

Consultee Comments for Planning Application 22/00319/FUL

Application Summary

Application Number: 22/00319/FUL

Address: Land To The West Of Wood Lane And Stocking Lane Kingston Estate Gotham Nottinghamshire NG11 0LF

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

Case Officer: Craig Miles

Consultee Details

Comments

I have checked the Definitive Map for the Gotham and East Leake area and can confirm that Gotham BW10, Gotham BW 11 and Gotham BW 12 crosses the site edged in red on the site location plan (Drawing no 04533-RES-LAY-DR-PT-002) and in other places run along the outside of the site boundary. Whilst West Leak BW3, West Leak BW5 and West Leake BW13 also boarder the site edged in red on the site location plan (Drawing no 04533-RES-LAY-DR-PT-002)

The correct legal alignment of the Public right of way can be checked by carrying out an official search, contact row.landsearches@nottscc.gov.uk. Inaccuracies or misalignments of the routes on a legal diversion may result in two paths being legal recorded and generating further inaccuracies and problems.

Public Rights of Way (PROW) are the minor highway element of the public highway network and are afforded the same level of protection and control as the major highway network (i.e. all classes of roads in including motorways). They are a material condition in the planning process and due attention should be made to the treatment of them in the application for development

They form part of the sustainable transport network that has links to healthy living, reducing carbon footprints, safe non-motorised links to local facilities, so it is important ensure that they are linked to the other networks and are of a good design that encourages safe use.

Para 98 of the NPPF states that planning policies and decisions should protect and enhance PROW including taking opportunities to provide better facilities for users. Para 108 states that sustainable transport should be considered and the same and suitable access to the site for all users should be achieved. This encourages safe connectivity to routes, leading to healthier living, reduced carbon emissions etc. Para 110 states applications should prioritise pedestrian and cycle

movements and create places that are safe, secure and attractive, minimising the scope for conflicts between users and vehicles.

There are also links with the Nottinghamshire Health and Wellbeing Strategy 2018, to reduce obesity through exercise and ensure opportunities are available in the local area and for general living; and Nottinghamshire Sustainable Community Strategy 201-20 which is developed in conjunction with all districts to provide opportunities for safe walking and cycling links and to reduce vehicle use. Partnership working with NCC under Local Transport Plan 3 to promote safe non-motorised routes, connectivity and economic growth

Encouraging developers to engage fully in utilising the available PROW network by upgrading facilities in conjunction with good design principles will help to deliver on these policies.

It is rare that the impact on the RoW network would provide a reason to refuse planning permission, however development can have a major impact on the quality of the route. A change in type of user or frequency as a result of the development needs to be accepted by the developer and consideration of the location, amenity and construction of the path as a result. This can all be accommodated appropriately using good design principle from the start to enhance the public willingness to use and make use of the PROW network to achieve the policy aims of sustainable and safe transport corridors linking to the wider network, health and wellness of the local population, provision of good amenity and enjoyment.

Treatment of the Rights of Way

Whilst marked up correctly on the Kingston Solar Farm PROWs Plan Figure 16, the applications Management Plans do not acknowledge that Gotham Bridleway 11 crosses the site edged in red on the site location plan (Drawing no 04533-RES-LAY-DR-PT-002) along fields 7, 8, 9 and 10, merely stating that this bridleway abuts it. A small section of West Leake BW abuts the site to the South boundary of Field 10, which has also not been acknowledged with the other RoW that abut the site.

The design does not appear to have created any new narrow enclosed sections of bridleway. The treatment of the rights of way as depicted in the RoW Sectional Plans is to a good standard. However, descriptions of the minimum treatment in the Management Plans leave open the potential for an inconsistent approach at other sections of the site. Reassurances that the entire length of the RoWs crossing the site, will be treated with the same level of specification as depicted in the Sectional Plans is important.

Where bridleways are to be surfaced, the surfacing should be a minimum of 4 meters in width with a minimum of 1 meter verge either side (6m total). Whilst the application looks to be providing that in areas depicted in the Row Sectional Plans, the A3 Landscape Plan showing the typical track section only shown 0.25m shoulders either side of a 4m running width (4.5m total).

The proposed compacted crushed rock surfacing is acceptable treatment to the bridleway.

Hedges and Fences

The existing boundary fences, hedges and tree line directly bordering the development/boundary

with the Public Rights of Way are the responsibility of the current owner/occupier of the land. These along with all new fences, hedges and other planting forming part of the boundary treatment are the responsibility of the land owner to maintain, including ensuring that the hedge / tree line is cut back so as not to interfere with Rights of Way.

New accesses

The landowner must have permission in place to access the site via the Right of Way forming the proposed site access route.

The management of the additional traffic during the construction phase has been well considered. Whilst operational traffic volume after construction will be very minimal, consideration and assurances that any measures or mitigation to protect and give priority to the Rights of Way users would be valuable, particularly due to the likely interactions between such traffic and horses.

Construction Phase

Sectioning off a construction vehicular access track from the bridleway, from Wood Lane is a positive safety measure. It is noted that the access track will be created to allow a maximum construction vehicle width of 2.5m. Confirmation of the minimum width that this would allow for this section of Bridleway 12 is requested so that Nottinghamshire County Council Row Via can be satisfied that the Right of Way will not become enclosed to an unacceptable width during the construction phase.

Surface Repairs

A survey including photos of the access route over the RoW prior and post construction is required, to be provided to Nottinghamshire County Council Row Via. Management Plans should commit to making surface repairs, to make good damage and where, continually during the construction phase as well as immediately after completion of the construction phase. The level of repair and maintenance must be to a level whereby the RoW surface is in equal or better condition than its condition prior to commencement of the construction, as highlighted in the forementioned required survey.

New Permissive Path & Unopposed Trespass

Management Plans should make clear that Nottinghamshire County Council will have no involvement in the implementation or future management of this proposed new permissive footpath. However, Nottinghamshire County Council RoW Via would find the supply of a location plan of the proposed new permissive route useful for its records.

I note for your attention that there is an existing unofficial, unopposed, well used open access route across Field 11 (not currently a public right of way). This route enters into Leake New Wood from an opening next to a gate on Gotham BW11 near Shiddocks Spinney, roughly follows the parallel to BW11 through the wood, entering into Field 11 on the other side of the hedgerow to BW11, then re-joins BW11 at an opening from Field 11 at the junction of BW10.

Informative Comments

It is recommended that early discussions are held with the RoW team at NCC (Via) on any impact a development might have on a right of way (surface, width, location etc) or potential change to the route, before the development commences. Contact countryside.access@nottscc.gov.uk

No part of the development hereby permitted, or any temporary works shall obstruct the public right of way. Any foreseen circumstances that may lead to such an obstruction should be discussed in advance with the RoW team at NCC (Via) so a temporary closure or diversion order can be agreed where necessary. Contact countryside.access@nottscc.gov.uk

The safety of the public using the path should be observed at all times. A Temporary Traffic Regulation Order (TRO) to prevent or restrict access of the RoW may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section

countryside.access@nottscc.gov.uk , The applicant should be made aware that at least 5 weeks notice is required to process the closure and an alternative route on should be provided if possible.

A TRO application will only be granted on a RoW to be temporary closed and diverted as a result of the development once the application to stop up or divert the RoW under the TCPA 1990 has been accepted by the LPA

No Objections development has maintained RoW in current location to acceptable terms.

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council, in its capacity as Highway Authority, through Vias continuing role of providing operational services on behalf of the County Council