

When telephoning, please ask for :

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Our Reference : 21/00551/ADVICE

Your Reference :

Date : 13 May 2021

OFFICIAL

Andrea Baxter

0115 9148227



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Dear Ms Beckett

**Re: Proposed Kingston Solar Farm (17 fields grouped into 3 sites covering a total area of 89.1ha in Gotham and East Leake)**

I refer to the above enquiry for a solar farm on land totalling 89.1ha over a series of 17 fields that are grouped into 3 blocks. Please accept my apologies for the delay in responding.

Site Constraints

The proposed development would be located within the Green Belt. Public Rights of Way and Bridleways run within the vicinity and cross the site: Gotham BW12 runs to north of fields 4 and 5 and then between fields 5 and 6; Gotham BW11 runs to the north of fields 6-10; Gotham BW10 runs between fields 9 and 10 and Gotham BW11 and West Leake BW13 runs along the northern edge of field 16 and then West Leake BW5 runs along the southern edge of field 16 and 17.

Other constraints include Gypsum mining, Rushcliffe Golf Course, the footpath and Bridleway network, and East Midlands Airport safeguarding.

The Council's computer data base indicates archaeology and contamination hotspots as follows: Archaeology: site 1 – to the northern area of field 8 and 9 and Site 3- Eastern corner of field 16 and contamination: Site 1 - Kingston Mine (now Hardstaff) to the south of field 1 and 3; entire field 5 is highlighted as being potentially contaminated; pocket area in north of field 8 is identified as disturbed ground; northern extreme of fields 4,5,6,7, are within 250m of landfill site on Gypsum Way (methane); an Esso Pipeline runs through fields 8,9,10. Site 2 -Field 1 potentially contaminated in 2 pockets "worked ground". Please see attached plan extracts)

In terms of biodiversity there are a number of features that should be considered: Site 1 – To the north of fields 1,2 and 4 - Gotham Wood - 'Deciduous woodland with a notable shrub and ground flora'; To south of fields 5 and 6 – LWS Crownend Wood – 'A coarse grassland with an uncommon type of species-rich community' 'A herb-rich damp grassland with complementary scrub'. Site 2 – To north of field13 – LWS West Leake Hills 'A site holding a butterfly species of high conservation priority in Nottinghamshire', To the north of field 11 – LWS Leake New Wood Track 'A herb-rich track' To the west of field 15 - LWS Ash Spinney Assart 'A meadow with an impressive association of higher flowering plant species' To east of Site 1 and northern boundary of site 3 - SSSI - Rushcliffe District Golf Course 'A site containing some of the best examples of calcareous and neutral grassland in Nottinghamshire, together with valuable mixed scrub and woodland'.

Our database suggests that the land classification falls as follows: Site 1 Grade 3b fields, Site 2 Grade 2 fields and Site 3 Grade 2 and 3 fields. I note that this does not correspond with the information would have provided in your submission. It will have to be clarified and demonstrated clearly as to what grade of agricultural land the application site falls within.

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NG2 7YG



Also consideration would have to be had to the **impact on field drains** that runs within the site.

In terms of planning history there are a couple of planning applications that relate to specific parts of the overall site:

- South of field 6 ref 88/01204/G1P - Erect 30 m high tower/antenna for cellular radio telephone base
- Field 8 ref 01/01097/CMA - Restoration of land affected by subsidence
- 09/01296/FUL Re-instatement of house and conversion / reconditioning of outbuildings to form a single residential unit with garaging

And then there are applications that deal with all of the land subject to the proposal:

- 98/01279/CMA Determination of conditions on planning permissions:- S/19/2, S/9/1, S/21/56, S/24/2, S/21/5, S/19/595, G1/83/D/1153, 21/82/D/158, 75/D/532, S/21/2, S/21/3, S/18/179, J1/78/D/464 and S/18/276
- 16/01430/CMA Periodic review of mineral permissions pursuant to Section 96 of Environment Act 1995
- 16/01432/CMA Vary condition 2 of planning permission 00/01321/CMA to extend operation of mine until 22 February 2042

### Planning policy

#### National Planning Policy Framework

- Chapter 2. Achieving sustainable development
- Chapter 13. Protecting Green Belt land
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15. Conserving and enhancing the natural environment
- Chapter 16. Conserving and enhancing the historic environment

#### Rushcliffe Local Plan Part 1

- Policy 1 – Presumption in favour of sustainable development
- Policy 2 – Climate Change
- Policy 4 - Nottingham-Derby Green Belt
- Policy 11 - Historic Environment
- Policy 17 - Managing Flood Risk
- Policy 17- Biodiversity

#### Rushcliffe Local Plan Part 2

- Policy 1 – Development Requirements
- Policy 16 – Renewable Energy
- Policy 17 - Managing Flood Risk
- Policy 18 - Surface Water Management
- Policy 19 - Development affecting Watercourses
- Policy 21 –Green Belt
- Policy 28 - Conserving and Enhancing Heritage Assets
- Policy 29 - Development affecting Archaeological Sites
- Policy 36 - Designated Nature Conservation Sites
- Policy 37 - Trees and Woodlands
- Policy 38 - Non-Designated Biodiversity Assets

- Policy 37 - the Wider Ecological Network
- Policy 40 - Pollution and Land Contamination
- Policy 42 - Safeguarding Minerals

Gotham Neighbourhood Plan and East Leake Neighbourhood Plan.

National Planning Policy Guidance

- Renewable and Low Carbon Energy

A [Landscape Sensitivity Study](#) was jointly commissioned by Rushcliffe and Melton Councils.

Principle of Development:

In principle, the development of renewable and low carbon energy is acceptable in both national and local policy terms. In particular, paragraph 154 of the NPPF states that local planning authorities should (inter alia)

*“...approve the application if its impacts are (or can be made) acceptable”*

Policies in both Part 1 and Part 2 of the Local Plan express encouragement to the development of renewable energy, providing, of course that any other impacts can be made acceptable.

That said, the site is located within the Green Belt and as such your attention is drawn to paragraph 147 of the NPPF that states *“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”*

In accordance with paragraph 144 of the NPPF, very special circumstances however will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. As directed by paragraph 147 the wider environmental benefits would constitute such considerations and could justify very special circumstances, provided these outweigh impacts on openness and any other harm. Other harm, in this case may comprise adverse effects on landscape, heritage or ecological assets. Any subsequent application will therefore require these issues are addressed, and a **justification provided that any effects are outweighed by the renewable energy generated.**

Part 5 of Local Plan Part 1 Policy 2 (Climate Change) promotes the development of decentralised renewable energy schemes, including solar projects, where these are compatible with environmental, heritage, landscape and other planning considerations.

Policy 16 of the Local Plan Part 2 (Renewable Energy) provides a detailed list of planning considerations, including: compliance with Green Belt; landscape and visual effects; ecology and biodiversity; agricultural land quality; historic environment; grid connections; form and siting; mitigation; decommissioning; cumulative impacts; and access. These issues would need to be addressed within a submission.

Part 2 e) of Local Plan Policy 16 (Green Infrastructure, Landscape, Parks and Open Spaces) requires landscape character is protected, conserved and enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment. This assessment identifies the proposed solar farm as being

located within the Gotham and West Leake Hills and Scarps landscape character area. This area has 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 laying 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). The introduction of solar panels are likely to change the landscape character, especially within this elevated location. Given the prominence of the hills, care should be taken to ensure the solar farm does not harm medium to long distance views. Any application should therefore be supported by a comprehensive landscape character assessment.

Policy 17 (Biodiversity) of the Local Plan Part 1 seeks to protect, restore, expand and enhance areas of biodiversity interest, including areas and networks of priority habitats. Part 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.

The site is located within Gotham Hills, West Leake and Bunny Ridge Biodiversity Opportunity Focal Area, as identified within Rushcliffe Biodiversity Opportunity Mapping Report<sup>1</sup>. Policy 38 of the Local Plan Part 2 states that development within these Biodiversity Opportunity Areas 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. Local Plan Part 2 Appendix E specifically identifies woodland and grassland as predominant habitats that should be protected, restored, expanded and enhanced. 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 site's location within this ecological network of wooded and grassland habitats, any application should provide evidence that the proposal would improve the quantity, quality and connectivity of these habitats.

#### Agricultural Land Class:

Consideration must be given to part 12 of LPP2 Policy 1 which 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.

In this case, given the nature of the development, which requires reasonably low levels of ground disturbance/footings, it is likely that the benefits conferred by a development of renewable energy may outweigh any potential harm to/loss of agricultural land, however a supporting statement would need to be submitted addressing the points above. The quality of the land within each parcel may influence which fields are utilised for the solar farm.

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Highways/ Access:

It is noted that the access to the Proposed Development Site is yet to be confirmed, however it is likely that the western site area will be accessed from Wood Lane, and the eastern site area will be accessed from Stocking Lane.

The County Council Highway officer has advised that “No information has been submitted to determine the size and frequency of the vehicles used in the transit process, although it is noted LGV’s will be utilised for routine maintenance.

Street View imagery highlights Wood Lane has a single lane width. This raises concerns regarding its suitability to absorb additional levels of traffic, particularly when drivers have to negotiate riders on horseback. However, we do note passing bays are available.

Visibility at the Kegworth Road / Wood Lane junction is restricted by the horizontal alignment of the carriageway. We would therefore expect a speed survey to be undertaken to determine the 85<sup>th</sup> percentile speed at which traffic first comes into view. The commensurate splay must then be achieved without crossing third party land.

Wood Lane should be widened at its junction with Kegworth Road so that the largest vehicle expected to serve the site can stand clear of the public highway whilst waiting for oncoming traffic to pass.

Visibility at the Stocking Lane/Gotham Road junction is acceptable. It is not known whether the condition of Stocking Lane can accommodate road vehicles as it appears to be maintained to standard for its intended use beyond the Golf Club car-park. The applicant must demonstrate the additional traffic generated by the development will not compromise the safety of other users on the way.

Vehicular rights of access to the solar farms should be established beforehand, as the landowner(s) permission may be required. Our Countryside Access Team should also be consulted for a view.”

This would have to be clearly addressed in any submission.

Nottinghamshire County Council Rights of Way Officer:

Has commented that in respect of public rights of ways - East Leake Bridleway 16, West Leake Bridleways no 13/5 & Gotham Bridleways no 10/11/12 are affected.

The rights of way team have a number of concerns regarding the potential impact upon the RoW character and the visual amenity that these routes provide, and we therefore raise them at this early stage of consultation. I refer to Figure 2 Field Numbers within the Pre-App report and the attached map shows the RoW route numbers in blue.

East Leake bridleway (BW) no 16 Potential construction traffic access route. BW16 Stocking Lane forms the main access from East Leake and is used by the public constantly though out each day on foot, cycle and horseback. Its stone track surface is prone to erosion by vehicular traffic.

West Leake BW5 Midshires Way (Field 16/17) Stone track. Row will have direct visual impact to the west for 280m after which a hedgerow provides a degree of natural visual buffer.

West Leake BW13 (Field 16) BW situated on field headland stone track. *First 330m will view boundary fencing and panels to the south potentially creating corridor.* BW enters golf course land (SSSI) and follows mixed hedgerow with gaps for 320m.

Gotham BW11 (Field 10) BW situated north of field 10 boundary behind low managed hedgerow but with *views to the landscape south.*

Gotham BW 10 (Field 10) BW10 travels north-south and contained upon natural surface grazed headland with mature hedge to the west. *High visual impact to the east within field compartment.*

Gotham BW11 (Fields 6-9) BW continues upon field headland 3m stone track of consistent quality. *Wide open views across landscape to south and west.*

Gotham BW12 (Fields 5-6) BW contained on wider stone track north-south with mature hedgerows on both sides limiting visual scope to landscape.

BW12 continues north -westerly as Wood Lane forming the a partly metalled surface and the proposed construction access from Kegworth Road.

*The above public rights of way form a high value asset for local communities for health, recreation and sustainable transport links. The landscape quality is high offering some of the best uninterrupted visual amenity in south Nottinghamshire, which adds further value to the public accessibility, quality and character of the local rights of way network.*

The rights of Way Officer has requested further information be provided *“on the proposed design of the solar farm, in particular the boundary fencing of each compartment, including distances from the headland bridleways, as this factor will have the most profound impact on how the routes could be closed in and corridorred by such infrastructure.*

*Secondly, we request detailed information on access both during construction phases and ongoing maintenance to the facility to identify any likely impact upon the existing surfaces of the RoW, and what mitigation could be provided, and crucially if or how this additional traffic can be accommodated around the public safety of RoW users.*

*Given the above concerns, we would urge the LPA to use all appropriate planning guidance to determine if a development of this scale would adversely affect the visual amenity for high numbers of RoW users, and degrade the character of the open countryside which deserves increased respect and conservation due to the continued urban expansion of East Leake.”*

#### Landscape:

*The Landscape Officer has commented that he “has concerns about the proposed locations, some parts of the field network may be more appropriate than others to accommodate solar power, but the scale indicated at this stage would potentially have a negative impact on the users of a number of rights of way that run across these hills where people enjoy long distance views out over the countryside. From a LVIA point of view the users of such routes will be sensitive to changes to their visual amenity. Care needs to be taken to ensure the character of the routes are not altered, sections do not become fenced in or enclosed and long distance views are not impacted on, both from the top of the hills looking out and views towards the hills.*

*Any application would need to carry out a detailed LVIA assessment and I am happy to discuss*

*viewpoints with the applicant.* Any detailed application should details the position of the panels, any screening planting, details of the fencing and any other security provision. I would also want to ensure that panels won't be positioned too close to existing woodland so as to avoid the need to prune or reduce trees due to shading in the future.

*I've not walked the RoW since this pre-application was submitted, but from memory the most sensitive fields will be 5, 6, 9, 10, 16 and 17, with 4 and 7-9 also likely to be visible from adjacent RoW."*

Ecology:

Any application must also be supported by the results of Ecological Assessment carried out by a suitably qualified and experienced ecologist, particularly given the proximity of the site to Local Wildlife Sites. Similarly, a report setting out the measures to achieve biodiversity net gain should also be submitted.

The Council's Sustainability officer has advised that "The supplied document note that there are four Site of Special Scientific Interest (SSSI) within 5km, with Rushcliffe Golf Course adjacent to the site of the Proposed Development and 6 Local Nature Reserves, however consideration of Local Wildlife Sites (LWS) has not been supplied, 8 LWS are present close to the development site, of which 4 (Rushcliffe District Golf Course; Ash Spinney Assart; Leake New Wood Track and Crownend Wood (Western Assart) are adjacent to the development site.

*Protected and priority species found on or close to the site include: Brown Hare; Bats and Badgers. The rare plants: Gymnadenia conopsea sensu lato; Galium tricornutum, Gentianella amarella; Euphorbia exigua; Valerianella dentata; Carex pallescens, Parentucellia viscosa, Anacamptis morio are recorded on or adjacent to the development site.*

*The invasive species Fallopia japonica has been recorded on or nearby. I also note the application site is within or adjacent to an amber risk zone for the Natural England District Licencing Scheme for Great Crested Newts, therefore following Natural England's advice, I recommend the applicant considers joining the DLL scheme or alternatively an assessment of the risk to GCN must be provided which set out any measures which they propose to take to safeguard against significant risks. This may result in the need for a GCN site mitigation licence if the developer chooses not to use DLL.*

Further details about the DLL scheme are available online at <https://www.gov.uk/government/publications/great-crested-newts-district-level-licensing-schemes>.

*I note the applicant has stated that Phase 1 habitat surveys and protected species surveys are planned. If there is an indication of negative impact then further surveys are likely to be required. Ecological surveys must be undertaken by a suitably qualified and experienced ecologist at an appropriate time of the year.*

See <https://www.biodiversityinplanning.org/wildlife-assessment-check/> for advice

*PV solar farms, have the potential to negatively impact on flying species, with some reports indicating they mistake them for water bodies. Additionally shade from panels can prevent ground flora. However, other reports have demonstrated a well-designed PV solar farm can provide many opportunities for enhancement if distances between panels allow the use of wildflower rich grassland underplanting and borders to fields and potential to support ground-nesting birds and brown hare's.*

*A biodiversity net gain assessment, with a demonstrated gain should be provided as recommended by CIRIA (2019) Biodiversity Net Gain – Principles and Guidance for UK construction and developments, with the gains implemented and maintained in the long*

term, set out in a **Landscape and Ecological Management Plan** and agreed by the local planning authority.

**An ecological construction method statement incorporating reasonable avoidance measures (RAMs), should be agreed and implemented, including the good practise methods below.**

Other recommendations include:

- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting> for advice and if lighting is required a wildlife sensitive lighting scheme should be developed and implemented.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
- Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.
- Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtoreplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*))
- Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.
- Good 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.
  - No works 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 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 management of waste during and post construction and the use of recycled materials and sustainable building methods.”



Noise and dust:

The Council's Environmental Health Officer has advised that: "There are minor potential negative effects which are:

- The construction element of the proposal and the laying of the infrastructure to feed the power to the grid. This will be temporary and impacts will be determined by the need to connect to the grid. Any impacts will be minimal and occur at the outset of the installation and upon removal. Any negative impacts such as noise and dust from the construction phase should be mitigated in any application and consideration should be given to the hours of operation of any noise construction work.
- There would be increased traffic to the site during construction of the development; when operation, traffic would be expected to be limited and minor.
- The operation of transformers on site can produce low frequency/humming noises. This is likely to result in very minor impacts and the location of the site would mean that noise from these plant would not be audible to any current residence. We note that a full application would be supported by a **Noise Impact Assessment (NIA)** and support this approach. This assessment would be based on the noise specifications, operational hours of plant/equipment including performance and locations."

A **construction management plan** setting out measures to limit noise, dust and vibration during construction, the hours of operation / deliveries, and any lighting details taking into account ecology, together with the above referred to Noise Impact Assessment would need to be submitted with an application.

Flood Risk:

The **Environment Agency** have confirmed that they have no comment. The Lead Flood Risk Authority comments are awaited and shall be forwarded to you on receipt.

Heritage:

The Conservation Officer comments were awaited at the time of writing this letter. They shall be forwarded on receipt.

East Midlands Airport:

**Airport Safeguarding** will be consulted on any application. You may wish to discuss implication and requirements directly with them.

British Gypsum:

You are advised to consult with **British Gypsum** and ascertain that the proposal would not result in negative impact on the workings or that existing / historic workings will not have an impact on the proposal solar farm.

**Conclusion**

The proposed solar farm, covers a large area of farmland, within an elevated location where it may have significant effects on landscape character, visual amenity and impact on public rights of way. In addition, this elevated area of wooded hills is identified as a **Biodiversity Opportunity Focal Area**, due to the presence of priority woodland and grassland habitats and opportunities to improve their quantity, quality and connectivity. Any submitted application must therefore provide evidence that the landscape character and the wider ecological network will be protected and enhanced.

Critically, it must be established whether elements of the proposal are inappropriate development within the Green Belt and, if so, whether **very special circumstances exist** which outweigh the harm to the openness of the green belt and its purposes, and any other harm. Any other harm will include the consideration of those issues identified above and those listed within Policy 16 of the Local Plan Part 2.

Matters raised regarding ecology, rights of way, landscaping and highway matters will need to be fully addressed in a submission for consideration. At this stage based on the consultations currently received, which do not include all that would be consulted on during a planning application, I would advise that an application would be resisted.

#### Submission Documents

Should you decide to submit a planning application I would recommend that the following documents are provided;

- Site location plan with application site (including access) outlined in red and the remaining land in the applicants' ownership in blue
- Block plan with critical dimensions to boundaries marked on
- Plans and elevations
- Statement regarding use of agricultural land
- Very Special Circumstances
- Transport Statement
- Landscape and Visual Impact Assessment (including consideration of glint and glare)
- Landscape Strategy
- Preliminary Ecological Survey
- Biodiversity Net Gain Statement
- Construction Management Plan
- Noise Impact Assessment
- The appropriate application fees

You will appreciate this list may not be exhaustive but is given as a guide based on the information to date.

You will also appreciate that the advice contained in this letter is offered without prejudice to any decision the Borough Council may reach on a planning application for the proposed development. On receipt of an application, the comments of other bodies will be sought, and these may raise further issues not anticipated at this stage. Therefore, the outcome of the application cannot be guaranteed. Furthermore, this advice may not be relied upon if an application is not made within one year or there are significant changes in policy.

However, please do not hesitate to contact me on the above telephone number should you wish to discuss this matter further.

Yours Sincerely



Principal Area planning Officer

OFFICIAL