

ITEM SUBJECT OF A SITE VISIT

Item No: a2

Application Ref.	23/00656/FUL
Application Type	Full Planning Permission
Site Address	Development Site To The North of Brick Yard Road, Gamston.
Proposal	Installation of a Solar Farm with an Output of Approximately 45.4MW and Ancillary Works
Case Officer	Clare Cook
Recommendation	Grant Permission subject to conditons
Web Link:	Link to Planning Documents

THE APPLICATION

SITE CONTEXT

The application site is located to the north of Brick Yard Road in Gamston and is currently within agricultural use.

The site is bounded to the south by Brick Yard Road and has agricultural land to the east and west. Apple Pie Plantation lies to the north west of the site. The River Idle lies approx. 1.2km to the east and the River Poulter lies approx. 1.6km to the south

There are designated sites within the vicinity of the application site, namely Clumber Park SSSI which is approximately 4km to the west, Gamston and Eaton Woods and Roadside Verges SSSI which is approximately 3km to the east and Castle Hill Wood SSSI which is approximately 4.5km to the north east. The application site lies within the outer edge of the impact risk zone of Clumber Park SSSI. Gamston and Eaton Woods are also Ancient Woodlands. Brick Yard Road Ponds and Gamston Airport Scrub and Grassland Local Wildlife Sites lie to the east of the application site.

There some heritage assets within the vicinity of the site namely a Grade II listed milestone approximately 440m to the south west which lies at the junction of Brick Yard Road, Old London Road and Jockey Lane.

The application site is approximately 37.76 hectares in area and comprises of five fields. Each field is bounded by hedgerows within intermittent gaps for access and trees. The site slopes downhill towards Old London Road and Brick Yard Road from the east and south. The north-west corner is approximately 41.8 AOD and to the south west is approximately 22.2 AOD.

There are a number of access points along Brick Yard Road due to the gaps in the hedgerow. There is a public footpath to the north west of the site; however there are no public rights of way through the site per se, although there are a number of informal paths across the field boundaries.

Approximately 7.9 hectares of the site is identified as grade 3a agricultural land with the remainder being grade 3b or lower

The site is located within Flood Zone 1.

PROPOSAL

The proposal comprises a solar farm with a potential output of 45.4MW of electricity along with associated works including substations, inverter house, access tracks and security fencing.

Access to the site would be taken from Brick Yard Road.

The development primarily consists of solar panel modules which would be arranged in rows across the site on an east to west alignment. At the highest point, the panels will be 3m in height above ground level and have an orientation of between 15 and 20 degree angle in a southern direction. The panels would be mounted at shallow depths in the soil and arranged with 4m between each row and with a 9m total pitch distance.

The inverters will be located close to the structures and installed with a distance of 1m above the ground.

A small substation is proposed within the site boundary to house the control panels and the transformer. Underground cabling will feed into the control building from across the site to the substation

The site would be secured by perimeter fencing that would be 2m in height constructed with posts / wire and mesh; this would also include CCTV cameras.

The operational lifespan of the proposed solar farm is 40 years plus 6 months to account for construction and decommissioning.

Additional information has been submitted during the application; however, this has been as a result from technical consultee comments and has not changed the fundamental design of the proposal. On this basis, the relevant technical consultee has been consulted.

DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town & Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provision of the development plan, as far as material to the application, and to any other material considerations.

Other material planning considerations include the National Planning Policy Framework and guidance within the National Planning Policy Guidance.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.

Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up to date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission shall be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The following sections of the framework are the main ones applicable to this development:

Section 2 – Achieving Sustainable Development
Section 6 – Building a Strong Competitive Economy
Section 9 – Promoting Sustainable Transport
Section 11 – Making Effective Use of Land
Section 12 – Achieving Well Designed Places
Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 15 – Conserving and Enhancing the Natural Environment
Section 16 – Conserving and Enhancing the Historic Environment

National Policy Statements

EN-1 – Overarching Statement
Draft EN-3 – Renewable Energy Infrastructure

BASSETLAW DISTRICT COUNCIL – LOCAL DEVELOPMENT FRAMEWORK

Core Strategy & Development Management Policies Development Plan Document (Adopted December 2011):

- CS1 – Settlement Hierarchy
- CS8 – Rural Service Centres
- DM1 – Economic Development in the Countryside
- DM3 – General Development in the Countryside
- DM4 – Design & Character
- DM7 – Securing Economic Development
- DM8 – The Historic Environment
- DM9 – Green Infrastructure; Biodiversity & Geodiversity; Landscape; Open Space & Sports Facilities
- DM10 – Renewable and Low Carbon Energy
- DM12 – Flood risk, Sewage and Drainage
- DM13 – Sustainable Transport

NEIGHBOURHOOD PLAN (INCLUDING STATUS AND RELEVANT POLICIES)

There is no Neighbourhood Plan for this area

RELEVANT PLANNING HISTORY

21/01634/SCR – Screening Opinion - Proposed Solar Farm (Output Approximately 45.4MW) Development Site to the North of Brick Yard Road Gamston. EIA not required 15/12/21

13/01341/SCR - Screening Opinion - Development of a 5.5MW Solar Park Land Associated To Brecks Farm Main Street Eaton. EIA not required 19/12/2013

13/00513/FUL - Erect One 20kw Wind Turbine. Land South West Of Eaton Brecks Farm
Main Street Eaton. Granted 4/7/2013

17/12/00001 - INSTALL SOLAR PHOTOVOLTAIC PANELS ON GRAIN STORE Grain Store
Building At Brecks Farm, Eaton, Retford. Granted 6/3/2012

SUMMARY OF CONSULTATION RESPONSES

Gamston Parish Council

No comments received

Bassetlaw District Council Environmental Health

Extraction / ventilation – no comments

Noise – Recommend conditions during construction

Lighting – no comments to make

Contamination – precautionary condition recommended

Nottinghamshire Wildlife Trust

Local Wildlife Site – There is the potential for loss of habitat and pollution to the LWS. Support the implementation of a buffer zone and pollution prevention measures to be included in the CEMP.

Hedgerows and Trees – hedgerows along the boundary should be retained and protected by fencing and an operational buffer zone. Hedgerow lost to construct the access should be compensated for elsewhere on site. Trees should be retained and protected throughout construction.

Great Crested Newt – the proposed development is unlikely to impact on breeding habitat but could result in disturbance and temporary loss of terrestrial habitat. Agree with the ecologist that the works should follow a precautionary working method statement to minimise any risk.

Reptiles – The hedgerows and an appropriate buffer should be retained and protected throughout construction. Work should follow a precautionary working method statement to minimise any risk.

Badger – recommendations made

Breeding birds – All trees with nests and nest boxes should be retained and be subject to a construction buffer if works take place in the breeding season. If this is not possible it may be necessary to employ an ecologist to check to see whether the nest boxes are active. . Barn Owl is a schedule 1 species and it is a criminal offence to recklessly or intentionally disturb adults and their young on or near and active nest.

It is positive to note that an area of land measuring around 2 ha will be retained without solar array. However it is not known if this area will adequately compensate for the displacement of skylark as the number of skylark territories recorded in the bird surveys is not stated. It is recommended that the area is subject to a late summer cut rather than grazing to reduce the risk of trampling by sheep and to achieve a more suitable sward structure for the nesting skylark.

It is questioned whether the 2ha is to be used for skylark and lapwing because if so further details are required as to how this area will be managed as lapwing require a mosaic of habitats.

The off site mitigation is welcomed and it is recommended that this area should be at least 2ha and a maximum of 5ha and established by cultivation rather than using chemicals. For skylarks it is recommended to provide arable land on temporary grassland in winter cereal fields with an open aspect of more than 5 ha. This option should be provided in sequence with overwinter stubble to provide continuity of habitat for species such as skylark. Overwinter stubble provides food for skylarks and other species such as yellow hammer.

The extended habitat report was undertaken in 2021, report authors should highlight where they consider it necessary to update surveys within a period of 18 months. Between 18 months and 3 years a professional ecologist will need to undertake a site visit and update desk study information and review.

Lighting – any lighting plan should be sympathetic to foraging bats.

BNG – 10% BNG is recommended. Appropriate site-specific recommendations will be required for providing enhancements specific for Nottinghamshire BAP species, Section 41 Species of Principal Importance (NERC Act 2006) and habitats.

Following the submission of additional information the Trust has confirmed that they are satisfied that the protected species surveys are in date and accept the rationale in respect of the habitat assessment. Would like to see details of the skylark area -the design for that area and proposed ongoing management prescriptions to be included within the LEMP. We support the intention that skylark plots are designed in accordance with RSPB specifications that may include a sequence of winter sown cereals with plots and spring sown cereals with overwintered stubble to provide nesting and foraging opportunities for skylark, a species included on the Red List of Birds of Conservation Concern.

Suggest conditions in respect of;

- updating the CEMP to ensure that no harmful effects to the Local Wildlife Site and ensure protective measures are in place for ecology receptors noted in the Preliminary Ecological Appraisal, that is, great crested newt, reptiles, badger and breeding birds.
- Mitigation proposals for Lapwing and Skylark which will involve the specific management of a retained area of land within the application boundary measuring c.2Ha to be clarified within an updated Landscape and Ecological Management Plan (LEMP).

Nottinghamshire County Council Planning Policy

Minerals – No objection

Waste – No objection

Built Heritage – The site appears to be adjacent to, possibly overlapping with a site identified on the Notts HER as a location of brick kilns. Ruined buildings presumed to be associated with the brick works were noted in 1968. The Built Heritage Team can find no reference of this in the archaeological report and would seek confirmation that this brick kiln site and the potential heritage interest has been properly considered

Travel and Transport – do not request any contributions

Emergency Planning – no observations

Public health – advice given

Lincolnshire County Council Archaeological Advisor

Recommends planning conditions

Nottinghamshire County Council Local Lead Flood Authority

No objections

Gamston Aviation

The developers report demonstrates a minimal effect upon a limited part of Gamston Airport and at times when it is not normally using the unlicensed runway. There is no effect on the main licensed runway 02/20. Any impacts likely to have an effect on roads within Gamston Airport will be mitigated by the developer providing additional screening at the site.

The development is not assessed as having a negative or safety impact upon the operation of Gamston Airport, or the functioning of Track Testing Operations.

In conclusion, GAL has no objection to the planning application, subject to the developer undertaking the development and proposed screening mitigations as detailed in the application.

Natural England

No objections. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Use generic advice.

Advises the following:

Check priority habitats and species

Check impact risk zones to SSSIs

Further advice from Natural England states that, as this site contains 7.79 ha of land classified in grade 3a (and none of grades 1 or 2) we have no further comments to make. Please refer to the standard soils advice within Annex A that was provided in our original response.

Further advice was received from Natural England in respect of agricultural land classification which provided an analysis of the applicant's soil report.

Following a reconsultation NE was broadly happy that the applicant had undertaken a sensitivity assessment review - re-running the ALC calcs for 10 of the 42 survey points, assuming a lower stone content. The points for which have been done these re-calcs remain non-BMV.

Some elements of the stone content analysis still questioned.

Following the submission of additional information Natural England has no further comments to make

National Air Traffic Services

No safeguarding objections

Bassetlaw District Council Conservation

The submitted landscaping scheme is considered satisfactory with regard to the setting of nearby heritage assets. On this basis, Conservation has no concerns.

It is recommended the views of the Lincolnshire County Council Archaeologist are sought regarding below-ground heritage impacts

Environment Agency

No comments to make as the site is in Flood Zone 1

Nottinghamshire County Council Highways

The transport statement confirms that there would be a maximum of 54 car / light van movements and 11 HGV movements per day during construction. Due to restricted forward visibility at the site access it is proposed that no construction access will be available on Brick Yard Road from the east. The Highway Authority is concerned as to how that will be controlled. A sign is unlikely to persuade some arriving from the east to pass the site and undertake a 3km detour. Whilst a gateman may be able to monitor and even enforce any breaches to a right turn bay, they would be unlikely to prevent a U turn or 3 point turn to the west of the access. Even if it could be controlled the proposed point of access would still need to be suitable for operational traffic even if limited to one vehicle per week. The site has a substantial frontage off Brick Yard Road, why can access be moved to a more suitable location?

The surveyed edge of the carriageway stops well short of the extent of visibility splay west from the junction and the hedge line is not detailed on the plan. It is therefore not possible to determine whether the splay to the west terminates at the edge of the carriageway or whether the hedge will obstruct the splay. This requires clarification.

Where does the solar farm connect to the grid? Is there any works required to connect to the grid beyond the site frontage and what would that entail?

Following the submission of additional information and an amended construction access raise no objections subject to conditions.

Babworth Parish Council

No comments received

Eaton Parish Council

No comments received

Bassetlaw District Council Tree Officer

This application for a solar farm appears to fit within the constraints of existing trees, hedgerows and woodlands with zero tree loss anticipated. There are a large number of higher quality trees and a woodland categorised as 'A'. It would be expected that these will be retained long term which will enable them to continue contributing to the broader ecology of the area. These include some large mature oaks with an expected lifespan far in excess of the likely serviceable life of the solar farm. However, some are centrally located with the arrays planned around them. It would be expedient at this stage to ensure adequate room is given that they may remain, unpruned, so some assurances need to be given that the nearest panels do not get over-shaded by the trees and could then require pruning once the arrays are installed.

The coppicing of four crack willows is recommended in the tree report, which would prolong their life. Some interruption of hedgerows for access is required, which appears to be offset by the making good of gaps in hedgerows elsewhere on the site.

Connection route(s) to the grid does not appear to have been discussed. Can this be demonstrated to not have negative impact on any trees present or adjacent the site?

I would not object to this proposal, providing further evidence and details can be provided that T19 (veteran oak) and T17 (oak) have sufficient room to continue through their life without requiring pruning due to over-shading the panels. If further information cannot be provided, I would ask for greater distance be allowed between the panels and these two trees, especially where any shadows may be cast.

Following the submission of additional details offers no objections.

Network Rail

No objection in principle. Request a condition to ensure safety of the railway.

Nottinghamshire County Council Public Rights of Way

No public rights of way are currently recorded in or adjacent the application site; however it is always possible that there are public rights that have not yet been recorded. This does not preclude unrecorded public rights being proven to exist at a later date.

SUMMARY OF PUBLICITY

This application was advertised by neighbour letters, site notice and press notice. There have been no representations received.

CONSIDERATION OF PLANNING ISSUES

The main considerations in this planning application are as follows:

- Environmental Impact Assessment
- Principle of development
- Sustainability of development
- Highway Considerations
- Design, layout and visual amenity
- Residential amenity
- Biodiversity
- Loss of agricultural land
- Heritage
- Flood risk
- Contamination
- Glint and Glare
- Decommissioning and reinstatement
- Other issues
- Conclusion

ENVIRONMENTAL IMPACT ASSESSMENT

A screening opinion was submitted to the Local Planning Authority in 2021 where it was concluded that the proposed development was not EIA development.

The advice given in this screening opinion is still valid and accordingly it is not considered that the proposal is subject to an Environmental Statement.

PRINCIPLE OF THE DEVELOPMENT

Paragraph 12 of the NPPF states that the development plan is the starting point for all decision making.

Paragraph 33 of the NPPF states that policies in development plans should be reviewed and where necessary, updated every five years. The Bassetlaw Core Strategy dates from 2011 and its strategic policies have not been reviewed in the last five years as the Council is working on a new local plan to replace it. In this situation, paragraph 219 of the NPPF states that in an adopted local plan do not become automatically out of date because they were published before the framework; policies must be considered having regards to their consistency with the framework.

The countryside policies within the Core Strategy do not consider the type of development proposed by this application. The most important policy for the determination of this application is Policy DM10 and this is considered to be in line with the guidance contained within the NPPF and can therefore be attributed full weight.

Therefore, as this is the case, the planning balance test in paragraph 11(d) of the NPPF is not engaged in the consideration of the scheme.

Policy DM10 of the Bassetlaw Core Strategy states that the Council will be supportive of renewable energy schemes in principle provided that they are in accordance with the relevant policies in the development plan unless material considerations indicate otherwise. There are a number of provisions that renewable energy proposals are required to meet in order to be fully compliant with this policy including safeguarding the natural and built environment, protecting agricultural land, tourism and recreational facilities, amenity/other technical considerations and the cumulative impact of the above factors. It is generally considered that the proposed development is in accordance with the requirements of this policy. However, there are material considerations that will be addressed in the relevant sections of this report and a balanced decision will be made at the end of this report.

In terms of National Policy, the NPPF and Energy Policy Statements demonstrate support for renewable energy schemes subject to a number of material considerations that are discussed below.

SUSTAINABILITY OF THE DEVELOPMENT

Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

“an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

In reaching a decision on this case, the NPPF at paragraph 9 makes it clear that the objectives referred to above should play an active role in guiding development towards sustainable solutions and are not criteria against which every planning application should be judged against.

When taken in the context of the relevant policies and material considerations outlined in the rest of this report, it is considered that the proposal constitutes sustainable development as required by the policies above. This is also in the context of the benefits provided by renewable energy and carbon reduction as a result of the proposed development.

Paragraph 158 of the NPPF does not currently require applicant's to demonstrate a need for new renewable energy development, recognising that even small additions are invaluable to reducing carbon emissions. Renewable energy as a whole still makes up a minority of the UK's energy mix and at the present time, relevant local and national policy is strongly in support of substantial increases in the provision of renewable energy.

VISUAL AMENITY including design and layout

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 126 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 130 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore, it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF goes on to state it is "proper to seek to promote or reinforce local distinctiveness" (para 130) and permission should be "refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions" (para 134).

Policy DM4 of the Bassetlaw Core Strategy provides general design principles which should be applied to all schemes. The policy states that all development proposals will need to be in keeping with the character and appearance of the wider area and when they are in historic locations, they should respect existing development patterns. All schemes must respect their context and not create a pastiche development which would be incorrect in their context.

The proposed design and layout of the proposal is fairly standard for this kind of development comprising of solar panels which would be 3m in height and angled at around 15-20 degrees. The panels would be arranged in rows which would run east to west leaving 4m in between in row. Each panel is constructed from toughened glass beneath which is a non-reflective layer, electrical connections, silicon and a backing layer all of which is set in an aluminium frame. There are other ancillary buildings associated with the development such as transformer stations and substations; however these do not exceed 3m in height.

A perimeter fence is proposed around the main element of the proposal which would be deer fencing which is considered to be acceptable. CCTV cameras are also proposed around the site for security purposes.

It is considered that the design and layout of the proposal is functional and acceptable.

The site lies within the Sherwood Landscape Policy Zone where the policy position is to conserve and create. It has a moderate landscape condition and the landscape sensitivity is also defined as moderate. The recommendations in this policy zone are as follows:

- Conserve hedgerows and create new sections where there are gaps.
- Create tree and woodland planting
- Create heathland

A landscape and visual impact assessment has been submitted with the application and this concluded that the development would result in some limited and localised landscape moderate adverse effects at the site itself and would only affect a small part of the landscape character area within which it is located. This would be limited to an area within close proximity to the site within 1km – 1.5km of the site boundary to the west, south-west and south. The magnitude of impacts on the local landscape character area would be assessed as low with the overall effect being slightly adverse.

Local roads such as Brick Yard Road, Old London Road and Jockey Lane would experience the highest level of effects which would be moderately adverse due to the topography of the site. Jockey House/ Jockey House Cottage, the bungalow on Old London Road and Milestone Cottage are the most affected residential receptors as these are within 500m of the site boundary.

A landscape strategy has been submitted with the application and this confirms that the existing trees and hedgerows will be retained. The landscape strategy proposes to plant new hedgerow along the western boundary which will assist in screening to the west. The existing defunct hedgerow to the north will also be enhanced.

The Tree Officer has been consulted on this proposal and does not object in principle to it providing further evidence and details can be provided that T19 (veteran oak) and T17 (oak) have sufficient room to continue through their life without requiring pruning due to over-shading the panels. Further assurances are required that the higher quality trees and woodland will be retained long term and that the centrally located trees with the arrays planned around them will have adequate room so that they may remain, unpruned. Further confirmation has been provided by the applicant in respect of the trees and the Tree Officer is content with the approach. A condition is recommended to control the pruning of the veteran oak tree T19 and the oak Tree T18.

It has to be remembered that the proposal is to an extent temporary in nature and once the solar panels have exceeded their life span they will be removed. On this basis it is considered that whilst the proposal will have a slight adverse impact on the landscape this will be temporary in nature and would not warrant refusal of permission.

RESIDENTIAL AMENITY

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement also forms part of paragraph 130 of the NPPF. These requirements also form part of Policy DM10 A) iv of the Bassetlaw Core Strategy.

No objection has been received from Bassetlaw District Council's Environmental Health Officer in respect to noise, lighting, extraction of ventilation.

The most potentially significant impacts would be during the construction period which is expected to a maximum of 4 months.

The installation of solar panels relative to other development projects is relatively non-intrusive and only requires a very small area underneath each panel to be actually developed so relative to other built development, the impact on residential amenity as a result of the development proposal is expected to not be significant. Construction traffic may also cause additional noise and disturbance during construction; however this will be temporary and would not warrant refusal of permission. Conditions are recommended to control noise and disturbance during construction.

The applicant has confirmed that lighting will be kept to a minimum; however, a condition is recommended in this regard for both construction and operational periods.

A noise impact assessment has been submitted with the application and this concluded that when the various elements that make up a solar development such as panels, inverters and substations and their noise outputs are assessed against sensitive receptors in the vicinity of the proposed development the impact would be low and therefore would have minimal impact on residential amenity.

A glint and glare assessment has been submitted with the application and concluded that the development will not have a material impact on ground based receptors, this is discussed in more detail further in the report.

Once the construction period is completed, the impact of the proposed development on residential amenity is expected to be negligible. The only visits to the site would be limited to occasional maintenance and security visits. It is therefore considered that the proposed development is in accordance with Policies DM4 and DM10 of the Bassetlaw Core Strategy and paragraph 130 of the NPPF with respect to residential amenity.

HIGHWAYS MATTERS

Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. This requirement is also contained in policy DM4 of the Council's Core Strategy. Paragraph 111 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Access to the development is proposed by way of a new gated field onto Bick Yard Lane Road at the southern site boundary. Visibility splays of 2.4m x 215m are available at this point although forward visibility is restricted to 40m due to hedgerows. It is therefore proposed that no construction access will be available from the east on Brick Yard Road.

The access point has been amended throughout the course of the application to ensure that it is more centrally located and in line with the position of the existing field gate; this ensures that adequate visibility can be achieved.

It is proposed to use the existing field access to the west side of the frontage for operational access.

It is proposed that construction components will arrive from the strategic network and A1 to the west of Elkesley approaching the site from the south via Jockey Lane and Brick Yard Road.

It is proposed that there would be 5 HGVs visiting the site for every MWp, which equates to 227 deliveries or 454 vehicle movements, this would be for the solar panel modules, mounting structures and ancillary items.

The proposed substations (x 6) will be individually transported by HGV, which will equate to 6 HGVs or 12 vehicle movements.

The proposed gravel access track is expected to require 100 HGVs for delivery or 200 vehicle movements.

The additional deliveries are also expected;

Compounds and portacabins – 4 HGVs or 8 vehicle movements (including removal)
DNO Substation and customer switchgear cabinet – 3HGVs or 6 vehicle movements
Miscellaneous – 6 HGVs or 12 vehicle movements (including removal)

This all equates to 692 HGV movements. It is anticipated that construction will take approximately 4 months.

In addition to HGV movements it is also expected that there would be a maximum of 50 construction workers on the site during peak construction activity. Adequate car parking would be provided within the site.

In summary it is expected that there would be approximately 65 two way movements comprising of 54 cars/LGVs and HGVs per day. This is considered to be low.

Once operational the development will be unmanned and will generate limited vehicle movements associated with maintenance and inspection of the site. These movements are not considered to have a significant effect on the highway network and will typically be undertaken by a light van or a 4x4 vehicle with a frequency of approximately 50 visits per year.

The Highway Authority has assessed this application and is content with the revised access position. Some concerns are still raised in respect of the western access due to visibility; however given the low frequency of operational use it would be difficult to demonstrate that the proposed use is materially worse than the existing use. The Highway Authority therefore accept the proposal subject to conditions.

The advice of the Highway Authority is accepted. It is not considered that the proposed access arrangements would have a severe impact on the highway network.

BIODIVERSITY

The Environment Act 2021 has introduced a requirement for development to deliver a 10% net gain to biodiversity. Opportunities to achieve 10% net gain in planning decisions are welcomed, however this will not become mandatory until November 2023 for large sites and April 2024 in the case of small sites. In the interim, with the absence of an up-to-date Local Plan, the Authority will approach biodiversity in accordance with paragraph 180 of the NPPF which makes clear that there should be no net loss to biodiversity as a result of development.

The content of paragraph 180 of the NPPF is applicable as it states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity. It states that the following principles should be applied (in summary):

- If significant harm cannot be avoided adequately mitigated or compensated for permission should be refused.
- Development within or outside a Site of Special Scientific Interest (SSSI) which is likely to have an adverse impact on it should not normally be permitted. The only exception is where the benefits of location outweigh its impact.
- Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are exceptional reasons or compensation.

- Development whose primary objective is to conserve or enhance biodiversity should be supported. Opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy DM9 of the Core Strategy is consistent with the above and adds that development proposals will be expected to take opportunities to restore or enhance habitats and species' populations and to demonstrate that they will not adversely affect or result in the loss of features of recognised importance.

The applicant has submitted an ecological appraisal with the application which assesses the ecological value of the site. The recommendations are as follows:

Brick Yard Road Ponds Local Wildlife Site to the east – there is a low risk that this could be impacted through contamination during the construction phase. It is recommended that a 15m habitat buffer is provided and pollution prevention measures should be implemented as part of a Construction Environmental Management Plan.

Natural Environment and Rural Communities Act (NERC) s42 Hedgerows – The hedgerows around the site boundaries should be retained and protected via an operational buffer. Small sections may need removal for access. Any length of hedgerow lost should be recreated elsewhere. All retained hedgerows should be protected via a buffer zone to prevent damage and ideally informed by a BS5837 tree survey. Opportunities for enhancement of defunct hedgerow and species poor hedgerow. Hedgerows could be subject to a sympathetic management plan to maximise wildlife benefits in the long term.

NERC s42 Broadleaved woodland and scattered trees – The proposed development is likely to retain mature trees and woodland habitat. Retained trees should be protected during construction via a root protection plan meeting the standards of BS5837:2012

Standing Water – the risk to the waterbodies adjacent to the north of the site is low but any potential pollution should be addressed via construction environmental management plan.

Great Crested Newts (GCN) – There are no waterbodies within the site to support Great Crested Newts but there are 3 waterbodies adjacent to the site which, whilst the results returned no records, have the potential for breeding within these ponds. The proposed development may result in some minor disturbance and temporary loss of terrestrial habitat used by GCN via loss of hedgerow removal and tracking of machinery through tall vegetation. Precautionary working method statement is recommended. If GCN are encountered work would have to stop and a licence sought. In the long term habitat enhancement to hedgerows and margins would be beneficial to GCN.

Reptiles – Hedgerows, grassy margins and woodland edges may provide foraging and hibernating habitat for widespread reptiles. Hedgerows and a suitable buffer should be retained and protected through construction. A precautionary working method statement is recommended.

Nesting Birds – the site has the potential to support a diverse breeding bird assemblage, especially those associated with arable fields. Skylarks, a S41 and Local Biodiversity Action Plan (LBAP) priority species were observed on site. The presence of a nest box and suitable hunting ground along the hedgerow margins suggest barn owl to be present. Barn owls is a Schedule 1 listed species making it an offence to disturb whilst nesting or attempting to nest. Work should follow a precautionary working method statement for barn owl. A bird breeding survey was recommended (discussed below).

Initial works should be undertaken outside of the bird breeding season. Open areas should be retained within the design to allow for continued skylark nesting.

Bats – 13 scattered mature trees were recorded on the site offering low to moderate bat roost potential. The proposal does not involve the felling of any trees; however if moderate trees are felled a further bat survey should be undertaken prior to this taking place. Trees with low bat roost potential would require a soft fell under a precautionary working method statement. Hedgerows should be retained and protected with a suitable buffer to maintain foraging and commuter habitats. Any hedgerows lost should be compensated by replanting and gaps could be filled in. No security lighting is proposed.

Badgers – this is subject to confidentiality and recommendations have been made. A precautionary working method statement is recommended along with conditions.

Hedgehogs – no hedgehogs were recorded on the site; however suitable hibernation and shelter can be found in hedgerows, arable fields and woodland edges. A precautionary working method statement is recommended. The site will remain suitable for this species during operation.

Brown Hare – no evidence was found on site but arable fields and hedgerows provide foraging habitat. A precautionary working method statement is recommended. The site will remain suitable for this species during operation.

Biodiversity enhancements proposed are as follows (in summary):

- Create a log / brash piles to create habitat for invertebrates, small mammals, amphibians, reptiles and birds.
- Enhancement of species poor and defunct hedgerows through replanting of gaps and adding native trees.
- Bat boxes on existing trees
- Skylark plots to provide suitable habitat post development. Additionally the grassland around the development could be managed to provide suitable nesting habitat post development. Allowing a taller sward to form tussocky grassland will provide hunting opportunities for barn owls.
- Additional barn owl nesting boxes could be installed on mature trees. Consult an ecologist for the best locations.
- Grassland between the panels could be allowed to re-establish naturally in places and sown with locally native wildflower mix in other places to increase diversity. This could be managed with an annual cut and collection of arisings in late summer /autumn or light grazing over winter.
- Several hedgehog houses could be installed along the woodland edge to the north and along the hedgerows, in particular those to the west adjacent to the semi improved grassland.
- A management plan would ensure that habitats on site are managed to maximise their value to wildlife in the long term.

These enhancements could be achieved via a biodiversity method statement which could be conditioned as part of any permission.

The above assessment concluded that a further breeding bird survey was required and this has been undertaken and a report submitted by the applicant as part of the submission. Four breeding bird surveys were undertaken and a total of 46 bird species were recorded, 3 of which were breeding, 13 were probable breeders and a further 12 were possible breeders. The site was considered to have local value for breeding birds. Barn owl and kestrel were observed breeding on site and therefore construction works should avoid the bird breeding season. If this is not possible at least 20m buffer will be required around nests.

The provision of species rich grassland beneath and around the arrays and at least 4 x raptor boxes is expected to mitigate any temporary disturbance to kestrel and barn owl and will result in enhancement for both species.

Skylarks were recorded in moderate numbers; however the proposed species rich meadow grassland to be managed by annual mowing or grazing will mean that skylark will continue to use the site for foraging and breeding.

A single lapwing territory may be displaced despite the presence of an area of 2ha left without panel array; however the loss of a single territory is not considered significant and will likely be absorbed into alternative habitat on adjacent farmland.

Other farmland species are expected to benefit from the proposals; hence overall the scheme will have a positive impact on breeding farmland birds.

Recommendations are as follows;

- Plant a species rich grassland mix across the site for skylark to be managed by annual mowing or light intensity grazing.
- The 2ha area to the north west of the site without panels is expected to be used by skylark and possibly by lapwing
- Enhancement of on site hedgerows and inclusion of adjacent buffers and species rich grassland.
- All or part of the solar farm should be re sown with a diverse wildflower and fine grass seed mix. This should be managed keeping the sward between 7-20cm with at least 30% of the area left unmown to provide tussocky grassland.
- All trees with nests and nest boxes should be left in situ and be subject to a protective buffer if construction works take place in the breeding season.
- Foraging habitat grassland should be recreated following the construction phase of the development and enhanced throughout the life of the development.

Off-site enhancement is also recommended:

A single large field adjacent to the site to the north will be subject to retention of uncultivated plots within the cereal crop which will be undertaken as follows;

- By early spring the uncropped fallow plot – a rectangular section measuring a minimum of 1ha and a maximum of 5ha will be established in the crop
- Plots can be established by cultivation or spraying to create the fallow
- The fallow plot will have enough bare ground (at least 30%) for nesting birds
- Where natural regeneration covers more than 70% of the plot suitable bare ground habitat will be restored by late April, making sure first that there are no nesting birds on the plots.
- Retain the plot until the crop is harvested from late July.

This will be provided in sequence with overwinter stubble to provide a continuity of habitat for species such as skylark. The fallow plot shall be retained for a period of 30 years and it is expected to benefit lapwing, skylark and grey partridge.

These measures along with the onsite measures are considered by the applicant to provide a net benefit to breeding birds.

The applicant has also submitted a landscape and ecological management plan which outlines how the recommendations will be achieved for the proposed development.

Nottinghamshire Wildlife Trust (NWT) has assessed this application and required clarification on a couple of points and did question to date of the ecological surveys.

The applicant has responded to NWT queries and state that they would be prepared to update the construction environmental management plan to protect species during construction. A landscape ecological management plan could also be conditioned which would require a habitat management plan for the lapwing/skylark area along with the detailed design and management of the off-site area.

In terms of the dates of the ecological surveys the protected surveys were undertaken in 2022 and therefore remain valid. The habitat surveys undertaken to accompany the Preliminary Ecological Appraisal report are older, having being undertaken during 2021. However, the results are still considered valid because of the arable/agricultural nature of the site, which is highly unlikely to have experienced any significant changes in the interim. Where necessary conditions can be attached to any permission for updated surveys to be undertaken prior to commencement of development.

Nottinghamshire Wildlife Trust accept the applicant's response and recommend conditions in respect of biodiversity.

The material consideration of biodiversity net gain must be assessed in this application. Whilst it is acknowledged that there is currently only a policy requirement in Bassetlaw to provide no net loss to biodiversity the aspiration for planning applications is to achieve at least 10% net gain which is what will be required by the Environment Act at the end of this year.

A biodiversity net gain assessment has been submitted with the application which concludes that if there are no change to the landscape strategy proposals and the site layout the scheme will achieve 198.48% net gain in biodiversity units, 22.07% in hedgerow units and 0% in rivers and streams units. This is considered to be acceptable and a positive benefit to the scheme. A landscape and biodiversity management plan will be required to confirm the habitat creation, management and monitoring requirements over 30 years.

It is considered that the proposal is consistent with current planning policy on biodiversity.

LOSS OF AGRICULTURAL LAND

Another key consideration is the potential loss or damage of agricultural land. This requirement forms part of Policy DM10 of the Bassetlaw Core Strategy which states that the Council is supportive of renewable energy schemes that do not lead to the loss or damage of high-grade agricultural land. Paragraph 174 of the NPPF also gives weight to the preservation of what is described as best and most versatile (BMV) land which also includes Grade 3a agricultural land.

The applicant has submitted a Soils and Agricultural Land Classification document with the application.

The desk-based analysis indicates that the site comprised predominately of Grade 2 Agricultural Land with an area of Grade 3 to the west. However, the details soil survey confirmed the presence of Brockhurst soil association (which is heavy medium clay loams) across the whole site. The main limitations to agricultural land use classifications are droughtiness and soil stoniness. The report concludes that the majority of land within this site comprises of grade 3b or grade 4 (79.26%, 29.93 hectares), the remaining 7.79 hectares comprise of grade 3a.

The threshold for consulting Natural England on the loss of best and most versatile agricultural land is 20 hectares, which is not reached in this application.

Natural England was consulted and raised no objections in this regard. However this has been questioned with Natural England who have looked again at the proposal and have provided an analysis of the applicant's soil analysis and raised certain questions. This has been sent to the applicant who has commented as follows:

Climate

There are no direct climate limitations for this site and climate was not used as a direct limiting factor in this ALC assessment. We apologise for any perceived contradictions, but we discussed droughtiness in the context of a climate limitation in relation to soil conditions. Climate was not a limiting factor for this site.

Stone Content

The estimate of stone content used for this survey was based on visual assessments by the suitably experienced and qualified Wardell Armstrong Soil Scientists following the Hodgson, J M (1997) Soil Survey Field Handbook methodology. The separate collection and assessment for stone content is not standard practice and consequently was not undertaken during this survey. The stone content for the > 2 cm to < 6 cm fraction was recorded separately from the > 6 cm fraction.

Observations made during the site survey confirmed that over sections of the site the soil conditions on the day of the survey were extreme in terms of stone content and subsoil compaction.

Given the Grade 2 provisional grading for the land, the observed poor to very poor structural condition of the subsoil and, in part, the high to very high stone content found at some locations during the survey reflects how the land has been managed over the past several seasons. The review concluded that the soil conditions were sufficiently extreme to describe the land as having been degraded as a result of agricultural management. It was not possible to separate out or otherwise account for the impact of the degradation within the ALC process as standard agronomic practices would be insufficient to address the observed issues.

The site photographs captured during the survey are limited and low resolution and therefore cannot be relied upon to inform us directly on the stone content, however the pit photo in the report illustrate the extreme compaction and poor structural condition of the subsoil that was found which also has a role in how the ALC for the land is determined. Attached is one additional photo taken from the Grade 4 areas which shows the high stone content visually.

To provide further robustness to our assessment, we have conducted a sensitivity assessment on the ALC results to account for different total stone content in the droughtiness calculations. This focused on the 10 survey points that were assigned a Grade 4 ALC grade in the survey.

This sensitivity assessment review concluded that even if the > 6cm fractions are removed from the calculation the required modification would still result in a Grade 4 ALC grading for 7 of the 10 points concerned. The other three would be given a Subgrade 3b ALC grade. The remaining area of Grade 4 would continue to be limited by stone content and by the poor structural condition of subsoils as this was found to remain as a primary determinant in the ALC grading for these locations.

We recognise that the ALC grading is generally lower than would be expected, and notably lower over some areas, however the recorded ALC data supports the designation in most instances even if the total stone content is reduced.

These comments have been sent to Natural England who state that they were broadly happy that the applicant had undertaken a sensitivity assessment review - re-running the ALC calculations for 10 of the 42 survey points, assuming a lower stone content.

The points for which the applicant has done these re-calculations remain non-BMV. Concerns were still raised in respect of some aspects of the soil / stone data.

The applicant has provided a response to this as follows:

“The most recent comments made by Natural England are largely suggestions for future surveys and we can confirm that we will take these on board going forward. For completeness, we address the comments/suggestions made below:

- 1. The supplied photograph shows a depth of ca 30 cm. We can confirm that this investigation location was extended to 80cm using a hand auger.*
- 2. The supplied photograph was taken from location 34:
It is difficult to show the stone content from these photographs. To assist, we attach a photograph taken from one of the archaeological trenches from the same field that shows the stoniness of the soil (attached to e mail dated 17th August)*
- 3. We note the reference to the updated Soil Survey Field Handbook (2022) which was published after our survey in 2021 and confirm that all future surveys will be undertaken in accordance with the most recent guidance. The estimation of stone content was undertaken using the standard method described within the Soil Survey Field Handbook (i.e. estimation by eye) as this was considered suitable in this case by the field scientists.*

It should also be remembered that the nature of this proposal means that there is the potential for land beneath and around the solar panels to be retained for grazing land so the land will not be lost per se but could switch from arable to grazing land.”

Following this submission Natural England has no further comments to make.

It is considered that the applicant has provided adequate information in respect of soil analysis and this has been fully analysed. The applicant is correct in that the nature of this proposal does mean that the land will not be permanently lost and on this basis the soil survey and analysis with the associated e mail justifications are accepted.

It is considered that the proposal is therefore consistent with Policy DM10 in respect of agricultural land.

FLOOD RISK

The NPPF at paragraph 159 and Policy DM12 of the Core Strategy makes it clear that development in areas at risk of flooding should be avoided by directing development away from the areas at the highest risk. The site lies in a flood zone 1 area as designated by the Environment Agency which is land at least risk of flooding from local rivers and this is where development is directed in the NPPF to minimise the risk of flooding.

Paragraph 167 of the NPPF requires that proposals do not increase flood risk elsewhere and should be developed in line with a site specific flood risk assessment which incorporate a Sustainable Urban Drainage solution. Should flooding events occur, the NPPF also requires that schemes demonstrate how the residual flooding impact would be dealt with.

The application is located within Flood Zone 1 which is considered to be at a low risk of flooding.

A Flood Risk Assessment has been submitted with the application which concluded that the risk of flooding from surface water and sewers is considered to be very low as too is flooding from artificial sources. The risk of ground water flooding from low lying western areas is considered to be high with low risk in central and eastern areas.

Throughout the lifetime of the development there will be negligible increase in impermeable ground within the site causing a minimal increase in the rate and volume of surface water run-off and no impact on existing overland routes.

A series of precautionary vegetated swales are proposed within the site to intercept and retain a proportion of surface water run off during storm events. Any retained water would, and then disperse naturally by infiltration and evaporation. Further to this grass will be reinstated across the site, which will limit any erosion and provide filtration to surface water run off removing silts and solids ensuring that there are no negative impacts on surface water quality.

The Local Lead Flood Authority and the Environment Agency have been consulted on this application and raise no objections to the proposals.

The proposal is considered to be acceptable in terms of flood risk.

CONTAMINATED LAND

Paragraph 183 of the NPPF requires that in making decisions on schemes consideration is taken account of the ground conditions and any risks arising from contamination.

The Council's Environmental Health Officer has been consulted in this regard and recommends a precautionary condition in respect of contamination as records do not identify contamination of the site.

It is important that there is no pollution to the adjacent wildlife site and this has been addressed above the biodiversity section.

HERITAGE MATTERS

The Council has a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving their setting, character and appearance.

Paragraph 195 of the NPPF requires Councils to identify the significance of any heritage asset that may be affected by a proposal to ensure that harm to the asset is avoided or is minimised.

Paragraph 199 of the NPPF states that in considering the impact of development on the significance of heritage assets, great weight should be given to the assets conservation. Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset.

Paragraph 203 of the NPPF advises that Councils should consider the impact of a proposal on the significance of a non-designated heritage asset when making a decision. It states in paragraph 200 that harm caused by the loss of significance (such as through the demolition of the building) should only be allowed via clear and convincing justification.

Paragraph 205 of the NPPF is also particularly applicable where archaeology has been identified as a potential issue on site. This paragraph requires that applicants record to provide documentary evidence to advance the understanding of the significance of the heritage asset.

Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset

The Conservation Manager has been consulted on this application and does not have any concerns regarding the setting of heritage assets in the vicinity of the site and the impact on the built historic environment providing that the landscape strategy is implemented.

The applicant has submitted archaeological documents for considerations as part of the application.

In terms of archaeology NCC has commented in respect of the brick kiln site and sought clarification as to whether this has been fully assessed, this has been addressed by the applicant who confirmed that the HER is outside of the application site and have been considered in the submitted assessments.

The Council's Archaeological Advisor has been consulted on this application and has no objections subject to conditions.

Therefore, it is considered that the proposed development does not conflict with Policy DM8 of the Bassetlaw Core Strategy, Part 16 of the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This would also meet the requirements of Policy DM10 A (i) which relates to preserving the character of the built environment).

GLINT AND GLARE

A glint and glare assessment has been submitted with the application, this assesses the effect of the development on nearby receptors including residential properties, railways and airports.

In terms of residential properties it was concluded that the proposal was acceptable providing the landscape screening was implemented. The Council's Environmental Health Team has been consulted on this and raised no objections in this regard.

An assessment has also been undertaken in respect of public roads which showed that there is the potential for road users close to the site to see glint. The roads that do not lie in the immediate vicinity of the site are screened by vegetation and intervening topography. Glimpses of glint from these roads would be very weak and pass very quickly, having no material effect. Brick Yard Road are predicted glint and can receive yellow glint. However the proposed screening measures will block line of sight to glint producing panels thus meaning that glint will not have a material effect. In all cases the report concludes that any visible glint will be no worse than seeing a sunlight reflection off a window or still water as solar panels have lower reflective properties than these materials. Nottinghamshire County Council Highways has no comments to make on this.

In terms of railways the East Coast Main Line passes to the east of the site approximately 2.6km. The report states that there are some gaps in the vegetation along the railway but on the whole it is well screened along the western side of the line. Furthermore there are some woodland blocks and other hedgerows in the intervening landscape which despite being at a lower level will provide some screening. The results demonstrated that there is some potential for the railway to receive some yellow glint to the southeast of the site; however it has a good degree of screening hedgerow along the tracks and is unlikely to have intervisibility with the site due to several woodland blocks and Gamston Village which lie in between. The report concluded that glint is not expected to be a concern for the railway.

Network Rail has been consulted in respect of the railway and confirm that they have no objections in principle; however request a planning condition to ensure that the safety of the railway is maintained.

In terms of airports, the submitted report states that the guidance from the Federal Aviation Administration in relation to glint effects reflects the fact that pilots already routinely encounter strong glint effects during normal operation from existing natural and built environment, and therefore it no longer considers it necessary to allow specific protections for pilots on final approach to runways from solar farms. It has however concluded that protections should remain in place for Air Traffic Control Towers due to the nature of the operation of the control tower and its need to retain clear visibility of operations on and above the aerodrome.

Gamston Airfield lies to the south of the application site and a number of other aerodromes within 15km of the site have been assessed.

In terms of Gamston Airport no glint is predicted at the site air traffic control tower. In terms of flight paths, flight path 2 is expected to have some glint between 06:00-07:45 (plus or minus 15min each way) and this is only expected to occur over two periods of the year between mid-February to mid-April and early September to late October. The daily duration of glint effects peak in late March and mid-September at approx. 60min per day.

The report states that most of the glint effects will not occur during the aerodromes normal operating hours; however glint effects are possible for flights outside of normal hours.

The following aerodromes have also been analysed by the report:

- Sheffield Aero Club
- Darlton Gliding Club
- Microflight Aviation School
- Moorfield Lane Airfield

The report concludes that glint is not predicted to disrupt licensed aerodrome normal operations within 15km of the site. No material glint effects are anticipated at Gamston Airport or any other aerodrome in the vicinity. No glint is predicted at any of the air traffic control towers at any of the aerodromes.

Cumulative effect of solar farms has also been assessed and it was concluded that there is a small period of overlap with the glint from the proposed site and Little Morton Solar Farm where pilots using Gamston Airfield could observe glint from both sites but this would occur outside of the normal operating hours. When analysed fully, the report states that it is clear that a pilot could not see glint from both solar farms at the same time.

Gamston Airfield has been consulted on this proposal and state that the development is not assessed as having a negative or safety impact upon the operation of Gamston Airport or the functioning of Track Testing Operations. No objections are raised subject to the developer undertaking the development and proposed screening mitigation as outlined in the application.

It is concluded that the application has sufficiently demonstrated that the proposal will not have a detrimental effect on receptors in terms of glint and glare.

DECOMMISSIONING AND REINSTATEMENT

It is expected that after 40 years the solar farm will reach the end of its operational life. The decommissioning phase will include dismantling and removal of all materials and equipment that have been in situ that have been on site during the operational phase.

The decommissioning phase is expected to take 1-2 months and once all the equipment has been removed from the site the land will be restored to agricultural use.

OTHER ISSUES

Environmental Health requested conditions relating to dust and mud on the road; however the applicant has submitted a construction environmental management plan which covers these issues and therefore these are not considered to be required.

CONCLUSION

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.

The main policy for the determination of this application is Policy DM10 of the Bassetlaw Core Strategy 2011 and it is considered that the proposal is consistent with the requirements of this policy.

All material considerations relating to the proposal have been fully analysed in this report and there are no adverse impacts relating to the proposal that would significantly and demonstrably outweigh the benefits.

The recommendation is therefore to grant planning permission subject to condition.

RECOMMENDATION:

Grant subject to conditions

CONDITIONS/REASONS:

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

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be in accordance with details and specifications included on the submitted application form and shown on the following approved plans:

- Site Location Plan drawing number GM11557-013 Rev A received on 28th July 2023
- Proposed Operational Buffer Zones 1004-P02-Rev A received on 28th July 2023
- Proposed Construction Site Access 1004/P34 received on 28th July 2023
- Block Plan Sheet 1 of 4 drawing number GM11557-028 dated 5/1/23
- Block Plan Sheet 2 of 4 drawing number GM1157-028 dated 5/1/23
- Block Plan Sheet 3 of 4 drawing number GM1157-028 dated 5/1/23
- Block Plan Sheet 4 of 4 drawing number GM1157-028 dated 5/1/23
- Landscape Strategy Plan drawing number GM1157-032 dated 20/9/22
- Perimeter Fence CCTV Detail drawing number 1004- D02- Rev A dated 12/1/23
- Spare Parts Container drawing number 1004-D08 Rev A dated 21/12/22
- Control Building Detail drawing number 1004-D07 Rev A dated 12/1/23
- Customer Substation Detail plan number 1004-D06 Rev A dated 12/1/23
- Transformer Station plan number 1004-D04 Rev A dated 13/1/23
- Solar PV Array Detail plan number 1004-D01 Rev A dated 12/1/23
- Internal Access Track Detail plan number 1004-D03 Rev A dated 12/1/23

- Construction Environmental Management Plan dated January 2023
- Planning, Design and Access Statement dated February 2023
- Flood Risk Assessment dated January 2023
- Arboricultural impact Assessment dated January 2023
- Response to Tree Officer Letter dated 12/7/23
- Soils and Agricultural Land Classification dated February 2023 and associated e mails
- Noise Impact Assessment dated 10th January 2023
- Landscape and Visual Impact Appraisal dated January 2023
- Landscape and Ecology Management Plan dated December 2022
- Glint Assessment dated February 2023
- Preliminary Ecological Appraisal Report dated December 2022
- Great Crested Newt Survey Report dated January 2023
- Breeding Bird Survey Report dated January 2023
- Biodiversity Offsetting Assessment dated January 2023
- Written Scheme of Investigation for Archaeological Investigation dated January 2023
- Trial Trench Layout drawing number GM1157-037 Rev 1 dated July 2022
- Response to NCC Built Heritage Letter dated 12/7/23
- Response to ecology letter dated 25th July 2023
- Response to highways letter dated 25th July 2023

Reason: To ensure the development takes the agreed form envisaged by the Local Planning Authority when determining the application and for the avoidance of doubt.

3. The planning permission hereby granted shall be for a temporary period only to expire 40 years after the first export date of the development. Written confirmation of the first export date shall be provided to the Local Planning Authority within one month after the event. At the end of the 40 year period, the solar array and the ancillary equipment shall be removed from the site and the land restored in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority within 3 months of cessation of the use.

Reason: By virtue of its construction, appearance and method of energy generation, the solar array is not considered suitable as a permanent structure on the site and to ensure that the redundant solar panels are removed from the site before they become dilapidated or degraded to the detriment of the appearance of the area.

4. Prior to the installation of the DNO Substation elevations and floorplans of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the development takes the form envisaged by the Local Planning Authority

5. Construction work and ancillary operations, including deliveries to and removal of plant, equipment, machinery and waste from the site shall be carried out only between the following hours: 0800 Hours and 18 00 Hours on Mondays to Fridays and 09 00 and 13 00 Hours on Saturdays and at no time on Sundays and Bank or public holidays.

Reason: To safeguard the amenities of dwellings located closest to the boundaries of the application site

6. Heavy goods vehicles should only enter and leave the site between the following hours:

08:00-18:00 Hours on Mondays to Fridays and 09 00 and 13 00 Hours on Saturdays and at no time on Sundays and Bank or public holidays.

Reason: To safeguard the amenities of dwellings located closest to the boundaries of the application site

7. If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To comply with the requirements of paragraphs 183 and 184 of the NPPF.

8. The proposed landscaping as shown on approved plan drawing number GM1157-032 dated 20/9/22 shall be implemented prior to the commencement of the use of the hereby approved solar panels.

Reason: To ensure that the landscaping is in place to secure adequate visual amenity, biodiversity and safety from any proposed glint.

9. Any trees, hedges or shrubs that are removed, are dying, being severely damaged or become seriously diseased within the lifetime of the development shall be replaced in the following planting season by trees or shrubs of a size and species similar to those originally required to be planted.

Reason: To ensure that the landscaped areas are provided for the lifetime of the development to secure the mitigation proposed by the application

10. No temporary lighting shall be used during the construction period. If this requirement changes details should be submitted and approved by the Local Planning Authority prior to the use of any lighting. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that there are no detrimental impacts on residential amenity or biodiversity

11. If lighting is proposed during the operational phase details shall be submitted to and approved in writing by the Local Planning Authority (including a light contour plan) prior to the erection of any lighting. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that there are no detrimental impacts on residential amenity or biodiversity

12. No development or demolition shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The Mitigation Strategy will include appropriate Written Schemes of Investigation for each agreed element of work as necessary. These schemes shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records

5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

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

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

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

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

14. A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post-investigation assessment must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

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

15. Within 24 months of the completion and commencement of operations of the development hereby approved (such a date as to be notified to the LPA) in the event of any complaint to the Council from Network Rail relating to signal sighting safety or driver distraction, upon notification to the LPA, the applicant or operator of the solar farm shall as soon as possible and not later than 28 days, submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

Reason: To ensure safety of the users of the railway.

16. Prior to the solar farm becoming operational the combined existing vehicular verge crossing to the western site access (the operational site access) and the adjacent field access shall be resurfaced and edged to full carriageway construction specification, the internal access track from the operational site access shall be surfaced in a bound material (not loose gravel or compacted aggregate only) for a minimum distance of 8.0m into the site, and shall be drained to prevent the unregulated discharge of surface water onto Brick Yard Road.

Reason: To ensure appropriate access arrangements are available which is combined with the adjacent field access, to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc), to minimise the chance of highway flooding and severe icing, and in the interest of highway safety.

17. Once the solar farm is brought into use, no gate(s) or other obstacles shall be erected at the operational site access within 8.0m of the site boundary fronting Brick Yard Road and any gates shall be hung so not to open outwards.

Reason: To ensure a long wheelbase transit type van can clear the public highway without obstruction in the interest of the free flow of traffic and in the interest of highway safety.

18. The operational site access at the western end of the site frontage shall be blocked or closed off within the site such that access and egress is prevented for the duration of the construction period.

Reason: To remove the potential of an intensification of traffic through a substandard access in the interest of highway safety

19. Prior to the commencement of development, the construction access vehicular verge crossing detailed on plan reference 1004/P34 Rev A shall be surfaced and edged to full carriageway construction specification, the internal access track(s) from the construction site access shall be surfaced in a bound material (not loose gravel or compacted aggregate only) for a minimum distance of 20.0m into the site, and shall be drained to prevent the unregulated discharge of surface water onto Brick Yard Road.

Reason: To ensure appropriate access arrangements are available during the construction period, to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.), to minimise the chance of highway flooding and severe icing, and in the interest of highway safety

20. Prior to the commencement of development, the visibility splays detailed on plan reference 1004/P34 Rev A shall be provided from the construction access hereby approved. Nothing shall be planted, erected, or be allowed to grow on the areas of land so formed that would obstruct visibility from a height 0.6m above carriageway level, and the visibility splays shall be maintained free from obstruction for the duration of the construction period.

Reason: In the interest of highway safety

21. Within 3 months of the solar farm becoming operational the construction site access vehicular verge crossing shall be removed, topsoiled, and be grass seeded, or the use of the site shall cease, and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as the works have been implemented. If within a period of 6 months from the date of the verge planting and every subsequent 6 months period, should any of the verge fail to become established then the area shall be reseeded until it becomes established.

Reason: To preserve the highway verge which may have amenity value that contribute to the character and appearance of the area. To remove the potential for motorist to attempt to use the redundant access, to remove the potential for the redundant access to be used as an unofficial layby or as a place for fly tipping, and in the interest of highway safety.

22. Prior to the commencement of development, a management plan for the highway boundary hedgerows and the proposed mix of any additional landscaping for the boundary shall be submitted to and be approved in writing by the Local Planning Authority. The boundary shall be maintained in accordance with the approved management plan for the lifetime of the development.

Reason: To ensure that the boundary hedgerow is appropriately maintained in the interest of highway safety and in the interests of biodiversity

23. All vehicles preparing to leave the site during the construction and decommissioning periods shall have their wheels thoroughly cleaned should they be displaying signs of mud or debris and a mechanically propelled road sweeper shall be employed should mud or debris be transported onto the public highway immediately following each occurrence until such time as all mud and debris has been removed.

Reason: To minimise the exportation of mud and debris onto the public highway and to ensure that this is appropriately dealt with in the interest of highway safety.

24. The applicant shall take all reasonable steps to instruct all vehicles entering and leaving the site above 3.5 tonnes gross vehicle weight to access and egress the site from and to the west via the A1 thereby avoiding trafficking through Ordsall. These steps shall include the issuing of instructions to all drivers of such vehicles advising of the required route and the provision of turn right signage at the exit of the construction access throughout the construction period.

Reason: In the interest of highway safety and to protect residents of Ordsall village from disturbance caused by lorries from the site.

25. Prior to any construction commencing on the site or works to the grid connection a Construction Traffic Management Plan (CTMP) covering vehicles exceeding 3.5 tonnes gross vehicle weight shall be submitted to and be approved by the Local Planning Authority and shall include provision for:

- the routing of vehicles to and from the site and grid connection corridor,
- the monitoring of the approved arrangements during the construction of the development and laying of the grid connection,
- ensuring that all drivers of vehicles under the control of the Applicant are made aware of the approved arrangements,
- disciplinary steps that will be exercised in the event of a default,
- the parking of site operatives and visitors,
- the loading and unloading of vans, lorries, and plant,
- the siting and storage of plant, materials, and waste, and
- a plan of the temporary access, parking, loading, and unloading areas, and their surface treatment

The first action on commencement of development, and prior to any further action (including site clearance, site stripping or site establishment) shall be the formation of; any temporary access arrangements; parking areas; and loading, unloading, and storage areas in accordance with the approved CTMP. The CTMP shall thereafter be implemented as approved.

Reason: To minimise the possibility of heavy construction traffic using inappropriate routes to and from the site in the interests of maintaining highway efficiency and safety.

26. Within 6 months of the solar farm being decommissioned a Construction Traffic Management Plan (CTMP) covering vehicles exceeding 3.5 tonnes gross vehicle weight shall be submitted to and be approved by the Local Planning Authority. The CTMP shall thereafter be implemented as approved.

Reason: To minimise the possibility of heavy construction traffic using inappropriate routes to and from the site in the interests of maintaining highway efficiency and safety.

27. Within 3 months of the solar farm becoming operational the construction site access point shall be gapped up with hedgerow planting and maintained in accordance with the details approved under condition 21. Should the new hedgerow fail to become established then until it becomes established.

Reason: In the interests of visual amenity

28. No development shall commence unless and until a Biodiversity Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The plan shall be in accordance with the Biodiversity Offsetting Assessment dated January 2023 and shall include the enhancements put forward in the application submission. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time and the Biodiversity Management Plan shall include a management and monitoring plan for a period of 30 years.

Reason: To ensure that the optimal benefits of biodiversity are achieved.

29. No development shall commence until a construction environmental management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:

- Precautionary Working Practice Method Statement for Great Crested Newts, Reptiles, Badgers, Hedgehogs, Barn Owl and Brown Hare
- Protection measures / fencing for retained trees and hedgerows
- Details of Protection for Brick Yard Road Ponds Local Wildlife Site including a 15m buffer and pollution control measures
- Pollution control to water bodies
- Buffer zones for the hedgerows to protect bats and reptiles

Reason: In the interests of biodiversity.

30. No development shall commence until a Landscape and Ecological Management Plan for the on site (2ha for skylark and lapwing) and off site (blue land lapwing mitigation) biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include full details of the management of the on site retained vegetation and full details in respect of the on site and off site biodiversity enhancements along with a timetable for implementation and management for the lifetime of the development.

Reason: In the interests of biodiversity.

31. T19 and T17 (as identified in the submitted arboricultural impact assessment) shall not be pruned unless details of the proposed works have been formally submitted to and agreed in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: To ensure the protection of the trees.

32. A pre-construction check for badger setts should be undertaken prior to the development taking place by a suitably qualified ecologist. Appropriate measures should be implemented to minimize disturbance and the risk of harm to badgers. A full report detailing the findings and any mitigation should be submitted to and approved in writing prior to the commencement of development and the development should be undertaken in accordance with the approved details

Reason: In order to protect any badgers on the site.

NOTES

1. The applicant is advised that all planning permissions granted on or after the 1st September 2013 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.bassetlaw.gov.uk/everything-else/planning-building/community-infrastructure-levy

It is the Council's view that CIL MAY BE PAYABLE on the development hereby approved as is detailed below. If CIL IS LIABLE full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, extension or annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website:

www.bassetlaw.gov.uk/everything-else/planning-building/community-infrastructure-levy

or from the Planning Portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

2. The Council have granted this permission / consent subject to conditions which are considered essential. Where conditions require the agreement of certain details this agreement should be the subject of an application for those conditions to be discharged. Where conditions require agreement of any matter prior to certain works being carried out, the 'Discharge of Condition' application should be submitted and the conditions discharged before those works are carried out on site. FAILURE TO DO SO COULD INVALIDATE THE PLANNING PERMISSION. The Council reserve the right to refuse permission for the retention of development not carried out in accordance with the conditions and to take enforcement action to secure compliance with the conditions.

Your right to appeal to the Secretary of State for the Environment against any condition is indicated on the reverse side of the decision notice.

3. A licence will be required to be able to construct and improve the proposed access arrangements on Brick Yard Road. Applications can be made here: www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities
4. It is an offence under S148 and S151 of the Highways Act 1980 to transfer or deposit mud and debris on the public highway. The applicant must make every effort to prevent this occurring.
5. Any person or organisation (other than a Statutory Undertaker) who wishes to place, retain, and thereafter inspect, maintain, adjust, alter, or renew apparatus (drains, cables, ducts, sewer pipes, water, and gas pipes, etc), or change its position or remove it from the highway is required to obtain a Street Works Licence. Applications for a Section 50 licence, New Roads and Street Works Act 1991 can be made here: <https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>
6. Your attention is drawn to the guidance and standards prepared by Construction Logistics & Community Safety (CLOCS) with regard to the Construction Traffic Management Plan and vehicular traffic to and from the site and grid connection. Under Regulation 4 of the 2015 CDM regulations, clients and principal contractors have a duty to ensure that the construction work they procure is carried out, so far as is reasonably practicable, without risk to the health or safety of any person affected by the project including the wider community and all vulnerable road users.