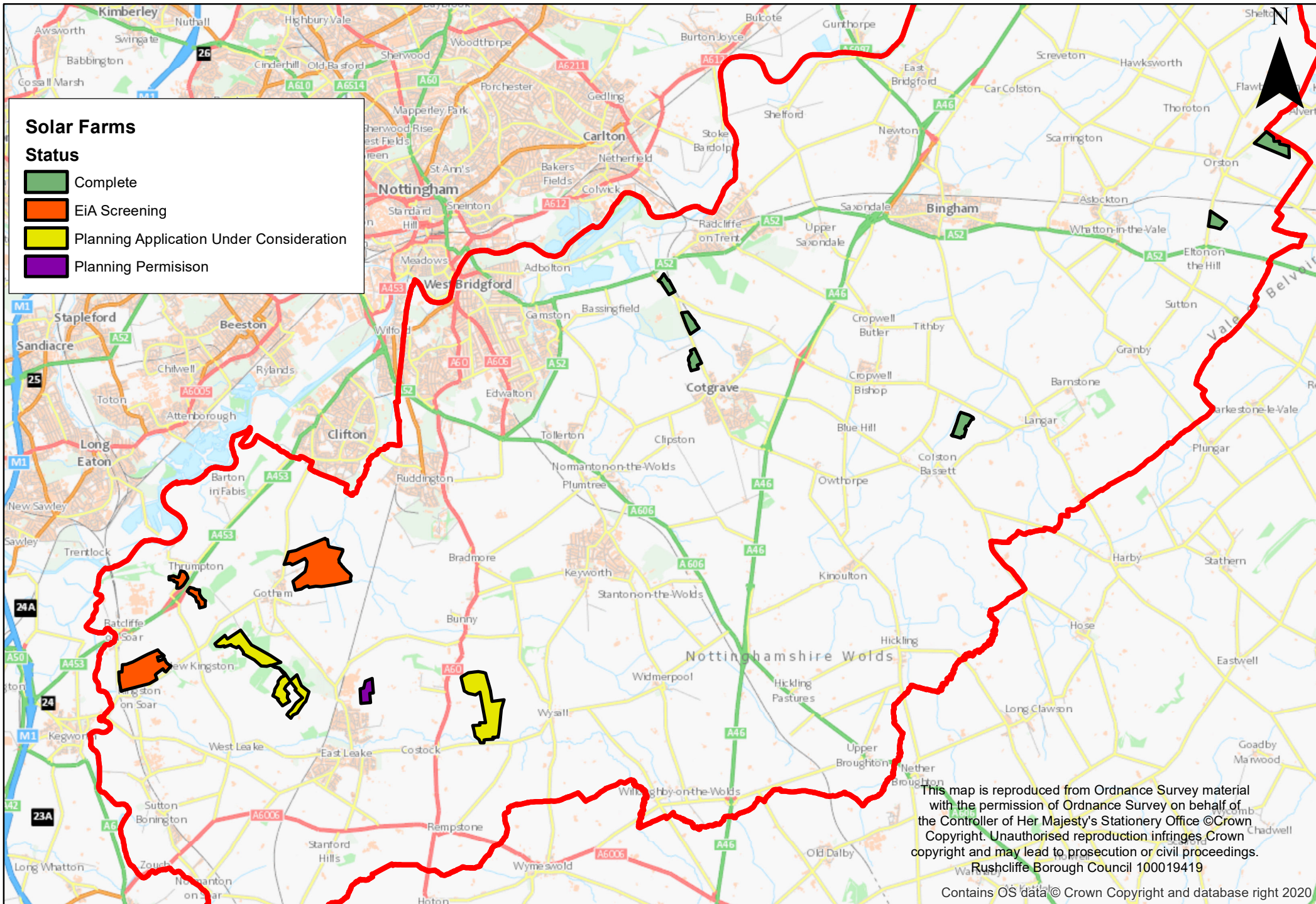


# Existing and Proposed Solar Farms (Greater Than 5 Ha)



## Comments on Planning Application – RBC Planning Policy

**Reference:** 22/00319/FUL

**Location:** Land to the West of Wood Lane And Stocking Lane, Kingston Estate, Gotham

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

**Date:** 06 April 2022

**Officer:** Laurence Rayner, Planning Policy Officer

### Policy Overview

The Planning Policy Team provided comments in respect of pre-application submissions for this site/proposed development. In line with planning law, planning decisions should be taken in accordance with the Development Plan ('DP'), unless material considerations indicate otherwise.

In Rushcliffe the DP consists of the Rushcliffe Local Plan Part 1: Core Strategy 2014 ('LPP1') and the Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 ('LPP2'). Parts of the application site lie within the Gotham Neighbourhood Plan area ('GNP'). As such its policies are relevant to those parts. Policies within the National Planning Policy Framework ('NPPF') can also be a material consideration where the DP is silent or policies within the DP expressly defer to the NPPF.

The key policies within the DP that are directly relevant to the proposed development are Policies 2 (Climate Change) and 4 (Nottingham-Derby Green Belt) of the LPP1 and Policies 16 (Renewable Energy), 21 (Green Belt) and 22 (Development within the Countryside) of the LPP2. Other DP policies of relevance include:

#### LPP1

- Policy 1 (Presumption in Favour of Sustainable Development)
- Policy 10 (Design and Enhancing Local Identity)
- Policy 11 (Historic Environment)
- Policy 16 (Green Infrastructure, Landscape, Parks and Open Spaces)
- Policy 17 (Biodiversity)

#### LPP2

- Policy 1 (Development Requirements)
- Policy 17 (Managing Flood Risk)
- Policy 18 (Surface Water Management)
- Policy 19 (Development Affecting Watercourses)
- Policy 28 (Conserving and Enhancing Heritage Assets)
- Policy 29 (Development affecting Archaeological Sites)

- Policy 34 (Green Infrastructure and Open Space Assets)
- Policy 36 (Designated Nature Conservation Sites)
- Policy 37 (Trees and Woodlands)
- Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network)
- Policy 40 (Pollution and Land Contamination)
- Policy 42 (Safeguarding Minerals)

#### GNP

- GS1 (Protective and Enhancement Measures for a Green Network)
- T1 (Traffic Calming, Congestion and Parking)

In addition to the DP, other material considerations may also include the National Planning Practice Guidance ('NPPG'). Also, as per paragraph 5 of the NPPF, National Policy Statements ('NPS') are part of the overall framework of national planning policy and as such may also be a material consideration in making decisions on planning applications.

In this regard, it is noted that the capacity of the proposed solar farm would be just below the 50 megawatt threshold for 'utility scale' solar projects (normally considered by the Secretary of State for Energy under the consenting regime for Nationally Significant Infrastructure Projects). In view of this both NPS EN-1 (July 2011) and NPS EN-3 (July 2011) could be material considerations in respect of this application. Whilst the current EN-3 does not specifically refer to solar farm developments, in September 2021 the Government consulted on an updated version that includes a specific section on such developments. Notwithstanding this, as the document currently remains in draft, it is likely to only carry limited weight.

#### **Comments/Observations**

The Government has set a legally binding target to bring carbon emissions in the UK to net zero by 2050 and currently expects that solar, together with wind, to be the predominant source of energy generation by this date. In this regard Policy 2(5) of the LPP1 seeks to encourage the development of decentralised renewable energy schemes, including solar projects, where they are compatible with environmental, heritage, landscape and other planning considerations.

Paragraph 158 states that local planning authorities should not require the overall need for renewable energy to be demonstrated; and approve planning applications for renewable energy developments if its impacts are (or can be made) acceptable.

This broad approach to increasing the use and supply of green energy production, in appropriate locations is echoed in the NPPG<sup>1</sup>. However, the NPPG also cautions that the need to provide renewable energy production should not automatically override environmental protections and the concerns of local communities<sup>2</sup>. In respect of solar developments specifically, the NPPG recognises that large scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes, but acknowledges that the visual

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<sup>1</sup> NPPG Renewable and low carbon energy (2015) – paragraph 001.

<sup>2</sup> As above paragraph 003.

impact of a well-planned and well screened solar farm can be properly addressed within the landscape if planned sensitively<sup>3</sup>.

The application site, which broadly consists of two interconnected blocks separated by woodland, is situated wholly within the Nottingham-Derby Green Belt. This is a significant constraint on the proposed development. Policy 21 of the LPP2, requires development within the Green Belt to comply with national Green Belt policy as set out in the NPPF<sup>4</sup>. It is of note that paragraph 151 states that elements of renewable energy projects are likely to be classed as 'inappropriate development', and therefore can only proceed if 'very special circumstances' ('VSC') can be shown. Inappropriate development is, by definition, harmful to the Green Belt and as such must be afforded substantial weight in the planning balance (as must any other harm or harms that might be identified). Whilst the NPPF does acknowledge that VSC's may include the wider environmental benefits associated with increased production of energy from renewable sources, in order for planning permission to be granted any such potential benefits must clearly outweigh any 'definitional' harm as well as any other potential harm or harms that might be identified (such as adverse effects on landscape, heritage or ecological assets). It is important to bear in mind that it would be insufficient for the potential benefits of the proposed development to merely outweigh any harm or harms to the Green Belt that might be identified. They must clearly outweigh them in order for VSC's to be said to exist. This is necessarily a high bar to overcome.

In terms of renewable energy developments specifically, Policy 16(1) of the LPP2 provides a detailed list of the planning considerations that need to be acceptable for planning permission to be granted. The first consideration on the list is ensuring compliance with Green Belt policy but also includes, amongst others, landscape and visual effects; ecology and biodiversity; agricultural land quality; historic environment; open space and other recreational uses, grid connections; form and siting; mitigation; decommissioning; cumulative impacts; and access. The NPPG also sets out various planning considerations that need to be considered in regard to large scale ground mounted solar farms.

Careful consideration will need to be given to all of the various factors listed in Policy 16 (and the NPPG). The other policies within the DP that are listed above provide amplification to each of these factors. Where reasonable and necessary the use of conditions should be considered to mitigate any potential harms that might be caused. This is likely to be particularly important in respect of ensuring any impact on the existing landscape character can be successfully mitigated throughout the lifetime of the development and also in regard to the decommissioning of the solar equipment/restoration of the land at the end of its proposed 40 year operational lifespan.

The following observations/comments are made in respect of some of the factors listed in Policy 16.

#### Landscape character

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<sup>3</sup> As above paragraph 013.

<sup>4</sup> Paragraphs 147-151 of the July 2021 version.

Policy 16(2)(e) of the LPP1 requires that landscape character is protected, conserved and enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment 2009 ('GNLCA'). The application site is located within the Nottinghamshire Wolds Regional Character Area. Appendix 9 of the GNLCA identifies certain Draft Policy Zones ('DPZ') within the Regional Character Areas and identifies the site as being within the DPZ known as the NW01 - Gotham and West Leake Hills and Scarps (see pages 89-94 of **appendix 1**).

This DPZ is identified as having a strong landscape character which is in good condition and therefore should be conserved. This strength comes from the distinctive series of prominent hills that provide expansive views of low lying farmland and Nottingham. Landscape actions include conserving the distinctive pattern of hills and fields, including the balance of arable (on lower slopes) and pasture farming (on steeper and higher slopes). Careful consideration should be given to whether the introduction of the proposed solar panels would be likely to change this landscape character.

Paragraph 013 of the NPPG advises, amongst other things, that the potential to mitigate landscape and visual impacts through screening with native hedges should be considered. In this instance it will be important to assess whether any such hedge planting would be sufficient to mitigate any adverse effects on landscape character and the degree to which the screen planting can successfully achieve this mitigation in the short term, as well as throughout the lifetime of the development.

#### Ecology & Biodiversity

The Rushcliffe Golf Course SSSI adjoins north-eastern edge of the south-easterly block. In addition, the ancient woodland and Local Wildlife Site ('LWS'), known as 'Gotham Wood' adjoins the part of the north-western edge of the north-westerly block. There are also smaller LWS's (ie: Crowned Wood Assarts, Leake New Wood Track, Ash Spinney Assart) in close proximity to central and south-eastern parts of the site.

Careful consideration will need to be given to the potential impact the proposed development might have on these sensitive areas, in particular the SSSI, to ensure it accords with the DP, in particular Policies 16 and 17 of the LPP1, Policies 36 and 37 of the LPP2 and Policy GS1(b) of the GNP.

Policy 17 of the LPP1 seeks to protect, restore, expand and enhance areas of biodiversity interest, including areas and networks of priority habitats. Part (1)(b) specifically requires, where possible, improvements to the green infrastructure network for the benefit of biodiversity, including at a landscape scale, through the incorporation of existing habitats and creation of new habitats. Part c) seeks to ensure new development provides biodiversity features where appropriate.

It is noted that the application site is located within the Gotham Hills, West Leake and Bunny Ridge Biodiversity Opportunity Area ('BOA'), as identified at Appendix E of the LPP2. Policy 38(3) of LPP2 states that development within these BOA's should retain and sympathetically incorporate locally valued and important habitats, including wildlife corridors and 'stepping-stones'; and be designed in order to minimise disturbance to habitats and species. Appendix E of the LPP2 specifically identifies woodland and grassland as predominant habitats that

should be protected, restored, expanded and enhanced within this particular BOA. Stating that the existing network of woodland and grassland can be enhanced and buffered. There is also potential for creating important links between existing habitats. Given the application site's proximity to the SSSI, ancient woodland and LWS's, careful consideration will need to be given to whether the proposed development is capable of improving the quantity, quality and connectivity of these habitats and the views of the Council's Environmental Sustainability Officer should be sought in this regard.

#### Best Most Versatile Agricultural Land

It is noted that the majority of the application site (77.19ha) is graded within the Agricultural Land Classification ('ALC') as sub-grade 3b, with a smaller area (1.4ha) graded as non-agricultural and further 2.06ha of land that was not surveyed. In line with Policy 16(1)(d) of the LPP2, the NPPG advises that where a solar farm development involves greenfield land (as is the case here) consideration should be given to whether (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. In this regard it is noted that the applicant claims the site is capable of retaining 'dual-use', comprised of agriculture in the form of low intensity sheep grazing and renewable energy production. It is also of note that in terms of large scale solar farms on greenfield land the draft EN-3 gives preference to the use of agricultural land with an ALC of sub-grade 3b and grades 4 and 5.

#### OpenSpace and recreational uses

It is noted that there is a network of public rights of way (bridleways) that both surround and go through parts of the site. Policy 16(1)(f) of the LPP2 requires that effects of the proposed development on open space and recreational uses be acceptable. Policy 34(1) of the LPP2 expressly seeks to protect Green Infrastructure (including rights of way) from development which adversely affects its function or its contribution to a wider network, unless the need for the asset is proven to no longer exist and the benefits of the development in that location outweigh the adverse effects on the asset. Policy GS1 of the GNP also gives high priority to the maintenance and enhancement of bridleways, albeit only those shown on Map 3 (which does not cover the application site). The views of the footpaths officer at Nottinghamshire County Council should be sought in regard to the potential impact the proposed development may have on the bridleways surrounding and crossing the application site.

#### Cumulative impacts

To assist in the assessment of potential cumulative impacts of the development, a list of solar farm developments over 5ha in size that have been completed; benefit from planning permission; or have been screened for EIA development within the last 12 months has been compiled (see **appendix 2**). These sites have been plotted on a spatial plan (see **appendix 3**) and includes the current application site as well as site of another similar application that is also currently under consideration (22/00303/FUL).

The NPPG 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<sup>5</sup> and detailed guidance in this regard is set out in the NPPG. Notwithstanding this the NPPG also acknowledges that in the case of ground-mounted solar panels the area of a zone of visual influence could be zero with effective screening and appropriate land topography.

#### Other matters

Policy 42 of the LPP2 seeks to prevent mineral deposits from being sterilised by new development. It is noted that the application site and surrounding area are identified in the DP as being within a Mineral Safeguarding Area for Tutbury Gypsum. Notwithstanding the comment at paragraph 1.352 of the Applicants Planning Statement, given the current timetable for the decommissioning of the power station at Ratcliffe on Soar is September 2024, the views of British Gypsum (Saint Gobain) should be sought to ensure that this mineral resource would not be sterilised during the 40 year lifetime of the development.

The NPPG highlights that the effect of glint and glare on the landscape, neighbouring uses and aircraft should be considered. In respect of the latter, it is noted that the site lies within the consultation zone for East Midlands Airport ('EMA'). As such, the views of the Safeguarding Authority for EMA should be sought to ensure the development would not give rise to any unacceptable glint/glare impacts on aircraft using the airport.

#### **Appendices**

Appendix 1 – GNLCA 2009 appendices.

Appendix 2 – List of solar farms in RBC over 5Ha.

Appendix 3 – Spatial plan showing solar farms in RBC over 5Ha.

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<sup>5</sup> NPPG Renewable and low carbon energy (2015) - paragraph 013.