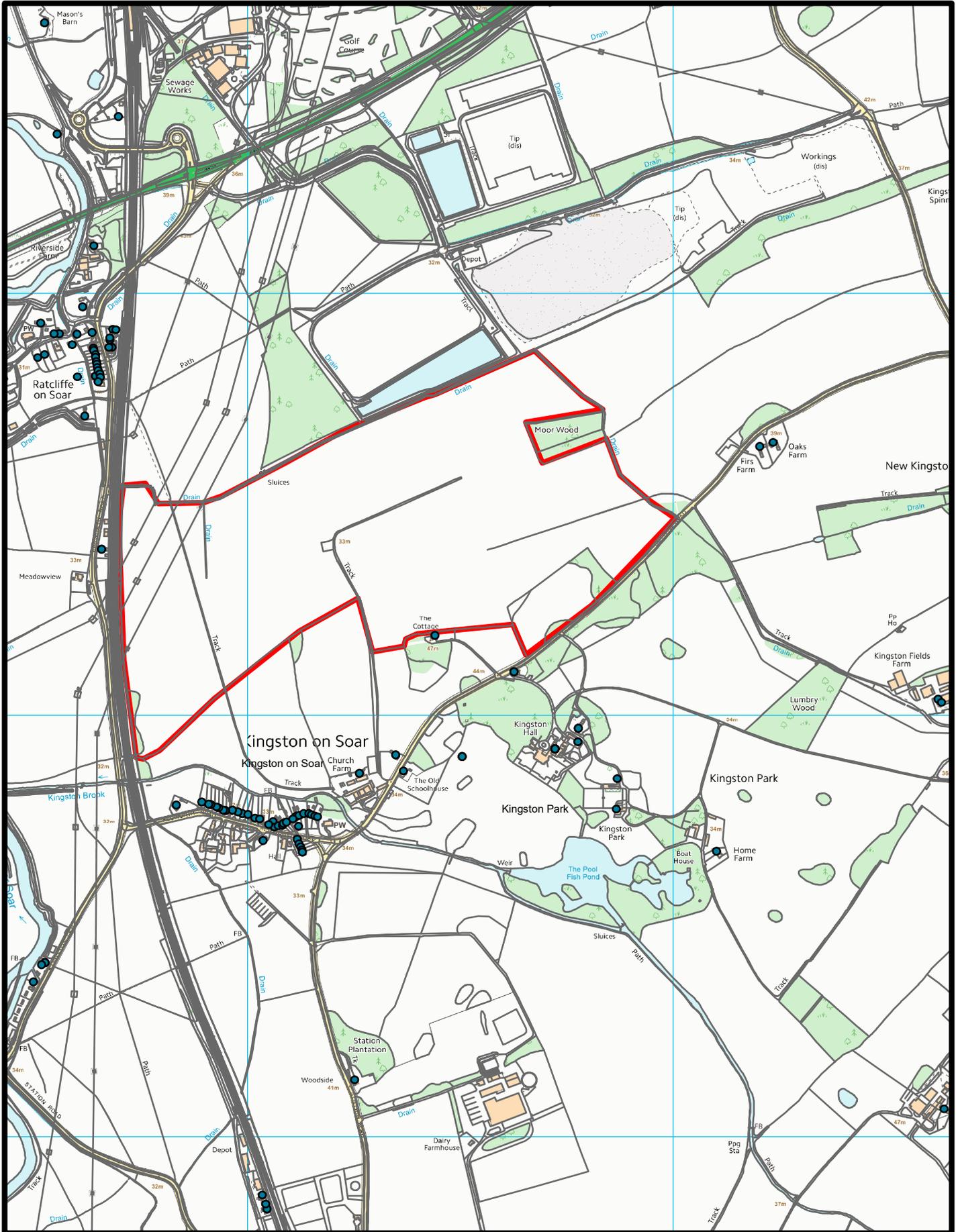
PLEASE NOTE:

1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local Government Act 1972 and relevant planning legislation/Regulations. Copies of the submitted application details are available on the website <http://planningon-line.rushcliffe.gov.uk/online-applications/>. This report is available as part of the Planning Committee Agenda which can be viewed five working days before the meeting at <https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=140> Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g. public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the Director – Development and Economic Growth, the application may be referred to the Council for decision.
7. The following notes appear on decision notices for full planning permissions:
“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary.

If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

<http://www.rushcliffe.gov.uk/planningandbuilding/buildingcontrol>.

Application	Address	Page
22/00809/FUL	Land at Church Farm, Gotham Road, Kingston on Soar, Nottinghamshire	13 - 54
	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	
Recommendation	That on expiry of the consultation period and in the event that no new material planning considerations have arisen from that consultation, in accordance with the Town and Country Planning (Consultation) (England) Direction 2021, the application be referred to the National Planning Casework Unit and that, subject to the application not being called in for determination by the Department for Levelling Up, Housing and Communities (DLUHC), the Director Development & Economic Growth be authorised to grant planning permission subject to the following conditions:	
22/01727/FUL	Glendale Golf Ltd, Edwalton Golf Club, Wellin Lane, Edwalton, Nottinghamshire	55 - 60
	Change of use from residential flat to golf clubhouse	
Ward	Edwalton	
Recommendation	Grant planning permission subject to conditions	



Application Number: 22/00809/FUL
Land At Church Farm, Gotham Road, Kingston On Soar



scale 1:2000

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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

Full details of the application can be found [here](#).

SITE DESCRIPTION & PROPOSAL

1. The application site is located off Gotham Road, approximately 0.3km to the north of Kingston on Soar and approximately 0.4km to the southeast of Ratcliffe-on-Soar and measures approximately 60.94 hectares ('ha') of agricultural land. A railway line running from north to south is situated to the west while a landfill site for the disposal of gypsum by-product from Ratcliffe on Soar power station is situated to the northeast of the site. Sitting centrally to the south of the site is an elevated cluster of trees and a residential property at The Cottage that falls outside of the application site.
2. The site encompasses a series of fields with a relatively flat topography to the west and north, elevated to the south and southeast towards Gotham Road. The site comprises predominately Grade 3b (moderate quality) agricultural land with small areas of Grade 2 (very good quality) and Grade 3a (good quality). The site is farmed as a unit of Grade 3b land and is classed as such for the purposes of this planning application. There are some agricultural buildings located within the southern part of the site in addition to a residential property.
3. The proposal comprises the construction and operation of a solar photovoltaic ('PV') farm associated infrastructure, including inverters, substation compound, security cameras, fencing, access tracks and landscaping. It is estimated that the solar panels would generate approximately 49.9 megawatts ('MW') of renewable energy – enough electricity to power approximately 14,000 homes annually. Planning permission is being sought to operate for 40 years, at which point it would be decommissioned and the land returned to its previous state. The point of connection for the proposed development into the electricity grid is via an overhead line which runs over the site. The proposed development includes the following:
 - Rows of solar photovoltaic ('PV') panels.
 - Inverters within containers.
 - Substation compound including a DNO Control Room; and Customer Switchroom.

- Internal access tracks.
- Perimeter fence.
- CCTV cameras.

ENVIRONMENTAL

4. The applicant submitted a request for an Environmental Impact Assessment ('EIA') Screening Opinion from the Council on 7 July 2021. The Council issued its Screening Opinion on 28 July 2021, which confirmed that an EIA is not required. The Council has commissioned an independent assessment of the potential landscape effects of the application. That assessment has been undertaken by Wynne Williams Associates. To assure a consistency of approach the same company is also undertaking similar assessments of the other current proposals for solar farms in the Borough. This report makes appropriate reference to the findings of the independent assessment about this planning application.

RELEVANT SITE HISTORY

5. None.

Copies of all representations can be found [here](#).

REPRESENTATIONS

Ward Councillor(s)

6. Councillor Matt Barney: Objects in line with comments submitted by the Parish Councils regarding the cumulative impact.
7. Councillor Rex Walker: Objects and notes the following observations from other consultees.
 - No flood or evacuation plan submitted
 - Ramblers' Association request for additional information
 - EMA's Safeguarding Authority's holding objection
 - Delays to the Conservation Officer's comments
 - Additional information sought by Highways Officer
 - Loss of amenity to the residents of Kingston on Soar & Ratcliffe on Soar, particularly the residents of 'The Cottage' who would be surrounded by the proposed development.
 - Loss of 'good' and 'very good' agricultural land.
 - Development contrary to Green Belt policy
 - Cumulative Effects
 - Site Selection
 - Need for renewable energy generation
 - Supporting Rural Economy
 - Wider Environmental Benefits
 - Temporary & Reversible Nature of Proposals
 - Community Benefits
 - Dust particles

Borough Council

8. Ecology and Sustainability Officer: No Objection
9. Conservation Officer: No Objections.
10. Environmental Health Officer: No Objections.
11. Emergency Planning Officer: No Comments.
12. Planning Policy Officer: Provided detailed comments pertaining to relevant national and local policy, green belt, landscape character and visual effects, ecology and biodiversity, best and most versatile agricultural land, historic environment, open space and recreational uses and cumulative impacts.
13. Nottinghamshire County Council comments as follows:
14. Archaeology Officer: No objection subject to condition proposed by AOC Archaeology dated 23rd September 2022 which the agent agreed to in writing.
15. NCC Public Rights of Way: No objections.
16. NCC Lead Local Flood Authority: No objections.
17. NCC Highways: No objection subject to conditions.

Town and Parish Councils

18. Gotham Parish Council: Objections.

Object on the basis that, whilst we recognise the need for sustainable energy sources such as solar farms, we are aware of a number of solar farm applications in the local area either in the process of being assessed or being planned. These schemes are all at 49.9MW to avoid the need for increased planning requirements and scrutiny. We therefore request that a detailed study is undertaken to understand the potential cumulative effect of these and other applications that would cause a major reduction of the local rural landscape applications; the number of solar farms that are required; and then select the site/s that meet the energy output needs but have the least detrimental effect on agricultural land and the greenbelt. A first past the post approach to planning is unlikely to achieve the best solution.

19. Sutton Bonington Parish Council: Objections.

- Object on the basis that, whilst we recognise the need for sustainable energy sources such as solar farms, we are aware of several solar farm applications in the local area either in the process of being assessed or being planned.
- These schemes are all at 49.9MW to avoid the need for increased planning requirements and scrutiny.
- We therefore request that a detailed study is undertaken to understand the potential cumulative effect of these and other applications that would cause a major reduction of the local rural landscape applications; the number of solar

farms that are required; and then select the site/s that meet the energy output needs but have the least detrimental effect on agricultural land and the greenbelt. A first past the post approach to planning is unlikely to achieve the best solution.

- The site is in Green Belt and local planning policy states that justification should therefore be provided to show very special circumstances which outweigh the harm to the openness of the green belt and its purpose.
- The NPPF (National Planning Policy) states that schemes within a Green Belt will have to show very special circumstances if projects are to proceed.
- Such very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this case other harm comprises of adverse effects on landscape and ecology.
- The application site and surrounding woodland is home to a huge variety of wildlife including badgers, deer, hares, buzzards, Red Kite, partridge and other important species. Their habitats and biodiversity in general will be greatly disturbed by the scheme.
- Should the application be considered favourably, we would still have concerns about zone D as it is in the most attractive area and closest to the local village, with the most prominent views.

20. Kingston on Soar Parish Council: Objections.

- Whilst the Council recognise the need for sustainable energy sources such as solar farms, we are aware of several solar farm applications in the local area either in the process of being assessed or being planned. These schemes are all at 49.9MW to avoid the need for increased planning requirements scrutiny. We therefore request that a detailed study is undertaken to understand the potential cumulative effect of these applications; the number of solar farms that are required; and then select the site/s that meet the energy output needs but have the least detrimental effect on agricultural land and the greenbelt.
- In addition to this, several other housing and commercial developments are in the pipeline for the area, including Fairham Pastures, Mill Hill, and the Ratcliffe on Soar Power Station site, which shows a significant loss of open countryside.

Other Statutory Consultees

21. Environmental Agency: No Objection

22. The Coal Authority: No Comments.

23. Environmental Agency: No Objections.
24. Natural England: No Comment/ No Objections.
25. Historic England: No Comments.
26. East Midlands Airport Aerodrome Safeguarding Authority: No Objection subject to conditions.
27. Trent Valley Internal Drainage Board: No Objections.
28. Network Rail: No Objection subject to requirements.
29. Ramblers: Reserve the right to object.

Neighbour representations

Comments can be found [here](#)

30. There are 7 neighbour representations received summarised as:

Principle:

- Impact and loss of open countryside.
- Negative environmental, social, and ecological impact.
- Potential impact on plans for HS2B
- How will the site be maintained?
- Impact on views

Landscape:

- Negative impact on village landscape and views from existing footpath.
- Impact on footpath.
- Negative impact on views of village.
- Planting along PROW will impact scenic views from cottage.
- Glint and glare

Ecology:

- Wildlife habitat displacement
- Loss of potential for wildflower meadow
- Biodiversity ought to be enhanced

APPRAISAL

The Development Plan

31. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and The Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (NPPF) (Revised 2021) and the National Planning Practice Guidance (NPPG).

Policies in the Local Plan Part 1: Core Strategy can be found [here](#)

32. The following policies of the Rushcliffe Local Plan Part 1: Core Strategy are relevant to the current proposal:

- Policy 1 Presumption in Favour of Sustainable Development
- Policy 2 Climate Change
- Policy 4 Nottingham-Derby Green Belt
- Policy 10 Design and Enhancing Local Identity
- Policy 11 Historic Environment
- Policy 15 Transport Infrastructure Priorities
- Policy 17 Biodiversity

Policies in the Local Plan Part 2: Land and Planning Policies, can be found [here](#).

33. The following policies of the Rushcliffe Local Plan Part 2: Land and Planning Policies are relevant to the current proposal:

- Policy 1 Development Requirements
- Policy 16 Renewable Energy
- Policy 17 Managing Flood Risk
- Policy 18 Surface Water Management
- Policy 21 Green Belt
- Policy 22 Development in the Countryside
- Policy 28 Conserving and Enhancing Heritage Assets
- Policy 29 Development affecting Archaeological Sites
- Policy 32 Recreational Open Space
- Policy 33 Local Green Space
- Policy 34 Green Infrastructure and Open Space Assets
- Policy 37 Trees and Woodlands
- Policy 38 Non-Designated Biodiversity Assets & Wider Ecological Network
- Policy 40 Pollution and Land Contamination

34. It is considered the above policies comply with the general thrust of the NPPF below.

A copy of the National Planning Policy Framework (NPPF) 2021 can be found [here](#)

A copy of the Planning Practice Guidance can be found [here](#)

National Planning Policy Framework (NPPF) 2021

35. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Development proposals that accord with the development plan should be determined without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

36. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. The environmental role refers to 'contributing to protecting and enhancing our natural, built and historic environment.' As such, the following national policies in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:

- Chapter 2: Achieving sustainable development
- Chapter 9: Promoting sustainable transport
- Chapter 12: Achieving well-designed places
- Chapter 13: Protecting Green Belt Land
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment

PLANNING CONSIDERATIONS

Principle of Development

37. The NPPF sets out its support for renewable energy development in Chapter 14 (Meeting the challenge of climate change, flooding and coastal change).

38. Paragraph 152 of the NPPF states “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

39. Paragraph 158 of the NPPF goes on to state that “When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas”

40. Policy 1 (Presumption in Favour of Sustainable Development) of LPP1 states that “the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”
41. Policy 2 (Climate Change) of LPP1 provides support for mitigating against climate change and reducing carbon emissions and states that “development of new decentralised, renewable and low-carbon energy schemes appropriate for Rushcliffe will be promoted and encouraged including [solar] where these are compatible with environmental and heritage, landscape and other planning considerations.”
42. Policy 2 Renewable and low-carbon energy part 5 of the LPP1 supports “the extension of existing or development of new decentralised, renewable and low-carbon energy schemes appropriate for Rushcliffe will be promoted and encouraged, including biomass power generation, combined heat and power, wind, solar and micro generation systems, where these are compatible with environmental, heritage, landscape and other planning considerations. In line with the energy hierarchy, adjacent new developments will be expected to utilise such energy wherever it is feasible and viable to do so.”
43. Policy 16 Renewable Energy of the LPP2 supports “proposals for renewable energy schemes will be granted planning permission where they are acceptable in terms of:
- a) compliance with Green Belt policy;
 - b) landscape and visual effects;
 - c) ecology and biodiversity;
 - d) best and most versatile agricultural land;
 - e) the historic environment;
 - f) open space and other recreational uses;
 - g) amenity of nearby properties;
 - h) grid connection;
 - i) form and siting;
 - j) mitigation;
 - k) the decommissioning and reinstatement of land at the end of the operational life of the development;
 - l) cumulative impact with existing and proposed development;
 - m) emissions to ground, water courses and/or air;
 - n) odour;
 - o) vehicular access and traffic; and
 - p) proximity of generating plants to the renewable energy source.”
44. The principle of the proposed development is readily supported by both national and local policy, including adopted local policy support for renewable energy generation provided there are no unacceptable impacts.
45. In accordance with the NPPF, the adverse impacts of renewable energy generation need to be addressed satisfactorily. It is the impacts of proposals for renewable energy generation that need to be considered rather than the

principle of such development. Renewable energy proposals need to be considered favourably within the context that even if a proposal provides no local benefits, the energy produced should be considered a national benefit that can be shared by all communities and therefore this national benefit is a material consideration which should be given significant weight. There is strong in principle support for the proposed renewable energy development. This needs to be considered against the impacts of the proposal and the two are weighed which is a planning judgement subject to other material considerations and assessed below.

Green Belt

46. The Proposed Development is located within the Nottingham-Derby Green Belt. Policy 21 of the LPP (Green Belt) states that “Applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework.” National Green Belt policy is set out in Section 13 of the NPPF.

47. Paragraph 137 of the NPPF confirms that “the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

48. Paragraph 138 confirms the five purposes that the Green Belt serves:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

49. Paragraph 147 of the NPPF states that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in ‘very special circumstances’”.

50. Paragraph 148 of the NPPF goes on to state that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

51. Paragraph 149 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

52. The proposed development would cause a degree of harm to the Green Belt by virtue of being inappropriate and because of the reduction in openness it would involve. In addition, there would be a limited degree of harm to the landscape.

53. The scheme would represent a spatial incursion into the Green Belt, with built development occupying a large proportion of the application area.

54. The proposed development is, however, temporary in its nature (40 years). As such the harm to the Green Belt and the wider landscape would be reversible. It would be possible to return the land to its current state, whilst retaining elements of mitigation planting that will provide character and biodiversity benefits. These details can be secured by way of a condition. (Condition 5 in the list of conditions within this report).
55. A high level of activity would initially be generated during the construction of the solar farm. This would include the use of heavy machinery, stockpiling of materials, and increased traffic on the local road system. However, following completion of the scheme increased activity is likely to be limited to a low level.
56. Paragraph 151 of the NPPF states, with specific regard to renewable energy proposals “When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”
57. As stated in the submitted Planning, Design and Access Statement, paragraph 151 of the NPPF comments that elements of many renewable projects will comprise inappropriate development and not that renewable energy projects in their own right constitute inappropriate development. As such the compatibility of individual renewable energy projects in the Green Belt are to be judged on their individual merits and circumstances.
58. Whilst certain elements of the proposed development including a low-level solar array, with a limited number of ancillary buildings and infrastructure components, are capable of being inappropriate development, it is important to recognise that solar farms are not an uncommon feature within the Green Belt across the UK.
59. In this case, it is considered that any harm by reason of inappropriateness is clearly outweighed by other considerations, which amount to very special circumstances. These very special circumstances include:
- The proposal would have a renewable energy generating capacity of up to 49.9MW which would meet the needs of approximately 14,000 homes annually saving approximately 22,500 tonnes of CO₂ annually.
 - Reducing the UK’s reliance on finite resources such as fossil fuels and making an important contribution towards the Government’s climate change agenda and Net Zero Target;
 - The requirement that the solar farm is located on this site and no demonstrable better sites existing in the search area;
 - Support for the rural economy and its contribution to the diversification of the current operation of Church Farm and increase its profitability as a farming business;
 - Wider environmental benefits including a Biodiversity Net Gain (namely a 92.73% net gain in Habitat Units and a 64.44% net gain in Hedgerow Units);
 - The temporary and reversible nature of the proposal; and
 - Community benefits and the offer to make the solar farm available as an educational resource.

60. The proposed development therefore represents an opportunity to make an important contribution to this need and both the Government's and Rushcliffe Borough Council's climate change agenda.
61. One of the core planning principles of the NPPF is to encourage the use of renewable resources, for example by the development of renewable energy. Paragraph 152 of the NPPF states that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.
62. In view of the above it is considered that the proposal would not result in a significant interruption to the openness of the Green Belt in this location. On balance, the wider environmental benefits associated with increased production of energy from renewable sources to serve the development as set out above clearly outweigh the totality of harm by reason of its inappropriateness and other harm and the very special circumstances necessary to grant planning permission exist and a favourable recommendation is forthcoming.
63. It is therefore considered that on balance the development is acceptable and in accordance with Paragraph 148 of the NPPF and Policy 21 of the LPP2.

Land-Use and Development in the Countryside

64. Policy 22 (Development within the Countryside) of the LPP2 states that "Land beyond the Green Belt and the physical edge of settlements is identified as countryside and will be conserved and enhanced for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources, and to ensure it may be enjoyed by all."
65. Although the proposed development is in the countryside, the site is located entirely within the Nottingham-Derby Green Belt and Policy 22 refers only to land beyond the Green Belt. As such Policy 22 is not considered to apply to the proposed development.
66. The proposed development is not considered to compromise the conservation and enhancement of the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife and wealth of its natural resources. In these circumstances your officers consider that the proposed development is acceptable and in compliance with Policy 22 of the LPP2.

Landscape and Visual Effects

67. Policy 10 (Design and Enhancing Local Identity) of the Core Strategy states that "all new development should be designed to make a positive contribution to the public real and sense of place [and] create an attractive, safe, inclusive and healthy environment". It goes on to list the elements of development which will be assessed, which includes structure, impact on amenity of nearby residents, massing, scale and proportion, potential impact on important views and vistas, and setting of heritage assets. It also states that "outside of settlements, new development should conserve or where appropriate, enhance or restore landscape character. Proposals will be assessed with reference to the Greater Nottingham Landscape Character Assessment."

68. Policy 16 (Green Infrastructure, Landscape, Parks and Open Spaces) emphasises the importance of green infrastructure and open space in the Borough. It notes that developments will only be approved where “existing and potential Green Infrastructure corridors and assets are protected and enhanced”. It also notes “where new development has an adverse impact on Green Infrastructure corridors or assets, alternative scheme designs that have no or little impact should be considered before mitigation is provided (either on site or off site as appropriate). The need for and benefit of the development will be weighed against the harm caused” and states that development proposals should ensure that “Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment”
69. Policy 34 (Green Infrastructure and Open Space Assets) of the LPP2 states that “where a proposal would result in the loss of Green Infrastructure which is needed or will be needed in the future, this loss should be replaced by equivalent or better provision in terms of its usefulness, attractiveness, quantity and quality in a suitable location. Replacement Green Infrastructure should, where possible, improve the performance of the network and widen its function”.
70. Policy 2 (Climate Change) and Policy 16 (Renewable Energy) of the LPP2 state renewable energy developments must be compatible and acceptable in terms of their landscape and visual effects.
71. The proposed development scale and form would have an effect on the footpath which runs directly through the site. This would include the effects of the views of the panels themselves, as well as the effect of associated infrastructure, including the proposed security fencing.
72. As mentioned earlier in this report the Borough Council commissioned an independent landscape review of the proposal. The review concluded that “the LVA submitted with the application follows good practice guidance outlined in the Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3) and provides justified conclusions.
73. The review states that visual effects have been assessed in in detail, with modest effects predicted for most identified receptors, but ‘major’ effects predicted for residents of The Cottage at Year 15 and ‘major/moderate’ effects on users of the public right of way Foot Path 1 (FP01). These are the two receptor groups that are likely to perceive a reduction in visual openness. For both receptors, it is important to consider the existing context of visual openness, which is affected by proximity to the power station, electricity pylons, raised railway embankment, and mineral extraction. These elements of built infrastructure do reduce existing openness, but this would reduce further if the solar farm were to receive approval. In addition, the review states that landscape effects on the site itself should be assessed as ‘moderate’.
74. The review agrees with all assessments of predicted visual effects on identified receptors including the ‘major’ effects predicted for residents of The Cottage at Year 15 and ‘major/moderate’ effects on users of the footpath (FP1). It recommends that an additional photo visualisation is produced to understand fully the level of change that is likely to be experienced by the occupiers of The Cottage. The review states that the mitigation to include native hedgerow and

tree planting along the boundary of the solar farm will reduce the visual effects from 'substantial' to a 'major' level after the trees are established".

Flood Implications

75. The environmental statement concluded that the flood risk and drainage impacts are assessed as low and there will be an effect, however this will be localised, and will not impact on environmental and other features to their detriment when relating to existing uses. No objections to the application were received from the Lead Local Flood Agency. On this basis the application is therefore in accordance with Policy 17 of LPP2.

Impact on footpath

76. The initial concerns relating to the impact of the proposed development on the footpath were accommodated by revised proposals which involved the widening of the buffer along either side of the right of way. The result of these changes is a significant increase in the total width between hedgerows with the inclusion of wildflowers. The space is increased from 6m to 16m and will reduce the effects of the proposed development on people using FP1 and that mitigation planting would act to reduce harm on the perception of openness for walkers. This wide buffer will retain a feel of openness for the users of the footpath and provide wide views both to the north and south.

Impact on the views of village

77. The village of Kingston on Soar lies approximately 114m from the site at its closest point. The Landscape and Visual Appraisal submitted with the application outlines that the site is less associated with the settlement due to its proximity to main transport corridors and industrial development, the limited presence of landscape features and number of detracting man-made features.

78. The photomontages submitted illustrate that due to the distance from the village and the existing and proposed screening the actual impact on views from the village will be moderate. In addition, the views from residential curtilages and roads within the village will be further screened and filtered by existing screening and buildings.

Impact on The Cottage

79. The applicant provided mitigation for the impact of the proposed development on the existing cottage in the initial proposal by not including solar panels in the southernmost field which abuts the property. This results in a setback of approximately 130m between the cottage and the developed part of the site. An additional photomontage has been submitted by the agents which incorporates additional scattered trees along the northern boundary of "The Cottage" which provides further screening and mitigate against adverse impacts. The land between the solar panels and the cottage is proposed to become a managed wildlife area. Furthermore, the initial proposed access has been moved to enter via a more easterly access off Gotham Road thereby ensuring no vehicles will travel past the cottage.

80. A Landscape and Biodiversity Strategy, which is part of the Landscape Visual Assessment (LVA) demonstrates how existing hedgerows would be enhanced

by 'gapping up' and how additional hedgerows are proposed to provide additional screening, improve existing wildlife corridors, and provide biodiversity net gain. When juxtaposed with substantial benefits of the proposed development, it is considered that the proposed development complies with relevant planning policy relating to landscape and visual impact. It is recommended that the details and frequency regarding maintenance of grass and the grounds are set out in full in a Landscape Environmental Management Plan (LEMP) which will be managed by way of a planning condition if planning permission is granted. (Condition 11 in the list of conditions within this report). In this context it is considered that the proposals comply with the aims and objectives of the NPPF and relevant policies of the Rushcliffe LPP1 and LPP2.

Glint and Glare

81. A Glint and Glare Assessment was submitted with the application. It takes account of the landscaping and mitigation package included as part of the proposed development. Solar reflections are identified as being possible at 20 of the 28 residential receptors assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as High at 10 receptors, Medium at four receptors, Low at six receptors and None at the remaining eight receptors. Upon reviewing the actual visibility of the receptor, glint and glare impacts reduce to High at one receptor and None at all remaining receptors. Once mitigation measures were considered, all impacts reduce to None. The assessment recommends that mitigation measures should be put in place due to the high impact that was found during the visibility analysis at Residential Receptor 13 and Road Receptors 14, 15, 18, 19, 21 - 23 and 27. These mitigation measures includes native woodland and hedgerow planting/infilling along the southern and eastern boundaries of the proposed development.
82. The owners of "The Cottage" object to the proposal and have concerns of glint and glare. They contend that the proposals glint/ glare will be directed at the property. However, the Assessment has addressed the effects of glint and glare and their impact on receptors and concludes that all impacts fall within the relevant legislation and guidance that is available. In addition, the impact on all ground-based receptors is predicted to be either Low or None, and therefore not significant.
83. As such it is considered that the proposals comply with the aims and objectives of the NPPF, the relevant policies of the Rushcliffe Local Plans Part 1 and Part 2. Whilst it is acknowledged that some impact may arise the proposed landscaping has been designed to mitigate this impact.

Ecology and Biodiversity

84. Policy 17 (Biodiversity) of the LPP1 states "the biodiversity of Rushcliffe will be increased by:
- a) protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including areas and networks of priority habitats and species listed in the UK and Nottinghamshire Local Biodiversity Action Plans;
 - b) ensuring that fragmentation of the Green Infrastructure network is avoided wherever possible and improvements to the network benefit biodiversity,

including at a landscape scale, through the incorporation of existing habitats and the creation of new habitats;

- c) seeking to ensure new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate;
 - d) supporting the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreements; and
 - e) ensuring that where harm to biodiversity is unavoidable, and it has been demonstrated that no alternative sites or scheme designs are suitable, development should as a minimum firstly mitigate and if not possible compensate at a level equivalent to the biodiversity value of the habitat lost.”
85. The policy goes on to protect designated national and local sites of biological and geological importance for nature conservation and states that development on or affecting other, non-designated sites or wildlife corridors with biodiversity value will only be permitted where overriding need for the development.
86. Policy 1 (Development Requirements) of the LPP2 states that permission for new development will be granted where there are no significant adverse effects on important wildlife interests and where possible, the application demonstrates net gains in biodiversity.
87. Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms of ecology and biodiversity.
88. Policy 37 (Trees and Woodlands) of the LPP2 states that “adverse impacts on mature tree (s) must be avoided, mitigated or, if removal of the tree(s) is justified, it should be replaced” and that “permission will not be granted for development which would adversely affect an area of ancient, semi-natural woodland or an ancient or veteran tree, unless the need for, and public benefits of, the development in that location clearly outweigh the loss.” It goes on to state that “wherever tree planting would provide the most appropriate net-gains in biodiversity, the planting of additional locally native trees should be included in new developments. To ensure tree planting is resilient to climate change and diseases a wide range of species should be included on each site.”
89. Parts of the site fall within the local designated Green Infrastructure Corridor and Biodiversity Opportunity Areas.
90. The Ecological Statement that forms part of the planning application describes habitats and ecological receptors within the site, assesses their ecological value and identifies potential effects resulting from the proposed development. The survey identified potential for ground nesting bird species within arable and grassland fields. Six breeding territories for skylark were identified within boundary habitats, along with potential for farm birds within boundary habitats, potential for brown hare within arable fields and boundary habitats and potential for other protected species such as water vole, otter, hedgehog, and white-clawed crayfish but restricted to boundary habitats.

91. The applicant included mitigation-by-design measures into the proposed development and submitted a Landscape and Biodiversity Strategy to provide a biodiversity net gain during the operation of the proposed development. These include the provision of 5 – 15 metre buffers along boundary habitats, provision of a 30m buffer from an off-site boundary veteran tree in accordance, conversion of arable fields to low-intensity grazed pasture and/or wildflower margins and the retention, enhancement and strengthening of boundary habitats to provide an improved connective habitat resources post-development. Numerous bird and bat boxes are proposed along southeast and western boundaries of the site within areas 1, 2, 3, 4 and 5 as indicated on the landscape and biodiversity strategy plan.
92. In the event that planning permission was granted, the proposed landscaping plan could be conditioned through a Biodiversity Management plan. (Condition 15 in the list of conditions within this report). This would ensure the successful establishment and long-term management of new and retained habitats. There will also be a net gain in biodiversity as result of the application. The development proposes the use of less mature plants to create and strengthen screening, as is generally standard across the industry. It should be noted, however, that much of the site already benefits from strong screening and new screening will be made up of a mixture of plants, some of which will be faster growing. The Council's Ecology and Sustainability Officer has no objections to the proposal.
93. The submitted Biodiversity Net Gain Assessment identifies that the habitats units for the site result in a +86% net gain. The hedgerow units for the site result in a 64% net gain.
94. The biodiversity benefits of the landscape scheme include a notable increase in the local resource of wildflower meadows and pastureland, converted from intensively managed monoculture arable habitats; the strengthening and enhancement of boundary features through the proposed hedgerow planting; the strengthening and strengthening of the Green Infrastructure network across the site. Increased foraging, commuting and shelter opportunities for a variety of faunal species and species-rich grass.
95. It is considered that the proposal would not result in any significant impacts on biodiversity. Indeed, there would be a number of benefits as a result of the new habitat that is proposed resulting in a significant biodiversity net gain. As such your officers conclude that the proposed development complies with policy 17 of LPP1 and policy 37 of LPP2.

Best and Most Versatile (BMV) Agricultural Land

96. Paragraph 152 of the NPPF states that renewable and low energy carbon energy and associated infrastructure should be supported. In addition, Paragraph 158 of the NPPF outlines that local planning authorities should approve renewable and low carbon development applications if its impacts are or can be made acceptable.
97. Policy 1 (Development Requirements) of the LPP1 states that permission for new development will be granted where "development should have regard to the best and most versatile agricultural classification of the land, with a preference for the use of lower quality over higher quality agricultural land."

98. Criterion 12 of LPP2 Policy 1 states that “development should have regard to the best and most versatile agricultural classification of the land, with a preference for the use of lower quality over higher quality agricultural land. Development should also aim to minimise soil disturbance as far as possible”. In addition, guidance is contained within the NPPG regarding large scale solar farms which states that where a proposal involves greenfield land it should be demonstrated:
- a) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
 - b) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
99. Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms of best and most versatile agricultural land.
100. The Alternative Site Assessment report that forms part of the planning application, describes the process that the Applicant followed to identify the application site, including the consideration of previously developed land and lower grade agricultural land. The search areas were constrained by a mixture of factors, including Grade 2 agricultural land and flood risk. The Assessment concludes that there are no alternative sites that are more suitable than the proposed site for the proposed development, when considered relative to the applied criteria, including avoiding designated sites, using lower or equal grade agricultural land, and avoiding areas subject to a higher risk of flooding. Therefore, the Alternative Site Assessment report addresses the first consideration of the NPPG about the nature of agricultural land involved.
101. Objections on this matter have been received from Councillor Rex Walker, Gotham Parish Council, Sutton Bonington Parish Council and Kingston on Soar Parish Council. The objections were concerned about the loss of agricultural land and the impact of such developments.
102. By way of overall context 30% (18.2ha) of the site is graded as grade 2 agricultural land (very good quality) and 5% (3.1ha) of the site is graded as sub-grade 3a (good quality) agricultural land. This represents a cumulative size of 21.3ha (35%). The amount of land classified as best and most versatile (BMV) agricultural land is above the threshold (20ha of BMV). Natural England were consulted as a statutory consultee as the land comprises more than 20 ha. No response had been received at the time this report was prepared. Any comments received will be reported at the meeting. Nevertheless, based on all the information available your officers consider that the proposed development would not have an unacceptable impact on the agricultural land that would justify a reason to refuse planning permission.
103. The site comprises predominantly of grade 3 agricultural land and the nature of the development is such that it would likely require reasonably low levels of ground disturbance (such as footings, substations and ancillary equipment, access). The submitted planning statement states that at the end of the operational lifespan the solar panels and other infrastructure would be

removed, and the site restored back to full agricultural use. This restoration would be secured by attaching a suitable condition to any planning permission. (Condition 5 in the list of conditions within this report).

104. In this regard the applicant has undertaken an Alternative Site Selection to address the first consideration and proposes a 'dual-use' of the site, allowing sheep to graze in and around the solar arrays during the operational life of the proposed development, to address the second consideration.
105. In these circumstances, the development proposed is a temporary reversible use of the land, which would not result in the permanent loss of good quality agricultural land, and the land would not be permanently unavailable for agricultural use together with biodiversity enhancements.
106. Overall, it is concluded that the proposal would not have an unacceptable impact upon the agricultural land. As such your officers consider that the proposal complies with the LPP1 Policy 1; LPP2 Policy 1 and 16 and the NPPF paragraph 152 and 158 in relation to renewable developments and agricultural land.

The Historic Environment

107. Chapter 16 of the NPPF addresses the historic environment. It identifies heritage assets as 'an irreplaceable resource' and notes that "they should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".
108. Paragraph 200 of the NPPF states that "where designated assets are concerned great weight should be given to its conservation and any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
 - a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."
109. Paragraph 201 of the NPPF states "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.”

110. Policy 11 (Historic Environment) of LPP1 states that “proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.” It goes on to state that elements of particular importance include Registered Parks and Gardens and prominent Listed Buildings. Policy 1 (Development Requirements) of the LPP1 states that permission for new development will be granted where “there is no significant adverse effect on any historic sites and their settings including listed buildings, buildings of local interest, conservation areas, scheduled ancient monuments, and historic parks and gardens”.
111. Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms the historic environment. Policy 28 (Conserving and Enhancing Heritage Assets) of the LPP2 states that “proposals that affect heritage assets will be required to demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development in order that a decision can be made as to whether the merits of the proposals for the site bring public benefits which decisively outweigh any harm arising from the proposals.” It then goes on to set out the criteria against which proposals affecting a heritage asset will be considered, including the significance of the asset and whether the proposals would be sympathetic to the character and appearance of the heritage asset.
112. The Council’s Conservation Officer comments that whilst the proposal site is not located within a Conservation Area the proposal site is close to several Grade II listed buildings off Gotham Road associated with Kingston Hall and it is close to several Grade I and II listed buildings within the village of Kingston on Soar along Kegworth Road.
113. The Conservation Officer noted that the scheme has been designed to lessen potential impacts on the identified designated heritage assets and that these are considered appropriate in that they seek to reduce potential harm resulting from the development proposals. Furthermore, the conservation officer notes that the consideration of potential effects on significance through early assessment to inform the scope and form of development is a best practice approach and is in accordance with guidance from Historic England.
114. The Conservation Officer supports the strengthening of vegetation and planting and considered that the proposal would not cause harm to the significance of the surrounding graded buildings and their settings and that the special interest of the designated heritage assets would be preserved as required by Policy 11 of the LPP1.
115. The County Council’s Archaeology Officer stated that should permission be granted then the inclusion of conditions put forward by the cultural heritage consultant (AOC Archaeology) would be satisfactory. (Conditions 18, 19, 20, 21, 22, 23, 24 in the list of conditions within this report).
116. An appropriate and proportionate level of settings assessment has been undertaken which concludes that the application site does not constitute a key

element of the setting of any designated heritage asset. As such, redevelopment of the Site would not result in harm to the significance of any designated heritage assets. It is therefore, considered that the current assessment comprises a proportionate level of information to inform the determination of the planning application (in accordance with paragraph 194 of the NPPF). It is also considered that the proposals are consistent with other provisions of the NPPF within chapter 16 (Conserving and enhancing the historic environment), the Local Plan. As such, your officers consider that the proposal has demonstrated that it has taken into consideration the impacts on the nearby heritage assets. The development is assessed as in accordance with the Planning (Listed Building and Conservation Areas) Act 1990 sections 66 and 72.

Open Space and other Recreational Uses

117. A public right of way runs through the application site, and it is proposed that this would be retained throughout the operational life of the development. Policy 16(1)(f) of the LPP2 requires that effects of the proposed development on open space and recreational uses be acceptable.
118. Policy 34(1) of the LPP2 expressly seeks to protect Green Infrastructure (including rights of way) from development which adversely affects its function or its contribution to a wider network, unless the need for the asset is proven to no longer exist and the benefits of the development in that location outweigh the adverse effects on the asset.
119. The Rights of Way Officer at Nottinghamshire County had no objections and stated that maintaining the right of way in its current location is acceptable.
120. The treatment of the right of way, hedges, fences and new access routes and effects on amenity was considered by the applicant in response to the concerns of the Rights of Way Officer at Nottinghamshire County. Furthermore, the applicants have submitted an updated cross-section of the footpath indicating an increased buffer from 6m to 16m. This wide buffer will retain a feel of openness for users of the footpath and provide wide views both to the north and south. Therefore, creating a positive impact on the footpath which is in alignment with Policy 16 and 34 of LPP2.

Amenity of Nearby Properties

121. Policy 10 (Design and Enhancing Local Identity) of the LPP1 states that development will be assessed in terms of its treatment of the impact on the amenity of nearby residents.
122. Policy 1 (Development Requirements) of the LPP2 states that permission for new development will be granted where “there is no significant adverse effect upon the amenity, particularly residential amenity and adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated”.
123. Policy 34 (Green Infrastructure and Open Space Assets) states that Green Infrastructure assets, including rights of way, “will be protected from development which adversely affects their green infrastructure function (or their contribution to a wider network) unless the need for the asset is proven to

no longer exist and the benefits of development, in that location, outweigh the adverse effects on the asset”.

124. The primary construction phase of the proposed development is expected to last for approximately 16-24 weeks. During this period, initial site setup works including access maintenance and improvements would be undertaken where considered to be beneficial to the use of the access, followed by construction of the internal access route(s), ground works, the installation of the solar panels and other infrastructure. Facilities would be provided on site for construction workers, including provision of a site office and welfare facilities (including toilets, changing, and drying facilities, and a canteen). During operation it is expected that under normal circumstances no more than 4 cars/vans would visit the Site each week (generally less than 1 per day).
125. In this context the proposed development is considered to be acceptable in terms of its impact upon residential amenity and accords with relevant planning policy.
126. A Glint and Glare report has been commissioned by the applicant and the summary of the conclusion is that overall, no significant impacts upon the assessed ground-based receptors have been identified and mitigation is therefore not required. No significant impacts are predicted upon aviation activity at East Midlands Airport and no further detailed assessment is recommended in the submission. East Midlands Airport Safeguarding have been consulted and have not raised any objections on the basis of glint and glare. However, the Airport has requested conditions and informative notes to be attached to any permission. As such, it is considered that the proposals comply with the aims and objectives of the NPPF, policies of the Rushcliffe LPP1 and LPP2.
127. The application is supported by a noise assessment (undertaken by Tetra Tech) which assesses the operational noise from the string inverters and transformer noise associated with the sub-station. The assessment was based on the plant operating simultaneously at full capacity during the daytime and the inverters and solar panels not being operational at night. The noise assessment has identified the rating levels from the proposed operations are typically below the measured daytime and night-time background noise levels in the area at the closest sensitive receptors, which indicates a low impact. The report concludes the proposed solar farm is predicted to have a low impact. The Council’s Environmental Health Officer has not raised any objections and considers that the noise assessment has been carried out in accordance with good practice guidance and agrees with the findings of the noise assessment.

Grid Connection

128. The National Policy Statements (‘NPSs’) make up the planning policy framework for examining and determining Nationally Significant Infrastructure Projects (‘NSIPs’). As the proposed development is not a NSIP, the NPSs are not directly relevant; however, they do form material considerations in the determination of the planning application.
129. It is estimated that the solar panels would generate around 49.9 MW, which would power approximately 14,000 homes annually. However, the restriction

on output would be conditioned. (Condition 6 in the list of conditions within this report).

130. The solar panels would feed DC electricity into the inverters. This would be converted to AC electricity to be transferred through the switch rooms, through the meters, to the substation compound before stepping up the voltage to feed into the grid via the pylons. The substations, inverters and solar panels would be connected by underground electrical cables.
131. The point of connection for the proposed development into the electricity grid is via an overhead line which runs over the site.

Form and Siting

132. Policy 10 (Design and Enhancing Local Identity) of the LPP1 states “all new development should be designed to make:
 - a.) a positive contribution to the public realm and sense of place;
 - b.) create an attractive, safe, inclusive and healthy environment;
 - c.) reinforce valued local characteristics;
 - d.) be adaptable to meet evolving demands and the effects of climate change; and
 - e.) reflect the need to reduce the dominance of motor vehicles.
133. Policy 1 (Development Requirements) of the LPP2 states that permission for new development will be granted where “the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area”.
134. The proposed development would consist primarily of solar panels mounted on a treated metal framework. This is considered the minimal level of development necessary to ensure that the site performs effectively with regard to its main purpose of generating renewable electricity. The inverters would be set within the rows of panels to reduce visual impact. The Point of Connection tower and substation compound are in the vicinity of an existing electricity pylon, into which the mast is proposed to connect.
135. All the buildings at the site would be single storey. This will ensure that they would not be significantly visible from most viewpoints outside of the site. When viewed from nearby vantage points, your officers do not consider that the scale of development would not be overbearing due to its low profile. This situation would be further safeguarded when proposed screen planting matures, which, in addition to the significant existing screening around the site, would effectively assimilate the site into the local landscape over time.
136. The highest structures associated with the proposed development would be transformers within the substation compound, at approximately 6.0m high. It is proposed that the majority of the other structures, including the solar panels, would be no more than 3m high which is the height of a mature hedgerow. It is therefore considered that the scale of the proposed development is appropriate to the location. 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.

137. 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. The landscaping and planting proposals associated with the proposed development would bring about significant ecological benefit when compared to the present situation, including upgrading lower-value, biodiversity-poor, arable land to higher value habitats.
138. The views expressed by consultees have been incorporated into the scheme and have resulted in changes and additions to the proposed development. These include changes to the site layout, such as the removal of panels close to The Cottage and additional scattered trees along the hedgerow boundary; standoffs from sensitive features; and amendments to the proposed access route to reduce construction vehicles going close to the village of Kingston on Soar.
139. It is therefore assessed on planning balance that the development is acceptable and in accordance with Policy 10 of LPP1.

Decommissioning And Reinstatement of Land

140. At the end of the operational lifespan (40 years), the solar panels and other infrastructure would be removed, and the site restored back to full agricultural use. The small quantity of foundations, hard surfacing, and heavy infrastructure, in combination with retaining the majority of the site as grassland, means that the land would be relatively straightforward to restore. The restoration process would ensure that the land is restored to the same quality as it was previously, and in the event that planning permission was granted this would be secured through a suitable condition. (Condition 5 in the list of conditions within this report).

Cumulative Impacts

141. Policy 16(1)(l) of the LPP2 requires that the cumulative impact of both existing and proposed developments is acceptable. PPG also highlights that the cumulative impact of large-scale solar farms requires particular attention. It also advises that the approach to assessing cumulative landscape and visual impact of large-scale solar farms is similar to that used to assess the impact of wind turbines. Detailed guidance in this regard is set out in the PPG.
142. The application site adjoins part of the operational land associated to the Ratcliffe on Soar Power Station, which is currently due to be decommissioned in 2024. A Local Development Order ('LDO') is currently being prepared by the Council to enable the redevelopment of the power station site, including the land located to the north of the A453 ('the Northern Area') and the associated ash fields, located to the south of the A453 ('the Southern Area'), into an industrial park focused on green energy generation and advanced manufacturing to support the production of technology required to transition to a low carbon economy. The application site adjoins part of the Southern Area of the LDO site.

143. The Council's independent landscape review concludes that due to intervening vegetation, topography, and elements of built development, there will be no intervisibility between the three proposed sites. As such, it is considered that there is no cumulative visual effect. The review also outlines that should all the proposals be approved this would not have a significant impact on the landscape character of the area. Whilst 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, this would be minor across the wider landscape character areas (the East Leake Rolling Farmland and the Gotham and West Leake Hills and Scarps).
144. An assessment of cumulative landscape and visual effects was submitted by the applicant. It concludes that there will be the potential for low level cumulative landscape effects on the Nottinghamshire Wolds LCA due to the in-combination effects of the four solar sites together. Cllr. Walker, Cllr. Barney, Gotham Parish Council, Sutton Bonington Parish Council and Kingston on Soar Parish Council all objected to the cumulative impact of the proposed renewable energy developments. However, on the balance of the evidence your officers consider that the development is acceptable and in accordance with Policy 16 of LPP2.

Emissions to Ground, Water Courses And/or Air

145. Policy 39 (Health Impacts of Development) of the LPP2 states that "the potential for achieving positive health outcomes will be taken into account when considering development proposals. Where any significant adverse impacts are identified, the applicant will be expected to demonstrate how these will be addressed and mitigated."
146. Policy 40 (Pollution and Land Contamination) of the LPP2 states that "permission will not be granted for development which would result in an unacceptable level of pollution or is likely to result in unacceptable exposure of sources of pollution or risks to safety".
147. The nature of the proposed development is such that it is unlikely to cause any form of pollution during its operational stage. This is because there are no significant noise sources, traffic would be very low and the proposed development would not be lit at night. It would not result in any emissions to air during its operation other than those from vehicles associated with periodic maintenance/inspection visits to the site. Emissions associated with the construction phase would relate to construction vehicles and it is considered would not be of a level to cause harm to the environment. It is considered that emissions would be more than offset by the benefits of generating renewable energy at the site. In these circumstances your officers consider that the proposed development is acceptable in terms of its impact upon emissions and accords with Policies 39 and 40 of the LPP2.

Odour

148. Policy 41 (Air Quality) of the LPP2 states that "planning permission will not be granted for development proposals that have the potential to adversely impact on air quality, unless measures to mitigate or offset their emissions and impacts have been incorporated."

149. The nature of the proposed development is such that no odour will be generated during the operational stage. No objections were provided from Natural Health Agency and the Environmental Health Officer England. Therefore, the proposed development is considered in alignment with policy 41 of the LPP2 regarding air quality.

Flood Risk

150. Policy 2 (Climate Change) of the LPP1 states that “Development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere and where possible reduce flood risk, adopting the precautionary principle to development, will be supported.” It goes on to state where no reasonable Site is available within Flood Zone 1 a sequential test must be carried out and provides details of the exception test. Furthermore, it states “all new development should incorporate measures to reduce surface water run-off and the implementation of sustainable drainage into all new development will be sought unless ... not viable or technical feasible.”

151. Policy 17 (Managing Flood Risk) of the LPP2 states that “planning permission will be granted for development in areas where a risk of flooding or problems of surface water disposal exists provided that the sequential test and exception test are applied and satisfied in accordance with the NPPF and NPPG [and] development does not increase the risk of flooding on the site, or elsewhere” amongst other things. It goes on to state that “development proposals in areas of flood risk will only be considered when accompanied by a site-specific flood risk assessment. Proposals will be expected to include mitigation measures which protected the site and manage any residual flood risk”.

152. Policy 18 (Surface Water Management) of the LPP2 states that “to increase the levels of water attenuation, storage and water quality, and where appropriate, development must, at an early stage in the design process, identify opportunities to incorporate a range of deliverable Sustainable Drainage Systems, appropriate to the size and type of development. The choice of drainage systems should comply with the drainage hierarchy.” It goes on to state “planning permission will be granted for development which is appropriate located taking account of the level of flood risk and which promote the incorporation of appropriate mitigation measures into new development, such as sustainable drainage systems” amongst other things.

153. 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. In relation to Flood Risk Vulnerability and Flood Zone ‘Compatibility’, it is considered that the development passes both the Sequential Test and the Exception Test and the small proportion of the solar array in Flood Zones 2 and 3 is compatible with respect to flood risk.

154. Rainfall falling onto the photovoltaic panels would runoff directly to the ground beneath the panels and infiltrate into the ground at the same rate as it does in the site’s existing greenfield state. Existing drainage features would be retained, and the site would remain vegetated through construction and operation of the Solar Farm to prevent soil erosion. Whilst it is considered that the photovoltaic panels will not result in a material increase in surface water

run-off, it is proposed to provide sustainable drainage arrangements by way of swales in the lower areas of the site to intercept extreme flows which may already run offsite. Swales will be sown with the appropriate seed mix upon construction and vegetation will be maintained by the landowner thereafter for the life of the proposed development. The proposed maintenance procedures are set out in Table E of the Flood Risk Assessment.

155. A sustainable drainage strategy, involving the implementation of sustainable drainage in the form 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 strategy comments that the swales do not form part of a formal drainage scheme for the development but are provided as a form of 'betterment'. The proposed drainage strategy would ensure that the development would 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.
156. The Environment Agency, NCC as Lead Flood Risk Authority and the Internal Drainage Board (TVIDB) have not raised objections to the proposal from a surface water/ flood risk perspective. In these circumstances it is considered that the proposed development is acceptable in terms of flood risk and drainage and accords with Policy 17 of LPP2. and is both an acceptable and an appropriate way to manage the circumstances on the application site. In the event that planning permission, is granted the matter could be controlled by way of conditions. (Condition 17 and 30 in the list of conditions within this report).

Vehicular Access and Traffic

157. Paragraph 110 of the NPPF outlines in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
 - a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
158. Paragraph 111 of the NPPF states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
159. Policy 15 (Transport Infrastructure Priorities) of the LPP1 states that “new development, singly or in combination with other proposed development, must

include a sufficient package of measures to ensure that... residual car trips will not severely impact on the wider transport system in terms of its effective operation.”

160. Policy 1 (Development Requirements) of the LPP2 states that permission for new development will be granted where “a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority”.
161. Policy16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms of vehicular access and traffic.
162. The County Council has raised no objection to the proposal and is satisfied with the footpath boundary hedge and the inclusion of the cross-sectional indicative drawing of the right of way. The County Council officers suggest that a design detail submission and surface repair controls should be incorporated by way of a condition (and as suggested by the applicant). (Condition 30 in the list of conditions within this report).
163. Following feedback from the local community which overlaps with agricultural-related operational concerns, the applicant has proposed to create a new access further east along Gotham Road, closer to the A453 via West Leake Lane. This ensures that traffic is kept away from residential properties as much as possible and reduces the potential for traffic to impact upon the village of Kingston on Soar. Maps showing the site access and construction routing can be found in the Transport Statement. Furthermore, the applicant acknowledged that the maintenance of any existing and proposed hedges, fences and trees are the responsibility of the developer/landowner to maintain so that there is no interference with the rights of way. The applicant proposes that before and after the construction of the development that a condition survey of the public right of way surfacing is carried out, with any rutting / damage to be remediated. This survey is proposed to be undertaken by the applicant with a representative of the County Council invited. In the event that planning permission is granted this matter can be controlled by way of condition. (Condition 30 in the list of conditions within this report).
164. Safety concerns of the footpath users during the construction phase will require temporary mitigation. The applicant is happy to implement such measures to industry and health and safety standards.
165. Based on the mitigation measures proposed by the applicant, your officers consider the proposal would not have an unacceptable impact on the local highway network and would provide safe access/egress in line with local and national planning policy. In the event that planning permission was granted the matter could be controlled by way of a condition. (Condition 26 in the list of conditions within this report).

Planning Direction 2021

166. The Town and Country Planning (Consultation) (England) Direction 2021 requires that for certain types of applications where a local planning authority does not propose to refuse an application for planning permission to which the Direction applies, the authority shall consult the Secretary of State. One of the

types of applications is that which includes inappropriate development on land allocated as Green Belt in the development plan and which consists of development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. Given the circumstances presented by the current application, it will need to be referred to the Secretary of State.

PLANNING BALANCE

- 167 Section 36 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
168. It is considered that the principle of the proposed development complies with relevant local and national planning policy. A Green Belt Assessment has been provided which includes a robust 'very special circumstances' case. It concludes that, on balance, the benefits outweigh the harm to the Green Belt.
169. There is an urgent and compelling need for the generation of renewable energy in the UK. Solar energy forms a significant part of the contribution towards the UK becoming carbon net zero, with wind and solar providing the predominant contributor to the UK's electricity. This approach reflects wider Government policy and guidance which is designed to address the potential impacts of climate change, to ensure energy security, economic growth, and the reduction in using natural gas to heat properties.
170. The principle of 'openness' has already been influenced by previous development within the Green Belt including transport corridors, pylons, settlement and the Ratcliffe Power Station. These features are apparent across the site. The existing mature landscape screening and proposed landscaping scheme would help reduce the impact upon the visual amenity of the Green Belt, with its overall purpose being maintained.
171. It has been demonstrated that the proposed development would not have a significant adverse effect on the setting of the nearby heritage assets.
172. The proposed development would not cause any significant adverse environmental impacts and would provide the opportunity to bring ecological and landscape enhancements to the local area. In compliance with the NPPF, the proposal would help boost economic growth and support new employment opportunities.
174. In overall conclusion, it is considered that the proposed development would not give rise to unacceptable environmental effects and that the benefits of the scheme are substantial and clearly outweigh any negative harm. In this regard, the proposed development is sustainable development for the purposes of the NPPF and compliant with the Development Plan.
175. The adverse impacts of the development are not so significant to warrant a recommendation of refusal of the application. The planning balance weighs heavily in favour of the proposed development because of the reasons outlined above.

CONCLUSION

176. It has been demonstrated that the proposed development complies with planning policy and there are significant benefits associated with its implementation. The environmental and technical reports that form part of the planning application demonstrate that there would be no unacceptable environmental impacts, and there are several added benefits, including habitat creation and biodiversity gains.
177. The proposed development is located within the Green Belt and is inappropriate development. A very special circumstances report has been submitted, and it is considered that on balance, the very special circumstances outweigh the harm caused by the inappropriate development.
178. These factors, when combined with the significant need for renewable energy, mean that the planning balance (and when considered in the context of the tests under Section 38(6) Planning and Compulsory Purchase Act 2004) is weighted significantly in favour of the proposed development.

Other matters

179. In preparing the application for consideration by the Committee it has been identified that the application needed to be advertised as a departure from the development plan. This has now been addressed and the date for the receipt of comments is yet to expire. The impact of this is that if the Committee is minded to grant planning permission for the application, no decision will be issued until the re-consultation period has expired and no new material considerations have been raised as part of this consultation. Any responses which are made as a result of this consultation period will be considered by the Service Manager for Planning in consultation with the Chairman of the Committee. Should representations be received which it is considered constitute material planning considerations not already addressed in this report, the application will be brought back to the Committee. Should no material considerations be raised as part of the consultation, the application will then be referred to the National Planning Casework Unit. A decision can only be issued once the National Planning Casework Unit confirm they do not wish to call in the application for a decision by the Secretary of State.

RECOMMENDATION

It is RECOMMENDED that, on expiry of the consultation period and in the event that no new material planning considerations have arisen from that consultation, in accordance with the Town and Country Planning (Consultation) (England) Direction 2021, the application be referred to the National Planning Casework Unit and that, subject to the application not being called in for determination by the Department for Levelling Up, Housing and Communities (DLUHC), the Director Development & Economic Growth be authorised to grant planning permission subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall not exceed the limits contained within the approved Development Zone Plans Plan Reference RNC010-DZ-01 Rev 06.

[To ensure the development is carried out in accordance with the details hereby approved and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy.]

3. No development shall commence until full details (which must be within the parameters set out in the submitted Planning Design and Access Statement dated April 2022 and completed by DWD Property & Planning) of the final layout, locations and dimensions, design, materials and colour (where appropriate) to be used for the panel arrays, inverters, substation, control building, switch room, CCTV cameras, fencing and any other components of the scheme shall be submitted to and approved in writing by the LPA. The development shall only be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the use.

[For the avoidance of doubt and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy.]

4. The development hereby permitted shall be carried out in accordance with the FRA (reference R429, March 2022).

[To reduce the risk of flooding to the proposed development having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019.)

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 (whichever is sooner).

[To ensure that the local planning authority can retain control over use of the land in the long term and to ensure the removal of the equipment when electricity is no longer being generated on the site in the interests of the visual amenities of the area and to ensure safe and free flow of traffic and the protection of the amenities of surrounding properties during decommissioning having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policies and Policy 1 (Development Requirements), 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework. This is a pre commencement condition required to ensure that the nature of the site of temporary solar farm is ensured to be restored and all equipment removed.]

6. The development hereby approved shall be restricted to a maximum of 49.9 megawatts (MW).

[The application has been assessed and determined on this basis and for the avoidance of doubt having regard to Rushcliffe Local Plan Part 1: Core Strategy (2014) and Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

7. Within 24 months of the completion and commencement of operations of the development hereby approved (such a date as to be notified to the LPA) in the event of any complaint to the Council from Network Rail relating to signal sighting safety or driver distraction, upon notification to the LPA, the applicant or operator of the solar farm shall as soon as possible and not later than 28 days, submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

[In the interests of the safety, operational needs and integrity of the railway.]

8. During construction and in perpetuity, measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. No pools or rutting of the ground that will create puddling. If necessary, measures should be taken to monitor and prevent access to the array by birds who might be attracted to the warmth and safety of the array to roost or nest.

[In the interests of flight safety - Bird strike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of East Midlands Airport (EMA) that would increase the risk of a Bird strike to aircraft using EMA.]

9. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

[In the interests of flight safety and to prevent distraction and confusion to

pilots using East Midlands Airport.]

10. Notwithstanding the Landscape Strategy indicated in the submitted supporting Landscape Visual Impact Assessment (LVIA) prior to the operation being brought into use a detailed Landscaping Scheme, shall be completed in full in accordance with the timetable for implementation.

The detailed Landscape Scheme must be in accordance with Plan EDP 7: Illustrative Landscape and Biodiversity Strategy dated 20 October 2022. The detailed Landscaping Scheme must provide details of all hard and soft landscaping features to be used and include the:

- a) An accurate survey of all existing trees and other natural features showing those to be retained and those to be removed;
- b) Detailed plans showing the location of all new trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow.
- c) A schedule of the new trees and shrubs (using their botanical/latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees);
- d) Plans showing the proposed finished land levels/contours of landscaped areas;
- e) Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features;
- f) Details of the protection measures to be used of any existing landscape features to be retained.
- g) A timetable for implementation
- h) On-going management plan to ensure maintenance of any approved landscaping (including who will be responsible for the continuing implementation, phasing arrangements)
- i) Updated security fence details showing a strip of land outside the site as per the ecological mitigation

[The approved Landscape Scheme must be carried out and completed in accordance with the approved details as submitted with the landscape and biodiversity strategy plan to ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework.]

11. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved Landscape Scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1

(Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework.]

12. The development shall be undertaken in accordance with the approved mitigation and enhancement measures and/or works and shall be carried out in accordance with the details contained in Biodiversity Net Gain Report by Ecology Resources dated April 2022 and any subsequently approved details and all features shall be retained in that manner thereafter.

[To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (February 2019). And to conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).]

13. Prior to any external flood/security lighting being brought into first use, a lighting assessment (together with a lux plot of the estimated illuminance) shall be submitted to and approved by the Local Planning Authority. Any such assessment should consider the potential for light spill and/or glare, in accordance with the Institute of Lighting Professionals (ILP) Guidance Note for the Reduction of Obtrusive Light 01/21).

[To ensure there is no adverse impact on nearby properties should there be a requirement to install lighting at any time in the future.]

14. A Landscape and Ecological Management Plan (LEMP), including biodiversity improvements in accordance with the applicants Biodiversity Net Gain calculations submitted with this application, and any updated calculations, if necessary, shall be submitted to and approved in writing by the Local Planning Authority prior to first use.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the

developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The Landscape and Ecology Management Plan shall be implemented prior to the first use of the hereby approved development and thereafter maintained for the lifetime of the development.

[To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (February 2019). To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).]

15. Construction times (including deliveries) shall be limited to the following hours:

- 08:00 - 18:00 Monday to Friday; and
- 08:00 - 13:00 Saturday.
- None on Sundays or Bank Holidays

No works nor delivers shall take place outside of these time without the prior written agreement of the Local Planning Authority

[To protect the amenities for the duration of the construction of the development hereby permitted, having regard to having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

16. The development hereby permitted must not commence, including any enabling works, until a Construction Environmental Management Plan (CEMP) has first been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall have regard to the Flood Risk Assessment condition 30, Landscape Scheme condition 10 and LEMP condition 14 and provide for:

- a) the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting;
- b) measures to control the emission of smoke, dust and dirt during the construction/installation of solar panels and for the life of the development.
- c) measures for the storage/recycling/disposal of waste resulting from the construction works;
- d) any hoarding to be erected/ security fencing

The approved CEMP must be adhered to at all times throughout the construction period for the development.

[In the interests of highway and flight safety to protect the amenities of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). Dust and smoke are dangerous to aircraft engines; and can be a visual hazard to pilots and air traffic controllers. This is a pre commencement condition required to ensure that the construction works fully compliment and ensures that the ecological and environmental requirements are achieved from the outset of the development]

17. The development hereby permitted must not commence until a programme of archaeological mitigation has been secured in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant and approved in writing by the Local Planning Authority.

[To ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework. This is a pre commencement condition required to ensure that historic assets are protected and or recorded prior to loss or damage once the development is undertaken.]

18. All works carried out within the archaeological areas identified by the WSI within Fields A and B shall be carried out under archaeological control in accordance with the WSI.

[To ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework. This is a pre commencement condition required to ensure that historic assets are protected and or recorded prior to loss or damage once the development is undertaken.]

19. No development or preliminary groundworks shall take place outside the archaeological areas until a programme of archaeological evaluation has been secured in accordance with the approved WSI.

[To ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy

(2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework. This is a pre commencement condition required to ensure that historic assets are protected and or recorded prior to loss or damage once the development is undertaken.]

20. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI and confirmed by the Local Authority archaeological advisors.

[To ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework. This is a pre commencement condition required to ensure that historic assets are protected and or recorded prior to loss or damage once the development is undertaken.]

21. A mitigation strategy detailing the excavation/ preservation shall be submitted to and approved in writing by the Local Planning Authority following the completion of the archaeological evaluation.

[To ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework. This is a pre commencement condition required to ensure that historic assets are protected and or recorded prior to loss or damage once the development is undertaken.]

22. No development of preliminary groundworks must commence on those areas containing archaeological deposits within the site until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

[To ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework. This is a pre commencement condition required

to ensure that historic assets are protected and or recorded prior to loss or damage once the development is undertaken.]

23. Within six months of the completion of the fieldwork, a post excavation assessment shall be submitted to and approved in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of full site archive and report ready for deposition at the local museum and submission of a publication report.

[To ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework. This is a pre commencement condition required to ensure that historic assets are protected and or recorded prior to loss or damage once the development is undertaken.]

24. The development hereby permitted must not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall address the following:

- a) The routing of deliveries and construction vehicles to site.
- b) Details of arrangements for co-ordinating and controlling delivery vehicles.
- c) Site set-up and layout plans
- d) Parking arrangements for site operatives and visitors
- e) Loading and unloading of plant and materials
- f) Storage of plant and materials used in constructing the development.
- g) On-site turning facilities for all vehicles.
- h) Wheel washing facilities

Reason: In the interest of highway safety, and to minimise disruption to users of the public highway having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

25. The development hereby permitted must not commence on site until the site access has been constructed in accordance with details first submitted to and approved in writing by the Local Planning Authority.

[In the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

26. The development hereby permitted must not commence until the visibility splays as shown on Drawing No. 2106088-07 Rev A Visibility Splays dated 17/03/2022 have been provided. The areas within the splays shall thereafter be kept free of all obstructions, structures, or erections exceeding 0.26m in height.

[In the interest of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

27. No works shall commence on site until suitable passing provision has been provided at the site entrance, in accordance with details first submitted to and approved in writing by the Local Planning Authority.

[In the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

28. The development hereby permitted must not commence until the site access has been surfaced in a hard bound material for a minimum distance of 15m to the rear of the highway boundary, and suitably drained to prevent the discharge of surface water to the public highway.

[In the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

29. The development hereby permitted must not commence until a condition survey of the Public Right of Way has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the development, a further condition survey detailing any rutting/damage to the Public Right of Way (if applicable) to be remediated by the applicant shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

30. The development shall be carried out in accordance with the submitted flood risk assessment (ref; PFA Consulting dated March 2022) and the following mitigation measures it details:

- a) The minimum panel level for the development parcels in the flood zones shall be set at 1.4m above ground level within these flood zone areas, reducing to 0.9m above ground level in areas of very low risk, as stated in paragraph 4.78 of the FRA.
- b) The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

[To reduce the risk of flooding to the proposed development having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

NOTES TO APPLICANT

East Midlands Airport

- The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/> Any

installation equipment above 10m in height will need a permit from EMA Safeguarding.

- Should any permanent lighting be installed, a lighting test needs to be arranged with EMA Safeguarding prior to project completion.
- Please advise EMA safeguarding prior to work commencing: ops.safety@eastmidlandsairport.com

Sustainability Officer:

Recommendations (including recommendations provided by any supplied reports, where applicable) which should be subject of conditions on any outline permission.

- If works have not commenced by June 2023 an update ecological survey is required.
- A demonstrated biodiversity net gain should be provided where possible as recommended by CIRIA (2019) Biodiversity Net Gain - Principles and Guidance for UK construction and developments, with the means to implement in the long term. This should be based on the recommendations of the consultant ecologist (See section 6.2, 6.3 and 7 of the EA and the supplied Biodiversity Enhancements plan) and be supported by a landscape and ecological management plan..
- An ecological construction method statement incorporating reasonable avoidance measures (RAMs), should be agreed and implemented including the good practice points below and any supplied by the consultant ecologist (See section 6.3 and 7 of the EA and the supplied Biodiversity Enhancements plan).
- The use of any external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-onbats-and-lighting> for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- Permanent artificial bat boxes / bricks and wild bird nests should be installed on retained trees.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
- Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.
- Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*)).
- Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.
- Good practise construction methods should be adopted including:
 - Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
 - Measures to ensure that the roof liners of any building do not pose a risk to roosting bats in the future should be taken.
 - No works, fires or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or

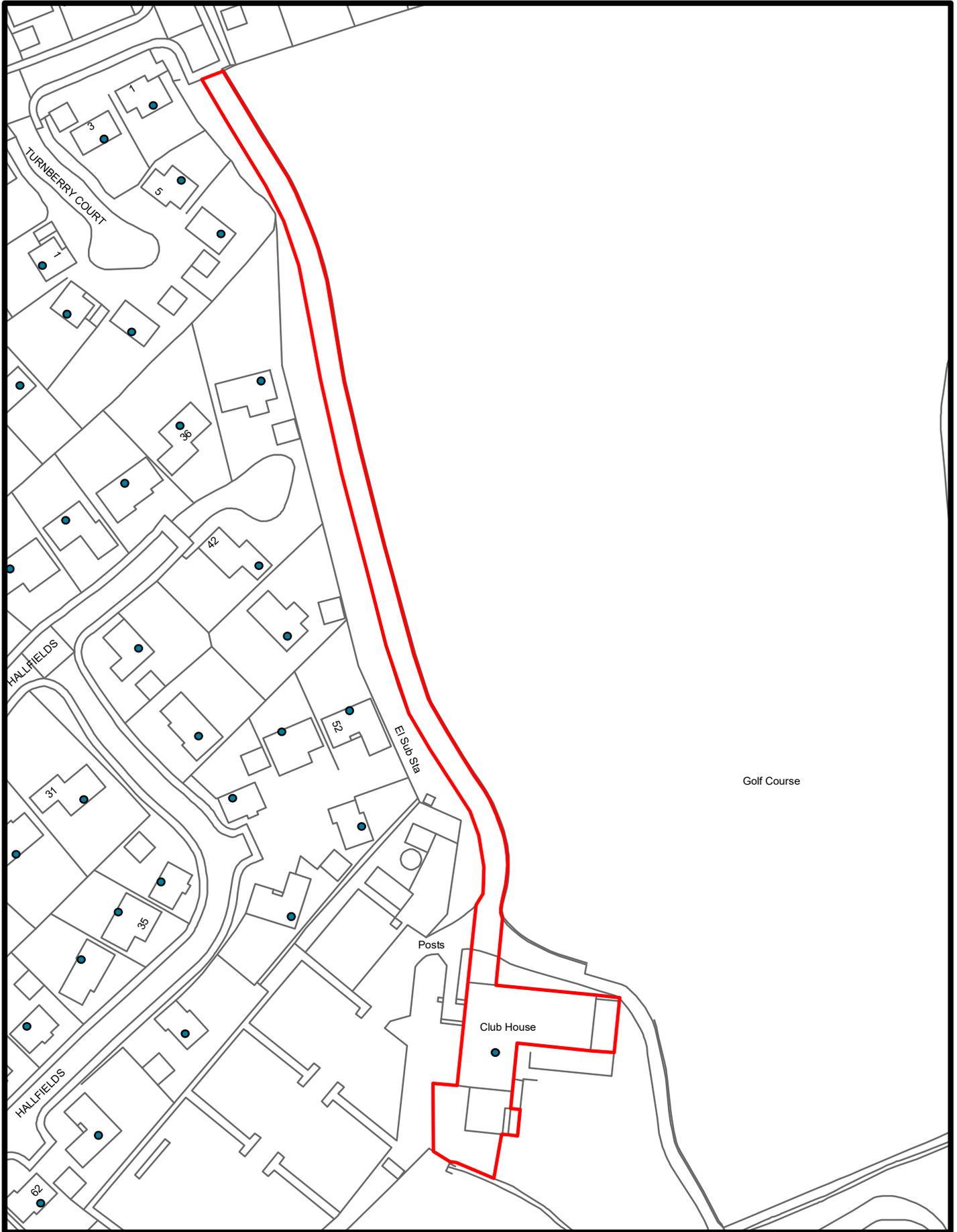
sensitive areas (including ditches).

- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
- Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
- Pollution prevention measures should be adopted

It is recommended that consideration should be given to climate change impacts, management of waste during and post construction and the use of recycled materials and sustainable building methods.

Highways:

The works to construct the access shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 800 or at licences@viaem.co.uk to arrange for these works to take place.



Application Number: 22/01727/FUL
Edwalton Golf Club, Wellin Lane, Edwalton



scale 1:1250

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22/01727/FUL

Applicant Mr Nick Berry

Location Glendale Golf Ltd Edwalton Golf Club Wellin Lane Edwalton
Nottinghamshire

Proposal Change of use from residential flat to golf clubhouse

Ward Edwalton

Full details of the proposal can be found [here](#)

THE SITE AND SURROUNDINGS

1. The application relates to a two bed residential flat which forms part of the golf clubhouse. The clubhouse is a single storey brick building with a broadly 'L' shaped footprint. The flat has an internal access from the clubhouse along with a separate fire escape access.
2. The site is accessed from the end of Lytham Drive. The clubhouse is located adjacent to the main golf club car park.

DETAILS OF THE PROPOSAL

3. The application seeks the change of use of the residential flat to golf club house in line with the rest of the building. The section of the building to which the application relates would be used for storage. No internal or external alterations are proposed.

SITE HISTORY

4. There is extensive site history relating to the golf course. The following applications are of relevance to the building subject to the current application:
5. 8/A2/81/D/82 (81/03597/HIST)- Erect new club house and construct cesspool to serve same and future adjoining residential property. Approved in 1981.
6. 93/01089/REG3- Single storey side extension to form bar cellar. Approved in 1994.

REPRESENTATIONS

Full details of all the representations can be found [here](#)

Ward Councillor(s)

7. No consultee responses received

Statutory and Other Consultees

8. The Highway Authority (Nottinghamshire County Council) does not object.
9. The Borough Council's Environmental Health Officer does not object.

Local Residents and the General Public

10. No consultee responses received

PLANNING POLICY

11. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the 2021 National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (the Guidance).

Relevant National Planning Policies and Guidance

The full text of the NPPF can be found [here](#) and the National Planning Practice Guidance [here](#).

12. The relevant policies from the NPPF are:
 - a. Paragraph 11c)
 - b. Chapter 2 (Achieving sustainable development)
 - c. Chapter 4 (Decision-making)
 - d. Chapter 8 (Promoting healthy and safe communities)
 - e. Chapter 12 (Achieving well- designed places)

Relevant Local Planning Policies and Guidance

The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) can be found [here](#).

13. The relevant policies from the LPP1 are:
 - a. Policy 1 (Presumption in Favour of Sustainable Development)
 - b. Policy 10 (Design and Enhancing Local Identity)

The Rushcliffe Local Part Part 2: Land and Planning Policies (LPP2) can be found [here](#).

14. The relevant policies from the LPP2 are:
 - a. Policy 1 (Development Requirements)
 - b. Policy 31 (Sustainable Tourism and Leisure)
 - c. Policy 39 (Health Impacts of Development)

APPRAISAL

15. The residential flat to which the application relates was previously let to golf club employees although it is currently vacant. The proposal is for a change of use to a club house to match the use of the rest of the building. No internal or external changes are proposed. The rooms would be used for storage purposes ancillary to the golf club.

16. The proposal would not result in a loss of open-market housing and therefore it would not impact on the Borough Council's objectives for housing delivery as set out in the Core Strategy.
17. The change of use would not materially impact upon the amenities of neighbouring residential properties, and it does not present any material highway implications.
18. For the reasons set out above it is considered that the proposal accords with the general national and local planning policies considered above and accordingly it is recommended that Planning Permission is granted.
19. The application was not the subject of pre-application discussions. The scheme however is considered by officers to be acceptable and no discussions or negotiations with the applicant or agent were considered necessary.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby approved shall be used for the use applied for and not for any other purposes.

[For the avoidance of double and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

Note to Applicant

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

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Appeal Decisions Between 1 October 2022 to 31 October 2022

This is an appeal decision made between 1 October 2022 and 31 October 2022 for noting. The full appeal decision can be found at the link attached to the appeal in the table below.

Planning Ref:	Address	Proposal or Breach	Appeal Decision	Decision Type	Planning Inspectorate Reference and link to Appeal decision notice	Comments/Decision Date
20/03005/FUL	5 Wayte Court Landmere Lane Ruddington	Construction of first floor extension.	Dismissed	Committee	APP/P3040/D/22/3298529 Appeal Decision can be viewed on planning file on RBC website, click on the planning reference link.	31/10/2022
20/01722/FUL	Land North Of Stragglethorpe Road, Stragglethorpe	Change of use of land to use as a residential caravan site for one gypsy family, including stationing of two caravans, erection of dayroom, laying of hardstanding, construction of new access, and erection of boundary walls. (Resubmission)	Allowed	Officer Delegation	APP/U2235/W/19/327784 Appeal Decision can be viewed on planning file on RBC website, click on the planning reference link.	24/10/2022
20/00272/BUILD	Land North Of Stragglethorpe Road, Stragglethorpe	Unauthorised Container Unit On Site	The appeal is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out below in the formal decision.	N/A	APP/U2235/C/19/3277889	Enforcement Appeal 24/10/2022

