

22/00303/FUL**Recommended By** Craig Miles**Date** 2 February 2023**Applicant** Mr Nick Barber**Location** Land To North East Of Highfields Farm, Bunny Hill, Costock**Proposal** Construction of a solar farm and battery stations together with all associated works, equipment and necessary infrastructure, together with the formation of a new vehicular access onto Bunny Hill (A60)**Parish** Costock**Ward** Bunny**DATE OF SITE VISIT****OFFICERS REPORT****SITE DESCRIPTION & PROPOSAL**

OFFICERS REPORT

SITE DESCRIPTION & PROPOSAL

The application site relates to an area of open countryside forming a large extent of agricultural land located between the settlements of Bunny (1km north) and Costock (1km south). The entirety of the application site measures some 81.78 hectares comprising multiple irregular shaped fields primarily used for arable farming. The boundaries of the fields are defined by existing vegetation comprising hedgerows, mature trees and areas of woodland. The overall site is separated into two parts with the northern area extending to 31.77ha and the southern area extending to 35.25ha; the remaining site area comprises accesses and ancillary development areas.

The northern area comprises of two large agricultural fields which are adjoined by a large expanse of woodland known as Bunny Old Woods that is also defined as an Ancient Woodland area and a Local Wildlife Site (which runs east/west following the ridgeline of Bunny Hill). It also includes part of the a smaller field occupying an area to the north of another area of woodland known as Intake Wood which also provides to a convent and its associated grounds to the south of the site. The western boundary is generally formed by established hedgerows and further agricultural land that separates the northern parcel from Bunny Hill Road and the settlement of Bunny beyond.

The southern area comprises a series of connecting large agricultural fields between southeast corner of Intake Wood and its southern boundary that forms a small river called Kingston Brook and a small area of woodland, that runs east to west alongside Wysall Road beyond. The eastern boundary is defined by agricultural land and three blocks of woodland named Long Rough Plantation, Wysall Rough Plantation, and Rough Plantation. The western boundary is formed by established hedgerows and a large expanse of agricultural land that separates the southern parcel from the A60 Nottingham Road and Costock further west.

There are no buildings or other built form occurs within the southern area, however it is traversed by a 132kV overhead line supported by steel lattice pylons.

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In terms of topography, the overall site generally slopes south varying from 92m AOD on the northern part of the site (by Old Wood) to 76m AOD at the southern part of the site.

At present the site is accessed from the east side of the A60, along an existing access track which includes a detached residential dwelling on both the north and south side of it together with a commercial building. The access track ultimately leads to Highfield Farm Farmhouse and then the Holy Cross Convent located at the end of the access track, near to the centre of the application site. It should be noted that the Convent itself does not lie within the site boundary.

Intake Wood which is broadly in the middle of the site (alongside Holy Cross Convent) is a large expanse of woodland provides a visual buffer between the northern and southern parts of the site. Part of Intake Wood is within the application site (to link the north and southern parts), and the entirety of Intake Wood is also identified as Local Wildlife Site.

There is no Public Rights of Way (PRoW) on the application site, however the nearest PRoW is Costock Footpath (Ref: FP7) which is located some 25m to the north-east of the application site. It connects through Bunny Old Wood and then onto to Bunny Hill to the north.

The application site is not subject to any statutory or non-statutory landscape designations. Neither is it situated within or near a designated Area of Outstanding Natural Beauty (AONB) or green belt designation. The Nottingham-Derby Green Belt extent runs along the northern boundary of the site, but the application site is not included within it.

Owing to its use for arable farming tree cover within the site is limited to only the occasional mature hedgerow trees. It is stated in the Tree Survey & Constraints Plan which accompanies this application that, "The arboricultural resource is reasonably consistent throughout the site and is dominated by managed and unmanaged field boundary hedgerows with early-mature to mature hedgerow trees.."

In landscape terms the site and the land around it are typical of the local 'Wolds' character of rolling hills with blocks of woodland around the periphery of the Site and falls into National Character Area 74: Leicestershire and Nottinghamshire Wolds. Within the surrounding area, urbanising influences are present within the surrounding area such as overhead lines, wind turbines, the Gypsum works at East Leake and the A46, A60 as well as other minor roads. The Council has commissioned an independent assessment of the potential landscape effects of the application. That assessment has been undertaken by Wynne Williams Associates. To assure a consistency of approach the same company is also undertaking similar assessments of the other current proposals for solar farms in the Borough. This report makes appropriate reference to the findings of the independent assessment about this planning application.

In heritage terms, there are no heritage assets located within the Site boundary, however, a Grade II Listed Building is located within the Holy Cross Convent complex (ID Listing: 1260277). This Listed Building is not within the Site boundary. Within the wider area, there are a number of heritage assets in the surrounding landscape. Those present are located within Conservation Areas, including Bunny Conservation Area c.1km north, Wysall Conservation Area c.1km east and Costock Conservation Area c.1km south-west. The nearest Scheduled Monument is Thorpe in the Glebe medieval settlement, some 1.7km to the south-east of the site.

In terms of flood risk, the majority of the application site is located within Environmental Agency (EA) Flood Risk Zone (FRZ) 1, meaning the Site has less than 1 in 1000 annual probability of flooding by river sources. A small band of land along the southern boundary is subject to Flood Zone 2 and 3 that is associated with the existing Kingston Brook.

The land surrounding the site induces the Holy Cross Convent to the west, and the former Highfields Farmhouse, which is a Grade II Listed building, that is now used as a guest house for the convent. Similarly, associated historic farm buildings have been redeveloped for convent use.

The closest settlements include Costock and Rempstone (c.900m and 1.km to the southwest, respectively), Bunny Hill (c.400m to the west), and Wysall (c.1km to the east).

Whilst the Nottinghamshire Green Belt designation is located to the north of the application site, which includes Old Wood, and extending south along the western boundary of the A60 Loughborough Road, the application site itself lies outside the wider Nottinghamshire Green Belt designation and instead in open countryside

An Agricultural Land Classification Report has also been prepared as part of the application, which confirms that the Site is predominantly Grade 3b (Moderate Quality) Agricultural Land (68.55 hectares). With small proportion of Grade 3a (9 hectares) and non-agricultural land (4 hectares).

The Site is located within the East Midlands Airport consultation zone.

The application includes a range of supporting documents to consider the environmental impact of the proposals, including a Landscape and Visual Impact Assessment. It should be noted that since the LVIA was submitted, further enhancements and a reduction in the area to be developed has been agreed. A buffer to the northern boundary (forming Old Wood ancient woodland) of 100 metres is now proposed (previously 46m) and between them a wildflower meadow wood be formed. Having a greater buffer would also increase the distance to the existing PROW to the north west of the site and further limit viewpoints of the site.

Proposed development

Planning permission is sought for the construction of a ground mounted solar development and battery storage facility that would have a capacity of 49.9MW for a temporary period of 40 years, with the exception of the DNO substation and access, which would remain permanently.

The development would consist of solar photovoltaic (PV) panels placed on metal arrays arranged in rows and would include boundary landscaping, perimeter fencing and access. The PV panels would be laid out in rows across the Site in an east-west orientation, to face south and mounted at 25 degrees from the horizontal, with a maximum height of less than 3.1m.

The arrays would be spaced to avoid any overshadowing of on another with topography dictating exact row spacing, but generally they would be some 6.3m apart.

Plant and other equipment to support the generation of electricity would be located around the application site, adjacent to internal tracks to ensure access can be achieved for maintenance purposes. The internal tracks would have a width of some 4m and would be constructed with crushed aggregate. The supporting equipment includes inverter stations positioned throughout the site.

Battery Stations

The battery stations would be located throughout the site. They would store energy, then release it to the grid when necessary. Each station would comprise of containerised battery units/inverters, AC-DC converter boxes and ancillary equipment. They would measure 3m in

height, 2.4 in width and 12m in length.

Cabling and Grid Connection

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

Perimeter Fencing and CCTV

It is proposed that a 2.5m high perimeter security deer fence will be installed around the edge of the application site that would allow for small mammals and other wildlife to pass through the site. In addition, it is proposed to erect 3m high pole mounted CCTV security cameras around the site.

Access

For construction, it is proposed to access to the site from the A60 public road (Bunny Hill). Because the existing private access lane junction (that provides the vehicular access to Holy Cross Convent, and other buildings) could not be accessed by construction vehicles a new access from the public road would be formed in a location some 80 metres to the south of existing private access lane. The new access would be permanent.

Once installed, the applicant states that the development would only require infrequent visits for the purposes of equipment maintenance and therefore the operational access would be associated with a low number of vehicle trips with the largest maintenance vehicle anticipated to be a 4x4 vehicle type.

It should be noted that the original plan included a separate vehicular access to the south of the site from Wysall Lane, this is no longer proposed.

Construction and Operation

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

Decommissioning

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

Landscaping

The applicant states that "the layout of the Proposed Development has been designed to ensure that there is minimal works to existing trees and hedgerows within the site. The layout has been designed to incorporate the existing trees and boundary vegetation into the scheme and to avoid rooting areas of trees within the site. Existing hedgerows would be strengthened and infilled where necessary with native shrubs and/or large-scale 'legacy' hedgerow trees

and/or smaller hedgerow trees. The landscape treatment for the Proposed Development is intended to mitigate potential visual effects. The Proposed Development would seek to retain and enhance existing landscape elements to further integrate the proposals into the surrounding landscape."

An Arboricultural Impact Assessment (AIA) has also been submitted in support of the application that concludes that no surveyed trees or hedgerows are proposed to be removed in their entirety. It notes that minor sectional removals would be required to some tree groups and hedgerows to enable the proposed security fence and new access roads to be constructed. It is stated that these very minor changes can be mitigated through new tree/hedgerow planting as detailed in the wider landscaping proposals for the site which also includes a range of biodiversity enhancements as part of the overall development.

Environmental Impact Assessment ('EIA') Screening Opinion

The applicant submitted a request for an Environmental Impact Assessment ('EIA') Screening Opinion from the Council on 10 August 2021. The Council issued its Screening Opinion on 27th September 2021, which confirmed that an EIA is not required as the proposals are considered to fall within the criteria and thresholds of Class 3a 'Industrial installations for the production of electricity' of Schedule 2 of the Town and Country Planning Environmental Impact Regulations 2017 (as amended).

RELEVANT SITE HISTORY - None.

CONSULTATIONS

Ward Councillor(s)

1. Councillor Kevin Shaw: No objections

Borough Council

2. Ecology and Sustainability Officer: No Objection subject to conditions
3. Conservation Officer: No Objections.
4. Environmental Health Officer: No Objections subject to conditions to limit noise and disturbance during construction.
5. Planning Policy Officer: Provided detailed comments pertaining to relevant national and local policy, green belt, landscape character and visual effects, ecology and biodiversity, best and most versatile agricultural land, historic environment, open space and recreational uses and cumulative impacts.
6. Nottinghamshire County Council comments as follows:
7. Archaeology Officer: No objection subject to condition proposed by AOC Archaeology dated 23rd September 2022 which the agent agreed to in writing.
8. NCC Public Rights of Way: No comment
9. NCC Lead Local Flood Authority: No objection
10. NCC Highways: No objection subject to conditions.

11. NCC Policy: No objection.

Town and Parish Councils

12. Rempstone Parish Council: No objection
13. Costock Parish Council: No objection
14. East Leake Parish Council: No objection but notes maintenance of ancient hedgerow when new access road onto A60 is established; protection of trees and hedgerows during construction and during the operation of the site afterwards; potential runoff of water from panels into Kingston Brook which could potentially increase flooding in Costock and East Leake; and planting of additional screening to create an alternative habitat to replace what is being lost by the solar farm.
15. Wysall And Thorpe-in-the-Glebe Parish Council: No objection

Other Statutory Consultees

16. Environmental Agency: No Objection
17. British Gypsum: No comments received
18. Environmental Agency: No Objection.
19. Nottingham Wildlife Trust: Does not object so long as the biodiversity improvements are secured
20. East Midlands Airport Aerodrome Safeguarding Authority: No Objection subject to conditions.
21. Ramblers: No objection.
22. National Grid: No response received

CONSULTATIONS

The proposals have been amended from when originally submitted. During the first consultation, a number of letters of representation were received. Crucially, a neighbouring landowner indicated that part of the application site (by the southern boundary) was in his ownership. Following amendments to remove the proposed southern access, a second public exercise was undertaken in August 2022. Subsequently, following discussions between the Highway Authority and the applicant, the proposals were amended again, and a second public exercise was undertaken in October 2022. Since this time the applicant has since reduced the quantum of development, in the circumstances it was not considered necessary to undertake another public consultation exercise. For completeness, the entirety of the issues raised in all objections have been outlined below and considered as part of the overall planning balance.

Neighbour representations

There was a total of 9 letters of representations received, 8 objecting to the proposals and 1 stating that they have no objections to them. The representations received are summarised as:

Principle:

- o Impact and loss of open countryside.
- o Loss of agricultural land.
- o Impact on views from Local Nature Reserve that would limit visitors
- o The agricultural land value of the site can still produce moderate yields and should be protected

Landscape:

- o Negative impact on village landscape and views from existing footpath.
- o Impact on footpath.
- o Negative impact on views from Local Nature Reserve
- o Glint and glare
- o The loss of hedgerow to create a new access

Ecology:

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

Access and Traffic Movements:

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

Amenity:

- o The potential impact the development would have on amenity through noise
- o The potential impact it may have on user of the footpaths and local road network

APPRAISAL

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The Development Plan

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

Policies in the Local Plan Part 1: Core Strategy can be found here

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

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

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Policies in the Local Plan Part 2: Land and Planning Policies, can be found here.

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

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

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

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

A copy of the Planning Practice Guidance can be found here

National Planning Policy Framework (NPPF) 2021

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.

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:

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

Principle of Development

The NPPF sets out its support for renewable energy development in Chapter 14 (Meeting the

challenge of climate change, flooding and coastal change).

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

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

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

Policy 1 (Presumption in Favour of Sustainable Development) of LPP1 states that "the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

Policy 2 (Climate Change) of LPP1 provides support for mitigating against climate change and reducing carbon emissions and states that "development of new decentralised, renewable and low-carbon energy schemes appropriate for Rushcliffe will be promoted and encouraged including [solar] where these are compatible with environmental and heritage, landscape and other planning considerations."

Policy 2 Renewable and low-carbon energy part 5 of the LPP1 supports "the extension of existing or development of new decentralised, renewable and low-carbon energy schemes appropriate for Rushcliffe will be promoted and encouraged, including biomass power generation, combined heat and power, wind, solar and micro generation systems, where these are compatible with environmental, heritage, landscape and other planning considerations. In line with the energy hierarchy, adjacent new developments will be expected to utilise such energy wherever it is feasible and viable to do so."

Policy 22 Development in the Countryside of the LPP2 allows for renewable energy projects within the open countryside where it complies with Policy 16.

Policy 16 Renewable Energy of the LPP2 supports "proposals for renewable energy schemes will be granted planning permission where they are acceptable in terms of:

- a) compliance with Green Belt policy;
- b) landscape and visual effects;
- c) ecology and biodiversity;
- d) best and most versatile agricultural land;
- e) the historic environment;

- f) open space and other recreational uses;
- g) amenity of nearby properties;
- h) grid connection;
- i) form and siting;
- j) mitigation;
- k) the decommissioning and reinstatement of land at the end of the operational life of the development;
- l) cumulative impact with existing and proposed development;
- m) emissions to ground, water courses and/or air;
- n) odour;
- o) vehicular access and traffic; and
- p) proximity of generating plants to the renewable energy source."

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.

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.

Land-Use and Development in the Countryside

Policy 22 (Development within the Countryside) of the LPP2 states that "Within the countryside development for the following uses will be permitted... (i) renewable energy in accordance with Policy 16, on as the basis that "Land beyond the Green Belt and the physical edge of settlements is identified as countryside and will be conserved and enhanced for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources, and to ensure it may be enjoyed by all.

The proposed development is not considered to compromise the conservation and enhancement of the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife and wealth of its natural resources. Thus, the proposed development is considered to be acceptable and in compliance with Policy 22 of the LPP2 and as such the principle of ground mounted solar development in terms of its land use is broadly supported by the adopted development plan.

Form and Siting

Policy 10 (Design and Enhancing Local Identity) of the LPP1 states "all new development should be designed to make:

- a.) a positive contribution to the public realm and sense of place;
- b.) create an attractive, safe, inclusive and healthy environment;
- c.) reinforce valued local characteristics;
- d.) be adaptable to meet evolving demands and the effects of climate change; and
- e.) reflect the need to reduce the dominance of motor vehicles.

Policy 1 (Development Requirements) of the LPP2 states that permission for new development

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will be granted where "the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area".

The proposed development would consist primarily of solar panels mounted on a treated metal framework. This is considered the minimal level of development necessary to ensure that the site performs effectively with regard to its main purpose of generating renewable electricity. The inverters would be set within the rows of panels to reduce visual impact. The Point of Connection tower and substation compound are located in the vicinity of an existing electricity pylon, on the southern part of the site which it is proposed to connect.

All of the panels and associated infrastructure buildings on the site would be no higher than single storey in height. This would ensure that they would not be significantly visible from most viewpoints outside of the site. Even when viewed from nearby vantage points, it is considered that the scale of development would not be overbearing due to its low profile. This situation would take on a further positive direction when proposed screen planting matures, which, in addition to the significant existing screening around the site, would effectively assimilate the site into the local landscape over time.

The highest structures associated with the proposed development would be transformers within the substation compound, at approximately 3.98m high. It is proposed that the majority of the other structures, including the solar panels, would be no more than 3.1m high which is the height of a mature hedgerow. It is therefore considered that the scale of the proposed development is appropriate to the location. The containers/cabins and other small buildings would be appropriately coloured or clad to minimise any visual impact and comply as far as practicable with the local vernacular.

It is considered that the proposed development has been designed to respect the character of the landscape and uses the strong field pattern to integrate the scheme as far as practicable. Existing landscape features would be retained, protected and strengthened including the retention of all existing field margins (hedgerows and ditches) except where necessary for access and standoffs from boundary habitats. All trees on the site would be retained and additional planting provided, where necessary, to fill gaps in the existing boundary planting. The landscaping and planting proposals associated with the proposed development would bring about significant ecological benefit when compared to the present situation, including upgrading lower-value, biodiversity-poor, arable land to higher value habitats.

The views expressed by consultees have been incorporated into the scheme and have resulted in changes and additions to the proposed development. These include changes to the site layout, to include a 100m buffer to the northern boundary with Old Wood and the formation of additional planting to restrict views of the site from the public footpath.

It is therefore assessed on planning balance that the development is acceptable and in accordance with Policy 10 (Design and Enhancing Local Identity) of LPP1.

Landscape and Visual Effects

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

Assessment."

Policy 16 (Green Infrastructure, Landscape, Parks and Open Spaces) emphasises the importance of green infrastructure and open space in the borough. It notes that developments will only be approved where "existing and potential Green Infrastructure corridors and assets are protected and enhanced". It also notes "where new development has an adverse impact on Green Infrastructure corridors or assets, alternative scheme designs that have no or little impact should be considered before mitigation is provided (either on site or off site as appropriate). The need for and benefit of the development will be weighed against the harm caused" and states that development proposals should ensure that "Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment"

Policy 34 (Green Infrastructure and Open Space Assets) of the LPP2 states that "where a proposal would result in the loss of Green Infrastructure which is needed or will be needed in the future, this loss should be replaced by equivalent or better provision in terms of its usefulness, attractiveness, quantity and quality in a suitable location. Replacement Green Infrastructure should, where possible, improve the performance of the network and widen its function".

Policy 2 (Climate Change) and Policy 16 (Renewable Energy) of the LPP2 state renewable energy developments must be compatible and acceptable in terms of their landscape and visual effects.

The scale and form of the proposed development including the effects of the views of the panels themselves, as well as the effect of associated infrastructure, including the proposed security fencing and mounted security cameras would clearly have the potential to have an effect on the character and appearance of the immediate surrounding area including the adjacent footpath, Local Nature Reserve. In support of the application, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) to consider the potential impact the development may have.

The Borough Council commissioned an independent landscape review of the proposal. The review concluded that "the LVA submitted with the application follows good practice guidance outlined in the Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3) and provides justified conclusions.

The review by the external landscape advisor concludes that the submitted LVIA uses a methodology in accordance with GLVIA3 and presents sound conclusions. In addition, it was confirmed that the submitted LVIA provides a detailed description of the existing site and context, as well as referring to the necessary precedent landscape character studies.

The conclusions of the LVIA highlights that the application site is not subject to any landscape or environmental designations and that there are no Public Rights of Way (PRoW) lie within it.

It states that the agricultural fields are mostly medium to large scale with defined by well-maintained hedgerows with occasional mature hedgerow trees and that these would be retained and protected throughout construction and operation of the solar farm. There would also be "a number of built-in mitigation measures such as new hedgerows and tree planting and management and maintenance of existing trees and vegetation."

In terms of landscape character, it is stated that the site is within the 'Nottingham Wolds' landscape area. They acknowledge that the development would result in a temporary but long-term loss of arable farmland, but overall, the principal pattern and elements that contribute to the Nottingham Wolds landscape character including field pattern and scale, woodlands, tree

cover and hedgerows would remain and would be retaining and strengthening (by gapping up) of existing landscape features (primarily hedgerows). It is also noted that whilst the proposed development would be deemed "long-term" in a human context, it is temporary (40 years) and fully reversible and therefore would have a very limited impact in terms of the underlying landscape context in perpetuity.

Overall, the LVIA in respect of landscape character notes that initially that there would be a "moderate adverse" impact to the change in the landscape, but this would be reduced to a "minor adverse" impact at year 15 as a result of moderate beneficial effects that would accrue in relation to water features, trees, scrub/woodland, hedgerows, and land cover. The external landscape advisor agrees with these conclusions but notes that the mitigation measure will only be achievable if the biodiversity management plan is fully implemented (which could be subject to a planning condition).

In terms of the impact on settlements, the LVIA notes that nearby settlements include Costock and Rempstone (c.900m and 1.km to the southwest, respectively), Bunny Hill (c.400m to the west), and Wysall (c.1km to the east). However, owing to the distance to them, the difference in topography and existing landscape features between them, it is stated in the LVIA that "the existing pattern and nature of permanent built form would remain unchanged by the proposed development," with the exception of the permanent electrical substation and new access that would be a permanent low magnitude of change leading to minor residual effects. It is acknowledged that the proposed infrastructure (including the solar arrays, battery storage containers, access tracks and fencing) would be established within the Application Site for a 40-year period and that this would give rise to a "temporary but long-term high magnitude of change upon built form, that would be very localised, reversible, and contained within the site. With low sensitivity and high magnitude of change, the significance of effect on built form would be moderate but fully reversible leading to a neutral effect following decommissioning." The external landscape advisor agreed with this conclusion.

In terms of the anticipated visual impact the development would have on occupiers of residential properties in the immediate surrounding area, it is stated that based on computer modelling (contained within the Zone of Theoretical Visibility Map), and more so during site surveys that the combination of the context, aspect, intervening landform, woodland, trees and hedgerows limit the number of residential properties within the ZTV that would gain views of the application site. Whilst it is acknowledged in the LVIA that occupants of residential properties are of high susceptibility and sensitivity to change. The magnitude of change experienced by residential properties would overall at most be negligible, or no change would be apparent. A combined high sensitivity and negligible or no magnitude of change would result in negligible to neutral effects at years 1 and 15. Further assessments of the viewpoints from residential properties has been undertaken and arrived at the same conclusion, in particular the impact the development would have on Holy Cross Convent which is the closest residential receptor to the site. The LVIA stated that "occupants of, and visitors to, the convent are of high susceptibility and sensitivity to change. Views from single-storey buildings that comprise the convent and the ground floor of one two-storey convent building (the former Highfields Farm house) would be screened from the solar farm by existing vegetation within the curtilage of the convent and/or the site leading to negligible to neutral effects at years 1 and 15. Subject to aspect, views would be gained to the north, northeast, southeast and southwest from first floor windows of one two-storey convent building (the former Highfields Farm house) leading to moderate effects during construction and at years 1 and 15." The external landscape advisor agrees with these conclusions.

The effects upon topography and public rights of ways would be neutral because there would be no change to any footpath or ground levels.

In terms of the visual impact the proposed development would have on the impact of users of

the permissive paths within Bunny Old Wood nature reserve (directly adjacent to the site to the north), the external landscape advisor did not agree with the conclusion that there would be a 'negligible to neutral' impact. Instead, they concluded that a 'high' level of change would be anticipated and coupled with the 'high' sensitivity of receptors using these paths (within Bunny Old Wood nature reserve) would equate to a 'major' adverse significance of visual effects. Previous iterations of the proposed site layout did show panels some 20m from the woodland boundary, following amendment this was increased to 46-53m which formed the basis of the external landscape advisors' comments. It was since recommended that this buffer be increased to 100m to "coincide with the natural ridgeline that exists on site" and that siting panels lower down on the sloping topography would reduce effects to a 'moderate' level of significance. Revised plans were subsequently submitted to increase this buffer to 100 metres and the introduction of planting between the northern boundary fence and woodland.

An assessment of the visual affects has also been made in the context of road users, which highlighted those views from the A60 Nottingham Road/Bunny Hill, Wysall Road and roads within Costock are largely screened by roadside vegetation and/or intervening vegetation, with only brief glimpses gained where breaks occur at field gates and adjacent to the proposed new access." The LVIA states that "users of the A60 would experience a low and very localised magnitude of change arising from the construction and operation of the proposed new access. Such views would be fleeting and would have no more than a very localised minor effect but in the context of the A60 route as a whole, would be negligible. Users of minor roads are of medium susceptibility and sensitivity to change. The magnitude of change experienced by minor roads users in all of the other above locations (other than the Viewpoints subject to detailed assessment below) would at most be negligible or no change. A combined medium sensitivity and negligible or no magnitude of change would result in a negligible to neutral effect at years 1 and 15." The external landscape advisor agrees with these conclusions.

The formation of a new vehicular access onto the A60 public road would have a negligible visual impact and would be seen in the context of many access points on each side of the A60. Whilst a proportion of the existing hedgerow would need to be removed to accommodate to the new access, it would have no significant impact on the wider landscape character or the visual impact on the wider countryside. The loss of the hedgerow would be more than compensated for through additional hedgerow planting (and other landscape improvements) included as part overall proposals.

In respect of the cumulative effects of the proposals, Policy 16(1)(I) of the LPP2 requires that the cumulative impact of both existing and proposed developments are acceptable. PPG also highlights that the cumulative impact of large-scale solar farms requires particular attention. It also advises that the approach to assessing cumulative landscape and visual impact of large-scale solar farms is similar to that used to assess the impact of wind turbines. Detailed guidance in this regard is set out in the PPG.

The external landscape advisor considered the cumulative impact the development would have when combined with other similar project in the area. Their conclusion was that "Due to intervening vegetation, topography, and elements of built development, I do not identify any intervisibility between the three proposed sites and therefore do not consider there to be cumulative visual effects. In addition, if all were to be approved, I do not believe the scale of landscape change would lead to significant cumulative landscape character effects. There may be a low-level change noticed by people travelling by car or walking along the Midshires Way on routes that come close to multiple solar farm sites, but this would be minor across the wider landscape character areas (the East Leake Rolling Farmland and the Gotham and West Leake Hills and Scarps)."

In the context of the potential landscape and visual effects, including the cumulative effect of the proposals are considered acceptable and therefore it is considered that the proposals

accord with Policy 16 (Renewable Energy) of LPP2.

Glint and Glare

A Glint and Glare Assessment was submitted with the application. It takes account of the landscaping and mitigation package included as part of the proposed development it concludes that no significant impacts are predicted on roads in the surrounding area. Therefore, no mitigation requirement has been identified.

In terms of the impact glint and glare may have on surrounding residential properties, it is stated that only a single dwelling could be affected by the proposals, but the computer model takes no account of existing vegetation. The affected farmhouse located to the south-east of the application site is already screened for the application site by an existing woodland and is over 200m from the application site and therefore no mitigation is recommended.

The Site is located within the East Midlands Airport consultation zone. The submitted Glint and Glare Assessment takes account of the potential impact the development may have on the use of the airport from potential glint and glare. The modelling predicts glare with a 'low potential for temporary after-image' towards the Air Traffic Controller Tower, and glare with a 'potential for temporary after-image' towards a section of the DTY R006 ILS approach towards runway 27. The conclusion is that the impact of this glare could be accommodated without the need for mitigation. East Midlands Airport have been consulted about the proposals and offer no objections to the proposals subject to conditions to further limit glint and glare.

The results of this report should be made available to the safeguarding team at East Midlands Airport and should be discussed with the aerodrome safeguarding manager. The airport's position regarding the potential glare should be confirmed.

No significant impacts are predicted on aviation activity at Nottingham City Airport.

As such it is considered that the proposals comply with the aims and objectives of the NPPF, the policies of the Rushcliffe Local Plans Part 1 and Part 2. Whilst it is acknowledged that some impact may arise the proposed landscaping has been designed to mitigate this impact.

Amenity of Nearby Properties

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.

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".

Policy 34 (Green Infrastructure and Open Space Assets) states that Green Infrastructure assets, including rights of way, "will be protected from development which adversely affects their green infrastructure function (or their contribution to a wider network) unless the need for the asset is proven to no longer exist and the benefits of development, in that location, outweigh the adverse effects on the asset".

The primary construction phase of the proposed development is expected to last for approximately 16-24 weeks. During this period, initial site setup works including access maintenance and improvements would be undertaken where considered to be beneficial to the use of the access, followed by construction of the internal access route(s), ground works, the

installation of the solar panels and other infrastructure. Facilities would be provided on site for construction workers, including provision of a site office and welfare facilities (including toilets, changing, and drying facilities, and a canteen). During operation it is expected that under normal circumstances no more than 4 cars/vans would visit the Site each week (generally less than 1 per day).

In this context the proposed development is considered to be acceptable in terms of its impact upon residential amenity and accords with relevant planning policy.

The glint and glare assessment considered above also concludes that there would be no significant impact on residential properties.

In terms the impact of noise and disturbance on adjacent residential properties, the nature of solar development means that it is not a noise intensive form of development, and in this case, there are no large ground of properties adjacent to the application site. Nevertheless, to ensure the amenity of all neighbouring occupiers are protected during construction and operation, the council's environmental health officer has stated that a condition should in place to ensure that the noise levels for any externally mounted plant or equipment, together with any internally mounted equipment which vents externally needs to be submitted and approved by the planning authority before the site can be used for the production of electricity.

During construction, a construction method statement has been provided to protect amenity and a condition as requested by The Council's Environmental Health Officer would limit the daytime hours and days of construction periods.

Ecology and Biodiversity

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."

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-

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designated sites or wildlife corridors with biodiversity value will only be permitted where overriding need for the development.

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.

Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms of ecology and biodiversity.

Policy 37 (Trees and Woodlands) of the LPP2 states that "adverse impacts on mature tree (s) must be avoided, mitigated or, if removal of the tree(s) is justified, it should be replaced" and that "permission will not be granted for development which would adversely affect an area of ancient, semi-natural woodland or an ancient or veteran tree, unless the need for, and public benefits of, the development in that location clearly outweigh the loss." It goes on to state that "wherever tree planting would provide the most appropriate net-gains in biodiversity, the planting of additional locally native trees should be included in new developments. To ensure tree planting is resilient to climate change and diseases a wide range of species should be included on each site."

In support of the application an Ecological Assessment Report has been submitted which includes a desk study review of existing ecological information for the Site and surrounding area, together with an extended Phase 1 habitat survey, great crested newt *Triturus cristatus* presence/absence survey and breeding bird survey. It also describes habitats and ecological receptors within the site, assesses their ecological value and identifies potential effects resulting from the proposed development. It concludes that protected species are unlikely to be adversely affected by the proposals and that there are opportunities for ecological enhancement.

The applicant included mitigation-by-design measures into the proposed development and submitted a Landscape and Biodiversity Strategy to provide a biodiversity net gain during the operation of the proposed development. These include the provision of landscape buffers along boundary habitats, provision of a 100m buffer on the northern part of the site to include a wildflower meadow, the enhancement and strengthening of boundary habitats to provide an improved connective habitat resources post-development. Numerous bird and bat boxes, dormouse boxes, invertebrate boxes and habitat wood piles as indicated on the landscape and biodiversity strategy plan. The intention is that biodiversity would be improved by increased foraging, commuting and shelter opportunities for a variety of faunal species and species-rich grass.

As part of this assessment, a separate Biodiversity Net Gain Assessment has also been submitted which identifies that having accounting for all of the diversity enhancements and deducing any harm (through loss of habitat), the habitats units for the site would result in a +215% net gain and the hedgerow units for the site result in a 44% net gain.

The proposed landscaping plan could be conditioned through a Biodiversity Management plan that would ensure the successful establishment and long-term management of new and retained habitats. Whilst the less mature plants are proposed to create and strengthen screening, as is generally standard across the industry. It should be noted, however, that much of the site already benefits from strong screening and new screening will be made up of a mixture of plants, some of which will be faster growing. The anticipated increase in biodiversity net gain weighs significantly in favour of the development.

The Council's Ecology and Sustainability Officer has no objections to the proposal, subject to a range of recommendations. Similarly, Nottingham Wildlife Trust do not object to the proposals and have requested certain biodiversity improvements and an appropriate management plan. They also requested a further on-site survey prior to determination in relation to Kingston Brook, however Kingston Brook has already been considered as part of the Ecological Assessment Report and further assessment has not been requested by the authority's own Ecology and Sustainability Officer.

It is considered that the proposal would not result in any significant impacts on biodiversity, and conversely there would be a number of benefits as a result of the new habitat that is proposed resulting in a significant biodiversity net gain. As such it is considered that the proposed development complies with policy 17 of LPP1 and policy 37 of LPP2.

Best and Most Versatile (BMV) Agricultural Land

Paragraph 152 of the NPPF states that renewable and low energy carbon energy and associated infrastructure should be supported. In addition, Paragraph 158 of the NPPF outlines that local planning authorities should approve renewable and low carbon development applications if its impacts are or can be made acceptable.

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". In addition, guidance is contained within the NPPG regarding large scale solar farms which states that where a proposal involves greenfield land it should be demonstrated;

- (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and;
- (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms of best and most versatile agricultural land.

The "best and most versatile" (BMV) agricultural land is defined as land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system.

An agricultural land classification report has been submitted in support of the application. It states that 84% of the application site is classed as Grade 3b, 5% is non-agricultural land and only 11% is Grade 3a (9 hectares). The amount of land classified as best and most versatile (BMV) agricultural land is not above the threshold (20ha of BMV) requiring consultation with Natural England.

The site comprises predominantly of grade 3b agricultural land and the nature of the development is such that it would likely require reasonably low levels of ground disturbance (such as footings, substations and ancillary equipment, access). The submitted planning statement states that at the end of the operational lifespan the solar panels and other infrastructure would be removed, and the site restored back to full agricultural use. This

restoration would be secured by attaching a suitable condition to any planning permission.

The applicant has stated in their planning statement that the proposals would result in a "temporary but long-term loss during the lifetime of the proposed development of arable farmland. However, secondary agricultural use would be maintained through sheep grazing." In these circumstances, the development proposed is a temporary reversible use of the land, which would not result in the permanent loss of good quality agricultural land, and the land would not be permanently unavailable for agricultural use together with biodiversity enhancements.

Overall, it is concluded that the proposal would not have an unacceptable impact upon the agricultural land. As such your officers consider that the proposal complies with the LPP1 Policy 1; LPP2 Policy 1 and 16 and the NPPF paragraph 152 and 158 in relation to renewable developments and agricultural land.

The Historic Environment

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".

Paragraph 200 of the NPPF states that "where designated assets are concerned great weight should be given to its conservation and any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

Paragraph 201 of the NPPF states "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use."

Policy 11 (Historic Environment) of LPP1 states that "proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance." It goes on to state that elements of particular importance include Registered Parks and Gardens and prominent Listed Buildings. Policy 1 (Development Requirements) of the LPP1 states that permission for new development will be granted where "there is no significant adverse effect on any historic sites and their settings including listed buildings, buildings of local interest, conservation areas, scheduled ancient monuments, and historic parks and gardens".

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.

There are no listed building present on the site and the site is not situated within a conservation area. The nearest listed building is Grade II listed Highfields House (NHLE ref. 1260277) alongside Holy Convent to the south and east of the application site.

The applicant has submitted a Heritage Desk-Based Assessment which concludes that Highfields House is surrounded by the proposed development site and whilst Highfields, originally constructed as a dower house, and the site both formed part of the Parkyns baronetcy's landholdings from 1729, Highfields' conversion to a farmhouse provides a functional historic connection between the asset and site however this former relationship has now been diminished by the establishment of a convent at Highfields. It Assessment states that the proposed development is stepped-away or otherwise screened from this Listed Building to preserve a sense of the building's historic isolation and therefore the proposed solar development would not result in any harm to the heritage significance of Highfields Grade II Listed Building through changes to its setting.

In terms of other heritage assets, it is stated that the site is located between 950m - 1km away from conservation areas at Bunny, Costock, and Wysall that may appear in long distance views from the Costock and Wysall conservation areas. However, development of the site may result in some minor changes to some long-distance views from within these conservation areas, it is not anticipated to result in any harm to the heritage significance of any of these conservation areas.

The Council's conservation officer comments that Highfield is setback from the road and views and glimpses are limited. No other designated heritage assets are located nearby that would be affected by the proposal. Therefore, the impact of the proposal on the special interest of the Listed Building must be given consideration. There is no evidence indicating the Dower House had any gardens or grounds and further, any grounds that may have once been extant are no longer legible within the landscape. Therefore, the historic functional link between the site, as agricultural fields, and the Listed Buildings use as a Dower House is weak. While there is a likelihood that the site was part of a later relationship between the farmhouse and the agricultural land, this today is much reduced by the 20th century development of the religious complex surrounding Highfields. The contribution of the setting to the listed building is today very minimal. The proposed development of solar arrays and battery stations and their associated necessary equipment and infrastructure would be almost entirely located to the north, east and south of the listed building at distances between 140m 210m (approximate) at the closest points in all directions. One exception would be a substantially smaller arrays located 40m (approximate) south of the listed building. The listed building sits at a higher elevation than this array and it would not be dominant or compete with the heritage asset. Across the site mature screening exists, including hedgerows, tree cover and vegetation. New vegetative screening and infill would be introduced as a part of the proposal to strengthen screening. The development would retain an area of agricultural land surrounding the Listed Building thereby preserving the sense of isolation associated with historic dwelling and former farmhouse. They note that views of the development would be available from the A-road located to the east of the proposal site (A60) and long views of the listed building would include views of the arrays. However, they do not consider this would result in any harm.

Therefore, they do not consider the proposal would result in any harm to the significance of the Listed Building or its setting particularly given the limited height of the proposed development and its distance and screening from the heritage asset as well as the retention of agricultural land closest to the listed building.

In terms of archaeology the heritage assessment concludes that "there is limited evidence for any archaeological remains within the site dating to any prehistoric period or the Romano-British period." They state that there is no evidence to indicate that the site was a focus for activity during the early medieval or medieval period. That the site is considered likely to have been in agricultural use during much of the post-medieval and modern periods and therefore the potential for significant archaeological remains dating to either of these periods is low.

The County Archaeologist has been consulted about the application and states that there is very little information on the Nottinghamshire Historic Environment Record to inform the archaeological potential of the site, which is a fairly extensive area. They state that there are indications of at least regionally significant archaeological features in close proximity to the site, particularly the supposed Roman villa just to the north. The exact location and extent of this feature and its hinterland are not known but given the topography it is entirely possible that associated features could extend into the site. They consider that the land will largely have been marginal grazing pasture or woodland in the Medieval period, with the exception of the southern part of the site which looks to have been ploughed as part of the land belonging to the grange of Garendon Abbey. The northern half of the site appears to have been enclosed post 1750 and so has only been agricultural land since then. The late cultivation of this marginal part of the parish means that should archaeological features be present on the land they could be in relatively good condition. In the southern half of the site Medieval ridge and furrow and colluvium may obscure identification of earlier features, and while the moated site is tentatively interpreted as also being the location of the monastic grange, that is not known for certain.

They conclude that the archaeological potential and risk for the site is not known and as such there is not sufficient information to assess whether mitigation through condition would be required. They recommend that the applicant be requested to provide further information on the archaeological resource, as per paragraph 194 of the NPPF, in the form of a geophysical survey of the site and follow-up evaluation pre-determination in the form of trial trenching in order to inform whether archaeological mitigation is required. A further consultation response indicates that the County Archaeologist is accepting that these matters can be dealt with by way of a pre-commencement condition.

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

Grid Connection

The National Policy Statements ('NPSs') make up the planning policy framework for examining

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and determining Nationally Significant Infrastructure Projects ('NSIPs'). As the proposed development is not a NSIP, the NPSs are not directly relevant; however, they do form material considerations in the determination of the planning application.

It is estimated that the solar panels would generate around 49.9 MW, which would power approximately 14,000 homes annually. However, the restriction on output would be conditioned. (Condition 6 in the list of conditions within this report).

The solar panels would feed DC electricity into the inverters. This would be converted to AC electricity to be transferred through the switchrooms, through the meters, to the substation compound before stepping up the voltage to feed into the grid via the pylons. The substations, inverters and solar panels would be connected by underground electrical cables.

The point of connection for the proposed development into the electricity grid is via an overhead line which runs over the site.

Decommissioning And Reinstatement of Land

At the end of the operational lifespan (40 years), the solar panels and the majority of other infrastructure would be removed, and the site restored back to agricultural use. A small quantity of foundations, hard surfacing and heavy infrastructure, in combination with retaining the majority of the site as grassland, means that the land would be relatively straightforward to restore. The restoration process would ensure that over time the land is restored to the same quality as it was previously, and in the event that planning permission was granted this could be secured through a suitable condition. It should be noted that the proposed new access would still remain in situ.

Impact of Health

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."

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".

The nature of the proposed development is such that it is unlikely to cause any form of pollution during its operational stage. This is because there are no significant noise sources close to the application site, traffic movements (once constructed) would be very low and the proposed development would not be lit at night. It would not result in any emissions to air during its operation other than those from vehicles associated with periodic maintenance/inspection visits to the site.

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

Air Quality

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."

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

Flood Risk

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

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".

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

Most of the application site lies within Flood Zone 1, defined as land having a less than 1 in 1000 annual probability of river or sea flooding. However, a small area of the site falls within Flood Zones 2 located at the very southern part of the site and associated with Kingston Brook. In relation to Flood Risk Vulnerability and Flood Zone 'Compatibility', it is considered that the development passes both the Sequential Test and the Exception Test and the small proportion of the solar array in Flood Zones 2 is compatible with respect to flood risk.

Rainfall falling onto the photovoltaic panels would runoff directly to the ground beneath the panels and infiltrate into the ground at the same rate as it does in the site's existing greenfield state. Existing drainage features would be retained, and the site would remain vegetated through construction and operation of the solar installation to prevent soil erosion. Whilst it is considered that the photovoltaic panels will not result in a material increase in surface water run-off, it is proposed to provide a SuDS arrangement by way of swales / filter trenches in the lower areas of the site to intercept extreme flows which may already run offsite.

A sustainable drainage strategy, involving the implementation of sustainable drainage in the form of swales, is proposed for managing surface water runoff on the site. Swales are

proposed at the low points of the application site to intercept extreme flows which may already run offsite. The strategy comments that the swales do not form part of a formal drainage scheme for the development but are provided as a form of 'betterment'. The proposed drainage strategy would ensure that the development would have a negligible impact upon site drainage, and surface water arising from the developed site would mimic the surface water flows arising from the site prior to the proposed development. The natural drainage regime would be retained except in the extreme storm event when a benefit is achieved by reducing the extreme storm run-off flows.

The Environment Agency and NCC as Lead Flood Risk Authority have not raised objections to the proposal from a surface water/ flood risk perspective. In these circumstances it is considered that the proposed development is acceptable in terms of flood risk and drainage and accords with the relevant planning policy 17 of LPP2. and is both an acceptable and an appropriate way to manage the circumstances on the application site.

Vehicular Access and Traffic

1. Paragraph 110 of the NPPF outlines in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 of the NPPF states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

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."

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".

Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms of vehicular access and traffic.

The applicant states in their submission that during the construction phase the estimated vehicle movements would total of 877 deliveries (1754 two-way movements expected) based on a 6-month construction period, and a six-day working week. It is forecast that there would be approximately six (12 two-way) HGV movements associated with the construction phase per day. In addition to the HGV movements, there will be construction movements associated with smaller vehicles such as the collection of skips, the transport of construction workers and sub-contractors. A maximum of 50 construction workers are forecast to be on site during peak

times during the construction period. A temporary car parking area will be provided on the site within the contractor's compound.

During operation of the solar installation, it is anticipated only infrequent visits would be required for the purposes of equipment maintenance or cleaning of the site on an as required basis. As such, the operational access would be associated with a low number of trips (around one per week), with the largest maintenance vehicle anticipated to be or 4x4 vehicle type.

The County Council as Highway Authority did not object to amount of vehicle movements during construction or operationally, however they initially raised concerns about the access to the site via the existing private access road from Bunny Hill (A90) owing to the relative narrow width and the presence of high hedgerows long one side of it limiting visibility and space for larger HGVs to enter / exit the site safely.

Following ongoing discussion with the applicant, revised plans received detailing that the proposed access onto the A60 would now be proposed in a location some 80 metres south of the existing access track, using land within the control of the applicant. The junction location was revised and designed following dialogue with the Highway Authority to allow for vehicles to exit the application site without encroaching onto the opposite side of the carriageway (on the A60). It is proposed that the access is proposed to be used by construction vehicles only and within a Construction Traffic Management Plan it is stated that construction vehicles would be managed to ensure that no construction vehicles meet when using this construction track, avoiding the need for vehicles to wait on the A60 for a vehicle to exit the site. It is also stated that non-construction vehicles will be given priority when using the existing access track (that leads to Holy Cross Convent and the application site), with construction vehicles held within the site or on the track whilst the non-construction vehicle passes.

The proposed access arrangements for the application are therefore considered to accord with the requirements of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies which seeks to secure a suitable means of access for all new developments without detriment to the amenity of adjacent properties or highway safety and the parking provision in accordance with the advice provided by the Highway Authority.

PLANNING BALANCE

Section 36 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

It is considered that the principle of the proposed development complies with relevant local and national planning policy. There is an urgent and compelling need for the generation of renewable energy in the UK. Solar energy forms a significant part of the contribution towards the UK becoming carbon net zero, with wind and solar providing the predominant contributor to the UK's electricity. This approach reflects wider Government policy and guidance which is designed to address the potential impacts of climate change, to ensure energy security, economic growth, and the reduction in using natural gas to heat properties. This weighs in favour of the development.

It has been demonstrated that the effects on the wider landscape would be limited and when combined with the landscape and biodiversity improvements, they would not harmfully affect the National Character Area 74: Leicestershire and Nottinghamshire Wolds where it is situated. The visual effects of the proposed development are also considered to be limited and localised and for a limited period and would therefore comply with Policy 16.

It has been demonstrated that the proposed development would not have a significant adverse

effect on the setting of the nearby heritage assets.

The proposed development would not cause any significant adverse environmental impacts and would provide the opportunity to bring ecological and landscape enhancements to the local area. In compliance with the NPPF, the proposal would help boost economic growth and support new employment opportunities.

In overall conclusion, it is considered that the proposed development would not give rise to unacceptable environmental effects and that the benefits of the scheme are substantial and clearly outweigh any negative harm. In this regard, the proposed development is sustainable development for the purposes of the NPPF and compliant with the Development Plan.

The limited adverse impacts of the development are not so significant to warrant a recommendation of refusal of the application. The planning balance weighs heavily in favour of the proposed development because of the reasons outlined above.

CONCLUSION

It is considered that the proposed development complies with the provisions of the adopted development plan and that there are significant benefits associated with its implementation that weigh in its favour. The supporting environmental and technical reports that form part of the planning application demonstrate that there would be no unacceptable environmental impacts. There would be a number of added benefits, including habitat creation and biodiversity gains.

Taking in account all of these factors, and when combined with the explicit requirement in the NPPF that the planning system should support the transition to a low carbon future, mean that taking account of all material considerations, the planning balance (and when considered in the context of the tests under Section 38(6) Planning and Compulsory Purchase Act 2004) is weighted significantly in favour of the proposed development.

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

RECOMMENDATION

Grant Planning Permission subject to Conditions

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

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

2. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

Site Location Plan (Plan Ref: P20-1785_01 Rev F)

Site Layout Plan (Plan Ref: P20-1785_04 Rev S)

Site Boundary Plan (Plan Ref: P20-1785_06 Rev F)

Landscape Strategy (Plan Ref: P20-1785_10 Rev J)

Technical Details - 132 kV Sub Station (Plan Ref: PL.000 Rev R0)

Technical Details - Mounting Structure (Plan Ref: PL.001 Rev R0)

Technical Details - MV Power Station (Plan Ref: PL.005 Rev: R0)

Technical Details - Customer Substation (Plan Ref: PL.006 Rev R0)

Technical Details 1 - Gate, Fence, Construction Road, Camera, Satellite Dish

(Plan Ref: PL.007 Rev R0)

Technical Details - Storage Container (Plan Ref: PL.010 Rev R0)

Technical Details - Energy Storage Container (Plan Ref: PL.011 Rev R0)

Proposed Site Access Design, Swept Path Analysis, Horizontal and Vertical Visibility Option 2 (Plan Ref: P20-1785_SK02_R01 Rev R0)

Design and Access Statement (prepared by Pegasus Group, dated November 2022).

Landscape and Visual Impact Assessment (prepared by Pegasus Group, dated October 2022).

Agricultural Land Classification Report (prepared by Amet Property, dated 5th October 2022, Issue 3).

Ecological Assessment Report (prepared by Avian Ecology, dated November 2022).

Biodiversity Management Plan (prepared by Avian Ecology, dated November 2022).

Biodiversity Net Gain Assessment; DEFRA Metric Version 3.1 (prepared by Avian Ecology, dated November 2022).

Flood Risk Assessment and Surface Water Drainage Strategy (prepared by Pegasus Group, dated November 2022).

Heritage Desk-Based Assessment (prepared by Pegasus Group, dated November 2022).

Arboricultural Impact Assessment (prepared by Barton Hyett Associates, dated November 2022).

Solar Photovoltaic Glint and Glare Study (prepared by Pager Power, dated 1st November 2022).

Construction Traffic Management Plan Addendum Revision A (prepared by Pegasus Group, dated October 2022 (Ref: P20-1785/TR/02 Rev.A

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

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

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

4. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment and Surface Water Drainage Strategy prepared by Pegasus Group, dated November 2022.

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

5. With the exception of the electrical substation and new vehicle access hereby approved, all other development is approved only for a period of 40 years, after which electricity generation is to cease, the solar panels and all ancillary

infrastructure are to be removed from the site and the land is to be restored to its former condition. The site operator shall provide a minimum 4 weeks notice in writing to the Local Planning Authority, of the date of commissioning of the facility.

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

6. Within 6 months of following the operational use of the site hereby approved commencing, a Decommissioning Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include the timing for decommissioning of all, or part of the solar farm if it ceases to be operational, along with the measures, and a timetable for their completion, to secure the removal of panels and any foundations or anchor systems, plant, fencing, equipment and landscaping initially required to mitigate the landscape and visual impacts of the development. In addition, a decommissioning traffic management plan and access route including provision for addressing any abnormal wear and tear to the highway and a decommissioning plan to address noise and dust shall be submitted and agreed in writing with the local planning authority.

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

7. The subsequent decommissioning of the site shall be carried out in accordance with the agreed details pursuant to condition 6, within 6 months of the expiry of this permission or within 6 months of the cessation of the production of electricity production (whichever is sooner). The applicant should provide the Local Planning Authority with not less than one week's notice in writing of the cessation of the production of electricity and the intended date for commencement of decommissioning works under the terms of this permission.

To ensure that the local planning authority can retain control over use of the land in the long term and to ensure the removal of the equipment when electricity is no

longer being generated on the site in the interests of the visual amenities of the area and to ensure safe and free flow of traffic and the protection of the amenities of surrounding properties during decommissioning having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policies and Policy 1 (Development Requirements), 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework. This is a pre commencement condition required to ensure that the nature of the site of temporary solar farm is ensured to be restored and all equipment removed.

8. 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).

9. During construction and in perpetuity, reasonable measures to be taken to deter species of birds that are hazardous to aircraft being attracted to the site. Other than the wildlife ponds shown on the Site Layout Plan no permanent pools or rutting of the ground that will create puddling. If necessary, reasonable measures should be taken to monitor and reduce access to the array by birds who might be attracted to the warmth and safety of the array to roost or nest.

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

10. Notwithstanding the Landscape Strategy (Plan Ref: P20-1785_10 Rev J dated November 2022) hereby approved, prior to the operation being brought into use a detailed Landscaping Scheme, shall be completed in full in accordance with the timetable for implementation.

The detailed Landscape Scheme must be in accordance with Landscape Strategy (Plan Ref: P20-1785_10 Rev J) dated November 2022. The detailed Landscaping Scheme must provide details of all hard and soft landscaping features to be used and include the:

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

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

To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework.

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

To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework.

12. The development shall be undertaken in accordance with the approved mitigation and enhancement measures and/or works and shall be carried out in accordance with the details contained in both the Biodiversity Management Plan (prepared by Avian Ecology, dated November 2022) and the Biodiversity Net Gain Assessment; DEFRA Metric Version 3.1 (prepared by Avian Ecology, dated November 2022) together with any subsequently approved details and all features shall be retained in that manner thereafter.

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

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

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

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

use.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) Details of how the land shall be used for agricultural purposes through the life of the development,
- j) Details of what provisions will be made within any fencing enclosing the site for mammals to cross the site,
- k) Details of how the site shall be managed without the use of pesticides or herbicides;
- l) Details of means of cleaning the panels (which should exclude the use of chemical cleaners).

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

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

- 15 . Construction times (including deliveries) shall be limited to the following hours:
- o 07:00 - 19:00 Monday to Friday; and
 - o 08:00 - 17:00 Saturday.
 - o None on Sundays or Bank Holidays

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

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

and Planning Policies (2019).

16. The development hereby permitted must not commence, including any enabling works, until a Construction Environmental Management Plan (CEMP) has first been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall have regard to the approved Flood Risk Assessment required by condition 4, Landscape Scheme required by condition 9 and LEMP required by condition 13 and provide for:
- o areas for loading and unloading of plant and materials
 - o storage of plant and materials used in constructing the development
 - o the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting;
 - o measures to control the emission of dust and dirt during construction;
 - o measures for the storage/recycling/disposal of waste resulting from the construction works;
 - o any hoarding to be erected/ security fencing
 - o The routing of deliveries and construction vehicles to site.
 - o Details of arrangements for co-ordinating and controlling delivery vehicles.
 - o Parking arrangements for site operatives and visitors
 - o On-site turning facilities for all vehicles.
 - o Wheel washing facilities

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

In the interests of highway safety and to protect the amenities of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). This is a pre commencement condition required to ensure that the construction works fully compliment and ensures that the ecological and environmental requirements are achieved from the outset of the development.

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

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

18. A mitigation strategy detailing the excavation/ preservation shall be submitted to and approved in writing by the Local Planning Authority following the completion of the archaeological evaluation. The development shall be carried out in accordance with this strategy.

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

19. The development hereby permitted must not commence until the visibility splays as shown on the Proposed Site Access Design, Swept Path Analysis, Horizontal and Vertical Visibility Option 2 drawing (Plan Ref: P20-1785_SK02_R01 Rev R0 dated November 2022) have been provided. The areas within the splays shall thereafter be kept free of all obstructions, structures, or erections exceeding 0.26m in height.

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

20. All construction works shall be carried out in accordance with the approved Construction Traffic Management Plan (ref: P20- 1785/TR/01) and its associated Addendum Revision A (ref: P20-1785/TR/02 Rev.A).

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

21. No construction works shall commence on site until the site access junction as shown on Plan P20-1785_SK02_R01-Junction Design Op2 has been provided, surfaced in a hard-bound material for a minimum distance of 15m to the rear of the highway boundary and has been suitably drained to prevent the discharge of surface water to the public highway.

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

22. No construction works shall commence on site until wheel washing facilities, as required by condition 15, have been installed on the site. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.

In the interests of highway safety having regard to Policy 1 (Development

Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

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

To protect the amenities of the area having regard to Policy 10 (Design and Enhancing Local 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).

Note-

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

NOTES TO APPLICANT

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

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

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

The deposit of mud or other items on the public highway, and/or the discharge of water onto

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

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

The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Cranenotification/> Any installation equipment above 10m in height will need a permit from EMA Safeguarding.

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

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

- o If works have not commenced by June 2023 an update ecological survey is required.
- o A demonstrated biodiversity net gain should be provided where possible as recommended by CIRIA (2019) Biodiversity Net Gain - Principles and Guidance for UK construction and developments, with the means to implement in the long term. This should be based on the recommendations of the consultant ecologist (See section 6.2, 6.3 and 7 of the EA and the supplied Biodiversity Enhancements plan) and be supported by a landscape and ecological management plan..
- o An ecological construction method statement incorporating reasonable avoidance measures (RAMs), should be agreed and implemented including the good practice points below and any supplied by the consultant ecologist (See section 6.3 and 7 of the EA and the supplied Biodiversity Enhancements plan).
- o The use of any external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-onbats-and-lighting> for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- o Permanent artificial bat boxes / bricks and wild bird nests should be installed on retained trees.
- o New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
- o Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.
- o Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*)).
- o Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.
- o Good practise construction methods should be adopted including:
 - Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
 - Measures to ensure that the roof liners of any building do not pose a risk to roosting

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bats in the future should be taken.

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

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

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

Decision Approved by



Authorised Officer on behalf of Rushcliffe Borough Council

Date...16/02/23

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