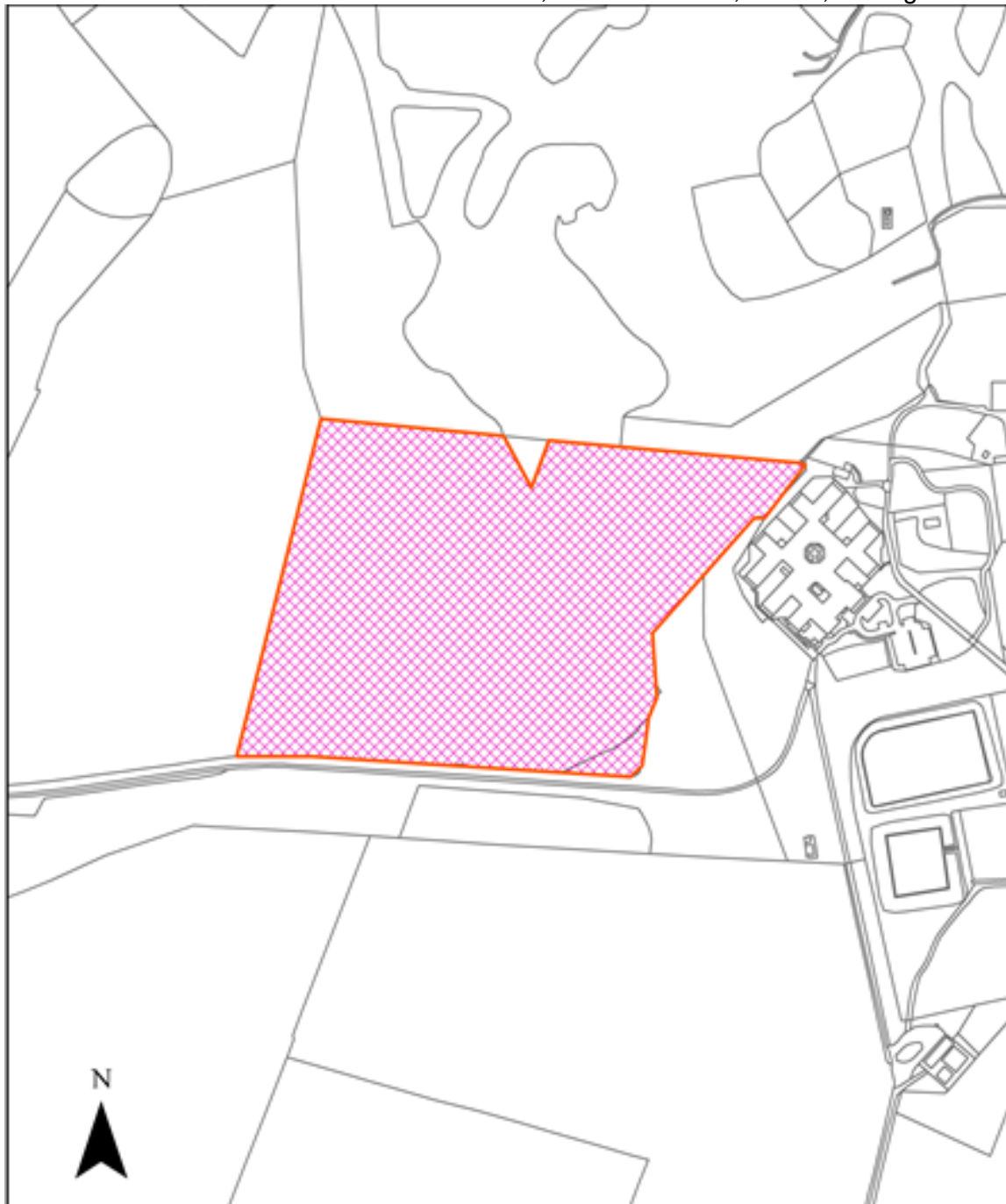




Application Number: 2015/0862

Location: Land To The North Of Lime Lane And South of Ramsdale
Park Golf Centre, Calverton Road, Arnold, Nottinghamshire.



NOTE:

This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number: 2015/0862

Location: Land To The North Of Lime Lane And South of Ramsdale Park Golf Centre, Calverton Road, Arnold, Nottinghamshire.

Proposal: Erection of a 4MW PV Solar Farm and associated infrastructure.

Applicant:

Agent: Mr Ben Prior

Case Officer: David Gray

1.0 The Proposed Development

- 1.1 Full Planning Permission is sought for the proposed development of an array of solar panels which would generate up to 4MW of renewable energy on farmland at Calverton, Gedling.
- 1.2 The solar farm would comprise of the following infrastructure:
- ☐ Approximately 15,000 photovoltaic panels;
 - ☐ 3 inverter / transformer / Substation units which are required to convert the direct PV output into usable AC power;
 - ☐ 9 pole mounted CCTV cameras;
 - ☐ a switchgear cabin that would provide the interface between the solar farm and the distribution network operator;
 - ☐ a control room to house remote monitoring equipment, including CCTV and solar performance information;
 - ☐ a customer cabin to house equipment used by the owner of the proposed solar farm;
 - ☐ Approximately 1120m of security fencing;
 - ☐ A maintenance track is proposed to the south of the site, connecting the solar array to an existing hard surfaced farm track.
- 1.3 The site preparation and construction phase of the development would take approximately 2 – 3 months to complete, with the works being undertaken between 8:00 to 18:00 hrs, Mon – Fri.
- 1.4 Once constructed and operational, the site would require minimal maintenance and would be remotely operated and unmanned. Occasional visits to the site would be made by the appointed operations and maintenance company.

- 1.5 Planning permission is sought for a limited period of 25 years, after which time the solar farm would cease operation. At this point the site would be decommissioned and all equipment would be removed.
- 1.6 Following decommission the land would be restored to its previous condition or a further planning application would be required that would be considered on up-to-date policy on its own merits.

2.0 Site Description

- 2.1 The application site is located approximately 2 km to the south west of Calverton and 2 km to the north of Arnold.
- 2.2 The site, including its access track, extends to an area of approximately 10 hectares.
- 2.3 The proposed solar farm itself extends to an area of approximately 8.83 hectares and currently exists as arable farmland.
- 2.4 The site would be accessed via an existing farm track from Lime Lane.
- 2.5 There are no Public Rights of Way (PRoW) which intersect or run adjacent to the site, and the application site is not publically accessible.
- 2.6 Levels across the application site range between approximately 150 Above Ordinance Datum (AOD) in the north eastern corner and approximately 125 AOD in the north western corner.
- 2.7 Hedgerows demarcate the southern and eastern boundary, and run part way along the northern boundary. An area of woodland is located within the south eastern corner within the site boundary.
- 2.8 The site is located within the Green Belt
- 2.9 The site is not located within any ecological designation areas and only one statutory protected site exists within a 2 km radius of it; Calverton Road Nature Reserve.
- 2.10 The site, in its entirety, is located within Flood Zone 1.
- 2.11 The application site is not located within a Conservation Area, furthermore there are no listed assets found on site.
- 2.12 In terms of the sites Agricultural Land Classification, it is identified as Grade 3b. Therefore, the site is not classed as best and most versatile land.
- 2.13 The application site is surrounded by the following:
 - ☐ To the north of the site is the Ramsdale Park Golf Centre;
 - ☐ To the east of the site is the Calverton Hill Care Home, which is surrounded by areas of woodland;

- ☐ Ramsdale House and Ramsdale Cottage Farm are located approximately 500 metres to the north of the site.
- ☐ To the south of the site lies the existing farm track, and areas of woodland; and,
- ☐ To the west of the site is an area of woodland and open countryside.

2.14 In terms of the wider area, the application site is situated approximately 2 km to the south west of Calverton and 2 km to the north of Arnold. Ollerton Road (A614) is found to the west of the site, which provides links into Nottingham via A60.

3.0 Relevant Planning History

3.1 There is no relevant planning history.

4.0 Application Publicity and Responses

4.1 The application has been advertised by way of site notice and press notice and the nearby residential properties have been sent letters.

4.2 Neighbour Consultation and General Publicity Responses

4.2.1 Two representations have been received from residents raising the same points:

- ☐ The surrounding area is unspoilt countryside with some period properties;
- ☐ We don't want to look at a solar farm;
- ☐ This will also impact on the value of surrounding properties;
- ☐ The road is dangerous with a 60 mph speed limit, difficult exits and lots of accidents. More traffic will not help this.

4.3 Statutory and Technical Bodies Consultation Responses

4.3.1 Natural England

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes – further comments on protected species.

The consultation documents indicate that this development includes areas of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

4.3.2 Nottinghamshire County Council - Ecology

The application is supported by an up-to-date Extended Phase 1 Habitat Survey. This indicates that the application site is predominantly arable farmland, of low inherent ecological interest. It should be noted that this habitat is likely to support ground nesting birds, such as Skylarks, which would be displaced by a development of this nature. Whilst this issue is not given consideration of the report, there is abundant similar habitat capable of supporting such species in the surrounding area. In terms of protected species no badgers were found on site. Limited potential for reptiles and amphibians was considered to be present (limited to semi-improved grassland field margins), and bats are likely to forage along woodland edge and hedgerow habitat surrounding the site.

By way of mitigation, it is recommended that the following matters are addressed via conditions:

- ☐ The control of vegetation clearance;
- ☐ Measures to be put in place to protect semi-improved grassland field margins, hedgerows and woodland edge;
- ☐ A pre-commencement badger survey;
- ☐ Any temporary or permanent lighting should be directed away from trees.

Solar Farms have the potential to deliver ecological enhancements through the creation of new habitat. It is requested that a Biodiversity Management Plan (BMP) is submitted detailing the creation of new habitats and the management of these and existing (retained) habitats. It is requested that BMP is produced with the issues expected to be covered being:

- ☐ The seeding of the application site with a species rich wildflower grassland mix, using native species appropriate to the area;
- ☐ The planting of a new native-species hedgerows, along the western part of the northern boundary and along the whole western boundary;
- ☐ The provision of regular gaps at the foot of the security fencing to allow passage of mammals;
- ☐ Other enhancements, such as the provision of bird boxes and bat boxes.

4.3.3 Nottinghamshire Wildlife Trust

We are generally satisfied with the methodology and conclusions of the report and note that the majority of the site currently supports arable land considered to be of low ecological value. It does not appear that more ecologically valuable habitat would be impacted as hedgerow removal would not be required. Nonetheless, we recommend that hedgerows and adjacent woodland are protected and suitably buffered during construction to ensure minimal disturbance.

No objections subject to conditions relating to Biodiversity Management Plan,

buffer zones and works to be undertaken outside of bird breeding season.

4.3.4 Gedling Borough Council - Planning Policy

The planning policy considerations are outlined, which are discussed in detail in Chapter 5.

In conclusion Planning Policy considers the applicant should provide:

- ☐ Evidence of the very special circumstances which they consider apply;
- ☐ Evidence in relation to the factors identified in the NPPG;
- ☐ Information about the level of energy to be produced;
- ☐ Information about the different ways of generating energy and why these are not considered to be reasonable alternatives in this case.

4.3.5 Environment Agency

Low risk from the EA perspective and is a matter for the LLFA for surface water disposal.

4.3.6 Nottinghamshire County Council (Highways Authority)

The proposal would be accessed from an existing agricultural track from Lime Lane.

The existing track would appear to have been widened on Lime Lane, where gravel has been laid. This access will have to be hard surfaced for 10 metres. The surfaced area should then be maintained as such in a hard bound material. Recommend conditions to secure these measures.

4.3.7 Nottinghamshire County Council - (Arboricultural)

No comments received. Any comments received will be reported verbally.

4.3.8 NATS

The proposed development has been examined from a technical safeguarding aspect and does not conflict with NATS safeguarding criteria. Accordingly NATS (En Route) Public Limited Company (NERL) has no safeguarding objection to the proposal.

4.3.9 Public Protection

No comments received. Any comments received will be reported verbally.

5.0 **Relevant Planning Policies and Guidance**

- 5.1 Planning applications should be made in accordance with the Council's adopted development plan unless other material considerations indicate otherwise. Section 38(6) of the Planning and Compulsory Purchase Act sets this as a legal requirement.

5.2 Gedling Borough adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10th September 2014 and this now forms part of the Development Plan along with certain saved policies contained within the Gedling Borough Replacement Local Plan (GBRLP) referred to in Appendix E of the GBACS.

5.3 The following policies of the Gedling Borough Aligned Core Strategy (September 2014) are relevant to this application: -

- ☐ Policy 1 – Climate Change;
- ☐ Policy 3 – Green Belt; and
- ☐ Policy 17 – Biodiversity.

5.4 The following saved policies of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) are also relevant: -

- ☐ Policy ENV1 (Development Criteria);
- ☐ Policy ENV 5 (Renewable Energy);

In accordance with paragraphs 214 – 215 of the NPPF due weight should be given to the policies of the Replacement Local Plan in accordance to their degree of consistency with the framework. Consideration will also need to be given to whether policies are out of date in line with paragraph 14 of the NPPF. Overall, it is considered that, in terms of this decision, ENV5 should be given limited weight as it does not reflect the full range of issues which should be taken into account when assessing renewable energy schemes.

5.5 The most relevant national planning policy guidance in the determination of this application are contained within the National Planning Policy Framework (NPPF) (March 2012) and additional information provided in the National Planning Practice Guidance (NPPG). Other material considerations taken into account include the National Policy Statements (NPS) for Energy (EN-1) and Renewable Energy (EN-3) and the Written Ministerial Statements on renewable energy published in June 2013 by the Secretaries of State for Energy and Climate Change and for Communities and Local Government in April 2014 and 18 June 2015 (HCWS42).

5.6 The following paragraphs of the NPPF are of relevance to the principle of this application: -

- ☐ NPPF paragraph 28 (Supporting a prosperous rural economy);
- ☐ NPPF paragraphs 69 – 78 (Promoting healthy communities);
- ☐ NPPF paragraphs 80 – 92 (Protecting Green Belts);
- ☐ NPPF paragraphs 93 – 108 (Meeting the challenge of climate change, flooding and coastal change);
- ☐ NPPF Paragraphs 109 – 125 (Conserving and enhancing the natural environment).
- ☐ NPPF paragraphs 128 – 139 (Conserving and enhancing the historic environment).

5.7 In terms of impacts, the NPPF (paragraph 97) indicates that the approach to assessing impacts taken in the National Policy Statement for Renewable Energy should be followed. The NPPG also sets out a number of issues that should be considered.

- ☐ Biodiversity / Ecology and Geology;
- ☐ Historic Environment;
- ☐ Cumulative Landscape and Visual Impact;
- ☐ Noise and Vibration;
- ☐ Shadow Flicker and Reflected Light;
- ☐ Traffic and Transport;
- ☐ Electromagnetic Transmissions;
- ☐ Safety;
- ☐ Decommissioning.

Evidence regarding the impact of the proposal on each of these areas is considered within this report.

5.9 The Planning practise guidance for renewable and low carbon energy sets out the particular factors a local authority will need to consider for large-scale ground-mounted solar photovoltaic farms which include:

- ☐ Encouraging the effective use of developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around the arrays;
- ☐ That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land restored to its previous use;
- ☐ The effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- ☐ The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- ☐ The need for, and impact of, security measures such as lights and fencing;
- ☐ Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of large scale solar farms on such assets. Depending on their scale, design, and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- ☐ The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- ☐ The energy generating potential, which can vary for a number of reasons including latitude and aspect.

The approach to assessing cumulative landscape and visual impact of larger scale solar farms is likely to be the same as assessing wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of

visual influence could be zero.

5.10 The main planning considerations in the determination of this application are:

-

- ☐ Renewable Energy
- ☐ Green Belt
- ☐ Public Benefit
- ☐ Local Landscape and Visual Impact
- ☐ Cultural Heritage
- ☐ Nature Conservation / Biodiversity
- ☐ Local Residents (Visual Impact, Glint and Glare)
- ☐ Safety
- ☐ Transport and Contamination
- ☐ Other considerations

6.0 Renewable Energy

- 6.1 One of the core principles of the NPPF is that planning should support the transition to a low carbon future and encourage the use of renewable energy (paragraph 17).
- 6.2 The Overarching National Policy Statement for Energy EN-1 confirms that 'applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations' (paragraph 5.10.8). This matter is also raised within the NPPF and the 'planning guidance for the development of large scale ground mounted solar PV systems' published by the BRE National Solar Centre¹⁶ (November 2013).
- 6.3 Paragraph 17 of the NPPF states inter-alia: that planning 'should support the transition to a low carbon future in a changing climate..., and encourage the use of renewable resources (for example, by the development of renewable energy)'
- 6.4 Planning plays a key role in supporting the delivery of renewable and low carbon energy (paragraph 93) and there is a responsibility on all communities to contribute to energy generation from these sources (paragraph 97).
- 6.5 Paragraph 98 of the NPPF states: 'When determining planning applications, local authorities should: -
- ☐ not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - ☐ approve the application if its impacts are (or can be made) acceptable.'
- 6.6 The courts have ruled that the amount of energy that is produced by a

renewable energy proposal is a material consideration. The amount of energy produced by a renewable energy proposal should be identified to establish the extent of the benefit that would arise from the proposal and then be compared to its impact.

National targets for renewable energy are as follows:

Source	Target
<i>UK Renewable Energy Strategy</i>	<i>15% of energy from renewable sources by 2020</i>
<i>Climate Change Act 2008</i>	<i>reduce UK 'carbon account' by 80% by 2050 from 1990 baseline</i>

- 6.7 The annex to the 2015 Progress Report on the Renewables Directive produced by the EU indicates that 5.1% of the UK's energy is from renewable sources. The Final Statement for the First Carbon Budget Period (May 2014) indicates that emissions were around 23.6% lower in 2012 than in 1990. Weight will need to be given to the contribution the proposal makes to the energy generated from renewable sources and to the reduction in carbon emissions.
- 6.8 Policy 1 of the ACS supports the development of low carbon energy schemes appropriate for the plan area which includes biomass, combined heat and power and micro-generation. Significant weight should be given to the ACS.
- 6.9 Policy ENV5 (Renewable Energy) of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) states permission will be granted for renewable energy schemes provided the proposals:
- a. Do not adversely impact the amenity of nearby properties;
 - b. Do not adversely impact on the openness of the Green Belt; and
 - c. Are designed, sited and landscaped to minimise impact upon the character of the area.

As noted (paragraph 5.4) limited weight should be given to ENV5.

- 6.10 The need for renewable energy is also set out within other Government documents including, Electricity Market Reform: Policy Review (2013), Annual Energy Statement 2012, UK Renewable Roadmap Update (Dec 2012), and the National Planning Policy Statement for Renewable Energy Infrastructure.

As a consequence of the national planning policy weight should be attached to the contribution the proposal makes to the energy generated from renewable sources and to the reduction in carbon emissions.

- 6.11 Additional information was submitted by the agent on request which estimates the electricity that would be generated (compared to known historical weather

records / conditions):

The agent has been confirmed that the output of the PV system will vary by year depending on the weather. As an example the agent has simulated the output from the proposed solar PV system for the years 1996-2000 using real climate data sourced from The European Database of Daylight and Solar Radiation. The predicted output may be correlated with the simulated output as follows:

- ☐ 1996 - 4404MWh
- ☐ 1997 - 4514MWh
- ☐ 1998 - 4253MWh
- ☐ 1999 - 4712MWh
- ☐ 2000 - 4445MWh

- 6.12 The Climate Change Act (2008) commits the United Kingdom to reducing its carbon emissions by 80% from 1990 levels by 2050. The most up to date figures available at the time of writing (produced in May 2014) indicated that carbon emissions were 23.6% lower nationally than 1990 levels. Both the NPPF (paragraphs 17 and 93) and the ACS (Policy 1.3) support the reduction of CO₂ emissions. Although the carbon emissions reduced by the proposal may be small in absolute terms, the NPPF (paragraph 98) recognises that small scale projects provide a valuable contribution to reducing greenhouse emissions.
- 6.13 The main reason targets for reducing CO₂ emissions and generating renewable energy have been introduced is to help address climate change. Both the NPPF (paragraph 17 and 93) and the ACS (Policy 1) highlight the importance of the role of planning in mitigating the impacts of climate change; while the impacts have already been felt, in the form of flooding in the UK and droughts elsewhere in the world, the use of energy generated from renewable sources will help minimise further effects.
- 6.14 Energy security is about making sure consumers can access the energy they need at prices that are not excessively volatile. Part of the Government's efforts to increase the resilience of the UK's energy market is increasing the amount of energy generated by renewable resources which helps reduce the dependence on foreign gas and oil.
- 6.15 This proposal will increase the amount of energy generated in the UK
- 6.16 It is my opinion the circumstances listed above can be grouped under two headings; the overall need for renewable energy and the wider benefits of its generation. The NPPF (paragraphs 97- 98) identifies that applicants should not be required to demonstrate the overall need for renewable energy and there is a responsibility on all communities to contribute to renewable energy generation. The wider environmental benefits are specially mentioned in the NPPF.
- 6.17 These are generic circumstances which will apply wherever renewable energy

is generated. While capable of forming part of the very special circumstances required, it is considered that, given the Court of Appeal's comments on precedent, site specific circumstances also need to be demonstrated. Additionally, it is considered that if generic circumstances on their own were capable of amounting to the 'very special circumstances' required to permit inappropriate development then all renewable energy schemes would be, in effect, appropriate within the Green Belt. This is clearly not the intention of the Government as expressed by paragraph 91 of the NPPF.

- 6.18 It is considered that the overall need for renewable energy and the wider benefits should be given moderate weight in determining if there are very special circumstances. While the solar farm would contribute to achieving statutory national targets and the production of renewable energy is supported by Government policy these benefits would apply wherever a solar farm or renewable energy project was located (subject to specific conditions) and do not override the substantial protection given to the Green Belt. If these were the only circumstances identified there would not be the very special circumstances required to clearly outweigh the harm to the Green Belt or any other harm.
- 6.19 The ACS (Policy 1.5) supports the development of new renewable energy schemes. It should also be noted that the Government places great weight on the need for renewable and low carbon energy. This drive for renewable energy production can be seen within the NPPF paragraph 97.
- 6.20 In my opinion the need for a low carbon future should be given moderate weight in the planning balance, given that this consideration can also be used on non-Green Belt sites. Given that the bar is set high in the Green Belt the need for communities to produce low carbon energy needs to be considered along with the need to support a prosperous rural economy and supporting farm diversification. If it is considered that these factors result in very special circumstances the individual impacts of the solar farm in its specific location would also need to be addressed. Should the planning impacts of the development be made acceptable then it is considered that the arguments are not generic as any further applications for renewable energy projects on different sites would need to pass all the tests.

7.0 Green Belt

- 7.1 Solar Arrays are inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.2 Substantial weight should be given to any harm to the Green Belt by reason of inappropriateness, and any other harm. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.3 The very special circumstances test is a high test. The circumstances which are

relied upon must be 'very special'.

- 7.4 Substantial weight should be given to ACS Policy 3 as far as it is relevant to this proposal.
- 7.5 Paragraph 80 of the NPPF states that: 'Green Belt serves five purposes:
- ☐ to check the unrestricted sprawl of large built-up areas;
 - ☐ to prevent neighbouring towns merging into one another;
 - ☐ to assist in safeguarding the countryside from encroachment;
 - ☐ to preserve the setting and special character of historic towns; and
 - ☐ to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'
- 7.6 It is important to note recent decisions directed by the Secretary of State (APP/W0530/W/3012014 and APP/W0530/W/15/3013863) in which two appeals have been dismissed. The appeals relate to the development of large scale solar farms leading to encroachment into the Green Belt and Countryside that would result in the coalescence of villages through loss of visual separation.
- 7.7 I note that there are blocks of mature woodland within the undulating landscape and that this site is particularly well screened by vegetation and by distance to public roads. Given the strong sense of enclosure and that the surrounding area has a number of blocks of woodland and hedgerows that define the immediate landscape it is my opinion, the solar array would be only visible from few locations, the well wooded character combined with the strong topography does restrict most of the views to the development.
- 7.8 I also note that the proposal would be sited significant distances from defined village envelopes and the edge of the urban area. The site is particularly well secluded and well screened by natural topography and vegetation. It is my view that; whilst I consider there would be an impact on the openness of the Green Belt in this location, and the scale of the development means it would not maintain the openness of the Green Belt; the development would not result in the unacceptable coalescence of villages or urban areas through the loss of visual separation. I therefore consider that the development would only result in a limited level of encroachment in the Green Belt in this location.
- 7.9 Mitigation measures to reduce the impact of the proposal are not capable of being very special circumstances but may help to mitigate the impact or enhance impact such as landscape character and heritage. Paragraph 91 of the NPPF indicates that weight may be given to the wider environmental benefits associated with renewable energy generation as a very special circumstance. The wider environmental benefits could include the drive to a low carbon future, the protection of habitats and species from climate change and the reduced need to extract fossil fuels.
- 7.10 The lack of an alternative site is one of the very special circumstances usually considered.

7.11 Alternative methods of producing renewable energy are a material consideration.

7.12 The courts have also ruled that the risk of creating a precedent is a material consideration especially in the Green Belt where a high bar is set. Where the very special circumstances put forward by the applicant are generic or capable of being easily replicated on other sites, consideration will need to be given to the extent to which any very special circumstances could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable should help mitigate the risk of a precedent being created.

7.13 Following a request for further justification from the applicant, their agent identifies a number of circumstances which they consider amount to the very special circumstances which they consider outweigh harm to the Green Belt:

‘Taking the approach outlined in Case Law such as Timmins, we are of the view that the particular location of this application proposal – of moderate landscape value, together with the landscape mitigation measures proposed, result in the “rebalancing of the scales” to the point of neutralising the harm by definition to the Green Belt (given the absence of any further harm to the purposes of the Green Belt or any other harm). It is then considered that:

- the contribution the scheme would make to the generation of renewable energy;
- the contribution the scheme would make to the economic sustainability of the agricultural farm to which it would form part of; and
- the absence of any more suitable sites to deliver renewable energy feeding into the particular point of connection (which, importantly, has available capacity to manage the energy that would be created from the solar farm);

These factors come together to create the very special circumstances for concluding that the development is acceptable in the Green Belt.”

7.14 In short, the circumstances listed above can be grouped under two headings; the wider overall need for renewable energy and the wider benefits of its generation. The NPPF (paragraphs 97 – 98) identifies that applicants should not be required to demonstrate the overall need for renewable energy and there is a responsibility on all communities to contribute to renewable energy generation. The wider environmental benefits are specially mentioned in the NPPF.

7.15 Paragraph 91 of the NPPF which sets out that the wider environmental benefits associated with the increased production of renewable energy may form part of the very special circumstances. It is my opinion that moderate weight should be attached to the need to provide renewable energy (paragraph 6.18).

7.16 It is my opinion that these circumstances forwarded by the agent are considered to be generic and easily replicable; whilst they should be given

weight, these do not add up to 'very special circumstances' which could justify the development.

7.17 As a result the agent expanded on the circumstances that they considered amount to 'very special circumstances' that outweigh the harm to the Green Belt and any other harm. These are outlined below:

- 1) The proposed solar farm would contribute towards the key national objectives of the UK moving towards a low carbon and achieving energy security.
- 2) The Alternative Site Assessment report submitted as part of the application sets out the reasons why the solar farm needs to be located in this particular location, and the importance of the close proximity to the Point of Connection;
- 3) The proposal would, in line with paragraph 19 of the NPPF, provide support for the rural economy by helping to diversify the current function of Stocking Farm;
- 4) Wider environmental benefits would be provided as part of the proposal, including the creation of a new grassland habitat;
- 5) The proposed solar farm would be temporary, for a period of 25 years, thus avoiding any longer term impacts on the permanence of the Green Belt;
- 6) The proposal is capable of delivering community benefits at a local level by it being made available as an educational resource;
- 7) The proposal would make a positive contribution to enhancing the viability of Stockings Farm, particularly by modifying the effects of fluctuating income realised by crops harvested on rotation, year by year;
- 8) The additional income generated by the solar farm is necessary for further investment in the farming unit. It would enable further long term strategic decisions to be made, particularly with respect to the purchase of new equipment, and the investment in further diversification opportunities. This would help underscore the longer term viability of the unit, safeguarding jobs and the services of local suppliers;
- 9) The Energy and Carbon Report demonstrates that the proposed solar farm would reduce the carbon footprint of Stockings Farm by 20 tonnes CO₂ per annum;
- 10) The proposal is located adjacent to an existing point of connection to the National Grid.

7.18 Paragraph 91 of the NPPF which sets out that the wider environmental benefits associated with the increased production of renewable energy may form part of the very special circumstances. Given the considerations set out in chapter 6 (Renewable Energy) above, it is my opinion, that moderate weight should be attached to the need to provide renewable energy. It is my opinion that the circumstances 1), 3), 4), 5), and 6) forwarded by the agent are considered to be generic and easily replicable; whilst they should be given weight, additional circumstances will be required to achieve very special circumstances.

7.19 To address this issue, the agent has identified site specific circumstances in the form of on-site carbon offsetting and the financial security the income

generated by the proposal would bring to the farm business. Carbon offsetting is addressed in Chapter 6 (Renewable Energy) and the proposal would reduce the carbon footprint of Stockings Farm by 20 tonnes CO₂ per annum.

- 7.20 In terms of financial security the agent has submitted a Farm Review Report which outlines that there are a number of pressures on the farming business at Stockings Farm which threatens the long term viability, including:
- the vulnerability of the farm's soil type which, in this location, is not the Best Most Versatile Land as classified by Natural England and annexed in the NPPF. This land is most vulnerable to the increasing occurrence of extreme weather events;
 - the ongoing need for the farm to contract out the majority of its operations externally;
 - the farm's reliability on the use of contractors' buildings for storage.

These issues are exacerbated by a volatile commodity market which is adding further pressure and uncertainty on the future profitability of the farm. In order to respond to the issues listed the Farms Review Report concludes that Stockings Farm business would need to generate alternative sources of income in order to ensure its long term future. The proposed solar farm has been identified as such a solution, and crucially the report concludes – unlike other alternatives – the income generated from the proposal would be non-volatile and would also make use of 'some of the lowest yielding and least versatile land on the holding'

- 7.21 It is my opinion given the information submitted the proposal would provide significant additional income and would provide funds for investments in labour and machinery and would enable the farm to be resilient to fluctuations. As such I can accept that the proposal does represent a form of farm diversification in line with the requirements of Paragraph 28 of the NPPF. I consider that substantial weight should be attached to the development and diversification of agriculture and development that supports the rural economy. I also consider that profit smoothing to account for uncertainties in the agricultural industry can also be considered to assist in farm diversification.
- 7.22 It is my opinion that whilst the farm is a business; there are wider public benefits to the diversification of farms and ensuring that they are financially viable. These include the continued management of the countryside, the production of food and the contribution the farm makes to the rural economy. Given the support of the NPPF and the public benefits it is considered that farm diversification is capable of forming part of the very special circumstances.
- 7.23 It is also noted that the agent identifies that the proposal would have educational benefits through helping local school children learn about climate change.
- 7.24 In conclusion the following have been identified as being capable of forming the very special circumstances required to permit inappropriate development in the Green Belt:
- 1) The overall need for renewable energy including the contribution to:

- ☐ Carbon reduction targets;
 - ☐ Renewable energy targets;
 - ☐ Mitigating climate change;
 - ☐ Energy security.
- 2) The wider environmental and economic benefits;
 - 3) The use of more vulnerable land avoiding Best Most Versatile Land for continued agricultural production;
 - 4) The need for renewable energy at Stocking Farm including:
 - ☐ Offsetting carbon;
 - ☐ Profit smoothing to assist in the vulnerable farming business;
 - ☐ Farm diversification and supporting a prosperous rural economy.

7.25 It is my opinion that the overall need for renewable energy and the wider benefits should be given moderate weight in determining if there are special circumstances. While the solar farm would contribute to achieving statutory national targets and the production of renewable energy is supported by Government policy these benefits would apply wherever the solar farm was located (subject to sunlight) and do not override the substantial protection given to the Green Belt. If these were the only circumstances identified there would not be the very special circumstances required to clearly outweigh the harm to the Green Belt or any other harm. The extent that this, along with the wider environmental benefits and contribution to national renewable targets, contributes to very special circumstances is a combination of the extent of the benefits created along with less harmful alternatives.

7.26 Given that the whole of the site at Stockings Farm is located within the Green Belt I do not consider there to be a better alternative site at Stockings Farm outside of the Green Belt for the applicant to provide renewable energy. The lack of alternative site is one of the very special circumstances usually considered. As previously discussed the availability of a suitable non-Green Belt site is not a ground for refusal. However, the Courts have ruled that different ways of generating renewable energy on site should be assessed as these may be less harmful.

7.27 As highlighted above, on-site alternatives to the proposal are a material consideration when determining proposals for renewable energy schemes in the Green Belt. It is considered that any alternative must:

- ☐ Produce a similar or higher level of electricity;
- ☐ Produce a similar or higher level of carbon reduction;
- ☐ Produce a similar or higher level of income;
- ☐ Be feasible in terms of construction and grid connection;
- ☐ Have a similar or lower level of cost (upfront and ongoing); and
- ☐ Have a lower level of impact in relation to a range of matters including Green Belt, landscape/visual, heritage, biodiversity, and highways.

7.28 The applicant has submitted information about the different methods of generating energy and why these would not be a reasonable alternative to the proposed solar farm. Biomass, Ground Source Heat / Geo Thermal, and Hydrological were all considered and were dismissed due to the production of air pollutants for biomass, the production of heat is not a requirement at the

farm and no availability of large water courses.

- 7.29 In conclusion, a number of alternatives to the proposed solar farm have been considered. These are either not feasible on site, would likely result in greater impact on a range of factors or would not generate sufficient income to meet the needs of the farm. As such, I do not consider that any of these alternative forms of energy production would be more appropriate in this instance and the solar farm proposed would be more suited to the rural location providing renewable energy and income to support the diversification of the farm.
- 7.30 The site specific benefits of offsetting carbon should only be given moderate weight as this is an indirect benefit. I also consider that only limited weight should be given to the educational benefits of the proposal for local children.
- 7.31 Paragraph 98 states that: - 'local planning authorities should:
- ☐ Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - ☐ Approve the application if its impacts are (or can be made) acceptable.'
- 7.32 The agent has carefully considered the limitations of the Application Site and explored alternative sites for the proposed solar farm and assessed the impacts.
- 7.33 It is accepted that the diversification of the rural economy to provide low carbon energy and to support economic growth along with enhancements made to the landscape character of the area do constitute very special circumstances in this instance provided that the applicant can justify the need for the new development weighed against the impacts of the solar farm on the openness of the Green Belt, Heritage Assets, Amenity, and Landscape being acceptable.
- 7.34 It is therefore important to carefully consider the limitations of the application site and the impact of the development on the openness of the Green Belt in this location. In my opinion, when all these considerations are balanced against the impact that the development has on the openness of the Green Belt at this location, and the limited extent of encroachment that would result (subject to the assessment of these in paragraphs 7.6 - 7.8 above), that the special circumstances do outweigh the harm to the Green Belt at this location. It is my view that the limitations of the application site and the siting of the proposal in relation to other factors such as heritage assets and residential properties (considered in the following chapters) along with the other considerations which would be difficult to replicate and are unique to this application. I therefore consider that in this instance very special circumstances do exist which could allow this development to go ahead.
- 7.35 Whilst I consider that very special circumstances exist these need to be balanced against the overall harm to the Green Belt by means of inappropriateness, impacts on openness and the other constraining factors.

The planning impacts that need addressing and balanced against the very special circumstances established relate to factors such as:

- ☐ Biodiversity / Ecology and Geology;
- ☐ Historic Environment;
- ☐ Cumulative Landscape and Visual Impact;
- ☐ Noise;
- ☐ Reflected Light;
- ☐ Traffic and Transport;
- ☐ Electromagnetic Transmissions;
- ☐ Safety;
- ☐ Decommissioning.

8.0 Public Benefit

- 8.1 At the heart of the NPPF there is a presumption in favour of sustainable development with paragraph 28 addressing development in rural areas. There is a strong emphasis on the need to assist economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development. Paragraph 28 states inter-alia: - 'To promote a strong rural economy, local and neighbourhood plans should: - ...promote the development and diversification of agriculture and other land-based rural businesses;'
- 8.2 While the farm is a private business, there are wider public benefits to the diversification of farms and ensuring that they are financially viable. These include the continued management of the countryside, the production of food and the continued contribution the farm makes to the rural economy. Given the support in the NPPF and the public benefits it is considered that farm diversification is capable of forming part of the very special circumstances.
- 8.3 The applicant also identifies that the proposal would have an educational benefit through helping local school children learn about climate change, whilst I consider this to be a public benefit I would only attach limited weight to this in the planning balance.

9.0 Local Landscape and Visual Impact

- 9.1 Policy ENV5 of the RLP advises that renewable energy schemes should not adversely affect the character of prominent ridge lines and should be designed, sited and landscaped so as to minimise any impact upon the character of the area. However, due to the wording of the policy and its inconsistency with the NPPF, little weight should be attached to it in relation to determining this application.
- 9.2 Policy 10 of the ACS requires all new development outside of settlements to be assessed with reference to the Greater Nottinghamshire Landscape Character Assessment.
- 9.3 The Planning Practice Guidance for Renewable and Low Carbon Energy provides guidance on the issues to be considered in relation to the landscape

and visual impacts of renewable energy schemes. The visual impacts are concerned with the degree to which proposed renewable energy will become a feature in particular views, or sequence of views, and the impact that this will have on people experiencing those views. The landscape impacts are the effects of the proposed development on the fabric, character and quality of the landscape and the degree to which the turbine will become a defining characteristic in the landscape.

- 9.4 The site lies within the National Character Area NCA 49 Sherwood as defined by Natural England. The NCA48: Trent and Belvoir lies 1.4km to the east of the site. The applicant identifies the National Character Areas and the Regional Landscape Character Areas on Figure 4.1 of the LVIA.
- 9.5 At a regional level the East Midlands Regional Landscape Character Assessment 2010 (Natural England) defines the application area to be within 5B: Wooded Village Farmlands.
- 9.6 At a county level the Nottinghamshire Landscape Character Assessment 2009 defines countywide landscape character areas and the site lies within the Mid Nottinghamshire Farmlands.
- 9.7 I consider that the site, being well screened by vegetation and well away from public footpaths is not overly prominent and whilst the immediate landscape change would be substantial and harmful the wider landscape harm is less than substantial.
- 9.8 This less than substantial visual impact needs to be balanced against the moderate weight to be attached to renewable energy schemes and the significant weight to be attached to supporting the existing rural economy in the form of farm diversification.
- 9.10 It should be noted that landscapes do change over time and that whether development is considered to be 'bad' or 'good' affects the perception of whether the impact of the development is acceptable to those viewing it.
- 9.11 In light of the above considerations, whilst there would be an impact on the landscape in visual terms and its character would change, the landscape would still be predominately characterised by agricultural fields with blocks of woodland.

The final concluding paragraph of the submitted LVIA finds that:

"It is therefore considered that any landscape or visual impacts will be localised to the proposal site or to the adjacent fields around site to the northeast through to the southwest quadrant of the study area. However the landscape and visual impacts become more prominent to a distance of approximately 2km as the study suggests to the west to northern quadrant. Any affects beyond this extent will be moderate / minor during construction decreasing to low and negligible on completion and post completion."

- 9.12 When considering the impact of the development on the wider character of the area I have given careful consideration to the Landscape Visual Assessment submitted by the agent with my own extensive site visits of the surrounding area. I accept that the proposed solar farm would have a significant impact on the landscape character in the immediate vicinity however; it is my view, given the well screened site and its location away from settlement boundaries the impact would remain local and does not extend to a significant wider landscape impact outside this area.
- 9.13 Whilst I accept there would be a significant local impact in the immediate vicinity, given the considerations above, I consider there to be only a less than substantial impact on the wider landscape character of the area. This less than substantial impact needs to be balanced against the moderate weight to be attached to renewable energy schemes and the significant weight to be attached to supporting the existing rural economy in the form of farm diversification. The context of the solar farm is seen within an existing working farm that maintains and manages the key landscape characteristics defining the area. The solar farm would support the diversification of this rural business that would help support the continued enhancement and economic viability of the site. It would also result in positive enhancements to the local area with the implementation of an ecological management plan. It should be noted that landscapes do change over time and that whether development is considered to be 'bad' or 'good' affects the perception of whether the impact of the development is acceptable to those viewing it.

10.0 Cultural Heritage

- 10.1 Legislation regarding buildings and areas of special architectural or historic interest is contained in the Planning (Listed Buildings and Conservation Areas) Act 1990. Relevant policy is contained in the NPPF and RLP Policy ENV21.

Paragraphs 132 and 133 of the National Planning Policy Framework advise that: -

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important an asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, should be wholly exceptional.

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that harm or loss.'

10.2 Section 66 of the 1990 Act requires that:

‘In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possess.’

10.3 Paragraph 134 of the NPPF states:

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.’

10.4 The main historic assets, and public vantage points as facilitated by public footpaths, as described in the LVIA, are:

☐ Registered Parks and Gardens

There are no registered Parks and Gardens within the proposed site, however there is one located within the 3km study area at the old Bestwood Pumping Station site (now the Lakeside restaurant, spa and health club) which is located approximately 1km west of the proposed site.

☐ Conservation Areas

One Conservation Area is found within the 3km study area. Calverton is to the east, at approximately 1.5km from the site.

☐ Public Rights of Way (PROWs)

Within a 1km radius of the site there are only three Public Rights of Way, consisting of Footpaths, they are to the northeast, east and south the closest comes within 0.3km of the site. Beyond the 1km distance from the site, there are several Public Rights of Way in the form of Footpaths a Bridleway and a Byway. The Robin Hood Way National trail skirts the study area to the west and north and comes within 2km at its closest point. This is part of a 172km route that follows in the footsteps of the legendary figure through Sherwood Forest and the Nottinghamshire countryside.

☐ Listed Buildings

There are no listed buildings found within the site. There are however two, Grade II listed buildings within 0.5km of the proposed site to the north at Ramsdale House and adjoining stable; and Hollinwood House and its attached outbuilding. Within the 3km study area there are several Listed Buildings, they tend to be individual properties found scattered evenly across the entire study area associated with farms and country houses, with a concentrated group of Listed Buildings and infrastructure associated with the Bestwood Pumping House located approximately 1.2km to the west of the

site. Further groups of Listed Buildings can be found at the village of Calverton to the northeast of the site, and to the south within the Nottingham suburb of Arnold.

- 10.5 It is my opinion given the substantial screening and distances involved that the solar farm would only have a less than significant harm to the historic assets within the LVIA search area including Calverton Conservation Area and as such should be weighed in the planning balance but with only limited weight.
- 10.6 In accordance with the NPPF, given it is my opinion that the harm to the settings of heritage assets could be assessed as less than substantial due to the location of the solar farm; this impact needs to be weighed against the public benefit of the proposal. I consider that the weight to be given to the contribution that this proposal would make to reducing CO2 emissions, combating climate change, to renewable targets, and in supporting a sustainable rural economy and farm diversification, would outweigh the less than substantial harm to the heritage assets discussed above.

11.0 Nature Conservation / Biodiversity

- 11.1 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles. Where significant impacts cannot be adequately mitigated then permission should be refused, and if the proposal affects a Site of Special Scientific Interest or ancient woodland the benefits of the development would need to outweigh the harm to the nature conservation interest.

- 11.2 The submitted LVIA points out that the site and the entire study area falls within the Greenwood Community Forest.

“Greenwood ‘covers 161 square miles of Nottinghamshire, from Mansfield in the north to Nottingham in the south and from Eastwood in the west to Farnsfield in the east. It joins historic Sherwood Forest in the north-east and curves round to Attenborough in the southwest’. The aim of the Greenwood Community Forest is ‘To work in partnership to enable Nottinghamshire’s communities to create, care for and to use woodlands and other high quality accessible green spaces in a sustainable way that benefits the environment, landscape and the local economy.’ Greenwood is the only Community Forest in the East Midlands region. The value of the Greenwood Partnership has been recognised in regional documents. The forest is protected by various planning designations and by The Greenwood Partnership, who seek to look after the best interests of the area and promote planting / biodiversity.”

- 11.3 Natural England advise that;

“The consultation documents indicate that this development includes areas of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework

states that ‘when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.’

11.4 The applicant submitted an Extended Phase 1 Survey Report which found that:

“Due to the distance between the Site and designated nature conservation sites in the local area it is considered highly unlikely that there will be any adverse effects on these sites as a result of the works. Therefore no recommendations in relation to the designated sites are made.”

11.5 The report does make recommendations for biodiversity enhancements and habitat improvements associated with the development.

11.6 At the request of Planning Officers the applicant carried out further survey work which did not reveal any risk to protected species being likely.

11.7 None of; Natural England, Nottinghamshire Wildlife Trust or Nottingham County Council (Nature Conservation) object and it is my opinion that their assessments are carried out in line with up to date policy and procedures, therefore there is no reason to recommend refusal on nature conservation grounds nor to place weight on this issue in the planning balance.

11.8 I am satisfied that the solar farm would result in no significant impact on wildlife or ecology and that by the use of conditions, biodiversity enhancements would be sought in line with the guidance contained within the NPPG. The proposed use of Greenfield land has been shown to be necessary and poorer quality land has been used in preference to higher quality land. Ecological enhancements have been sought and mitigation secured to limit landscape / ecological impacts through the planting of native hedges.

11.9 Should Planning Permission be forthcoming the agent has agreed to commit to a Biodiversity Management Plan (BMP) by way of condition. The BMP would, in line with the recommendations of the County Council Ecologist, include the following:

- ☐ The seeding of the application site (both within and out with the site security fencing) with a species-rich wildflower grassland mix, using native species appropriate to the local area.
- ☐ The planting of new native-species hedgerows, along the western part of the northern boundary and along the whole western boundary.
- ☐ Provision of regular gaps at the foot of the security fencing to allow the passage of Mammals.
- ☐ Other enhancements, such as the provision of bird and bat boxes.

12.0 Local Residents / Noise / Glint / Glare

12.1 Paragraph 5.9.18 of EN-1 advises that all proposed energy infrastructure is

likely to have visual effects for many receptors around proposed sites and that judgement has to be made on whether the visual effects on sensitive receptors, such as local residents and visitors to the area, outweigh the benefits of the project.

- 12.2 In relation to the visual impact of the proposed solar farm on local residents, on balance, given the distances between the properties and the proposal, the various blocks of mature woodland in the landscape, and the undulating topography of the landscape, in terms of residential amenity, I do not consider that the solar farm would be visually intrusive, overly prominent, or overbearing enough to be a reason for refusal in this instance. It is also considered that from many receptor points where the solar farm would be visible it would be in the middle distance and in my view would not result in an overbearing feature in the landscape.
- 12.3 I note that Public Protection have not commented with regards to potential noise, glint and glare. I am satisfied given the distances and the vegetation cover that the potential impacts on the amenity of residential dwellings would not warrant a refusal of this application.

13.0 Transport, Communication and Safety

- 13.1 I note that the Highway Authority have raised no objections to the proposal, and as such I am satisfied that there are no undue highway safety implications as a result of the development subject to conditions.
- 13.2 I note that NATS have not raised objections to the proposal and as such I am satisfied there would be no undue impact on air traffic control through electromagnetic interference or glint and glare.

14.0 Contamination

- 14.1 I am not aware of any objection in relation to potential contamination at the site. I also note that public protection have raised no objections to the scheme.

15.0 Other Considerations

- 15.1 I note the comments received with regards to the development devaluing neighbouring residential properties; however, the value of neighbouring property is not a consideration that I would attach significant enough weight to warrant a refusal of this application on planning grounds.

16.0 Very Special Circumstances and the Overall Planning Balance.

- 16.1 It is my opinion, as considered in depth at chapter 6, that mitigation of climate change tied together with the contribution the proposal makes to the national targets for carbon reduction and energy generation is capable of forming part of the very special circumstances. However, this benefit would not carry significant enough weight to overcome the inappropriateness of the development within the Green Belt on its own as the benefits are also capable

of being replicated on non-Green Belt land where the development, by definition, would not be inappropriate. The solar farm would generate a significant level of renewable energy for 25 years following completion of the development and there would be a valuable contribution that the solar farm would make to cutting greenhouse gas emissions thereby tackling climate change. For the purposes of my assessment I have attached moderate weight to the overall need for generating renewable energy in this instance. This is in reference to paragraph 98 which states that local authorities should recognise that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, unless other material considerations indicate otherwise.

- 16.2 It is therefore important to look at the individual circumstances the applicant has put forward to justify the need for the development weighed against its harm coming from the inappropriateness of the development in the Green Belt and any other harm.
- 16.3 The applicant has highlighted that one of the direct benefits to the farm is by way of carbon offsetting. It is considered in Chapters 6 and 7 that the reduction in CO₂ emissions is capable of forming part of the very special circumstances. A Carbon audit was undertaken which identifies that there would be a net carbon reduction of 20 tonnes per annum. In my opinion there would be a direct benefit to the farm from producing renewable energy in the form of carbon offsetting.
- 16.4 As also discussed in paragraph 7.21 there is also benefit to the farm in terms of financial security and profit smoothing. The solar farm offers financial security to the farm and would enable diversification and investment in labour and machinery. It is my opinion, that whilst the farm is a business, there are wider public benefits to the diversification of farms and ensuring that they are financially viable. These include the continued management of the countryside, the production of food and the contribution the farm makes to the rural economy. As such I have attached substantial weight to the need to support a prosperous rural economy and to promote diversification of agriculture in line with the requirements of Paragraph 28.
- 16.5 The land within the ownership of the applicant is all located on Green Belt and therefore there are no alternative sites available on non-Green Belt land for the applicant to produce renewable energy. The lack of an alternative site is one of the special circumstances that needs to be given weight in the planning balance. If it is accepted that there is an established need for the farm to produce renewable energy, the applicant is limited to this development within a Green Belt location. Paragraph 7.26 sets out that the availability of non-Green Belt sites is not a reason for refusal. I attach significant weight to the limitations of the application site and there being no suitable alternative sites outside the Green Belt for the applicant to generate renewable energy. The courts have ruled that alternative ways of generating renewable energy on site should be assessed as these may be less harmful. Paragraphs 7.28 – 7.29 assess alternative forms of energy production and it is concluded that there would be no more appropriate form of energy production given the limitations of the application site and the alternative technologies.

- 16.6 It is also noted that the agent has agreed to submit a Biodiversity Management Plan in order to compensate and enhance biodiversity of the site. The application site is of poorer quality agricultural land classification and the use of native species of hedgerow and grassland mix would increase the biodiversity value of the site. It is my view these works would have a direct benefit to the landscape character and ecology in the area and should be given moderate weight in the planning balance.
- 16.7 Therefore, it is my opinion; that the diversification of the rural economy to provide low carbon energy to support an existing agricultural business, along with the ecological enhancements; together, do constitute very special circumstances that outweigh the harm to the Green Belt and any other harm in this instance.
- 16.8 It is also recognised that the character of the proposed location is an agricultural landscape, as opposed to a non-cultivated, natural landscape. As such, the landscape has been influenced by human activity over time and bears the impacts of this, as seen in the patterns of hedgerows, field boundaries, trees, and tracks located within it. It is my view that the solar farm would provide the most efficient and suitable form of renewable energy to support the needs of the farm and the wider environmental benefits supporting a low carbon future.
- 16.9 Other factors that have been addressed are be the impact of the development on Biodiversity/Ecology, Historic Environment, Cumulative Landscape and Visual Impact, Noise, Reflected Light, Traffic and Transport, Electromagnetic Transmissions, Safety and Decommissioning. The combination of very special circumstances weighed against the planning impacts of the proposal and any other harm from the development will have to be considered in the planning balance when making a decision on this application.

17.0 Conclusions and Planning Balance

- 17.1 In light of the considerations given above in relation to:

- ☐ Renewable Energy
- ☐ Green Belt
- ☐ Public Benefit
- ☐ Local Landscape and Visual Impact
- ☐ Cultural Heritage
- ☐ Nature Conservation / Ecology
- ☐ Local Residents (Visual Impact, Reflected Light and Noise)
- ☐ Transport Communication and Safety
- ☐ Contamination
- ☐ Other considerations

I consider that, on balance and taking into account the benefits that would be generated as a result of this proposal, that it would constitute sustainable form of development. In reaching this conclusion I have had regard to paragraph

98 of the NPPF which advises that when determining planning applications, local planning authorities should approve the application if impacts are, or can be made acceptable. Given the considerations set out in sections 6.0 – 16.0, above, I consider that it has been demonstrated that on balance the planning impacts have been addressed, are outweighed by the public benefits that result from the scheme, and therefore the impacts of the proposal have been made acceptable.

- 17.2 This application has been advertised as a departure; however, the application is only required to be referred to the Secretary of State if the development by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. Given the conclusions drawn in the Green Belt section of this report, I do not consider that this application should be referred to the Secretary of State.

Recommendation:

Grant Conditional Planning Permission.

Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision. Written confirmation of the date when electricity is first exported to the grid from the photovoltaic arrays hereby permitted (First Export Date) shall be submitted to the Borough Council within one month of the date of this taking place.
2. This permission shall endure for a period of 25 years from the First Export Date (of electricity to the grid), after which the use shall cease, and the solar arrays and all ancillary structures shall be removed from the site, and the land restored in accordance with details to be approved in writing under condition 10 below. The site shall be decommissioned in accordance with the details to be approved under condition 10 within 6 months from the date of the last export of electricity.
3. The development hereby permitted shall be constructed in accordance with the following approved plans and documents except insofar as may be otherwise required by other conditions of this planning permission: Planning Statement; Alternative Site Assessment (prepared by NLP); Design and Access Statement (prepared by NLP); Extended Phase 1 Ecology Survey Report (prepared by Lockhart Garrat); Arboricultural Statement (prepared by Lockhart Garrat); Landscape and Visual Impact Assessment (Applied Landscape Design); Glint and Glare Study (Pager Power); Highways Impact Statement (Bancroft Consulting); Agricultural Land Classification Report (Richard Stock); Desk Based Heritage Assessment (RPS); Site Location Plan (ref:GIS/50539/01-22); Site Layout (ref. 1053-A-01 rev -); Topographical Survey (ref 81/01); Solar Array Details (ref. 02); Control Room Details (ref. 03); Inverter Cabin Details (ref. 04); Customer Cabin Details (ref. 05); DNO Switchroom Details (ref. 06); Fence and Gates Details (ref. 07); and Camera

Details (ref. 08).

4. Prior to the commencement of development a Biodiversity Management Plan (BMP) shall be submitted to and approved in writing by the local planning authority. The BMP shall include details of the seeding of the site with species rich wildflower grassland mix using native species to the area; the planting of a new native-species hedgerow along the western part of the northern boundary and along the whole western boundary; details of the controls of vegetation clearance; details of the proposed lighting and its direction (away from trees); precise details and locations of the proposed bird and bat boxes; and, details of the measures to be put in place to protect semi-improved grassland field margins, hedgerows and woodland edge. Once approved the BMP shall be complied with and implemented as approved and shall thereafter be maintained or retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
5. Before the development hereby approved is commenced an updated badger survey shall be submitted to and approved in writing by the local planning authority, indicating that 30 metres outside of the site has been surveyed so the full extent of impacts on badgers can be assessed and mitigation secured. The badger survey should be carried out 4 - 6 weeks in advance of works commencing on site. Once approved the development shall be carried out strictly in accordance with the approved details.
6. All construction work associated to the development shall be undertaken outside of the bird-breeding season (March - September inclusive). Should works be carried out during this time, a suitably qualified ecologist shall be on site to survey for nesting birds, with a copy of the survey undertaken and any works required at the site to be submitted to and approved in writing by the Borough Council prior to the commencement of development at the site. Works shall be completed in accordance with the approved details.
7. No part of the development hereby permitted shall be brought into use until the access has been surfaced in a hard bound material (not loose gravel) for a minimum of 10.0 metres. The surfaced area shall then be maintained in such hard bound material for the life of the development.
8. No part of the development hereby permitted shall be brought into use until the access is constructed with the provision to prevent the unregulated discharge of surface water from the access to the public highway in accordance with details first submitted to and approved in writing by the local planning authority. The approved provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
9. If the solar farm hereby approved ceases to operate for a continuous period of 6 months, unless otherwise approved in writing by the Borough Council, a scheme for the decommissioning and removal of the photovoltaic arrays and any other ancillary equipment (as requested under condition 10 of this approval), shall be submitted to and approved in writing by the Borough

Council, within 3 months of the end of the 6 month cessation period. The approved scheme shall thereafter be implemented in accordance with the approved details.

10. Prior to the decommissioning of the site a scheme setting out a programme of works required to undertake decommissioning works, together with details of any access improvements, alteration to junctions, details of the abnormal load routes together with details of how any required off-site traffic management measures along the proposed route of decommissioning traffic, details of how the site shall be restored and landscaped once structures have been removed and a schedule of works required and timescales for undertaking the restoration shall be submitted to and approved in writing by the Borough Council. The site shall be decommissioned in accordance with the approved details.
11. Before development is commenced there shall be submitted to and approved in writing by the Borough Council detailed construction and engineering drawings showing any proposed changes to existing levels and contours across the site in excess of 1 metre. The development shall be constructed in accordance with the approved drawings and the finished levels and contours shall be retained without further alteration for the lifetime of the development.
12. Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council. The scheme to be submitted shall demonstrate the utilisation of holding sustainable drainage techniques; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and responsibility for the future maintenance of drainage features.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. This is a temporary permission and condition 2 is attached for the avoidance of doubt.
3. For the avoidance of doubt.
4. To enhance biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents, February 2013.

5. In order to safeguard the local badger population in accordance with the requirements of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
6. In order to safeguard the local bird population in accordance with the requirements of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
7. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)
8. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
9. To ensure that the site is decommissioned appropriately should the turbine cease to operate for a continuous period of 6 months.
10. To ensure that when the site ceases operation at the time stated within condition 2 above that decommissioning works take place in an appropriate manner and that the site is restored to a suitable condition.
11. To ensure the details of the development are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
12. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with the National Planning Policy Framework, Policies ENV1 and ENV40 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and Policy 1 of the Gedling Borough Aligned Core Strategy Submitted Documents, February 2013.

Reasons for Decision

Paragraph 98 of the NPPF advises that when determining planning applications for renewable energy schemes, local planning authorities should approve the application if its impacts are, or can be made acceptable. In the opinion of the Borough Council it has been demonstrated that the impacts of the proposal are acceptable.

Notes to Applicant

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186 - 187 of the NPPF. This included seeking additional information in order to assess the application and its impacts. Further information requested related to: The 'Very

Special Circumstances' that were put forward, Efficiency, and Consideration of Alternative Forms of Renewable Energy, Financial Support for the Farming Enterprise including financial details/accounts and Habitat and Wildlife Surveys.

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186 - 187 of the NPPF. This included seeking additional information in order to assess the application and its impacts. Further information requested related to: The 'Very Special Circumstances' that were put forward, Efficiency, Consideration of Alternative Forms of Renewable Energy, Financial Support for the Farming Enterprise and Farm Diversification, Carbon Emissions Reduction, Landscape and Visual Impact, and Habitat and Wildlife.