

24/00161/FUL

Applicant Exagen Development Ltd

Location Land West of Bradmore Road and North of Wysall Road, Land West of Wysall, Wysall

Proposal Construction, operation and subsequent decommissioning of a renewable energy park comprising ground mounted Solar PV with co-located battery energy storage system (BESS) at the point of connection, together with associated infrastructure, access, landscaping and cabling

Ward Bunny

THE SITE AND SURROUNDINGS

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

1. The application site relates to two parcels of land currently in agricultural use to the west of the village of Wysall measuring approximately 100.96ha in total.
2. The Northern Parcel, measuring approximately 65 hectares (ha) is bound to the north by a linear woodland, known as Old Wood. Meanwhile, the Southern Parcel, measuring approximately 33 hectares (ha), extends northwards from Wysall Road. The Southern Parcel is situated approximately 325m south of the Northern Parcel and the two are separated by a series of small agricultural fields.
3. The site and surrounding landscape are undulating in nature and form part of the elevated Nottinghamshire Wolds landscape character.
4. The Midshires way footpath (Wysall Footpath FP3 and Costock FP7) runs through the northern parcel of the application site.
5. There are various agricultural holdings with associated dwellings around the periphery of the application site to the south of Wysall Road and on Bradmore Road to the east. The next closest residential properties are concentrated within the settlements of Wysall and Costock located c. 400m east and 1.5km west of the site respectively.
6. Vehicular access to the northern parcel of the site is currently via the existing farm access track at Lodge Farm which extends westwards from Bradmore Road to the east of the site.
7. Vehicular access to the southern Parcel of the site is currently achieved via an existing gated agricultural field entrance on Wysall Road on the southern

boundary of the Parcel, from where an access track and bridge over the Kingston Brook provide means of access into the agricultural field parcels.

DETAILS OF THE PROPOSAL

8. Planning permission is sought for the construction, operation and subsequent decommissioning of a renewable energy park comprising ground mounted solar photovoltaics with co-located Battery Energy Storage System (BESS) at the point of connection, together with associated infrastructure, access and landscaping. The supporting documents state that it is estimated that the solar farm component of the Development would have an export capacity of up to 49.9MW of renewable energy per year, which could provide approximately enough energy to power up to 17,500 homes and displace approximately 22,455 tonnes of CO₂ per annum.
9. The proposed Solar PV Arrays would be laid out over both site parcels, however the proposed battery storage compound and grid connection infrastructure will be positioned within the south of the Southern Parcel, in proximity to the Point of Connection (POC) into the existing 132kV overhead powerline which crosses the Southern Parcel of the Site.
10. The two site parcels would be linked by an underground cable which would extend from the Northern Parcel before following the route of the highway along Bradmore Road – Keyworth Road – Main Street – Costock Road – Wysall Road and eventually extending northwards into the southern boundary of the Southern Parcel.
11. The northern parcel would accommodate 17no. MV Central Inverter Units, solar connection infrastructure compound, permeable 4m wide access track and vehicle parking, 2.5m high timber post and wire mesh deer fencing around the solar panel areas, pole mounted CCTV cameras.
12. The southern parcel would accommodate 8no. MV Central Inverter Units, solar connection infrastructure compound, 70no. containerised battery energy storage units, 35no. containerised battery inverter units, 4no. auxiliary transformers, customer substation and switchgear buildings, 132kV DNO substation compound and transformer and control room and permeable 4m wide access track and vehicle parking.
13. Following the initial round of consultations, and comments received from Nottinghamshire Wildlife Trust, 522 solar panels have been removed along the western boundary of the northern and southern parcels to allow for the fencing to be moved eastwards to create a wider green connectivity corridor between the proposed perimeter fence and the existing boundary vegetation. This corridor was previously around 5m in width but is now between 15-20m. There have also been additional planting included in the landscape strategy.
14. The proposed landscape mitigation element of the proposal would include new native species hedgerow, tree copse and woodland planting and gapping up of existing hedgerows, creation of species diverse grassland, wildflower and wet

meadow area as well as enhance existing hedgerows with supplementary planting of native species where required.

15. In terms of access improvements, a new access track to serve the northern parcel would be constructed slightly further south from the existing access that will extend west from Bradmore Road parallel to the existing farm access through the field, retaining the existing access for continued farm and residential operation.
16. In relation to the southern parcel, the existing access and bridge would be appropriately upgraded to accommodate both construction and operational traffic associated with the proposed development.
17. It is acknowledged that the site is immediately adjacent to a consented solar farm at Highfields (application Ref. 22/00303 FUL). Following concerns raised that this application would form an extension to the consented development and form a larger development which trigger the need for the development to be considered a nationally significant infrastructure project, the applicant has supplied a supporting legal opinion from Counsel.
18. The applicant Counsels legal opinion sets out that the solar farms are separate projects and do not, individually or together, constitute a nationally significant infrastructure project (NSIP) for the purposes of the Planning Act 2008. The statement goes onto to clarify that the two solar farms have been promoted separately, at different times, by different developers, under different planning applications. They will operate independently of each other and that there is nothing to suggest that the solar farms should be treated as a single project for the purposes of the PA 2008 and there is no legal requirement for them to be treated as such.
19. An Environmental Impact Assessment (EIA) (ref. 23/01010/SCREIA) was submitted to the Local Planning Authority (LPA) for consideration in May 2023. The LPA considered that, given that the site is not located within a sensitive area for the purposes of Environmental Assessment as set out in the Regulations; that the potential environmental affects would be limited (as considered within the screening response); the temporary and reversible nature of the proposals; that specific matters can be further considered as part of detailed assessments of the application; and further mitigation could be provided as part of the application, it was considered that the proposals did not constitute EIA development. Following submission of the current application, a further screening assessment was undertaken by the LPA as the nature of the development site had changed (decreased in size). It was considered that, given the same considerations, that the proposal did not constitute EIA development.

REPRESENTATIONS

Ward Member

20. Ward Councillor (Cllr Edyvean) - objects on the following grounds:

- There is permission granted for a solar farm of 49.5MW capacity adjacent to this application.
 - If this application is allowed then a total capacity of just under 100MW will be created, this contravenes central government guidelines as such a size of development should be considered as National Infrastructure to be decided by Central Government.
 - The access road proposed is wholly unsuitable for the construction traffic suggested. Therefore the site is inaccessible for construction purposes. If an electrical connection between the South and North site is required it should be as the crow flies between the two parts of the site. To suggest laying cable on the road link between the two parts is nonsensical and intrusive.
 - The application uses fertile agricultural land which has historically been used for cereal crops, we are now led to believe that this is not so.
 - The site despoils open countryside including a portion of the Midshires Way.
 - The topology of the site is such that screening will be ineffective from vantage points anywhere south of the site, it is debatable how effective give any screening will be from other viewpoints.
21. Ward Councillor (Cllr Edyvean) – confirmed that the objections raised above remain for the revised plans.
22. Adjacent Ward Councillor (Cllr Wells) – objects due to it being over intensive and overbearing for a rural setting.
23. Adjacent Ward Councillor (Cllr Cottee) - objects on the following grounds:
- There is permission granted for a solar farm of 49.5MW capacity adjacent to this application. If this application is allowed then a total capacity of just under 100MW will be created, this contravenes central government guidelines as such a size of development should be considered as National Infrastructure to be decided by Central Government.
 - The access road proposed is wholly unsuitable for the construction traffic suggested. Therefore the site is inaccessible for construction purposes.
 - If an electrical connection between the South and North site is required it should be as the crow flies between the two parts of the site. To suggest laying cable on the road link between the two parts is nonsensical and intrusive. The application uses fertile agricultural land which has historically been used for cereal crops, we are now led to believe that this is not so. The site despoils open countryside including a portion of the Midshires Way.
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Parish Meeting and Adjacent Parish Councils/Meetings

24. Costock Parish Council – Costock Parish Council has held consultations with residents to determine community views on this application. While there is inevitably a range of views and a recognition from many that there is a need for solar power, a number of concerns have been raised.
 1. The scale of this proposal is huge, especially when seen alongside the existing permission in this area.(22/00303/FUL). As adjacent developments they breach planning rules relating to the need for Central Government approval.
 2. Excess water from the site will run into Kingston Brook, this will be exacerbated by the foundations needed to hold the panels in place which will reduce the soak away capacity of the ground. This area already suffers from flooding and recently Kingston Brook has frequently been full to capacity and overflowing especially further downstream. This will cause further difficulties for residents of Costock and East Leake from the knock-on effects leading to even more flooding.
 3. Construction will take 24 weeks during which there will be large numbers of very large lorries using Wysall Road and the A60 crossroads. Wysall Road is wide enough for 2 cars to pass but not wide enough for 2 lorries to pass without straying onto already so verges. Even on a relatively quiet road this will cause congestion for local users. The crossroads is very busy both along the A60 and with vehicles from East Leake and Costock village wishing to use the A60. It is the one unregulated crossroads between Ruddington and Loughborough and there are already regular accidents. Most are fortunately minor but they result in stressed road users and damaged vehicles. Large lorries navigating both onto and out of Wysall Road will lead to impatience (the cause of many accidents) and danger for pedestrians who live on the east side of the A60 but regularly use village facilities in the centre of the village which is to the west of the A60. No lorries should be allowed to use the parking area to the east of the A60 or Old Main Road as a cut through in any direction
25. Bunny (adjacent) Parish Council - Firstly Bunny Parish Council is very supportive of renewable energy schemes. They thank Exagen for listening to comments and revising some of their plans. However they do not feel that all their concerns when they objected to the project 6 months ago, during the first application stage, have been fully considered.
26. Rempstone (adjacent) Parish Council - The scale of the development, this site is immediately adjacent to another solar farm which has recently gained planning consent, the two sites combined have a capacity of 99MW this is in excess of the 50MW limit before national government approval is required. It was felt that is a fragmented approach to applications to avoid national consideration. As these two sites are adjoining the Council believe the

cumulative impact of both together should be considered rather than the Borough Council taking a piecemeal approach.

The surrounding road infrastructure is not suitable for the size of vehicles proposed during the construction phase, many being narrow country roads, this will have an impact on the safety of residents who routinely use these roads. The land is workable land, with much previously being used for food production and this should take precedence.

27. Wysall And Thorpe-in-the-Glebe (adjacent) Parish Council – have made the following comments:

The Parish Councils view on the further application made by Pegasus on behalf of Exagen has not changed. It does nothing to address the concerns raised in our original objection and we remain strongly opposed to the proposal. Additionally, we would also make the following comments:

1. There is no mention of the proposed cable that will need to run through our village to connect the proposed North to the South Solar Parks. We are very concerned that there will be large lorries traversing our rural landscape, navigating our narrow country roads and essentially changing the nature of our conservation village.
2. The documents seem to propose that in 15 years when the planted vegetation has matured the solar parks will have very limited visual impact. They back this assumption with images superimposed with panels and trees.
 - a) This poses the assumption that all newly planted trees and bushes will be cared for consistently over this time. This is a big demand for the company with the type of very hot summers we are due.
 - b) The current Midshires walk through Wysall to Old Bunny Woods is extremely popular amongst villagers and beyond. The views that are seen of the open countryside leading up to the woods are exceptional. This will become essentially enclosed by the screen Exagen intend to plant.
 - c) The 15 years to the alleged screen of the solar panels will be detrimental to the long established walk. This will affect its current users both mentally and physically.
 - d) The effect of solar panels on open countryside is a form of industrialization.
3. The effect on wildlife by covering the ground with glass coated panels is a concern to the council. What is proposed as mitigation such as for the skylarks is wholly inadequate.
4. The disruption for residents and visitors re digging up the Main Street to lay the cable - people will not be able to park on Main Street, deliveries to the

pub will be difficult. Access to the village hall and church will be impacted etc. We have no detailed plan regarding how long this will take, which side of the road would be closed etc.

5. We are concerned with the fire risks associated with the battery storage unit, if there was a fire it would be catastrophic for the village. There is not a simple way to extinguish a fire at that location or prevent the spread of toxic fumes. We would stress that the objection submitted by the Parish Council reflects the views and concerns of most residents, many of whom have also privately objected to this application.

Statutory and Other Consultees

28. Nottinghamshire **County Council Rights of Way Officer** - No objections raised, development has maintained Rights of Way in current location to acceptable terms. The Midshires Way has been identified as a long distance footpath route, it is in fact an equestrian route but as this point there is a footpath alternative which runs through the site on the existing Public Right of Way (PRoW) network. The PRoW network has been accommodated on its existing route within wide corridors. The areas are to be sown with a wildflower mix. It is noted that the PRoW will remain open during the construction phase with suitable fencing securing the development sites on each side. It is noted that banksmen will be used to ensure the public are safe when materials are being delivered and that gates will be across the haul roads to ensure site security and only opened across the footpath when a vehicle movement is required, right of way being given to the footpath users at all times. There should not be any gates on the footpath itself. Should a temporary closure of the footpath be needed for ground works around the corridors, in order to ensure the public is safe, then a temporary closure (TTRO) of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions.

Wish to see a condition regarding the maintenance and management of the PRoW over the site for the duration of the construction and life of the development. I note there has not been any consideration over a permissive path around the south and south west of the site which would allow some of the views to be retained and thereby retain some semblance of an interesting path.

29. **Historic England** – Originally raised concerns regarding the application on heritage grounds due to the visual impact on the setting of Holy Trinity Church, Wysall conservation area, Highfields and Manor farmhouse. Following further information Historic England revised their position to state that they raise concerns due to the visibility of the site within the wider landscape setting and from areas within the site. The previous concerns regarding the aforementioned Heritage Assets have been alleviated.
30. Nottinghamshire **County Council as Lead Local Flood Authority (LLFA)** No objection.
31. **Environment Agency** – No objection. They advise that the proposals include 3 instances of access roads crossing ordinary watercourses, including the

Kingston Brook. The permanent structures and the associated temporary works may require consent under Section 23 of the Land Drainage Act 1991. It is recommended that the applicant engages early with Nottinghamshire County Council as the Lead Local Flood Authority with details of their proposals.

32. **Fire Service** – No objection raised, a pre-commencement condition is recommended to ensure appropriate risks are known and mitigated for once the final detail/technology of the battery storage equipment is known and that this information is to be submitted through a Risk Management Plan and Emergency Response Plan. The plan is required to include confirmation that Fire Service vehicles can easily access all of the site, final safety systems of the containers, final internal suppression system to be used, method of dealing with a fire, container heat output (energy density), contamination levels of gases and vapour and how will it be controlled.
33. **East Midlands Airport** – No objection subject to informatives.
34. Nottinghamshire **County Council Archaeology Officer** – Initially requested that further evaluation be carried out in the form of trial trenching prior to the application being determined. Subsequently the officer raised no objection. Recommends there be a planning condition for an Archaeological Mitigation Strategy to effectively deal with this site.
35. **RBC Conservation Officer** - Considers that the proposal would cause harm to the designated heritage assets affected by the proposal with the harm to be towards the middle of the less than substantial scale. As the level of harm is considered less than substantial permission could still be granted if it is concluded that public benefits outweigh harm through application of the test within Paragraph 215, NPPF (Dec 2024). In applying this test, it should be noted that it is not to be applied as a simple balance. Public benefits must not simply outweigh harm but must do so to a sufficient degree to justify departure from the statutory presumption against granting planning permission arising from the 1990 Act.
36. **RBC Ecology and Sustainability Officer** - It is unlikely that this development will have a detrimental impact on populations of protected species provided the proposed reasonable avoidance measures, mitigation and enhancements are implemented.

However, the only bird of conservation concern recorded in high numbers within the fields themselves being the skylark, partial on-site mitigation is proposed and should be implemented, however this is likely to lead to a permanent negative impact. Reasonable avoidance measures for other birds is proposed which should also be implemented.

I note this application is exempt from mandatory net gain as the application predates the enactment of that requirement, however Biodiversity Net gain is required under planning policy.

The Biodiversity Net Gain Plan / Landscape and Ecology Management Plan and associated landscape plans delivering this biodiversity gain should be agreed by the local planning authority. This should be a condition of any planning permission and secured via a planning obligation. Additionally, a Habitat Management and Monitoring Plan (HMMP) should be submitted to the planning authority and approved by the planning authority. This should be a condition of any planning permission and then secured by a planning obligation.

37. **Active Travel England** – Content with the application.
38. **Canal River Trust** – advises that this application falls outside the notified area for its application scale and location. We are therefore returning this application.
39. **Severn Trent** – No objection, recommends a condition in relation to foul water discharge.
40. **Natural England** – No objection - advise that the application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' (BMV) agricultural land. The ALC survey provided indicates that the land is Grade 3b or 4. For this reason, we do not propose to make any detailed comments in relation to agricultural land quality and soils, although sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through appropriate site design / masterplan / Green Infrastructure. Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of soil resource information in line with the Defra guidance Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.
41. **Nottinghamshire Police** – No holding objection but requests an informative.
42. **Network Rail** - No observations.
43. **Wildlife Trust** - We are of the view that amendments are required to the layout and landscaping to secure an adequate buffer to LWS and ASNW at the northern boundary of the proposed solar farm. Furthermore, a robust cumulative impact assessment and mitigation is required, especially in relation to impact on breeding skylarks. We therefore wish to submit an objection to this application.
44. Nottinghamshire **County Council Highway Authority** - Initially raised a number of concerns. Following receipt of a revised Transport Statement (TS) and a revised Construction Traffic Management Plan (CTMP) and a Highways Technical Note, raised no objection. Recommends conditions in relation to passing bays, condition survey and wheel washing.
45. **National Highways** – Initially considered that there was insufficient information and requested that no decision be made for 3 months to enable further information to be provided. Following the submission of further information and clarification, no objection is raised.

46. **Sport England** – The application does not fall within our statutory remit or non-statutory remit. Refers to standard general guidance and advice.
47. **RBC Environmental Health** – No objection. Recommends conditions in relation to updated noise survey and construction method statement, external lighting.
48. **RBC Planning Policy** – No objection, raises issues for consideration including cumulative impact, flood risk and impact on recreational users of the footpaths.
49. **Local Residents and the General Public**

192 written representations have been received. 186 representations raise objections and 4 representations write in support.

The objections raised are summarised below

- a. Rural location
- b. Inadequate proposed screening of panels due to gradient of land
- c. Oversized
- d. Impact on open countryside & adjacent greenbelt
- e. Harm to Wildlife & habitat
- f. The adverse landscape and visual impact
- g. 40 years is not a temporary period
- h. Reducing the UK's valuable food production capacity
- i. Noise Pollution
- j. Negative impact on protected species
- k. Potential adverse impact the development may have on the local road network
- l. The addition of construction and maintenance HGVs will be a serious safety concern
- m. Inappropriate site
- n. Country Lanes already in dire condition & very narrow
- o. Green Spaces should be protected
- p. It would have a harmful impact on views from local footpaths next to the site
- q. Adjacent to another large solar farm
- r. Glint & Glare
- s. Fire safety concerns
- t. Toxic Gases
- u. Loss of Heritage Land & a Long-standing Public Right of Way
- v. Alternative sites be explored
- w. Impact on Bunny Old Wood which is a 'protected' historic site (ancient woodland)
- x. Affect on the conservation area and many listed buildings
- y. Flooding of Kingston Brook
- z. It would lead to the loss of agricultural land and harm food security
- aa. Concerns raised by the Fire Service
- bb. Loss of Productive Farmland

- cc. The development will destroy underlying known and unknown archaeology
- dd. Affect on bees and pollinating insects
- ee. Increased pressure on local drainage
- ff. Approved Highfields solar site adjacent, total site will be immense and in excess of the 49.5 MW which will require government approval
- gg. Water Pollution
- hh. Over development in local area
- ii. Light pollution at night and loss of privacy through cameras
- jj. Proposed access road brings concern for traffic, cyclists, horse riders and pedestrians
- kk. Affect on the conservation area
- ll. Contamination of Kingston Brook
- mm. Negative impact on local businesses
- nn. Cable Laying - proposal to join the two sites
- oo. Highway Safety
- pp. Access to the site from the A60

50. Comments in support received are summarised as below:

- a. Good access to the National Grid
- b. Suitable Site
- c. Suitable livestock can be grazed between panels
- d. Appropriate screening of native hedges
- e. The installation of renewable energy generation to meet NetZero targets

51. The full comments received from all consultees can be found [here](#).

PLANNING POLICY

52. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy 2014 and The Rushcliffe Local Plan Part 2: Land and Planning Policies 2019. The overarching policies in the National Planning Policy Framework (the NPPF) are also relevant, particularly where the Development Plan is silent.

Relevant National Planning Policies and Guidance

53. 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.

54. 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:
55. The following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
- Chapter 2 - Achieving sustainable development
 - Chapter 4 - Decision making
 - Chapter 8 – Promoting healthy and safe communities
 - Chapter 12 - Achieving Well Designed Places
 - 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.
56. A copy of the National Planning Policy Framework 2024 can be found [here](#).
57. A copy of the Planning Practice Guidance can be found [here](#).
58. 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. The revised Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) came into force on the 17th January 2024. The NPSs can be a material consideration in decision making on applications that both exceed or sit under the thresholds for nationally significant projects.
59. 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.
60. As the proposal has the potential to have any impact on the setting of heritage assets, there is specific legislation which also forms a material consideration, which is as follows. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, section 72(1) of the Planning (Listed

Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Relevant Local Planning Policies and Guidance

61. Rushcliffe Local Plan Part 1: Core Strategy
 - Policy 1 Presumption in Favour of Sustainable Development
 - Policy 2 Climate Change
 - Policy 10 Design and Enhancing Local Identity
 - Policy 11 Historic Environment
 - Policy 15 Transport Infrastructure Priorities
 - Policy 17 Biodiversity.

62. Rushcliffe Local Plan Part 2: Land and Planning Policies
 - Policy 1 Development Requirements
 - Policy 16 Renewable Energy
 - Policy 17 Managing Flood Risk
 - Policy 18 Surface Water Management
 - Policy 19 Development Affecting Watercourses
 - 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
 - Policy 41 (Air Quality)

63. The policies in the Core Strategy and Local Plan Part 2 are available in full along with any supporting text [here](#).

APPRAISAL

Principle of Development

64. The NPPF also states that when determining planning applications for renewable/low carbon energy developments, local planning authorities should not require applicants to demonstrate the overall need for renewable/low carbon energy and even small-scale projects can provide a valuable contribution to cutting greenhouse gas emissions.

65. Renewable energy projects are also supported by Policy 16 Renewable Energy of the LPP2 which states that “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.
66. 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.
67. 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.

Landscape/Visual impact

68. The application site is not located within the Green Belt, and therefore criteria 'a' of Policy 22 is not relevant. However, the site is located within the open countryside and as such Policy 22 of LPP2 is engaged.
69. Policy 16 of LPP2 requires development for renewable energy to be acceptable in terms of the impact on the landscape and visual impact. Policy 22 of LPP2, seeks to ensure that the open countryside is conserved and enhanced for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources, and to ensure it may be enjoyed by all.
70. Policy 22 goes onto state that development will be permitted subject to the appearance and character of the landscape, including its historic character and

features such as habitats, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is conserved and enhanced.

71. Within the solar farm landscape sensitivity and capacity study, the site falls within the landscape assessment unit of LAU A Gotham and West Leake Wooded Hills and Scarps as well as the regional character of the Nottinghamshire Wolds. The study describes the landscape as largely rural with mostly modern field patterns, though small pockets of irregular and smaller scale historic field pattern do exist.
72. The landscape is identified as being in overall good condition with hedgerows, woodland and agricultural land well managed. In terms of sensitivity the landscape is judged to be of medium sensitivity, as a result of its medium value and medium susceptibility to change, although the indicative capacity for large scale development is shown to be low.
73. A landscape and visual impact assessment (LVIA) has been submitted in support of the application. This document describes the impact on the landscape from the proposed development initially and then also after the landscape mitigation has fully established.
74. This document, submitted by the applicant, concludes that, in terms of the impact on the landscape character there was a moderate adverse impact on the character in year 1 reducing down to minor adverse at year 15.
75. With regard to visual amenity, some of the assessed view points (Viewpoint 5, Viewpoint 7, and Viewpoint 8) were acknowledged to result in major adverse impact effects in winter. These were expected to reduce down to negligible at year 15 or moderate adverse at Viewpoint 8.
76. Road users travelling along Wysall Road would experience direct and relatively close range views resulting in major adverse effects along approx. 550 m long section of the road.
77. In terms of residential amenity, the LVIA has identified the residents at Five Oaks Stables and Scotland Hill Farm would be subject to moderate adverse effects at most, in winter views at Year 1, with the residual effects negligible.
78. An independent review (instructed by the Council) of the applicant's LVIA has been undertaken by Wyn Williams landscape architects. The review disagrees with some of the points made in the conclusions by the supplied LVIA, these points are described below.
79. The LVIA sets out the planting proposals will have a wholly positive influence on the landscape character, whereas the review considers the planting to be incongruent with existing field patterns and would prevent users of the footpath from appreciating their location within the valley landscape, changing the perceived sense of place and character, as open views would become enclosed and constrained.

80. In terms of the cumulative impact, the independent review considers the introduction of solar arrays and associated infrastructure on the combined scale proposed by the two (application Ref. 22/0030/FUL Highfields Farm and this current application) solar farms would represent a notable change away from baseline landscape character and visual amenity, with the overall cumulative impact being underestimated by the LVIA.
81. Overall, there is a disagreement on the residual impact after the landscape mitigation has established with the view expressed that the impact is unlikely to reduce down to a negligible impact, and more likely to remain as a moderate or minor adverse impact at year 15.
82. Both the submitted LVIA and independent review are largely aligned in terms of the initial impact from the proposed development being major adverse. Officers are of the view that the review by Wyn Williams is a more accurate reflection of the overall impact on landscape character in the longer term. It is acknowledged and agreed that the landscape mitigation would reduce the visual impact of the proposed development and this would continue to reduce as the planting becomes more established and higher, however, it is also acknowledged that this planting would not be in keeping with existing field patterns and therefore not wholly positive, as put forward by the LVIA.
83. In this regard, there is an identified conflict with the aims of Policy 16 b) and Policy 22 of LPP2, in that the proposed development would result in harm to the landscape character from a visual and cumulative impact from the adjacent approved solar farm development.

Residential Amenity

84. In terms of the impact on the amenity of nearby properties and impact on health 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.
85. 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".
86. 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".
87. 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".

88. Policy 40 also states Proposals for development must identify potential nuisance issues arising from the nature of the proposal and address impacts on that development from existing land uses. The supporting text to Policy 40 goes onto explain that nuisance issues, for example noise, dust and odour can have a significant impact on the quality of life, community cohesion, health and amenity.
89. The site is located in a rural location with various agricultural holdings and associated dwellings around the periphery of the application site to the south of Wysall Road and on Bradmore Road to the east. The next closest residential properties are concentrated within the settlements of Wysall and Costock located c. 400m east and 1.5km west of the site respectively. However, an assessment of the potential impact on residential amenity is a material consideration having regard to the highlighted policy guidance above.
90. The application is supported by a noise impact assessment based on a worst-case scenario as well as a glint and glare assessment which carried out a study on the impact on 44 dwellings closest to the site.
91. The report concludes rating levels due to noise from the proposed development, either in isolation or in combination with the consented Highfields Solar Farm would be below the level of adverse impact and given the report asserts a worst-case scenario then it is not considered that there would be significant adverse impacts with respect to noise.
92. The Environmental Health department have had a careful regard to the submitted documents and raised no objection to the proposal, subject to condition.
93. In light of the above, it is considered that the proposal would accord with the aims of Policies 1 and 39 of the LPP2. It is also considered to comply with criteria g), f) and j) of Policy 16. Although the recommended conditions in relation to an updated noise survey based on precise details of the equipment to be installed, lighting assessment and construction method statement condition are considered appropriate to attach to any grant of planning permission in order to safeguard residential amenity. With such conditions in place, the proposed development is considered to accord with Policy 40.
94. In relation to air pollution, 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".
95. The nature of the proposed development mean that no odour or harmful emissions would be generated during the operational stage, therefore, the proposed development is considered to be in alignment with Policy 41 of the LPP2 regarding air quality.

Airport Safety

96. With regard to matters relating to airport safety The East Midlands Airport Safeguarding team have been consulted and had regard to the submitted Glint and Glare assessment. The airport safety team have not raised an objection to the proposal but requested a number of informatives to ensure compliance with aerodrome safeguarding of aircraft. These informatives are considered appropriate to attach to any grant of planning permission.

Heritage Matters including Archaeology

97. There are a number of heritage assets within close proximity to the application site. Holy Trinity Church, dates from the 12th century and is Grade I listed. Manor Farmhouse to the west of the settlement is primarily 17th to 18th century and Highfields is to the west of the main settlement and likely to be of 18th century origins. Both of these buildings are grade II listed. Wysall Conservation Area is located to the east of the site.
98. 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".
99. 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.
100. 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".
101. 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.
102. The proposal has been reviewed by the conservation officer and Historic England, with the overall conclusion made that the proposal would alter the

contribution the rural landscape makes to the character and significance of the conservation area and the historic buildings from certain viewpoints. The level of harm has been identified as being the medium level of less than substantial harm. The level of harm needs to be weighed in relation to the public benefits of the scheme which is undertaken within the Planning Balance section of the report.

103. In terms of archaeology, the site has been subject to a number of trial trenching and initial investigation works. The work carried out to date has demonstrated there is multi-phase archaeological activity across large parts of the application site. The County Archaeology Officer has advised that mitigation measures are required and that options for these would be informed by a second phase of trenching. Conditions are recommended to be attached to any grant of planning permission which would secure an appropriate scheme of archaeological investigation and appropriate mitigation. With such conditions in place, it is considered that important archaeological remains at the site would be adequately protected.
104. Overall, it is considered that there is a degree of conflict with the aims Policy 11 (Historic Environment) of LPP1 and Policy 16 (Renewable Energy) of the LPP2, by virtue of the identified less than substantial harm described above. This is to be assessed in the Planning Balance below.

Highway safety and rights of way

105. With regard to vehicular access and traffic, Paragraph 116 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".
106. 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".
107. 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".
108. Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms of vehicular access and traffic.
109. Improvements to access points at the northern and southern parcels of the site are included in the proposal, as are widening small sections of Bradmore Road.
110. The concerns from local residents on the impact on local roads are noted. While the majority of disruption would come on the initial set up of the proposed

development, officers are mindful that a significant number of commercial vehicles would be required to use small lanes especially to serve the northern parcel of the site.

111. The Highway Authority and National Highways have been consulted as part of the application process and following the submission of further information and a revised transport statement have confirmed that no objections are raised on highway safety grounds. There are a number of recommended conditions in relation to the condition survey of the highway surfacing of accesses, and wheel washing facilities.
112. It is therefore considered that with the inclusion of the recommended conditions, with the exception of wheel washing which is covered by separate legislation, the proposed development would be acceptable from a safety perspective and accord with policies 1 and o) of policy 16 of the Local Plan Part 2 and guidance contained within the NPPF.
113. In terms of the impact on the rights of ways running through the application site, it is noted that the Rights of Way officer has not raised any objection to the proposal and recommended that the proposed protection and management measures during construction are secured via condition.
114. Given the above, it is considered that the proposal is acceptable in terms of the impact on rights of way and the recommended condition considered appropriate to attach to any grant of planning permission.

Ecology/biodiversity

115. 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”.
116. The policy goes on to protect designated national and local sites of biological and geological important 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.
 117. 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.
 118. Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms of ecology and biodiversity.
 119. Policy 38 non-designated biodiversity assets and the wider ecological network
 1. Where appropriate, all developments will be expected to preserve, restore and re-create priority habitats and the protection and recovery of priority species in order to achieve net gains in biodiversity
 2. Developments that significantly affect a priority habitat or species should avoid, mitigate or as a last resort compensate any loss or effects
 3. In order to ensure Rushcliffe’s ecological network is preserved and enhanced, development within Biodiversity Opportunity Areas should:
 - a) retain and sympathetically incorporate locally valued and important habitats, including wildlife corridors and stepping stones; and
 - b) be designed in order to minimise disturbance to habitats and species
 4. Outside of the Biodiversity Opportunity Areas developments should, where appropriate, seek to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
 120. The application has been supported by a preliminary ecological appraisal, a Great Crested Newt (GCN) survey and a net gain assessment. The proposal has been reviewed by the Borough ecologist who has advised that no nationally designated sites are likely to be affected by the proposal and that the local wildlife sites close to the site would have a negligible impact which could be mitigated with reasonable avoidance measures in place.
 121. The Borough Ecologists also goes onto state that the proposal is unlikely to have a detrimental impact on populations of protected species provided the proposed reasonable avoidance measures, mitigation and enhancements are implemented.

122. The comments made in relation to the need for a GCN site mitigation license if the developer chooses not to use DLL are noted, as well as the need for the recommended mitigation for grass snakes and brown hare to be implemented.
123. However, it is noted that skylarks are identified as being of conservation concern and that even with the partial on-site mitigation, the proposal is likely to lead to a permanent negative impact on this species of bird. Mitigation for skylarks is proposed by providing approximately 3.62ha of arable land with a set-aside or spring-sown crop within the south eastern corner of the northern parcel of the site. This land is to be retained as an open unpanelled area to provide enhanced nesting habitat for skylarks. Displacement of remaining skylark territories into suitable neighbouring habitats is further mitigated for through the proposed grassland enhancement within the panelled fields which will increasing their suitability as a skylark foraging source above that of previously arable land. Nevertheless, there will still be a negative residual effect for skylarks. Skylarks, as with all birds species are protected under the Wildlife and Countryside Act 1981. However they are not protected in the same way as Bats or Great crested Newts which are European Protected Species under the Conservation of Habitats and Species Regulations 2017.
124. Recommendations within the surveys are made in relation to mitigation and enhancement, which could be secured by condition to any grant of planning permission.
125. In terms of BNG, the proposed development is exempt from mandatory net gain as the application predates the enactment of that requirement, however Biodiversity Net gain is required under planning policy.
126. A Biodiversity Net Gain assessment has been submitted and demonstrates a 0.38 unit (2.77%) gain in area habitats and 0.99 unit (34.23%) gain in hedgerow habitats. This has been assessed and considered to be in accordance with the aims of Policy 38 of the LPP2.
127. In light of the above, it is considered that due to the identified impact to Skylarks habitat, there is a degree of conflict with Policy 38 of the LPP2. However, with recommended mitigation and reasonable avoidance measures secured by condition, the conflict would be limited. However, this needs to be assessed and weighed in the planning balance.

Flood Risk

128. 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".
129. 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".

130. 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.
131. Policy 19 of LPP2 states that the Council will support development proposals that provide a minimum 10 metre buffer where physically feasible between the watercourse and the development site which is free of built development and includes a long term landscape and ecological management plan for this buffer.
132. Whilst the site would be within 10 metres of the Kingston Brook, this relates only to the access arrangements to the southern parcel of the land and connectivity to the existing pylon therein which sits adjacent to the Brook. Therefore, although not free of built development, given the connection and access arrangements required it is not considered physically feasible to require a full 10 metre buffer due to the nature of the works proposed adjacent to the Kingston Brook and that is where the existing access and point of connection sits. The location of the panels themselves and the remainder of the development would all fall outside the 10m buffer to the Kingston Brook.
133. There are other parts of the scheme which fall within a 10m buffer to a watercourse however these are considered to be small land drainage ditch/streams and whilst free of built development and the panels themselves, it is not considered reasonable to require a full 10m buffer in this instance. Further, as the watercourses themselves are free from built form, the proposal for the buffers adjacent to these watercourses include long term landscape provision and ecological management plans which are recommended to be secured by condition.
134. In terms of technical consultee responses, the Environment Agency have been consulted and have no comments to make on the application. The Lead Local Flood Authority have also been consulted on the proposal and raised no objection.
135. In relation to compliance with National and local policy guidance, revised plans have been submitted with the most recent flood zones marked on which confirm that all electrical aspects of the development lies entirely 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) and outside of the modelled surface water flood events.

136. However, a small section of the site is located within flood zone 2/3 which contains the access crossing Kingston Brook into the Southern part of the site. In line with the guidance within Para's 173-177 of the NPPF, the development should be subject to the sequential and exception test.
137. The applicant has provided information of the consideration to alternative access arrangements to avoid flood zone 2/3 and stated that no alternative could be found due to access between the north and south parcels being through 3rd party land with the owners not interested in granting rights of easement. Access options to the west were discounted due to this being through the consented solar farm site and access from the east unavailable due to the existing village. Alternative access from the south would involve crossing the Kingston Brook which runs parallel with the southern boundary and this proposal utilises an existing access and bridge over the Kingston Brook. It is considered therefore that, given the site access to the southern parcel of land is existing and alternative options are unavailable, officers are satisfied that the proposed access arrangement is considered to have been through a sequential risk based approach as required by Para 173 of the NPPF and that there are no alternative access options for the southern parcel that do not involve crossing the area of Flood Zone 2/3.
138. As the proposed development is classified as Essential Infrastructure and the Site is partly located within Flood Zone 3, the exception test is required as outlined in Table 2 'Flood risk and coastal change' guidance (<https://www.gov.uk/guidance/flood-risk-and-coastal-change>). The exception test requires the Development to demonstrate the following:
 - Developments that have to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and
 - The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.
139. The proposed development is a solar farm with BESS which aligns the UK government plan to reach clean power by 2030 and therefore officers are satisfied the first requirement of the exception test.
140. The submitted FRA has highlighted that the flood risk to the application site is considered to be Low/ Very Low for all sources of flooding. All electrical infrastructure is located in Flood Zone 1 and raised above surface water flood depths and as such officers are satisfied that point two of the exception test is met.
141. In relation to surface water flooding, the applicant has set out how the design of the development has considered this constraint. All electrically sensitive infrastructure is located outside of these including BESS units, inverters and the

substation. Some solar panels are located in the areas subject to surface water flooding however these panels are raised slightly to ensure that the bottom edge of the panels is at least 300mm above the modelled depth of surface water flooding, thereby ensuring all electrically sensitive equipment is located above the modelled flood extent. In the worst case locations the lower edge of the panels would be 1.2m above ground meaning the maximum height of panels in these areas would be 3.5m.

142. Furthermore, the proposal includes details within the flood risk and drainage assessment of an attenuation basin feature which would hold surface water run off before discharging into the Kingston Brook. Recommendations are made within the submitted reports in relation to surface water management and maintenance.
143. Subject to a condition to secure the recommendations detailed in the report, the proposal is considered to be acceptable in relation to surface water management and flood risk and would accord with policies 17, 18 and 19 LPP2.

Fire Safety

144. The issue of Fire safety has been central to other development schemes for solar energy production and battery storage. It is acknowledged that this type of development represents a relatively new technology which relies on lithium batteries being used to store electricity. The lithium batteries get very hot and so need to be kept cool constantly to prevent the build-up of excessive heat and risk of fire. In the event that the batteries catch alight, they give off toxic fumes and as they do not respond to water, cannot successfully be put out.
145. Accordingly, the comments from the Fire Safety Officer have been sought on this matter. A number of consultation responses have been received by the Fire Safety Officer which required further information to be supplied.
146. In response to this, a suggested condition which requires the submission of a Risk Management Plan and Emergency Response Plan has been put forward to the fire safety officer. The suggested condition requires the plan to be developed in conjunction with the Nottinghamshire Rescue service using the best practice guidance as detailed and required in the published Grid Scale Battery Storage Energy Storage planning - Guidance for Fire and Rescue Services (FRS) published by National Fire Chiefs Council (NFCC).
147. The plan is required to include confirmation that Fire Service vehicles can easily access all of the site, final safety systems of the containers, final internal suppression system to be used, method of dealing with a fire, container heat output (energy density), contamination levels of gases and vapour and how will it be controlled. Given that the finalised detail of the development in relation to the above matters is to be provided once known, it is considered that the detail can be satisfactorily and appropriately secured by condition.
148. The Fire Safety Officer has confirmed that the suggested condition is appropriate and would invite a further consultation once precise details are

available in order to work with the applicant on the production of an emergency response plan.

149. In light of the above, it is considered that with the attachment of the described condition, the issue of fire safety would be satisfactorily addressed.

Loss of agricultural Land

150. 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." 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".
151. Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms of best and most versatile (BMV) agricultural land.
152. Agricultural Land Classification is graded from 1 to 5 and BMV agricultural land is graded 1 to 3a. Agricultural land which is classified as 3b, 4 or 5 is not considered to be BMV agricultural land.
153. The design and assess statement (supported by a submitted Agricultural Land Classification Report) confirms at Para 1.4 that both site parcels are currently in use as arable agricultural use and are graded as lower grade (Grade 3b or Grade 4) agricultural land. The comments from Natural England refer to this document and comment that as the development would not result in over 20 ha best and most versatile (BMV) agricultural land no concerns are raised in regard to this issue.
154. It is noted that concerns have been received regarding the loss of agricultural land however the submitted report and investigation was undertaken by a person professionally qualified by the Central Association of Agricultural Valuers (CAAV) and included the sampling of soil from 14 enclosures across all parcels within whole application site. The results of the report and investigation confirm that the majority of the site is Grade 3b and the remaining Grade 4.
155. Given the above, it is therefore considered that the proposal would not result in the loss of any best and most versatile agricultural land, in accordance with the aims of Policy 1 and Policy 16 of LPP2.

Decommissioning

156. Policy 16 Renewable Energy of the LPP2 which states that "proposals for renewable energy schemes will be granted planning permission where they are acceptable in terms of... the decommissioning and reinstatement of land at the end of the operational life of the development.

157. The submitted supporting documents set out that the proposed development would export renewable energy to the grid for up to 40 years, and following the cessation of energy generation/storage at the site, all panels, security fence and inverters will be decommissioned, and all plant and machinery will be removed from the Site. The extant use of the site would then be restored thereafter.
158. A condition is secured to ensure the decommissioning and restoration of the site. With such a condition in place, it is considered that the proposal is in accordance with Policy 16 in this regard.

Other Matters

159. In regard to criteria within Policy 16 that are not specifically discussed above, namely considerations of open space and other recreational uses, grid connection, form and siting as well as generating plant, officers have assessed these points as follows.
160. In relation to open space and recreation, the proposed development alters views of the open countryside from within the site and the surrounding area although this impact is considered to decrease over time as the proposed landscape strategy is established and matures. The footpaths running through the site are not considered to be materially impacted with no objection being raised by the NCC rights of way team.
161. As to grid connection, the proposed development includes associated infrastructure as well as battery storage equipment to store and release energy to the grid. The proposal would utilize an existing Point of Connection (POC) into the existing 132kV overhead powerline which crosses the Southern Parcel of the Site.
162. The form of solar panels, battery storage units and substations are of a set industry standard and with very little variation in terms of visual appearance. The visual impact arising from the siting of the development as well as landscape strategy has been the subject of LVIA documents which have been independently assessed with overall conclusions made on this point within previous sections of this report.
163. In terms of proximity to generating plant, the proposed development would generate energy on site as well as having the ability store and feed back directly to the National Grid from the southern parcel of the site.
164. Given the above, it is considered that the proposal would be acceptable in terms of the remaining criteria within Policy 16 of LPP2.
165. The level of concerns received by local residents in relation to the proposed development is acknowledged together with the wide range of issues raised. The report has summarised the issues raised with the discussion of these matters within the relevant sections.

PLANNING BALANCE

166. 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.
167. The NPPF sets out that 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.
168. In this case, the proposed solar farm would provide a clean, renewable and sustainable form of electricity generation directly into the local electricity network with *approximately enough energy to power up to 17,500 homes and displace approximately 22,455 tonnes of CO2 per annum*. Furthermore, the proposal would be equipped with ancillary carbon zero energy storage to provide both ancillary storage to the solar farm but also energy balancing services to the National Grid.
169. In considering the application as a whole, the benefits of the proposal need to be weighed against the harm of the proposal in order to determine whether the development can be permitted.
170. The overall harm of the proposal can be summarised as resulting in major adverse impact on the landscape initially, reducing down to moderate/minor adverse once the landscaping mitigation works have fully established. There has also been an identified impact from an Ecological perspective, in that the proposal would reduce natural habitat for Skylarks resulting in a permanent negative impact of this species of bird. From a heritage perspective, the proposal has been considered to alter the contribution the rural landscape makes to the character and significance of the conservation area and the historic buildings from certain viewpoints. The harm in this respect has been assessed as being towards the medium level of less than substantial.
171. These impacts weigh negatively against the proposal and conflict with aims of identified policy guidance. However, it is considered that the significant weight associated to the generation and storage of renewable energy would clearly outweigh the identified harm.
172. In summary, it is therefore considered that when assessing the planning balance of the application as a whole, the undisputed urgent need for this form of development to assist in national and local targets for moving towards a low carbon future, would clearly outweigh the identified harm in terms of landscape character, heritage assets and Skylark habitat.

Conclusion

173. These factors, 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 in favour of the proposed development.
174. Accordingly, it is considered that when assessed as a whole the proposed development would be in line with guidance within the NPPF and the Council's own local planning policies and planning permission is recommended to be granted.
175. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and to address concerns. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following conditions

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

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

2. The development hereby permitted must be carried out in accordance with the following approved plan(s)/drawings/documents:
 - WLL02A-EXG-04-00-D-K001-P05 Site Layout Plan received 4th November 2024
 - Landscape Masterplan – P21-2533_EN_06E Landscape Strategy by Pegasus - *received November 2024*
 - Revised Landscape & Visual Impact Assessment by Pegasus Ref. p21-2533eN received 4th November 2024
 - WLL02A-EXG-05-ZZ-D-K010-P02 SOLAR PANEL cross section solar panel received 5th March 2024
 - P21-2533 OLD WOOD ENERGY PARK Revised Design and Access Statement received 5th March 2024
 - P21-2533 OLD WOOD ENERGY PARK Revised Planning Statement received 5th March 2024
 - WLL02A-EXG-05-ZZ-D-K001-P01 Battery Unit received 12th February 2024
 - WLL02A-EXG-05-ZZ-D-K002-P01 MV Inverter received 12th February 2024
 - WLL02A-EXG-05-ZZ-D-K003-P01 Substation Building received 12th February 2024

- WLL02A-EXG-05-ZZ-D-K005-P01 RMU and Control Enclosures received 12th February 2024
- WLL02A-EXG-05-ZZ-D-K006-P01 Aux Transformers received 12th February 2024
- WLL02A-EXG-05-ZZ-D-K007-P01 Palisade Fencing received 12th February 2024
- WLL02A-EXG-05-ZZ-D-K008-P01 BESS CCTV and Lighting received 12th February 2024
- WLL02A-EXG-05-ZZ-D-K009-P02 132KV Switchgear received 12th February 2024
- WLL02A-EXG-05-ZZ-D-K010-P01 Solar Panels received 12th February 2024
- WLL02A-EXG-05-ZZ-D-K011-P01 Solar Fence and CCTV received 12th February 2024
- WLL02A-EXG-05-ZZ-D-K012-P01 33KV Cable Connection and Control room received 12th February 2024
- WLL02A-EXG-05-ZZ-D-K013-P01 Typical 33KV Transformer received 12th February 2024
- R001V3-IN_P21-2533-FRA Flood Risk Assessment and Drainage Strategy Pegasus Ref. P21-212533
- CTMP updated to reflect Local Highways Authority comments - R02- CTMP-2024-12-05 - Motion
- Revised Transport Technical Note - TN03 - 2024-12-04 - Motion
- Revised Arboricultural Impact Assessment - BHA_5598_AIA_Old Wood Energy Park_IH_Dec_2024_Rev B - Barton Hyett Associates
- ALC Report, Davis Meade, November 2021
- Revised Ecological Impact Assessment and updated BNG, Clarkson and Woods, submitted in November 2024
- Breeding Bird Survey Report, Clarkson and Woods, September 2023
- Glint and Glare Assessment, Pager Power, November 2023
- Heritage Assessment, Pegasus, January 2024
- Noise Impact Assessment, Metrica, November 2023
- Outline Battery Safety Management Plan, Exagen, December 2023
- Attenuation Basin Statement, Exagen, February 2024.

[For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

3. 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/ first export of electricity. The development hereby approved is for a period of 40 years from the date of first export of electricity, after which the electricity generation and storage operations shall cease, and all solar panels, battery storage and ancillary

infrastructure are to be removed from the site and the land is to be restored to its former condition. No less than 6 months before the end of the 40 year operational period, a Decommissioning Method Statement will be submitted to and approved in writing by the Local Planning Authority. The Statement shall include the timing for decommissioning to secure the removal of solar panels, battery storage and associated equipment. 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, unless otherwise agreed with the Local Planning Authority. If the Development is not in operational use for a consecutive period of more than 6 months within the 40 year operational period then it would also require decommissioning using the approach set out above. The Local Planning Authority should be provided with not less than one week's notice in writing of the cessation of the generation and or storage of electricity, and the intended date for commencement of decommissioning works under the terms of this permission.

[In the interests of the character and appearance of the area and to comply with Policies 16 (Renewable Energy) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

4. The soft landscaping shown on the submitted drawing Plan Ref. Landscape Masterplan – P21-2533_EN_06E Landscape Strategy must be carried out and completed in accordance with those approved details not later than the first planting season (October - March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved Landscape Strategy 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.]

5. No development shall commence until a pre-construction condition survey of the highway has been carried out along the proposed HGV routes, the extent illustrated on Figure 7.1 of the Revised CTMP (R02- CTMP- 2024-12-05, Motion, dated November 2024), and submitted and approved by the Local Planning Authority. A post construction condition survey, with provision for appropriate reinstatement of affected areas associated with the construction phase of the development, should be submitted to and approved by the LPA within 6 months of export date secured by Condition 3.

[This is a pre-commencement condition as precise details have not been provided and this element of the proposed development is required to be carried out before the site is operational. In the interests of highway safety having regard to Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

6. The development shall not be brought into use until the accesses have been surfaced in a bound material for a minimum distance of 10m to the rear of the highway boundary, have been suitably drained to prevent the discharge of surface water from the site to the public highway and the visibility splays provided in accordance with the approved plans. The bound surfacing, measures to prevent the discharge of surface water and visibility splays shall thereafter be retained for the life of the development.

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

7. No part of the development hereby permitted shall take place until works to implement appropriate passing bay facilities in the adopted highway have been provided in accordance with details to be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

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

8. Prior to the commencement of any on site works (including site clearance), a Construction Method Statement detailing the proposed construction hours and techniques for the control of noise, dust and vibration during the works shall be submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved Construction Method Statement.

[In order 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).]

9. 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). The lighting shall be installed in accordance with the approved details and be retained and maintained as such for the life of the development.

[In order 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).]

10. The ecological enhancements and reasonable avoidance measures shall be carried out in accordance with the recommendations within the Ecological Impact Assessment (EclA) report by Clarkson and Woods received 4th November 2024.

[To ensure the development contributes to the enhancements 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.]

11. Prior to the first use of the development hereby approved a Biodiversity Habitat Management and Monitoring Plan, setting out how the ecological mitigation and compensation will be provided and maintained over a 30 year period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall then be reviewed every 5 years, with the Local Planning Authority being notified by letter, and any required improvements agreed with the Borough Council and then undertaken thereafter.

[To ensure the development contributes to the enhancements 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.]

12. No development or demolition shall take place until an Archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The mitigation strategy will include appropriate Written Schemes of Investigation for evaluation trenching and provision for further mitigation work. These schemes shall include the following:

- a. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
- b. A methodology and timetable of site investigation and recording
- c. Provision for site analysis
- d. Provision for publication and dissemination of analysis and records
- e. Provision for archive deposition
- f. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

[To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework].

13. The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

[In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.]

14. A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

[In order to ensure that satisfactory arrangements are made for the reporting, archiving and dissemination of the results of the investigation in accordance with the National Planning Policy Framework.]

15. The development shall be carried out in accordance with the submitted flood risk assessment (R001V3-IN_P21-2533-FRA Flood Risk Assessment and Drainage Strategy Pegasus Ref. P21-212533). The mitigation measures contained within this document shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

[To reduce the risk of flooding to the proposed development and future occupants and having regard to Policy 17 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

16. Prior to the construction of the Battery Energy Storage System (BESS), a Risk Management Plan and Emergency Response Plan shall be submitted to and approved in writing by the Local Planning Authority. These plans shall be developed in conjunction with Nottinghamshire Rescue Service using the best practice guidance as detailed and required in the published Grid Scale Battery Energy Storage System planning - Guidance for FRS published by NFCC National Fire Chiefs Council and as set out within the consultation response from Nottinghamshire Fire & Rescue Service dated 8 March 2024. Once approved, these plans shall be implemented thereafter and for the duration of the lifetime of the development.

[In the interests of public safety and ensuring any risks associated with the proposed development are suitably identified and mitigated.]

17. Prior to the commencement of development, the maintenance and management measures for the Rights of Way over the site for the duration of the construction and life of the development shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be broadly in line with the Construction Traffic Management Plan – November 2024.

[This is a pre-commencement condition as precise details have not been provided and this element of the proposed development is required to be carried before the site is operational in order and to ensure the rights of way remain accessible and free of obstruction in accordance with aims of Policy 1 Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

18. If foul is to be discharged from this site, the development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

[To reduce the risk of flooding to the proposed development and future occupants and having regard to Policy 17 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

19. Prior to the development hereby permitted becoming operational, an updated noise assessment/statement confirming the conclusions of report prepared by Metrica Environmental Consulting Ltd 'Noise Impact Assessment Version 3.0 (dated November 2023)' remain relevant to the chosen plant equipment to be installed within the development shall be submitted to and approved in writing by the Local Planning Authority. Should the submitted report identify conclusions which differ to the conclusions contained with the report prepared by Metrica Environmental Consulting Ltd 'Noise Impact Assessment Version 3.0 (dated November 2023)', then a scheme for protecting the amenity of residents from noise from the proposed plant equipment shall be submitted to and approved in writing by the Local Planning Authority. All mitigation measure, if necessary shall remain in place for the lifetime of the development and be completed prior to the development hereby permitted becoming operational.

[In order 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 the First Export Date details of the cleaning procedure for the panels shall be submitted to, and approved in writing by, the local planning authority. The details shall include but not be limited to the frequency of cleaning, volumes of water

required, details of any detergents to be used and any required mitigation. The cleaning of the panels shall thereafter take place in accordance with the approved details.

[In order to protect the amenities of the area 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).]

21. In the event that repairs and / or replacements are required to the approved solar infrastructure, details of the proposed Remedial Works (“the Remedial Scheme”) shall be submitted to and approved in writing by the Local Planning Authority. The Remedial Scheme shall include details for the management of all construction activities associated with the remediation works, and the remediation scheme shall include the same details within the construction method statement approved within condition 8 of this permission.

[In order to protect the amenities of the area 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).]

22. Prior to their erection on site details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the development hereby permitted.

[In order to protect the amenities of the area 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).]

23. 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).]

NOTES TO APPLICANT

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. In order to carry out the off-site passing bay 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 Nottinghamshire County Council Highway Development Control (email: hdc.south@nottscc.gov.uk) for details. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. All correspondence with the Highway Authority should be addressed to:- NCC Highways (Development Control, Floor 3) Nottinghamshire County Council County Hall Loughborough Road West Bridgford Nottingham, NG2 7QP

Your attention is drawn to the comments made by the Aerodrome Safeguarding Technical Officer - The Glint and Glare Assessment for the site shows potential for glint and glare with potential for after image. In the event of reports and evidence of an unacceptable glint/glare hazard emanating from the solar installation, East Midlands Airport will (through the Air Navigation Order) require mitigation to remove the hazard.

The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/> -Due to the location of the proposals underneath the approach path for Runway 27 care should be taken to ensure dust and smoke emissions are prevented from transiting into the flight path.

The proposals include 3 instances of access roads crossing ordinary watercourses, including the Kingston Brook. The permanent structures and the associated temporary works may require consent under Section 23 of the Land Drainage Act 1991. It is recommended that the applicant engages early with Nottinghamshire County Council as the Lead Local Flood Authority with details of their proposals.

Severn Trent Water advises that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

This application relates to: Construction, operation and subsequent decommissioning of a renewable energy park comprising ground mounted Solar PV with co-located battery energy storage system (BESS) at the point of connection, together with associated infrastructure, access, landscaping and cabling. We note the references to security in the Design and Access Statement, "Permeable access tracks and vehicle parking within fenced and gated compounds. Fencing around the solar farm will comprise 2.5m high deer fencing (wooden post and wire mesh appearance) whilst fencing around the BESS and POC compounds would comprise painted (dark green or other colour specified by the Council) palisade fence to a height of 2.4 m; Pole

mounted infrared CCTV cameras will be installed at a height of 4m around the perimeter of the solar farm enclosures facing inwards, whilst columns circa 4m in height will also be installed within the inside edge of the BESS and substation compounds within the Southern Parcel; Timer motion sensor activated security lighting to be installed on proposed electrical housing and buildings, enabling the visibility for any unscheduled maintenance. Any installed lighting will be downwards facing to limit any light emittance when lit.“ And “ Security Requirements Taking into account the low level of recorded crime for the locality, the following security measures are considered to be appropriate to combat potential criminal activity and unauthorised access into the separate development parcels:

- A 2.4 m high palisade security fence will encompass the proposed BESS and POC compounds.
- 4m high pole mounted CCTV cameras will be positioned at intervals around the periphery of the BESS and POC compounds.
- A 2.5 m high deer fence will be installed to enclose the separate solar farm elements of the Development.
- 4m high pole mounted CCTV cameras will be positioned at intervals around the inside edge of the solar farm fencing, facing into the site. • Downwards facing timer motion sensor activated security lighting, enabling the security company to have a visual at night. January 2024 | JE | P21-2533 27 6.5. The above security provisions are typical of other similar developments implemented and operating across the County and are widely accepted as necessary provisions for the operational safety and security of electrical equipment.

Nottinghamshire has small, medium, and large solar parks / farms which have over the past 10 years been subject to theft, criminal damage and other crime types, and these have included the theft of solar panels, removal of cabling and the infrastructure which has proved costly with replacement amounts generally in excess of £50,000 to the various developers and management companies that operate such facilities. The National Infrastructure Crime Reduction Partnership in their most recent report states, “Cable continues to be the primary property targeted by thieves, likely due to ease of disposal via scrap metal dealers. The estimated national loss from solar farm theft across Jan-Feb 2024 is in excess of £1m, the highest loss recorded for a single theft was £150,000 in the Wiltshire force area.” Combine this with the continuing rise in the costs of metals typically used in the provision of sites such as this, and which is saleable by the criminal as scrap metal, has seen a consistent increase in the number of solar sites being targeted. The low recorded crime for the locality referred to in the Design and Access Statement is somewhat misleading as low crime would be reasonably expected in a predominantly rural environment, however, conversely, due to the isolated nature of this site, its minimal security in terms of deer fencing, would expose it to greater risk of costly theft and damage far more than that experienced in a higher crime environment. We note that the Design and Access Statement describes, “Fencing around the solar farm will comprise 2.5m high deer fencing (wooden post and wire mesh appearance) whilst fencing around the BESS and POC compounds would comprise painted (dark green or other colour specified by the Council) palisade fence to a height of 2.4 m”. We would strongly advise the avoidance and use of deer fencing which does not provide any difficulty or deterrent to the criminal in a rural and isolated environment. This combined with the remote and permeable nature of this particular site could increase the vulnerability of the facility to criminal focus. We would therefore advise the following: Fencing and Boundary

Treatment Land selected should aim to avoid affecting the visual aspect of landscapes, maintain the natural beauty and should be predominantly flat, well screened by hedges, tree lines, etc. and not cause undue impact to nearby domestic properties or roads. (BRE. Planning guidance for the large-scale ground mounted solar PV systems) I would recommend that the boundary fence is to a minimum of LPS 1175 level 3 and to a height of 2.4 metres or to the current UK Government standard, SEAP (Security Equipment Approval Panel) class 1-3. The use of 2.4 metre welded mesh fencing (in green) would be the most unobtrusive method of providing a secure perimeter border. All gated entrances should be secured with appropriate access systems. The NFU Mutual recommends good perimeter security fencing for all solar installations along with CCTV, motion sensors and infrared beams, depending on location. It also recommends solar panels are secured to frames with unique fastenings, requiring special tools – much like alloy wheel bolts. Monitored CCTV System Whilst considering the often-isolated locations that Solar Farms are to be established the installation of a remotely monitored, with motion detection, CCTV system is an effective deterrent and is most likely to provide effective evidence should a crime occur. Installers of remotely monitored detector activated CCTV systems will comply with all the following standards and guidelines:

- NPCC Security Systems Policy
- BS 8418 Installation and remote monitoring of detector activated CCTV systems – Code of Practice
- BS EN 50132-7: CCTV Application guidelines