

## 22/00319/FUL

**Applicant** Renewable Energy Systems (RES) Ltd

**Location** Land To The West Of Wood Lane And Stocking Lane, Kingston Estate, Gotham

**Proposal** Installation of renewable energy generating solar farm comprising ground-mounted photovoltaic solar arrays, together with substation, inverter stations, security measures, site access, internal access tracks and other ancillary infrastructure, including landscaping and biodiversity enhancements

**Ward** Gotham

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

### THE SITE AND SURROUNDINGS

1. The application site comprises of agricultural land located some 0.7km to the south of Gotham and some 0.75km to the west of East Leake between Stocking Lane to the south and Kegworth Road to the north. The entirety of the application site comprises a total of 16 fields, totalling some 80.65 hectares (ha). The site is located entirely within an area of the Nottingham and Derby Green Belt.
2. The site is broadly split into two sections; a northern area and a south area separated by a large area of woodland called Leake New Wood. Both compartments lie on elevated, gently undulating land, ranging between 87 – 96 m AOD.
3. The northern compartment extends across a total of 11 rectilinear agricultural fields, largely contained by mature mixed woodlands. These include Gotham Wood to the north, Cuckoo Bush to the east, Leake New Wood to the south and Crownend Wood to the west. It is accessed from Wood Lane.
4. The southern section comprises of 5 fields that also surrounded by pockets of woodland including Oak Wood, Crow Wood and Ash Spinney. Collectively, these mature woodlands provide a strong sense enclosure to the surrounding composition of open fields and from the wider landscape, they tend to screen most of the site from the wider landscape. The southern section is accessed from Stocking Lane. The north and south areas are both linked by an existing an existing access track through the woodland that is located between them.
5. The application site is primarily adjoined by other agricultural fields and large areas of dense woodland. Rushcliffe golf course and associated clubhouse are located to the north and east of the site. The surrounding area is also by individual farmsteads, sole dwellings.

6. There are a few pockets of residential and agricultural buildings directly alongside the application site. On the northern parcel of land, there is an existing agricultural machinery business and associated dwelling located on the opposite side (north) of Wood Lane. Directly alongside the site (north) is Cuckoo Bush Farm which forms an unoccupied house and farm buildings. There is a detached dwelling known as Pine Lodge that faces towards the northern parcel of land and is also accessed from Wood Lane.
7. On the southern parcel there is a detached dwelling known as Stone House, another named The Cottage which would be alongside the proposed development. Some 130m to the south of the site is Fox Hill Farm and Fox Hill Barn. It should be noted that Cuckoo Bush Farm, Stone House and The Cottage all fall within the landowner's ownership, nevertheless it does not limit consideration of the effects of the proposal on their respective residents owning to the proposed 40-year period which the installation would be operational for.
8. The site and surrounding local landscape also accommodate a well-connected network of recreational routes, including a number of Bridleways (BW) which cross or lie adjacent to the site. These include Gotham BW No. 10, 11 and 12 and West Leake BW's No. 5 and 13. West Leake BW No. 5, also known as the Midshires Way, is also a Long-Distance Walking Association (LDWA) Route bordering the boundary of the southern part of the site (Fields 15 and 16).
9. There are no statutory landscape designations covering the site or its immediate surroundings although there are three Registered Parks and Gardens and one Country Park within the wider landscape to be considered.
10. There are no statutory heritage designations on the application site. The nearest designated heritage assets include a total of nine Scheduled Monuments and three Registered Parks and Gardens of Special Historic Interest (PGSHIs) within a 5km radius of the site. A total of 27 Listed Buildings (including two Grade I, one Grade II\* and 24 Grade II) and two Conservation Areas have been identified within a 2km radius and number of Historic Environment Records (HER) were identified within a 1km radius of the, however only two of these lie within the boundary of the application site.
11. The majority of the site forms agricultural land quality Grade 3b land which does not qualify as 'Best and Most Versatile' agricultural land.
12. The site does not lie within any ecological statutory designated sites and there are no internationally designated sites within 15km. There are however five Special Sites of Scientific Interest (SSSIs) and seven Local Nature Reserves (LNRs) within 5km; the nearest being Rushcliffe Golf Course SSSI located adjacent to Field 15 in the southern section of the site.

## **DETAILS OF THE PROPOSALS**

13. The proposal comprises the construction and operation of a solar photovoltaic ('PV') farm comprising ground-mounted photovoltaic solar arrays, together with substation, inverter stations, security measures, site access, internal access

tracks and other ancillary infrastructure, including landscaping and biodiversity enhancement. It is estimated that the solar panels would generate approximately 49.9 megawatts ('MW') of renewable energy – enough electricity to power approximately 15,200 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, with the exception of the DNO substation and the widening of the access, which would remain permanently. 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 substations.
  - Substation compound including a DNO Control Room; and Customer Switchroom.
  - Equipment containers
  - Internal access tracks.
  - Perimeter fencing.
  - CCTV cameras.
14. The development would consist of solar photovoltaic (PV) panels placed on metal arrays arranged in rows and would include boundary landscaping, perimeter fencing and access. The PV panels would be laid out in rows across the Site in an east-west orientation, to face south and mounted at 25 degrees from the horizontal, with a maximum height of less than 3.1m.
15. The arrays would be spaced to avoid any overshadowing of one on another with topography dictating exact row spacing, but generally they would be some 6.3m apart.
16. Plant and other equipment to support the generation of electricity would be located around the application site, adjacent to internal tracks to ensure access can be achieved for maintenance purposes. The internal tracks would have a width of some 4m and would be constructed with crushed aggregate. The supporting equipment includes inverter stations positioned throughout the site.

#### Equipment Containers

17. The equipment containers would be located throughout the site. They would measure 2.7m in height 2.4m in width and 12.2m in length.

#### Cabling and Grid Connection

18. Underground cabling would connect the development to the proposed substation, which is proposed on the southern part of the site. The output would be connected to the wider National Grid electrical grid network via the overhead power lines that dissect the southern part of the site

#### Perimeter Fencing and CCTV

19. It is proposed that a 2.4m high perimeter security deer fence will be installed around the edge of the application site that would allow for small mammals and other wildlife to pass through the site. In addition, it is proposed to erect 3.5m high pole mounted CCTV security cameras around the site.

### Access

20. The site would be accessed from Wood Lane which is an unadopted road which connects the site to Kegworth Road to the north. The applicant states that the junction of Kegworth Road would require to be widening with a temporary surface area to ensure the largest construction vehicles could access and the site. It would allow vehicles to wait at the junction as any traffic off Kegworth Road passes it.

### Construction and Operation

21. The applicant advises that it is anticipated that the entirety of the proposed development would take “approximately six to nine months to complete.” This includes the preparation of the site, erection of security fencing, assembly and erection of the PV strings, installation of the inverters / transformers / batteries and grid connection. Once installed, it would require infrequent visits for the purposes of equipment maintenance or cleaning.

### Decommissioning

22. At the end of the 40-year operational lifespan of the proposed development, the applicant states that the site would be restored back to full agricultural use with all equipment and below ground connections removed (with the exception of the DNO substation). It is envisaged that the decommissioning of the Solar Farm would take approximately three to six months. The landscape enhancement measures would remain as would the proposed access from the A60 public road (Bunny Hill).

### Landscaping

23. The applicant states that ‘the layout of the proposed development has been designed to ensure that there is minimal works to existing trees and hedgerows within the site. The layout has been designed to incorporate the existing trees and boundary vegetation into the scheme and to avoid rooting areas of trees within the site.’ Existing hedgerows would be strengthened and infilled where necessary with native shrubs and/or large-scale 'legacy' hedgerow trees and/or smaller hedgerow trees. The landscape treatment for the Proposed Development is intended to mitigate potential visual effects. The Proposed Development would seek to retain and enhance existing landscape elements to further integrate the proposals into the surrounding landscape.”
24. An Arboricultural Impact Assessment (AIA) has also been submitted in support of the application which concludes that no surveyed trees are proposed to be removed, but some elements of hedgerows are proposed to be removed. It notes that minor sectional removals would be required to hedgerows to enable the erection of the proposed security fence and to widen the existing access roads. It is states that these very minor changes can be mitigated through new tree/hedgerow planting as detailed in the wider landscaping proposals for the site, which also includes a range of biodiversity enhancements as part of the overall development.
25. It should be noted that the size of the overall development has changed since the application was originally submitted. Field 16, which comprises the southernmost field measures some 6.6 hectares, has been removed from the proposals and

development is not proposed in this field. Similarly, development has been reduced by around 50% in field 15 which adjoins Stocking Lane and the associated footpath.

## **ENVIRONMENTAL**

27. The applicant submitted a request for an Environmental Impact Assessment ('EIA') Screening Opinion from the Council on 30 March 2021. The Council issued its Screening Opinion on 26 April 2021, which confirmed that an EIA is not required as the proposals are considered to fall within the criteria and thresholds of Class 3a 'Industrial installations for the production of electricity' of Schedule 2 of the Town and Country Planning Environmental Impact Regulations 2017 (as amended). 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 ensure 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**

28. None.

## **REPRESENTATIONS**

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

### Ward Councillors comments

29. Councillor Rex Walker: Objects to the proposals on the basis of green belt harm that would be caused from this development particularly in relation to cumulative impact.
30. Councillor Carys Thomas: Objects to the proposals on the basis of:
- The impact the development would have on ecology
  - The impact the development would have on recreational routes
  - The loss of agriculture land for energy use
  - The means of access along Wood Lane would lead to the loss of an existing hedgerow
  - The fencing type is inappropriate
  - It would harm the openness of the green belt
31. Councillor Lesley Way: Objects to the proposals on the basis of:
- The harm to the greenbelt far outweighs the benefit from this development.
  - The loss of agricultural land that needs to be preserved
  - The use of harmful pesticides
  - That the benefit is likely to fall far below that suggested
  - There is substantial objection to the proposals
  - Rushcliffe is being bombarded by such applications and communities in the

- south of the county could be surrounded by solar farms
- The cumulative effect needs to be considered.
- Solar panels should be on roofs, not on agricultural land and amenity space

32. Councillor Kevin Shaw: Initially did not object, but does now object to the proposals on the basis that:

- The impact this development may have on the future extraction of gypsum because it is known that the mine workings extend well into Rushcliffe Golf Club
- That there has been a high volume of objections
- Supports the objections raised by West Leake Parish Meeting and East Leake Parish Council

### Town and Parish Councils comments

33. West Leake Parish Council – Object to the proposals on the grounds that:

- There are no Very Special Circumstances, and the openness and purpose of the Green Belt will be lost
- Despite amendment to the proposals, the scheme will in no way protect, conserve and enhance the landscape character
- It would have a harmful visual impact
- 40 years is too long to be temporary
- Woodland may be removed
- There are alternative sites outside the green belt
- There may be subsidence caused by the historical underground mining operations of British Gypsum

34. East Leake Parish Council – Object to the proposals on the grounds that:

- There are no Very Special Circumstances to justify solar development in this location
- It would be widely visible along popular local walking paths and bridleways
- desk research has been carried out rather than site visits which is wholly inappropriate
- The insecure development will be targeted by thieves and place local residents in potential danger
- It would harm food security
- The cumulative effect of this development would have a harmful impact

35. Gotham Parish Council - Object to the proposals on the grounds that:

- It would harm food security
- Grade 3b land still produces crops
- A large area of green belt land would be lost
- There are security concerns
- There would be a loss of space for recreational use
- The green belt assessment does not consider openness

- It would have an adverse impact in terms of ecology
  - It would harm the green belt
36. Sutton Bonington Parish Council – Object to the proposals on the grounds that:
- It would harm the green belt
  - The development would have a harmful visual impact particularly from the adjacent footpaths
  - It is contrary to the NPPF
  - It would be contrary to the existing landscape character
  - It would harm wildlife
37. Kingston on Soar Parish Council - Do not object to the application but would like to echo the concerns raised by other consultees over issues of the Public Rights of Way

#### Statutory and Other Consultees

38. The Coal Authority: No Comments.
39. East Midlands Airport Aerodrome Safeguarding Authority: No Objection subject to conditions.
40. Trent Valley Internal Drainage Board: No Objections.
41. Nottinghamshire Wildlife Trust – No comment
42. Ramblers: Regret the potential loss of appreciation of the landscape and prefer it not to happen
43. Western Power Distribution (East Midlands) – No comment
44. National Grid - No comment
45. Design Out Crime Officer – Does not object to the proposals but provide recommendations in relation to specific aspects of the proposals
46. British Gypsum – No comment

#### **Rushcliffe Borough Council**

47. Ecology and Sustainability Officer: No Objection subject to conditions
48. Conservation Officer: No Objections.
49. Environmental Health Officer: No Objections subject to conditions
50. 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.

### **Nottinghamshire County Council**

51. NCC Public Rights of Way: No objections.
52. NCC Highways: No objection subject to conditions.
53. NCC Policy: Provided detailed comments pertaining to minerals and waste and relevant national and local policy
54. NCC Archaeology Officer: No objection subject to pre commencement conditions
55. Emergency Planning Officer: No Comment.

### **Local Residents and the General Public**

56. There have been at total of 164 comments received in relation to the application, which form 159 objections and 5 letters of support.
57. A submission of 165 identical letters of support have also been received stating that the development would help tackle climate change, it could provide clean electricity to 15,200 homes, it could save 25,00 tonnes of CO2 emission per year, it would meet emission Net Zero targets, it would reduce reliance on fossil fuels, there would be biodiversity improvements and the agricultural use could still continue during the operational period through sheep grazing. Further representations have been received stating that these have been canvassed by the applicant.
58. The objections received are summarised as below:

#### **Principle:**

- Impact and loss of green belt land
- There would be loss of recreational value within the area of the application site
- There are no very special circumstances to justify development here
- It would lead to the loss of agricultural land and harm food security
- It would have a harmful impact on views from local footpaths next to the site
- The agricultural land value of the site can still produce moderate yields and should be protected and should be considered the best and most versatile
- It may be affected by former mining in the area
- 40 years is not a temporary period

#### **Landscape:**

- Negative impact on landscape character
- It would be clearly viewed from the existing footpaths.
- Glint and glare
- The loss of hedgerow to create a new access



#### Ecology:

- Wildlife habitat displacement
- The methodology to consider the impact on ecology is wrong
- Potential adverse impact on ancient woodland to north of site and associated nature reserve
- Biodiversity should be enhanced but solar panels would limit that
- The site should be left for re-wilding

#### Access and Traffic Movements:

- The potential adverse impact the development may have on the local road network
- Access to the site from the A60
- Access could not be from the south as it owned by an alternative landowner

#### Amenity:

- The potential impact the development would have on amenity through noise
- The potential impact it may have on user of the footpaths and local road network
- The fence type will not deter crime and would be contrary the recommendations of the Designing Out Crime Officer

## **APPRAISAL**

### The Development Plan

59. 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](#)

60. 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](#).

61. 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

### **Other Development Plans**

62. The northern section of the site falls within the area covered by the Gotham Neighbourhood Plan.
63. Having regard to the Local Plan Policies Map and the Adopted Nottinghamshire Minerals Local Plan, it should be noted that the site is also located within a Mineral Safeguarding Area (Tutbury Gypsum) under Policy 42 of the Local Plan Part 2.
64. Rushcliffe Borough Council Solar Farm Development Planning Guidance (published November 2022) applies to this proposal.

### **National Planning Policy Framework (NPPF) 2021**

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](#)

65. 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.
66. 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
67. A material consideration in the determination of planning proposals for renewable energy are the National Policy Statements (NPS) for the delivery of major energy infrastructure. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. In September 2021, draft updates to the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) were published.
68. The draft NPS EN-3 states that: *“solar farms are one of the most established renewable energy technologies in the UK and the cheapest form of electricity generation worldwide. Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large scale solar is now viable in some cases to deploy subsidy free and little to no extra cost to the consumer.”*
69. Both the existing and proposed NPSs state that the NPSs can be a material consideration in decision making on applications that both exceed or sit under the thresholds for nationally significant projects.
70. Furthermore, the UK Government has declared a climate emergency and set a statutory target of achieving net zero emissions by 2050, and this is also a material consideration. Since the declaration, the Sixth Assessment Report of the Intergovernmental Panel on Climate Change has indicated that there is a greater than 50% chance that global temperature increases will exceed 1.5 degrees Celsius above pre-industrial levels. The report indicates that delay in global action to address climate change will miss a rapidly narrowing window of opportunity to secure a liveable and sustainable future for all. Rushcliffe Borough Council also declared a climate emergency on 7 March 2019.

## **PLANNING CONSIDERATIONS**

### Principle of Development

71. The NPPF sets out its support for renewable energy development in Chapter 14 (Meeting the challenge of climate change, flooding and coastal change).
72. 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.”

73. 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”
72. 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.”
73. 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.”
74. 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.”
75. 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.”

76. 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.
77. 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

78. 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.
79. 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.”
80. 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.”

81. 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”.
82. 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.”
83. 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.
84. 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 degree of harm to the landscape.
85. The scheme would represent a spatial incursion into the Green Belt, with built development occupying a large proportion of the application area.
86. The proposed development is, however, temporary (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.
87. 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.
88. 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.”
89. As stated in the submitted Planning, Design and Access Statement, paragraph 151 of the NPPF comments only 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.

90. The aim of Green Belt policy is to protect the open character of the Green Belt. Obviously, when an open field is largely filled with man-made structures such as solar panels, that will constitute a reduction in its openness both spatially and visually.
91. However, it should be noted that the development is temporary and reversible. Additionally, only c. 55.65 hectares out of 80.65 hectares (ha) in total would have solar panels on it and the remainder used for ancillary infrastructure and mitigation and enhancement measures. The harm that would be caused to the openness can therefore be narrowed down to just the developable area rather than the whole site.
92. The wider site is surrounded primarily by woodland and the majority of fields have hedgerows enclosing them and it is proposed to re-enforce these boundaries through new planting. As discussed below the landscape and visual impact on the rural landscape would be limited, and that only *moderate adverse* impacts would result from the development, except when seen at close quarters (within 150 metres of the site).
93. The proposal, as inappropriate development, would by definition harm the Green Belt. It would result in encroachment and moderate harm to the openness of the Green Belt in both visual and spatial terms. This harm must be weighed against the very special circumstances, which are assessed in other parts of this report and summarised in the overall planning balance.
94. 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.

### Form and Siting

95. 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.
96. 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”.
97. 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 located in the vicinity of an existing electricity pylon, on the southern part of the site which it is proposed to connect.

98. All of the panels and associated infrastructure buildings on the site would be no higher than single storey in height. This would ensure that they would not be significantly visible from most viewpoints outside of the site. Even when viewed from nearby vantage points, it is considered that the scale of development would not be overbearing due to its low profile. This situation would take on a further positive direction 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.
99. The highest structures associated with the proposed development would be transformers within the substation compound, at approximately 3.98m high. It is proposed that the majority of the other structures, including the solar panels, would be no more than 3.1m 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.
100. It is considered that 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.
101. 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, to include the removal of field 16 from any form of development and the reduction in the proposed developable area of field 15, together with further landscape improvements in the forms of hedgerow planting.
102. It is therefore assessed on planning balance that the development is acceptable and in accordance with Policy 10 (Design and Enhancing Local Identity) of LPP1.

### Landscape and Visual Effects

103. 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 realm 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.”

104. 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”
105. 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”.
106. 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.
107. The scale and form of the proposed development including the effects of the views of the panels themselves, as well as the effect of associated infrastructure, including the proposed security fencing and mounted security cameras would clearly have the potential to have an effect on the character and appearance of the immediate surrounding area including the adjacent footpath, Local Nature Reserve. In support of the application, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) to consider the potential impact the development may have.
108. It states that the agricultural fields are mostly medium to large scale defined by well-maintained hedgerows with occasional mature hedgerow trees and that these would be retained and protected throughout construction and operation of the solar farm. There would also be a number of built-in mitigation measures such as new hedgerows and tree planting and management and maintenance of existing trees and vegetation.
109. The approach in the submitted LVIA to assessment landscape and visual aspect of the development on the surrounding area has been to prepare a Zone of

Theoretical Visibility Map that is a computer modelling that highlights where the development could be seen from. 8 key viewpoints from within the surrounding area are selected “to offer the clearest view within the vicinity of the chosen point where potentially significant effects are likely to occur” and then assessed with the overall aim of defining the effect on the landscape and the visual impact of the development.

110. 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.
111. The review by the external landscape advisor concludes that the submitted LVIA uses a methodology in accordance with GLVIA3 and presents sound conclusions. In addition, it was confirmed that the submitted LVIA provides a detailed description of the existing site and context, as well as referring to the necessary precedent landscape character studies.
112. In terms of landscape character Policy 16(2)(e) of the LPP1 requires that landscape character is protected, conserved and enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment 2009 (‘GNLCA’). The application site is located within the Nottinghamshire Wolds Regional Character Area. Appendix 9 of the GNLCA identifies certain Draft Policy Zones (‘DPZ’) within the Regional Character Areas and identifies the site as being within the DPZ known as the NW01 - Gotham and West Leake Hills and Scarps. It is identified as having a strong landscape character which is in good condition and therefore should be conserved. This strength comes from the distinctive series of prominent hills that provide expansive views of low lying farmland and Nottingham. Landscape actions include conserving the distinctive pattern of hills and fields, including the balance of arable (on lower slopes) and pasture farming (on steeper and higher slopes).
113. The submitted LVIA states that the conclusion from the 8 viewpoints assessed is that most of the landscape character area is “within theoretical visibility although the dense mature woodlands that surround most of the site would restrict the extent of effects to a relatively small part of this landscape.” They consider that the magnitude of landscape effect from most viewpoints is predicted to be small-medium at year 0 although in taking into account the effects of landscape mitigation measures, this would reduce to small at year 10. Considering these factors, the overall magnitude of effect at year 10 is judged to be small to very small and the effect would be a moderate-minor impact on the landscape character. The external landscape advisor does not agree with the assessment and states that the impact would be that although the solar arrays would be low-lying and would be temporary in nature, limiting the overall effect on the wider landscape. The proposed development would alter the landscape with the introduction of industrial development and equipment across a relatively broad area. Therefore, this would result in some localised landscape harm. As a consequence, the scheme would result in a moderate major adverse impact on the area’s landscape character over the operational period. However, as

highlighted within the LVIA, they note that, although landscape effects will be long term, they are also considered temporary as the site could reasonably be returned to the existing state after decommissioning

114. In terms of the potential impact the development would have on settlements it is concluded that from all main settlements within the wider study area ZTV, (i.e. Gotham, East Leake, West Leake, Ratcliffe on Soar, Costock, Kingston on Soar, Sutton Bonington, Bunny, Rempstone and Clifton), the proposed development would “be screened from view from nearly locations although from some dwellings, parts might be just discernible where any uninterrupted open views are available.” The conclusion is that the impact on settlement would be negligible / none. The external landscape advisor agrees with these conclusions.
115. In terms of the visual impact, the majority of the viewpoints have been considered along the existing footpath to the north of the site (BW11, BW12 and BW13) where the site would be clearly seen from (viewpoints 2 - 6). Given the relatively large number of people using these routes, recreational users are assessed as having a high sensitivity. A variety of photomontages have been provided detail what the development might look like before and after the proposed landscaping measures have been established.
116. Each of the viewpoints come to broadly (as a worst case scenario) that the conclusion that the “would appear relatively prominent in all directions and with views of arrays and associated infrastructure experienced in very close proximity, a very large proportion of the view would be affected. With the introduction of a striking visual focus and uncharacteristic elements introduced, there would be a major change to the view. However, as the path-lined hedgerows that run along either side of the path continue to grow in height and density, only the tops of the CCTV poles are likely to be visible above the hedge tops. During winter months however, the solar panel would still be discernible through the vegetation. The overall level of harm ranges from a “moderate adverse” to “major adverse” impact.
117. In the section “General Landscape and Visual Effects (operational)” of the submitted LVIA it is stated that a subsequent assessment has been made of the likely long-term landscape and visual effects of the Proposed Development that are predicted during its operational phase taking account of Viewpoint Assessment which aimed to consider the worst-case scenario, and it is unlikely that the magnitude of effect in any locality would be any greater than those predicted in the viewpoint assessment. In short, an assessment has been made in landscape terms of the impact from each entire footpath would have rather than selected viewpoints. In this scenario, the LVIA states (in Table 1-12 Assessment of General Landscape and Visual Effects) that the overall impact would range between moderate-minor and moderate.
118. The external landscape advisor agrees with the majority of these conclusions but disagreed with the “minor-moderate adverse” conclusion of the footpath (BW13) alongside the northern part of the site (field 15), stating that development within the southern end of this field would mean it would have a “moderate-major adverse impact at Year 10 (i.e. after the planting is in place). Following an amendment to the application, development is only proposed on the northern part

of field 15 and further planting is also proposed between the edge of the development and the public footpath (BW13) which would reduce the effects of the development on receptors using the (BW13) footpath.

119. Similarly, the proposals were also amended to include the external landscape advisor's conclusion that the visual effects on receptors using PRowS BW5/Midshires Way and BW13 would be considerably reduced if the proposed solar panels were removed from development field 16. No development is now proposed is field 16.
120. The Public Rights of Way Officer also comments that the network links West Leake, East Leake and Gotham and is well used by walkers, equestrians and cyclists due its close proximity to these villages. Any development alongside a public right of way has the potential for a change, though not necessarily detrimental, to the amenity and enjoyment of the route. They advise that the network is very well used as it give views over the surrounding countryside toward Gotham and access though quiet wooded areas, and that The Midshires Way (a long-distance equestrian route, which can obviously be walked as well) passes to the side.
121. While they appreciate that the surrounding land has very little views of the development due to the highly wooded surroundings, it would have a more direct effect on the recreational use of the footpaths, and there is a concern that the proposed hedge screening may take 5-10 years before it has any significant benefit. However, they acknowledge that there would be a substantial hedgerow improvement, some 2000m of new hedge and gapping up of existing, which would generate an improved nature corridor, and a widened and less formal route along the access track (once passed the site entrance) which could be enjoyed whilst using the Right of Way network, and therefore they do not object to the proposals on visual or amenity grounds.
122. In summary it is considered that there would be moderate visual harm as a result of the development on users of the footpath and in terms of its amenity.
123. In terms of the anticipated visual impact the development would have on occupiers of residential properties in the immediate surrounding area, it is stated that "From up to four residential dwellings at Cuckoo Bush Farm, Fox Hill Farm, Stone House and The Cottage, it is likely that from some upper floor rooms, effects are likely to remain significant in the long term but from lower floors, it is likely that once intervening mitigation planting matures, effects would be not significant from most parts of the curtilage. Intervening trees at the Cottage and Fox Hill Farm would also tend to filter views from the main dwelling."
124. The external landscape advisor states that the visual effects of the proposals would be significant however intervening trees at The Cottage and Fox Hill Farm would screen views of the site from the main dwellings and the proposed planting would further limit views form these dwellings.
125. In respect of the impact on the residents of Cuckoo Bush Farm (aka Pine Lodge) it is noted that there would be a buffer of some 90 metres form the rear elevation

of the existing dwelling to the boundary fence of the site. Similarly, at Stone House a buffer of some 90 metres is also proposed. The external landscape advisor recommended that “a greater level of mitigation planting is needed to reduce the visual effects on each property.” Subsequent revised plans were received detailing a 10m buffer of native woodland and scrub alongside nearby visible edges of the site would be formed to limit visual impact. In these circumstances it is considered that visual amenity has been mitigated (whilst the other matters of amenity – I,e noise and disturbance have been considered in greater detail below).

126. It is not anticipated that the landscape and visual aspects of the proposals would have any impact in the context of road users given its location and being mostly enclosed by woodland. The external landscape advisor agrees with these conclusions.
127. The formation of a wider vehicular access onto Kegworth Road would have a negligible visual impact and would be seen in the context of many access points on each side of Kegworth Road. Whilst a proportion of the existing hedgerow would need to be removed to accommodate the new access, it would have no significant impact on the wider landscape character or the visual impact on the wider countryside. The loss of the hedgerow would be more than compensated for through additional hedgerow planting (and other landscape improvements) included as part overall proposals.
128. In respect of the cumulative effects of the proposals, 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.
129. The cumulative impact of the development has been considered in the context of other solar developments consented in the area, most notably Church Farm which is some 1.5km to the west of the application site (beyond a dense area of woodland and public roads) (Ref 22/00809/FUL), and Highfield Farm which is some 5.9km the east of the application site. The LVIA submitted with the application concludes that the “due to intervening vegetation, topography, and elements of built development, there would not be any intervisibility between the three proposed sites and therefore, no discernible cumulative visual effects.”
130. The external landscape advisor also considered the cumulative impact the development would have when combined with other similar project in the area. Their conclusion was that due to intervening vegetation, topography, and elements of built development, they do not identify any intervisibility between the three proposed sites and therefore do not consider there to be cumulative visual effects. In addition, if all were to be approved, they state that they “do not believe the scale of landscape change would lead to significant cumulative landscape character effects. There may be a low-level change noticed by people travelling by car or walking along the Midshires Way on routes that come close to multiple

solar farm sites, but this would be minor across the wider landscape character areas.”

131. Policy 16(1)(l) of the LPP2 also requires that the cumulative impact of both existing and proposed developments be considered, not just solar development. The other proposed development in the immediate area is the proposed Local Development Order relating to the re-development of Kingston on Soar Power station and the land immediately around it that is located some 1km to the north west of the nearest part of the application site. It is noted that this authority has not yet made any decision to adopt the proposed Local Development Order, but nevertheless, the large extent of mature woodland immediately to the north of the application site would screen from views of the site from this area. Owing to the distance between them, that there is existing woodland around the site, and that the proposed development would be temporary, and to a maximum height of no more than 3.5m that the cumulative impact the proposed development would have in context of other existing and proposed developments would therefore be negligible.
132. Overall, the applicant states that the landscape and visual aspects associated with the proposed development would result in no significant adverse effects” (LVA Addendum Feb 23). This is disputed based on the assessment made by the external landscape advisor, taken into account the mitigation measures and taking all of the above impacts into consideration it is considered that the visual impact of the proposal would result in moderate harm, but this needs to be viewed in the context that the development is “temporary” and is reversible. Moderate beneficial effects that would also accrue in relation to trees, scrub/woodland, hedgerows, and land cover on the basis that the biodiversity management plan is fully implemented (which could be subject to a planning condition).
133. In the context of the potential landscape and visual effects, including the cumulative effect of the proposals in relation to other solar farms are considered acceptable and therefore it is considered that the proposals accord with Policy 16 (Renewable Energy) of LPP2.

### Ecology and Biodiversity

134. 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.”
135. 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.
136. 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.
137. Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms of ecology and biodiversity.
138. 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.”
139. This application is supported by an Ecological Assessment (EcA) to assess the potential impacts on ecology from the Proposed Development.
140. It states that the application site does not lie within any statutory designated environmental sites, and within 15km of the application site boundary there are no internationally designated sites. It notes that within a 5km radius of the site there are five Sites of Special Scientific Interest (“SSSIs”) and that there are seven Local Nature Reserves (“LNRs”), but no National Nature Reserves (“NNRs”), within 5km.
141. For the site itself, it is stated that the intrinsic ecological value is considered to be of low in terms of habitats because “the primary habitat interest within the Ecological Study Area (ESA) derives from the presence of hedgerows and adjacent broadleaved woodland.” None of these hedges are classified as ‘Important’ under the Hedgerows Regulations 1997. It also states that the development would “occur over land which has been identified primarily as

improved grassland. This habitat is generally of low ecological value and currently offers very limited potential to support wildlife in this area of England.”

142. It is acknowledged within the assessment that the proposed security fencing and access tracks would cross these habitats including dry ditches and a number of hedgerows. A large section of hedgerow would be removed (and relocated) to create improved visibility splay onto Kegworth Road (North). Other sections of hedgerows would also be removed throughout the site. The assessment states that they are species poor hedgerows, but the hedgerow breaks would still constitute loss of small amounts of a priority habitat. It concludes that the “relatively minor extent of habitat loss in a local context where these habitats are frequent is not considered to be significant in terms of the application site’s intrinsic habitat interest.” As part of the design proposals, hedgerow sections that are lost would be replaced with new native species-rich hedges, but even without it they consider that the effects would be of a negligible to minor nature and not a significant effect.
143. It is acknowledged within the assessment that the main habitat loss would occur under the footprint of the proposed structures such as access tracks, cable trenches and hardstanding for buildings and inverters, but not the solar panels which would be mounted on frames which would be pile driven into the ground in a similar way to fence posts, therefore limiting soil disturbance.
144. Compensative mitigation measures are proposed, in the form of new species-rich grassland, hedgerows, scrub and trees, and the creation of habitat interest features for protected species that would have an overall “positive effect on habitats” and with correct management in place during the 40-year lifespan, the potential of the Application Site to support wildlife is likely to be increased.
145. To provide detail of this a Biodiversity Management Plan has also been submitted outlining these mitigation measures and where on the site they would be located.
146. As part of this Ecological Assessment, a separate Biodiversity Net Gain Assessment has also been submitted which identifies that having accounted for all of the diversity enhancements and deducing any harm (through loss of habitat), the habitats units for the site would result in a +26.61% net gain and the hedgerow units for the site result in a 63.83% net gain.
147. The proposed landscaping plan could be conditioned through a Biodiversity Management plan that would ensure the successful establishment and long-term management of new and retained habitats. Whilst the less mature plants are proposed 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 anticipated increase in biodiversity net gain weighs significantly in favour of the development.
148. The Council’s Ecology and Sustainability Officer has no objections to the proposals and notes that the report has been supplied with surveys carried out



February 2021 and June 2021; this appear to have been carried out according to good practice and is in date.

149. They state that the site provides low roosting potential for bats and no rare plants and wild birds were found (all common species); and habitats have potential to support invertebrates; amphibians, potentially including Great Crested Newts (however none were identified); reptiles; commuting and foraging bats particularly along linear features; and terrestrial mammals (including Badger and Brown Hare). They also noted that Hedgerow priority habitats were identified on site and that the construction is proposed to take place over the land primarily identified as arable and improved grassland, therefore impacts are not predicted. Their conclusion is that the favourable conservation status of Protected Species is unlikely to be impacted by the proposed development on the basis that there is pre-commencement survey for Badgers and that all trees with potential to support bats that would be affected as a result of development works are further surveyed to establish the possible presence/absence of bat roosts.
150. The Council's Ecology and Sustainability Officer also agrees that the development provides opportunities for ecological enhancement following the consideration of the enhancement measures and calculation within the Biodiversity Net Gain assessment.
151. Representations have been made specifically objecting to the adequacy of the Ecological Assessment regarding the methods, accuracy and interpretation of the baseline surveys that have informed the conclusion within the document. Following further consultation with the Council's Ecology and Sustainability Officer he does not agree with this conclusion because "it has been demonstrated that, it is unlikely that significant impacts, that are likely to impact on the conservation status of a protected or priority species will occur" and that they conclude the survey is sufficient to make a planning determination, subject to the requirement that there is pre-commencement survey for Badgers and that all trees with potential to support bats that would be affected as a result of development works are further surveyed to establish the possible presence/absence of bat roosts – as originally recommended.
152. It is considered that the proposal would not result in any significant impacts on biodiversity, and conversely 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 it is considered that the proposed development complies with Policy 17 of LPP1 and policy 37 of LPP2.

### Glint and Glare

153. 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 it concludes that no significant impacts are predicted on roads in the surrounding area. Therefore, no mitigation requirement has been identified.
154. In terms of the impact glint and glare may have on surrounding residential properties, it is stated that out of the 51 properties assessed only two dwellings

(Pine Lodge and Stone House) could be affected by the proposals. It states that the potential impact on these properties would be “low” due to “the sun’s position in relation to the Proposed Development and being the dominant source of impact”. It also states that through mitigation by means of additional planting between the proposed development and these properties only a “low” impact is defined as being “Solar reflections impacts between 0 and 20 hours per year or between 0 minutes and 20 minutes per day.”

155. The site is located within the East Midlands Airport consultation zone. The submitted Glint and Glare Assessment takes account of the potential impact the development may have on the use of the airport from potential glint and glare. The modelling predicts glare with a ‘low potential for temporary after-image’ towards the Air Traffic Controller Tower (following consultation with the airport authority), and glare with a low potential for temporary after-image’ towards a section of the approach towards runway 09. The conclusion is that the impact of this glare could be accommodated without the need for mitigation. East Midlands Airport have been consulted about the proposals and offer no objections to the proposals subject to conditions to further limit glint and glare.
156. No significant impacts are predicted on aviation activity at Nottingham City Airport.
157. As such it is considered that the proposals comply with the aims and objectives of the NPPF, the 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.

#### Amenity of Nearby Properties

158. 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.
159. 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”.
160. 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”.
161. 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).

162. 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.
163. The glint and glare assessment considered above also concludes that there would be no significant impact on residential properties.
164. In terms the impact of noise and disturbance on adjacent residential properties, the nature of solar development means that it is not a noise intensive form of development. The applicant has however submitted by a noise assessment 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 but has stated that to ensure the amenity of all neighbouring occupiers are protected during construction and operation, that a condition should in place to ensure that the specific noise levels for any externally mounted plant or equipment, together with any internally mounted equipment which vents externally needs to be submitted and approved by the planning authority before the site can be used for the production of electricity.
165. During construction, a construction method statement has been provided to protect amenity and a condition as requested by The Council's Environmental Health Officer would limit the daytime hours and days of construction periods. As such, it is considered that the proposals comply with the aims and objectives of the NPPF, policies of the Rushcliffe LPP1 and LPP2.

#### Best and Most Versatile (BMV) Agricultural Land

166. 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.
167. 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."
168. 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.
169. Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms of best and most versatile agricultural land.
170. The Framework's Glossary defines Best and Most versatile (BMV) agricultural land as being land in grades 1, 2 and 3a. An agricultural land classification report has been submitted in support of the application. It has considered the range of crops that can be grown, the type and consistency of yield and the cost of producing the crop and concludes that 95.5% of the application site is classed as Grade 3b, with the remainder forming farm tracks, property, hedgerows and ditches. The entirety of the application site does not form land classified as best and most versatile (BMV) agricultural land, and it is not above the threshold (20ha of BMV) requiring consultation with Natural England.
171. Representation has been made that Grade 3b land falls within the definition of the best and most versatile land. However, this is not the case as defined in the NPPF. Nevertheless, it is recognised that the site provides some limited arable value, and as a result of the development it would no longer be capable of providing such a function, and that the suggestion that the site could be used for sheep grazing would be unlikely to fully offset the sites current capability for agricultural use. Nevertheless, given that none of the site meets a BMV classification, that the development would be temporary and reversible, and that "during the operation period, the application site would be in 'dual-use' as small livestock such as sheep may continue to graze the site beneath and between arrays, thereby retaining agricultural activity it is considered that it would have negligible harm in the overall planning balance.
172. 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.
173. 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

174. The development is assessed as in accordance with the Planning (Listed Building and Conservation Areas) Act 1990 sections 66 and 72.
175. 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".
176. 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."
177. 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."
179. 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".
180. 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.

181. The Cultural Heritage Assessment submitted with the application concludes that “there are no designated heritage assets located within or adjacent to the application site that could be physically impacted by the Proposed Development. As such, no direct effects will occur on designated assets.”
182. The Conservation Officer agrees with this statement and comments that the site is not within a Conservation Area and the nearest conservation areas are Thrumpton, West Leake, East Leake and Sutton Bonington, but there is no intervisibility between the site and any of these Conservation Areas. Furthermore, they confirm that there is no intervisibility with any Scheduled Ancient Monuments or Registered Parks and Gardens. In terms of listed buildings, the nearest are located more than 1.0km away and therefore the proposal would not harm the special interest of any Listed Buildings by virtue of distance, intervening development and vegetation, and the lack of intervisibility.
183. In terms of archaeology, a Geophysical Survey Report has been submitted in support of the application that primarily considers the likelihood of archaeological remains being present on the site. It states that there is “no clear representation of archaeological settlement or activity in the form of enclosure remains or concentrations of significant response have been recorded. However, it also concluded that “responses worthy of further investigation have been recorded, the majority of which are indicative of relatively recent industrial activity, thought to be associated with past mining activity, quarrying, and possible kilns, for which there is considerable evidence within a 1000m radius of the site boundary. These responses are generally visible in the geophysical data as strongly magnetic burnt-fired anomalies and discrete positives, most notably in the survey results from fields 10-12. 4.3 A sub-circular group of trends to the SE in Field 15 is deemed to be of tentative archaeological significance. Interpretation of the results from fields 1-16 has been complicated, and this is due mainly to a ‘noisy’ and variable magnetic background deriving from widespread modern disturbance across the site. This disturbance likely results from a combination of factors, including removal of past field boundaries, installation of multiple land drains/suspected land drains, intensive cultivation, and landscaping.”
184. The County Heritage Officer has considered the Geophysical Survey Report and commented that the geophysics report produced some anomalies that would warrant further evaluation via trial trenching in order to inform whether archaeological mitigation is required as per paragraph 194 of the NPPF. It is recommended that these matters can be dealt with by way of a pre-commencement condition.

185. The landscape and visual impact assessment also concluded that there would be no impact on Registered Parks and Gardens including Kingston Park Pleasure Gardens which was agreed with in the independent landscape review.
186. An appropriate and proportionate level of settings assessment has therefore been undertaken which concludes that the site does not constitute a key element of the setting of any designated heritage asset. As such, development 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.

#### Grid Connection

187. 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.
188. It is estimated that the solar panels would generate around 49.9 MW, which would power approximately 15,200 homes annually. However, the restriction on output would be conditioned.
189. 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.
190. The point of connection for the proposed development into the electricity grid is via an overhead line which runs over the site.

#### Decommissioning And Reinstatement of Land

191. At the end of the operational lifespan (40 years), the solar panels and the majority of other infrastructure would be removed, and the site restored back to agricultural use. A 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 over time the land is restored to the same quality as it was previously, and in the event that planning permission was granted this could be secured through a suitable condition.

## Flood Risk

192. 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 SuDS into all new development will be sought unless ... not viable or technical feasible.”
193. 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”.
194. 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 appropriately 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.
195. The entirety application site lies within Flood Zone 1, defined as land having low probability of flooding (i.e less than 1 in 1000 annual probability of river or sea flooding).
196. 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 installation 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 a SuDS arrangement by way of swales / filter trenches in the lower areas of the site to intercept extreme flows which may already run offsite.
197. 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.

198. The Trent Valley Internal Drainage Board note that the site is within the catchment area, but there are no maintained watercourses on or in close proximity to the site. They do not object to the proposals subject to surface water rates not increasing into watercourses as a result of the development. In these circumstances it is considered that the proposed development is acceptable in terms of flood risk and drainage and accords with the relevant planning policy 17 of LPP2. and is both an acceptable and an appropriate way to manage the circumstances on the application site.

### Impact on Health

199. 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."
200. 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".
201. 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 close to the application site, traffic movements (once constructed) 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.
202. Emissions associated with the construction phase would relate to construction vehicles and similarly, it is considered would not be of a level to cause harm to the environment. It should be noted that any emissions during the construction period (or operationally) would be more than offset by the benefits of generating renewable energy at the site. In these circumstances officers consider that the proposed development is acceptable in terms of its impact upon emissions and accords with relevant Planning policies 39 and 40 of the LPP2.

### Air Quality

203. 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.”
204. The nature of the proposed development mean that no odour would be generated during the operational stage, therefore, the proposed development is considered in alignment with Policy 41 of the LPP2 regarding air quality.

#### Emissions to Ground, Water Courses And/or Air

205. 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.”
206. 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”.
207. 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 relevant planning policy 39 and 40 of the LPP2.

#### Vehicular Access and Traffic

208. 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.

209. 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.”
210. 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.”
211. 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”.
212. Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms of vehicular access and traffic.
213. The site would be accessed from Wood Lane which is an unadopted road which connects the site to Kegworth Road to the north. The applicant states that the junction of Kegworth Road would require to be widening with a temporary surface area to ensure the largest construction vehicles could access and the site. It would allow vehicles to wait at the junction as any traffic off Kegworth Road passes it. To enable this, it would mean that 11m of hedgerow would need to be realigned. It is noted that Wood Lane is single lane width, however there are some passing bays along it, however, it is also proposed to extend the whole width of the road up the site entrance point to a maximum of 4.5m. There is space in the existing verge to extend the width of Wood Lane with a space of between 5 and 6m between hedgerows. Where possible, the applicant advises that they would investigate extending the width of any existing passing bay along Wood Lane, where possible.
214. It is stated that due to Wood Lane being a Bridleway the applicant advises that there would be a banksman in place at the junction off Kegworth Road for the duration of the construction period. There will also be one in place at the site entrance so that construction vehicles can be managed to mitigate any impact on users of the bridleway.
215. In terms of vehicle movements, the applicant states in their submission that during the construction phase the estimated vehicle movements would total of 1054 deliveries based on a 6-month construction period, and a six-day working week. It is forecast that there would be approximately 20 daily HGV movements associated with the construction phase per day. In addition to the HGV movements, there will be construction movements associated with smaller vehicles such as the collection of skips, the transport of construction workers and sub-contractors. A maximum of 50 construction workers are forecast to be on site during peak times during the construction period. A temporary car parking area

will be provided on the site within the contractor's compound.

216. In terms of vehicle routing during construction it is stated that it would be via the M1 and A453 Trunk Road, before exiting onto West Leake Lane. Vehicles would continue in a southern direction for approximately 1.5km, before turning left onto Kegworth Road. Vehicles will travel northeast along this road for approximately 1.3km before turning right into Wood Lane.
217. During operation of the solar installation, it is anticipated only infrequent visits would be required for the purposes of equipment maintenance or cleaning of the site on an as required basis. As such, the operational access would be associated with a low number of trips (around one per week), with the largest maintenance vehicle anticipated to be or 4x4 vehicle type.
218. The County Council as Highway Authority confirms that the submitted Construction Traffic Management Plan provides a framework for managing the movement of construction and delivery traffic to and from the development site, the traffic associated with the operational and decommissioning phases are also considered. In terms of the suitability of the proposed means of access from Kegworth Road, they do not object on the basis that the visibility splays of 2.4m x 210m are to be provided at the Wood Lane junction, with realignment and trimming of existing hedgerow.
219. In terms of the suitability of Wood Lane used to access the site they also do not object on the basis that although Wood Lane is currently a single lane width there are already passing bays along its length and it is proposed to widen the access point off Wood lane / Kegworth Road to ensure the largest construction vehicles can access the site, and also enable vehicles to wait at the junction for any traffic off Kegworth Road to pass. They note that the details of the access widening will need to be agreed and provided prior to construction works commencing, to be secured via condition and works required within the public highway will need to be appropriately licenced under the relevant provisions of the Highways Act 1980. They also note that they do not object to the proposed passing bays are proposed along the access route, together with extending the whole width of the road to 4.5m up to the site entrance to improve the safety of bridleway users but would need consultation with the PROW Officer (considered below).
220. In respect of the construction and operational traffic the Highway Authority do not object to the number of vehicle movements and note that this would be appropriately managed, subject to conditions to ensure the junction and other improvements are in place prior to construction commencing. They also request further details in respect of decommissioning, but should permission be granted it would be secured by condition requiring a Decommissioning Method Statement to be provided.
221. The proposed access arrangements for the application are therefore considered to accord with the requirements of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies which seeks to secure a suitable means of access for all new developments without detriment to the

amenity of adjacent properties or highway safety and the parking provision in accordance with the advice provided by the Highway Authority.

#### Impact on Public Rights of Ways (PROW)

222. Policy 16(1)(f) of the LPP2 requires that effects of the proposed development on open space and recreational uses be acceptable. 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. Policy GS1 of the GNP also gives high priority to the maintenance and enhancement of bridleways,
223. Directly alongside and pass through the site is a well-connected network of recreational routes including a number of Bridleways (BW) which cross or lie adjacent to the site. These include Gotham BW No. 10, 11 and 12 and West Leake BW's No. 5 and 13. West Leake BW No. 5, also known as the Midshires Way, is also a Long-Distance Walking Association (LDWA) Route bordering the boundary of the southern part of the site.
224. In support of the application a PROW Management Plan has been submitted to consider how the Proposed Development takes account of the PROW network in the area in order to minimise any potential impact. It concludes that no PROW or Bridleway would need to be diverted or Stopped Up, and that the proposed development would seek to ensure that PROWs remain effectively open to users throughout all stages of the development, with safety measures in place to ensure continued safe use of the PROW. It is stated that a number of additional enhancements through wildflower meadows, woodland and grassland planting, the formation of a permissive path along part of the southern boundary of the site, and interpretation boards detailing educational information on renewable energy including solar farms and the need for such development, as well as information on local points of interest.
225. The County Public Rights of Way Officer has also been consulted about the proposals and comments that additional details submitted provide clarification over the protection of path widths and enhancing boundary screening, without creating unacceptable enclosure. They note that the detail shows acceptable alterations where the site access tracks and bridleways intersect, and that it has also been demonstrated that during the development, the Right of Way network, and its users continual access and safety have been considered and given priority. In conclusion, they state that the Rights of Way Team is satisfied that the development has retained the Rights of Way in their current location to acceptable terms and has no objection to the proposals.
226. In these circumstances it is considered that the proposals accord with the requirements of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

## Impact on Minerals and Mining

227. Policy 42 of the LPP2 seeks to prevent mineral deposits from being sterilised by new development. It is noted that the application site and surrounding area are identified in the Development Plan as being within a Mineral Safeguarding Area for Tutbury Gypsum.
228. The applicant states that “paragraph 4.72 of the adopted minerals local plan for Nottinghamshire is “since the mid-1990s national and local gypsum production has declined due to increased supplies of desulphogypsum (DSG), a by-product of flue gas desulphurisation plants that have been retrofitted at most coal fired power stations, including all three power stations in Nottinghamshire” and there is no longer a demand for Gypsum mining on the application site.
229. They also note that the former mining entrances located within the application site are now closed and British Gypsum have confirmed there will be no future extraction on the site.
230. Nottingham County Council have been consulted, as the Minerals Authority who state that in accordance with the National Planning Policy Framework and the Adopted Minerals Local Plan (March 2021) where a need can be demonstrated for non-mineral development in a Mineral Safeguarding Area prior extraction should be sought where practicable. However, in this instance they state that due to the nature of the proposed development, prior extraction of gypsum would not be practicable, and that The County Council therefore raises no objection to the proposal.
231. They advise that this entire area is underlain by the former ‘Glebe Gypsum Mine’ and the County Council would emphasise the importance of consulting 'British Gypsum Ltd' on any surface development. 'British Gypsum Ltd' have been formally consulted about the proposals in February 2022 and no response has been received. Given that the Minerals Authority are not objecting to the application, that the applicant states that they have already approached British Gypsum, and no response has been received from them regarding the formal application that the development would accord with Policy SP7 of the Adopted Minerals Local Plan (March 2021) and paragraph 204 of the NPPF.
232. Separately, a Mining Risk Assessment has been submitted to consider the presence of historic gypsum mining under the application site (SLR Mining Risk Assessment dated September 2021). It concludes that the site is predominantly classified as “Low” risk, with relatively small, localised areas of “Medium” risk relating to older or shallower mine workings and historic subsidence events.
233. It states that “further discussions with technical staff at British Gypsum have also provided additional context on the risk and impact of potential instability associated with the mines,” and that “the site layout design has taken into account the findings of the SLR report by siting any sensitive infrastructure such as inverter stations and the electrical substation away from these localised areas of “Medium” risk to mitigate the effects of any future subsidence on the solar project.” Additionally, by siting sensitive infrastructure (i.e substation / inverter stations)

above mine pillars or outside the edge of mined areas where possible has further reduced risk.

234. The conclusion is that any localised subsidence below solar support structures and access tracks will have limited impact on the project operation and could be mitigated through routine inspection and maintenance through the operational phase of the project.

### Other Matters

235. Nottinghamshire Police has identified that solar farms, within other parts of the country, have been the target of theft. The proposal would include security fencing and CCTV to attempt to protect the site and combat criminal activity. Interested parties have raised concerns that the proposal security measures would be ineffective to deter crime. Although recognising these concerns, there is no compelling evidence that the proposal would be especially vulnerable to theft, that the applicant's security measures would be ineffective or that the proposed scheme would raise criminal activity in the area. Furthermore, this could be suitably addressed through agreement of the specification of robust boundary treatment and CCTV coverage by planning condition.
236. The CCTV cameras would be a significant distance from the nearest residential properties. Consequently, it is considered that these would not be capable of substantive overlooking into private spaces.
237. Other concerns raised by interested parties, such as the health effects of the production of solar panels and operation of solar farms, and its impact on local property values; the accrual of council tax and the assumed moral intentions of the application which are noted but do not have a material bearing on the main issues associated with this application.
238. 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**

239. In accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In this instance, Policy 2 (Climate Change) of LPP1 and Policy 16 (Renewable Energy) of the LPP2 broadly supporting the principle of renewable energy, policy 21 (Green Belt) of the LPP2 states that "Applications for development in the Green Belt will be

determined in accordance with the National Planning Policy Framework.” Therefore, the National Green Belt policy is set out in Section 13 of the NPPF provides the key criteria to assessment the application against.

240. The NPPF states that many renewable energy projects in the Green Belt will comprise inappropriate development, and in such cases, developers will need to demonstrate very special circumstances which could include the wider environmental benefits associated with the increased production of energy from renewable sources. Whilst this lends support for renewable projects in the Green Belt, it does not mean proposals of this nature are automatically approved, instead the effects of the proposed development must take into account a broad range of planning considerations in the context of the general presumption against inappropriate development, and the resultant substantial harm conveyed to the Green Belt by this.
241. The submitted Landscape and Visual Impact Assessment and the independent review of it, both conclude that the proposals would result in harm to the Green Belt from inappropriateness and loss of openness. It is acknowledged that the proposal would result in major adverse harm to the landscape character (prior to any mitigation being established). In visual terms the development would have a major impact at Year 0 and reduced to a less than significant level by Year 10. These matters are afforded substantial weight in the planning balance.
242. It should be noted however, that although landscape effects will be long term, they are also considered temporary as the site could reasonably be returned to the existing state after decommissioning, and that the proposed planting and biodiversity enhancement measures would result in a minor beneficial landscape effect for the site following decommissioning. The surrounding landscape also includes a range of man-made interventions such as British Gypsum manufacturing facility to the east, the overhead lines that dissect the site, and more so the Kingston on Soar power station to the north. These features enable the area to accommodate a degree of change where other locally approved solar farms would contribute to the visual evolution of the appearance of the area. The application site, whilst large is relatively unobtrusive, is within an area of land that prevents most wide / longer distance views of the proposed development to be experienced due to the existing mature tree coverage.
243. 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. The proposals would deliver a renewable energy facility that would create up to 49.9MW of power. This would provide power for around 15,200 households, result in a carbon dioxide displacement of around 25,000 cubic tonnes per annum and therefore help combat climate change. It would reduce 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. In terms of the wider environmental benefits, the development is calculated to create a Biodiversity Net Gain (namely a 26.61% net gain in



Habitat Units and a 63.83% net gain in Hedgerow Units).

244. These aspects of the proposed renewable energy installation are substantial benefits in favour of the proposal which are recognised in the Council's local policies and guidance and national policy in accordance with the Climate Change Act of 2008. Section 14 of the NPPF, also seeks to increase the use and supply of renewable and low-cost energy and to maximise the potential for suitable such development and the delivery of suitable renewable energy projects is fundamental to facilitate the country's transition to a low carbon future in a changing climate.
245. In locational terms, the applicant explains in their Very Special Circumstances statement that a solar farm requires grid capacity and a viable connection to operate and as such, this requirement places a locational restriction on site selection that limits the number of appropriate sites for such a facility. The applicant proposes to connect to the adjacent electrical pylons placing the site in an advantageous location satisfying the connection constraints that exist. As such, the Appellant has therefore demonstrated that a rational approach was taken to site selection lending support for the selected site.
246. In summary, it is considered that the public benefits of the proposal are of sufficient magnitude to clearly outweigh the substantial harm found to the Green Belt by reason of inappropriateness and harm to the openness of the green belt considered above. These benefits identified attract very substantial weight in favour of the scheme. In this context, the harm to the Green Belt and any other harms would be clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development exist. Accordingly, it is considered that the proposal would satisfy the local and national Green Belt policies.

## **CONCLUSION**

247. 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 a number of added benefits, including habitat creation and biodiversity gains.
248. The proposed development is located within the Green Belt and is considered to be inappropriate development. A very special circumstances report has been submitted, and is considered that on balance, the very special circumstances clearly outweigh the harm caused by the inappropriate development and other harms.
249. 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.

250. 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.
251. In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application seeking appropriate amendments and information to allow it to make an informed recommendation.

## **RECOMMENDATION**

It is RECOMMENDED that 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 authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

Site Location Plan - Plan Ref: 04533-RES-LAY-DR-PT-001 (Figure 1 Version 2)

Site Location Map- Plan Ref: 04533-RES-LAY-DR-PT-002 (Figure 2 Version 2)

Field Numbers - Plan Ref NEO00763/002I/A (Figure 3)

Infrastructure Layout A3- Plan Ref: 04533-RES-LAY-DR-XX-001 (Figure 4 Version 7)

Infrastructure Layout A1- Plan Ref: 04533-RES-LAY-DR-XX-002 (Figure 5 Version 4)

Access Track Detail - Plan Ref: 04533-RES-ACC-DR-PT-001 (Figure 6 Version 1)

Temporary Construction Compound - Plan Ref: 04533-RES-CTN-DR-CO-001 (Figure 7 Version 2)

Typical PV Module Plan Ref: 04533-RES-SOL-DR-PT-001 (Figure 8 Version 1)

Typical Security Fence Detail - Plan Ref: 04533-RES-SEC-DR-PT-001 (Figure 9 Version 4)

Typical Security CCTV detail - Plan Ref: 04533-RES-SEC-DR-PT-002 (Figure 10 Version 4)

Typical Solar Farm (Inverter Substation) - Plan Ref: 04533-RES-SUB-DR-PT-001 (Figure 11)

Version 2)  
Client/DNO Substation - Plan Ref: 04533-RES-SUB-DR-PT-002 (Figure 12  
Version 2)  
Typical Deer Fence - Plan Ref: 04533-RES-SEC-DR-PT-003 (Figure 13  
Version 2)  
Public Rights of Way Section Plan - Plan Ref: NEO00763\_041I\_C (Figure 14  
Version D)  
Cumulative Map - Plan Ref: NEO00763/050I/A (Figure 15)  
Public Rights of Way Plan - Plan Ref: NEO00763/011I/A (Figure 16)  
Indicative Track with Bridleway Crossing - Plan Ref: NEO00763\_051I\_B (Figure  
17 Version B)  
Design and Access Statement Version 1 dated 16th February 2022  
Landscape and Visual Assessment by Neo Environmental Version 1 dated 16th  
February 2022 (inc 2x addendums dated 7th January 2023 Figure 1.13b revision  
D, Figure 1.9 Viewpoint 7, Figure 1.4 ZTV & 14th February 2023: Figure 1.14a  
revision E, Figure 1.13c revision E, Figure 1.12 Viewpoint 6 yr 1 & yr 10, Figure  
1.8 Viewpoint 5&6)  
Landscape & Ecological Management Plan by Neo Environmental Version 3  
dated 7th January 2023  
Ecological Assessment Version 1, by Neo Environmental 16th February 2022  
(including addendum dated 5th September 2023  
Biodiversity net gain assessment by Neo Environmental addendum 14th February  
2023  
Cultural Heritage Assessment Version 1, by Neo Environmental 16th February  
2022  
Noise Assessment by RES, Version 1 dated 16th February 2022  
Glint and Glare Assessment, Version 1, by Neo Environmental 16th February  
2022  
Agricultural Land Classification Report Version 1 by Neo Environmental dated  
16th February 2022  
Arboricultural Impact Assessment Version 1 by Neo Environmental dated 16th  
February 2022  
Flood Risk Assessment and Drainage Impact Assessment Version 1 16th  
February 2022  
Construction Traffic Management Plan Version 2 by Neo Environmental dated  
19th August 2022  
Outline Construction Environmental Management Plan Version 2 by Neo  
Environmental dated 16th February 2022  
PRoW management Plan Version 2 by Neo Environmental dated 19th August  
2022  
Track & Bridleway Crossing Figure 17' drawing & 'Section Drawing of Bridleway  
Figure 14' Version 2 by Neo Environmental dated 19th August 2022  
Greenbelt Assessment by Version 1 by Neo Environmental Version 1 dated 7th  
January 2023

[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. The development hereby permitted shall be carried out in accordance with the Flood Risk and Drainage Impact Assessment prepared by Neo Environmental, dated January 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)].

4. With the exception of the electrical substation and new vehicle access hereby approved, all other development is approved only for a period of 40 years, 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. The site operator shall provide a minimum 4 weeks' notice in writing to the Local Planning Authority, of the date of commissioning of the facility.

[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].

5. 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). The applicant should provide the Local Planning Authority with not less than one week's notice in writing of the cessation of the production of electricity and the intended date for commencement of decommissioning works under the terms of this permission.

[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 installed electrical generating capacity of the development hereby approved shall be restricted to a maximum of 49.9 megawatts (MW) measured as the AC installed export capacity.

[To limit the generating capacity of the site based on the submitted information and to accord with the National Policy Statement for Renewable Energy Infrastructure (EN-3), 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. During construction and in perpetuity, reasonable measures to be taken to deter species of birds that are hazardous to aircraft being attracted to the site. Other than the wildlife ponds shown on the Site Layout Plan no permanent pools or rutting of the ground that will create puddling. If necessary, reasonable measures should be taken to monitor and reduce 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 - Birdstrike risk avoidance; to reduce the risk of any increase in the number of hazardous birds in the vicinity of East Midlands Airport (EMA) that would increase the risk of a Birdstrike to aircraft using EMA].

8. Notwithstanding the Landscape & Ecological Management Plan by Neo Environmental Version 3 dated 7th January 2023, hereby approved, 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 Landscape Strategy Landscape & Ecological Management Plan by Neo Environmental Version 3 dated 7th January 2023. The detailed Landscaping Scheme must provide details of all hard and soft landscaping features to be used and include the:

- Plans showing the proposed finished land levels/contours of landscaped areas;
- Details of the protection measures to be used of any existing landscape features to be retained.
- A timetable for implementation.
- On-going management plan to ensure maintenance of any approved landscaping (including who will be responsible for the continuing

implementation, phasing arrangements).

The approved Landscape Scheme must be carried out and completed in accordance with the approved details as submitted with the landscape plan. 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.”

9. 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 both the Landscape and Ecology Management Plan; DEFRA Metric Version 3.1 (prepared by Neo Environmental, February 2023) together with 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)].

10. 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].

11. Notwithstanding the details submitted, 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.
- i) Details of how the land shall be used for agricultural purposes through the life of the development,
- j) Details of what provisions will be made within any fencing enclosing the site for mammals to cross the site,
- k) Details of how the site shall be managed without the use of pesticides or herbicides;
- l) Details of means of cleaning the panels (which should exclude the use of chemical cleaners).
- m) A pre commencement surveys detailing the presence / absence of Badgers.
- n) A survey to establish the possible presence/absence of bat roosts on all trees with potential to support bats.

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)].

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

- 07:00 - 19:00 Monday to Friday; and
- 08:00 - 17:00 Saturday.
- None on Sundays or Bank Holidays.

There shall be 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 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)].

13. 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 approved Flood Risk Assessment required by condition 4, Landscape Scheme required by condition 9 and LEMP required by condition 13 and provide for:

- areas for loading and unloading of plant and materials.
- storage of plant and materials used in constructing the development.
- 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;
- measures to control the emission of dust and dirt during construction;
- measures for the storage/recycling/disposal of waste resulting from the construction works;
- any hoarding to be erected/ security fencing.
- The routing of deliveries and construction vehicles to site.
- Details of arrangements for co-ordinating and controlling delivery vehicles.
- Parking arrangements for site operatives and visitors.
- On-site turning facilities for all vehicles.
- Wheel washing facilities.

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

[In the interests of highway safety and 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). 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].

14. No development shall take place on site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant and approved 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.

[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].

15. 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. The development shall be carried out in accordance with this strategy. 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.

[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].

16. The development hereby permitted must not commence until the visibility splays as shown on Figure 5.1: Proposed Haul Route Figure 5.2: Swept Path Analysis o Figure 5.3: Visibility Splay of the Construction Traffic Management Plan dated 18.08.2022 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)].

17. No construction works shall commence on site until the site access junction as shown on Access Track Detail - Plan Ref: 04533-RES-ACC-DR-PT-001 (Figure 6 Version 1) has been provided, surfaced in a hard-bound material for a minimum distance of 15m to the rear of the highway boundary and has been 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)].

18. No construction works shall commence on site until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.

[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)].

19. Prior to any use of the site being used for electricity generation, the noise levels for any externally mounted plant or equipment, together with any internally mounted equipment which vents externally, that is to be installed, along with details of the intended positioning of such in relation to the development, shall be submitted to and approved by the Local Planning Authority. If this information is inconclusive or not complete, then a full noise assessment in accordance with BS 4142: 2014+A1: 2019 Methods for rating and assessing industrial and commercial sound will be required. This report will need to make it clear that the plant/equipment is capable of operating without causing a noise impact on neighbouring properties. All mitigation measure, if necessary shall remain in place for the lifetime of the development, unless otherwise agreed in writing by the local planning authority.

[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)].

20. Prior to any use of the site being used for electricity generation, all permissive paths as detailed on Public Rights of Way Plan - Plan Ref: NEO00763/0111/A (Figure 16) hereby approved shall be provided and appropriately surfaced and the materials used for surfacing shall be first submitted to and approved by the Local Planning Authority.

They shall remain open for the lifetime of the development and shall be maintained by the applicant, or their agents or successors in title to a standard so that they remain open, and persons can pass freely.

[To define the permission and to ensure permissive paths remain open 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)].

## NOTES TO APPLICANT

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

A large part of this site area is underlain by the active 'Marblaegis Underground Gypsum Mine' and whilst development of this nature would not appear to be precluded by the existence of this gypsum mine, the County Council would emphasise the importance of consulting 'British Gypsum Ltd' on any surface development. This mine at its deepest point is approximately only 30 metres beneath the surface. Surface development in this area is limited due to a 'Subsidence Protection Area'. British Gypsum can be contacted at: British Gypsum Head Office Gotham Road East Leake Loughborough Leicestershire LE12 6HX Email: Reception.HeadOffice@saint-gobain.com

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact the County Highway Authority for details.

The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.

It is noted that there are trees located in close proximity to the application site access. If the trees are to be retained, the applicant must ensure appropriate protection measures are put in place during construction to protect the rooting area of the trees, to prevent any issues with the highway in the future.

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/Cranenotification/](https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Cranenotification/) 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.

The Glint & Glare study shows that there will be no glare to approaches on runway 27 and only green glare impacts on runway 09 and the Air Traffic Control Tower. This is acceptable to the Airport with the proviso that should yellow glare become evident once the array is constructed, mitigation measures will need to be taken by the developer to reduce this to green glare only. Reason: Flight safety. Given the location of this property the applicant should be aware that the airport will take action against anyone found in contravention of the Air Navigation Order (“Order”). In particular in contravention of the following provisions under that Order:- Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft. Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property. • 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/> • Measures should be taken during construction to prevent any significant dust or smoke clouds. Reason: Flight safety – dust and smoke are hazardous to aircraft engines and can create a visual hazard to pilots and air traffic controllers.

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.

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 and every subsequent 2 years if works have not commenced.
- Pre commencement surveys are required for Badgers.
- All trees with potential to support bats that will be affected as a result of development works will require further survey to establish the possible presence/absence of bat roosts.
- A Landscape and Ecological Management Plan (LEMP) should be supplied, covering the biodiversity gain demonstrated in the biodiversity net gain assessment, with the means to implement in the long term. This should include any recommendations of the consultant ecologist (See Appendix 2.2: Biodiversity Management Plan and Figure 1.14 of Volume 3, Technical Appendix 1: Landscape and Visual Impact Appraisal).
- 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.
- The use of 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-on-bats-and-lighting> for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- Permanent bat boxes and bird boxes (including swifts) should be incorporated into

buildings and where appropriate on retained trees, consideration should be given to the provision of raptor / barn owl boxes. Hedgehog corridors, access and enhancements should be provided within and through site boundaries. Invertebrate enhancements (e.g. bee bricks and Insect hotels) should be provided as appropriate. Reptile and amphibian enhancements e.g. hibernacula or other enhancements should be provided.

- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds. For amenity grassland, flowering lawn seed mixes are recommended.
- 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/trees/hedgesandlandscaping/landscapingandtreeplanting/plantinnewdevelopments/> 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 practice 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 (including increased temperatures and rainfall events), management of waste during and post construction and the use of recycled materials and sustainable building methods.