

14 February 2013

Agenda Item: 6

## **REPORT OF GROUP MANAGER, PLANNING**

### **STRATEGIC PLANNING OBSERVATIONS ON A FULL PLANNING APPLICATION FOR A SOLAR FARM, BILSTHORPE BUSINESS PARK**

#### **Purpose of the Report**

1. To seek Committee approval for comments set out in this report to be sent to Newark and Sherwood District Council (NSDC) in response to the request for strategic planning observations on the above planning application for a solar farm.

#### **Information and Advice**

2. A full planning application was submitted to Newark and Sherwood District Council on the 21<sup>st</sup> November 2012 for the installation of a Solar Farm at Bilsthorpe Business Park, Bilsthorpe. A site plan is provided at Appendix 1.
3. Nottinghamshire County Council (NCC) has been consulted for strategic planning observations on the application and this report compiles responses from Departments involved in providing comments and observations on such matters. On the basis of Committee's decision, comments will be sent to Newark and Sherwood District Council in their role as determining planning authority for this application.
4. The planning application is accompanied by an Environmental Statement, Design and Access Statement and a range of other supporting documents. This report is based on the information submitted with the application in the context of national, regional and local policy.

#### *Description of the Proposed Development*

5. The applicant is proposing to develop a Solar Photovoltaic Park on part of the former Bilsthorpe Colliery. The park is to utilise 22.8 hectares of the former colliery to provide a series of solar arrays to generate a combined installed capacity of 9.8MW. The proposed development will utilise renewable energy sources to generate electricity, which will be supplied to both domestic and commercial consumers via the local distribution network.
6. The principle elements of the proposed development are as follows:

- The Application is to be composed of a multi-hectare, fixed tilt, ground mounted PV solar
  - array, which will deliver power to the local electrical grid;
  - The key components include the solar modules, support frames for the modules, inverters and transformers;
  - The array is to consist of a maximum of 41,040 (240 Watt) modules fixed to a fixed ground mounted steel racking system with a height of circa 3m.
  - To achieve maximum solar gain the panels are laid out in east – west rows with space of approximately 7 metres between each row to prevent overshadowing. The fixed modules will be tilted at a site-specific angle of 25 degrees based upon the topography of the site and mounted facing due south developed with non reflective material to remove glare.
  - The maximum height of the mounted modules will be no higher than 2.25m from ground level to the top of the panel frame.
  - The solar radiation is converted into electricity in each individual cell of the PV module and converted from Alternating Current (AC) to Direct Current (DC) in the inverter. The circuit is then connected to a transformer which enables the power generated from the solar array to be distributed over electrical lines at the correct voltage.
  - The erection of a small sub-station measuring 5.2 metres wide, 8.3 metres deep and 3.92 metres high is to be included to export the electricity generated at the park;
  - A new 2 metre high paladin security fence is to be erected around the perimeter of the site with associated landscaping, whilst CCTV will also be included on the fencing and on individual security pylons;
  - Suitable access will be provided for light maintenance work, including cleaning;
  - The land around the panels will be cultivated to enable access for educational purposes;
7. The Installation will be carried out utilising a variety of powered equipment, such as a crane, post pounders, forklifts and trenchers. The majority of the work will however involve manual labour utilising hand tools. The installation period is expected last between 12-16 weeks. It is anticipated that the construction period, including access routes, security fencing etc. will last for approximately 4 months with activities taking place between 07.30-19.30 hours Monday to Friday and 07.30-13.00 hours on Saturdays with no working on Sundays.
8. The solar panels are designed with an operational life of 25 years, whereby upon conclusion the solar panels will be dismantled and removed prior to the site being reinstated.

### ***Planning Policy Context***

#### **National Planning Policy Framework (NPPF)**

9. One of the core principles of the National Planning Policy Framework (NPPF) is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The principles and policies contained in the NPPF also recognise the value of and the need to protect and

enhance the natural, built and historic environment, biodiversity and also include the need to adapt to climate change.

10. A key aspect of the NPPF is that it includes a presumption in favour of sustainable development which means that, for decision-taking, local planning authorities should approve development proposals that accord with the development plan without delay or where a development plan is absent, silent or out of date, grant permission unless any adverse impacts of the proposal outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.
11. The NPPF also discusses the weight that can be given in planning determinations to policies emerging as the local authority's development plan is being brought forward. The weight given to these policies will be very dependant on; their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
12. Planning plays a key role in helping shape places to secure radical reductions in green house gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy associated with infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. Local Planning Authorities are actively encouraged to support proposals for renewable energy.

#### East Midlands Regional Plan (RS)

13. On the 6<sup>th</sup> July 2010 the Secretary of State announced the revocation of Regional Strategies. However, following a legal challenge Regional Strategies (RS) have been reinstated and the RS therefore remains part of the statutory development plan for the purposes of determining planning applications within the Newark and Sherwood District Council area. Nevertheless, the intention of the Government to abolish Regional Strategies, through the enactment of the Localism Bill, may be taken into account as a material consideration in the determination of planning applications. In any event, in cases where national and local planning policies align with RS policy on the issue, there is no material difference in the advice that results.
14. The RS is in line with National Planning Policy in terms of delivering sustainable development.
15. Policy 1 of the RS seeks to maximise the role of renewable energy and acknowledges the importance of energy generation to the region. Policy 31 of the RS ensures that the Region's landscape be protected from inappropriate development and where possible enhanced.

#### ***Strategic Planning Issues***

##### Landscape

16. The landscape and visual appraisal provided outlines a description of the existing site but does not satisfactorily undertake a full and rigorous assessment of the

proposed change against the baseline. However, it is accepted that despite the major intrusion of an energy farm into a restoration that was making a positive contribution to a post-industrial rural landscape, the site is only overlooked on one side, and that largely by users of footpaths. Mitigation work would reduce this visual impact significantly. On that basis, the County Council has no objection to the proposal to build a solar farm provided there is planting provided on the eastern boundary of the site.

17. Detailed landscape and visual comments are set out in Appendix 2.

### Transport

18. The County Council raise concerns in that the Transport Statement, submitted in support of the above proposal, indicates that HGV routing from the A614 is via Mickledale Lane, Bilsthorpe. This is not considered to be acceptable for a development of this size as Mickledale Lane is predominantly residential and should be avoided. Therefore, it is essential that any vehicular traffic associated with this development gain access from the A614, Deerdale Lane (which runs parallel to Mickledale Lane) and Eakring Road in order to reach the site.

19. Subject to the above, there would be no highway objections to this proposal.

20. Detailed Highways comments are set out in Appendix 3.

### Ecology

21. The County Council wish to raise objections to the proposal because:

- a) the ecological information presented amounts only to an Extended Phase 1 Habitat Survey; no proper assessment of impacts has been carried out, and no details of mitigation/compensation are provided.
- b) no consultation with the Nottinghamshire Biological and Geological Records Centre has been carried out, and the presence of notable sites and species in the area around the site has been overlooked as a consequence.
- c) a number of further surveys/assessments are required to support the application, especially in relation to potential impacts on great crested newts and reptiles
- d) the loss of compensatory habitat delivered by an unrelated scheme has not been addressed

22. These issues all need addressing prior to the determination of this application as otherwise it will not be possible to properly assess the ecological impacts of the proposed scheme.

23. Detailed Ecology comments are set out in Appendix 4.

### Historic Environment

24. It is considered that there is insufficient information provided in the reports so far presented in support of the proposal, to demonstrate that the proposals are

acceptable in terms of national and local planning policies regarding cultural heritage. Much more information is required with regards to the impacts on designated cultural heritage of the surrounding historic environment before it can be properly assessed within the requirements of the EIA regulations and the NPPF. Consultation with English Heritage is also required by merit of the impact on the setting of grade I listed church of St Margaret's Bilsthorpe.

25. Detailed Historic Environment comments are set out in Appendix 5.

### Conclusions

26. The overall National Planning Policy context in relation to solar farms, as outlined above, is strongly supportive of the principle of solar farms and the wide benefits of deploying renewable energy technologies in tackling climate change, subject to the considerations set out above.

### **Other Options Considered**

27. This report considers all of the relevant issues in relation to the above planning applications which have led to the recommendations, as set out below. Alternative options considered could have been to express no or full support for the application.

### **Reason for Recommendation**

28. It is recommended that the development is supported in principle as it is recognised that significant weight is given to renewable energy at a National and strategic planning level.

29. There are concerns over the potential impact of the proposal on the ecology, historic environment and landscape of the County. These concerns can not be addressed until significant further work has been undertaken satisfactorily and relevant information has been provided by the applicants.

### **Statutory and Policy Implications**

30. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Financial Implications**

31. There are no direct financial implications.

### **Implications for Sustainability and the Environment**

32. There are no direct implications for Sustainability and the Environment

## **RECOMMENDATION**

- 1) That Newark and Sherwood District Council be advised that the principle of such development in terms of strategic and National renewable energy policy is supported by Nottinghamshire County Council, subject to the issues raised above being satisfactorily addressed.
- 2) There are concerns over the potential impact of the proposal on the ecology, historic environment and landscape of the County. These concerns can not be addressed until significant further work has been undertaken satisfactorily and relevant information has been provided by the applicants.

**Sally Gill, Group Manager, Planning**

**For any enquiries about this report please contact: Nina Wilson, Principal Planner (Planning Policy) – 0115 977 3793**

### **Constitutional Comments (SHB.16.01.13)**

33. Committee have power to decide the Recommendation.

### **Financial Comments (DJK 16.01.2013)**

34. The contents of this report are duly noted; there are no financial implications.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

### **Electoral Division(s) and Member(s) Affected**

Councillor John Peck - Rufford

**Appendix 1 – Site Location Plan**

## **Appendix 2 – Detailed Landscape and Visual Impacts Comments**

From: Amanda Blicq, Landscape & Reclamation, Highways, Trent Bridge House  
To: Nina Wilson  
Date: 27 December 2012  
Your ref: 12/01594/FULM  
Our ref: G403 N & S  
Tel: 0115 9772164  
Email: amanda.blicq@nottsc.gov.uk

### **PROPOSED SOLAR FARM, BILSTHORPE**

Further to your email of 17 December, please find my comments outlined below. Documents perused were:

*Landscape and Visual Appraisal September 2012 (Barton Willmore) Figures 1- 4, Site appraisal photographs A-H, Site context photographs 1-12, photomontages of existing and proposed views ref. 3 and 9.*

#### Existing Site

The proposed site lies to the north of Bilsthorpe, on former colliery land now restored to agriculture. Although the site boundary takes in the complete area formerly granted planning approval for wind turbines, this comment relates solely to the application for the solar farm, located south of the former mineral line.

The Landscape and Visual Appraisal is fairly comprehensive although I would disagree with the comment (clause 1.4) that the aim of the document is solely to assess landscape characteristics and the landscape and visual quality of the site. The purpose of the assessment should be to establish the baseline and then assess the impact of the proposals.

The application site falls wholly within policy zone MN 27 of the Greater Nottingham Landscape Character Assessment, (GNLCA 2010), Kirklington Village Farmlands, an area of poor landscape condition, low sensitivity and with a policy aim of 'Create'. The policy further outlines the key aims of landscape development ie. creation of new hedgerows and restoration of existing, management and planting of woodlands. The policy also states that new areas of planting should be used to minimise the impact of industry.

#### Impact on Landscape Character

The appraisal reproduces extensive passages of descriptive information contained within existing literature eg. GNLCA (referred to above), and long descriptions of the site as seen from various viewpoints but does not appear to undertake a systematic or objective assessment of the impact of the proposals on the existing landscape character. The existing landscape is described in Policy Zone 27 as



*‘ gently undulating rounded topography...frequently wooded skylines, numerous small linear blocks of woodland’*, but also as having an *‘incoherent pattern of elements’*,

With non-agricultural land uses disrupting the underlying field pattern. The former restoration

of the application site, with linear woodlands and restored grassland has gone some way towards creating a new rural landscape in keeping with the policy guidelines, but the proposed construction of serried rows of solar panels across a vast swathe (28 hectares) of open farmland can only be described as incongruous against the existing landscape elements, and undoing the previous step towards increasing landscape coherence. The site is already designated as having low sensitivity (GNLCA 2010); however, given that the site comprises a piece of landscape restoration in a generally poor landscape, locally at least the impact of the proposals is seen as medium adverse, given that the open field areas will be lost. On the basis of this the overall impact on landscape character is **slight adverse**.

### Visual Impact

Figure 4 shows the locations of the viewpoints used to assess visual impact; it is usual to construct and demonstrate the extent of a Zone of Visual Influence (ZVI) to identify the key viewpoints.

The sensitivity of receptors at each viewpoint is assessed and shown in the table on pages 26 and 27, but again the assessment stops short of according an ‘impact’ or score to each viewpoint by working through the sensitivity of the receptor and the magnitude of projected change. However, generally the text associated with each viewpoint demonstrates a neutral or slight impact. Two exceptions are viewpoints 4 and 9, points located on the ridge to the east of the site, where both the photographs and the text show there will be views into the solar farm from public footpaths. Users of footpaths are generally considered to be of high-medium sensitivity; given the proximity of footpath EKFP1 & 2 to the site boundary (150 metres), and the falling ground which will give direct views into the former colliery site, the magnitude of change is considered high adverse. This gives an overall visual impact for users of this footpath between points 4 and 3, a distance of some 350 metres, of **moderate-substantial adverse**. There will be a similar impact on users of footpath EKFP1 walking down from Eakring village, in full view of the site.

(Without knowing the focal length of the camera used for the photomontage, it is difficult to judge the true visual impact of the site).

To a great extent, existing woodland and topography screens views of the site from surrounding residences, highways and other rights of way. The most severe deterioration in visual amenity will occur on the high ground to the immediate east of the site. The photographs do however suggest that there is scope for additional planting of woodland belts on the eastern site boundary; this would mitigate the adverse impact on views to a large extent.

### Summary

The landscape and visual appraisal provided outlines a description of the existing site but does not satisfactorily undertake a full and rigorous assessment of the proposed change against the baseline. However, it is accepted that despite the major intrusion of an energy farm into a restoration that was making a positive contribution to a post-industrial rural landscape, the site is only overlooked on one side, and that largely by users of footpaths. Mitigation work would reduce this visual impact significantly. On that basis, I have no objection to the proposal to build a solar farm provided there is planting provided on the eastern boundary of the site.

If you have any queries please do not hesitate to get in touch.

Regards  
Amanda Blicq  
Principal Landscape Architect  
Landscape and Reclamation

### Appendix 3 – Detailed Highways Comments

#### **TOWN AND COUNTRY PLANNING ACT**

#### **HIGHWAY REPORT ON PROPOSALS FOR DEVELOPMENT**

**DISTRICT:** Newark Date received 18/12/2012

**OFFICER:** Clare Walker by D.C. 10/12/2012

**PROPOSAL:** Solar Farm D.C. No. N/12/01594/FULM

**LOCATION:** Bilsthorpe Business Park Eakring Road Bilsthorpe Nottinghamshire

**APPLICANT:** Re-Fin Solar Ltd - Bilsthorpe Solar Farm

This application proposes to use the existing access into Bilsthorpe Business Park, which is suitable to accommodate the additional construction traffic associated with this development.

The construction period is 5 days per week over approx. 4 months.

My only concern is that the Transport Statement indicates that HGV routing from the A614 is via Mickledale Lane, Bilsthorpe. This is not acceptable for a development of this size as Mickledale Lane is predominantly residential and should be avoided. Therefore, it is essential that any vehicular traffic associated with this development gain access from the A614, Deerdale Lane (which runs parallel to Mickledale Lane) and Eakring Road in order to reach the site.

Subject to the above, there would be no highway objections to this proposal.

Stella Euerby  
Development Control Officer

## **Appendix 4 – Detailed Ecology Comments**

### **Re: Solar Farm – Bilsthorpe Business Park, Eakring Road, Bilsthorpe**

Thank you for consulting the Nature Conservation Unit of the Conservation Team on this matter. We have the following comments regarding nature conservation issues, which are made with reference to the Extended Phase 1 Habitat Survey report dated August 2012, the Planning Statement dated November 2012, and an undated/unnamed site layout plan:

#### **Surveys**

A walkover survey of the application site was undertaken on 30<sup>th</sup> July and 22<sup>nd</sup> August 2012, which was supported by a desk-based study; however it should be noted that no consultation with the Nottinghamshire Biological and Geological Records Centre (NBGRC) was carried out, meaning that the information gathered cannot be considered to be complete, and as a result the existence of Local Wildlife Sites (SINCs) in the vicinity of the proposed development site has not been identified, and nor has the presence of great crested newts just outside the site boundary to the south (for example).

The habitat survey itself is also considered to be inadequate in terms of supporting an application of this type and scale. Regarding habitats, the survey report states that the main area of the site consists of agriculturally improved grassland, and that new plantation woodland was located immediately around the periphery to the west and south of the proposed development area. However, this new plantation woodland also occurs along the northern edge of the western part of the solar farm, as a spur running north-south across the area, and along the eastern flank of the solar farm - none of which are mentioned, which is notable as it is apparent from the site layout that areas of this plantation woodland will be lost, but this is not identified in the ecology report. Furthermore, the Planning Statement erroneously states, in Paragraph 7.22 that “the proposed development does not require the removal of any trees and is located sufficient distance from the trees to ensure that no development will take place within the root protection area of any of the trees, therefore ensuring no physical damage to the health of the trees during construction due to the nature of the development and the distance from the trees there are no issues with regards to long term compatibility between the solar panels and the trees”. This is clearly not the case, and requires addressing.

Regarding species, reference is made in paragraph 4.12 to a bat survey which recorded four common pipistrelle bats, but no further details are provided – these need to be submitted. The report also states in 4.13 that the presence of terrestrial-based great crested newts cannot be discounted and they are “taken forward in this assessment”, but no further information is provided (which is a notable omission given the known presence of this species in the immediate vicinity). Furthermore, no reference is made to the possible presence of reptiles, despite the presence of apparently suitable habitat.

In order to be able to fully assess the potential impact of the development on these protected species, it is necessary for these surveys/assessments be completed prior to the determination of this application. It should be noted that Government Circular 01/2005: *Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system* (which remains in force since adoption of the NPPF) states, in paragraph 99, that:

*“It is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances...”*

### **Impact and habitat loss**

The Extended Phase 1 Habitat Survey report undertakes a preliminary assessment of impacts in section 6, but a full assessment of impacts arising from the scheme is required, along with details of mitigation and compensation and an identification of any residual ecological impacts. This should include potential indirect impacts, including those occurring during the construction period.

Details of measures to enhance the site for biodiversity should also be provided, for example seeding the grassland areas between the solar arrays with a wildflower mix.

### **Other issues**

It should be noted that habitat compensation works to provide replacement breeding habitat for little ringed plovers displaced by the recently constructed Bilsthorpe Highways depot where put in place within the area covered by the solar farm. It appears that the area where this compensatory habitat was created will be lost as a result of this development, so alternative measures would need to be secured. It will also be necessary to check if these works were secured by a Section 106 agreement.

### **Summary**

In summary I am unable to support this planning application because:

- e) the ecological information presented amounts only to an Extended Phase 1 Habitat Survey; no proper assessment of impacts has been carried out, and no details of mitigation/compensation are provided.
- f) no consultation with the Nottinghamshire Biological and Geological Records Centre has been carried out, and the presence of notable sites and species in the area around the site has been overlooked as a consequence.
- g) a number of further surveys/assessments are required to support the application, especially in relation to potential impacts on great crested newts and reptiles
- h) the loss of compensatory habitat delivered by an unrelated scheme has not been addressed

These issues all need addressing prior to the determination of this application as otherwise it will not be possible to properly assess the ecological impacts of the proposed scheme.

We trust you will find the above comments of use, but if you require any further information, please do not hesitate to contact us.

Nick Crouch  
Senior Practitioner Nature Conservation

## **Appendix 5 – Detailed Historic Environment Comments**

Nina,

My comments from a cultural heritage viewpoint.

1. This application should be subject of a full EIA. The scale of the development area and the close proximity of sensitive designated heritage assets (Bilsthorpe conservation area within 800m and grade I listed parish church) indicate that this is a sensitive historic environment. The proposal would generate significant environmental effects through its impact on the protected setting of these (and other) designated heritage assets within the zone of visual influence of the proposals. As such the proposals do fall within Schedule 2 of the EIA Regulations and Barton Willmore's letter of 21<sup>st</sup> November 2012 is inaccurate in stating otherwise.

2. The proposal site is within 2km of two conservation areas and a high number of listed buildings, including at least one of national significance (grade I listed). This is acknowledged in the Barton Willmore Landscape Appraisal report of Sept 2012. There will be a visual impact on the setting of these designated heritage assets, it is clear from the viewpoint photomontages that the grade I listed church of St Margaret's and the conservation area of Bilsthorpe are within the 'zone of visual influence' of the proposed solar farm. The landscape and visual appraisal does not contain a proper assessment of the impacts of the proposals on these designated heritage assets.

3. As such, there is insufficient information submitted by the applicant to fulfil the requirements of paragraph 128 of the NPPF.

4. My own assessment of the potential impacts of the proposed solar farm (in accordance with para 129 of the NPPF) indicate that there is great deal of potential for damage to the setting of the designated conservation areas, listed buildings and registered parkland (of Rufford Abbey).

5. I have no information, or record of a consultation, regarding the '5 wind turbines' referred to by Barton Willmore in their Planning Statement (para 3.2) as granted at appeal. Clearly the solar farm and turbines must be considered in terms of their potential 'cumulative impact' in accordance with the English Heritage Setting of Heritage Assets guidance of Oct 2011. However, I could find no cross reference (other than in paragraph 3.2 of the Planning Statement) in any of the environmental impact documents, such as the Landscape and Visual Appraisal.

There is insufficient information provided in the reports so far presented to demonstrate that the proposals are acceptable in terms of national and local planning policies regarding cultural heritage. Much more information is required with regards to the impacts on designated cultural heritage of the surrounding historic environment before it can be properly assessed within the requirements of the EIA regulations and the NPPF. Consultation with English Heritage is also required by merit of the impact on the setting of grade I listed church of St Margaret's Bilsthorpe.

Jason Mordan  
Senior Practitioner Historic Buildings