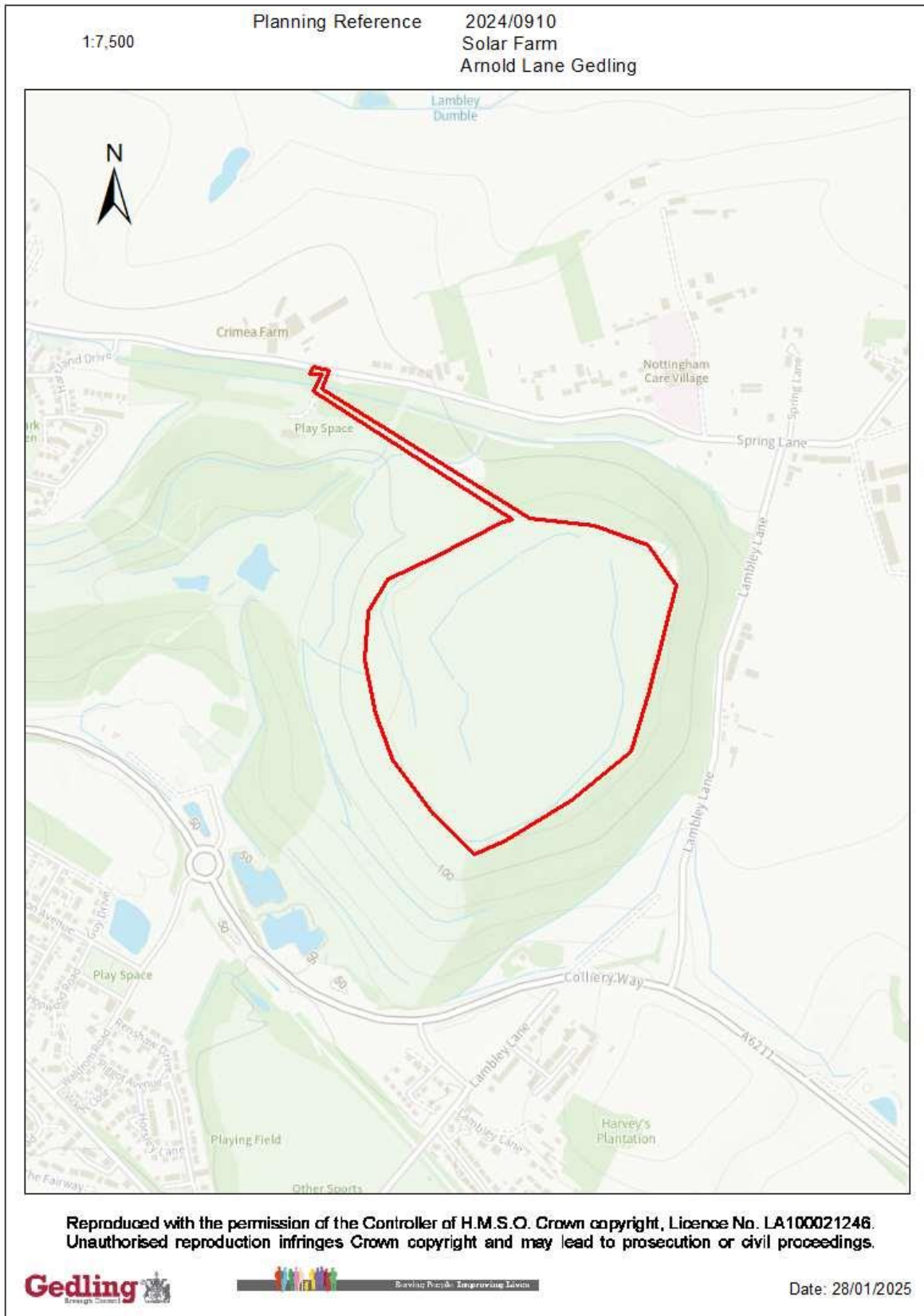




Planning Report for 2024/0910



Report to Planning Committee

Application Number:	2024/0910
Location:	Solar Farm, Arnold Lane, Gedling, Nottinghamshire
Proposal:	Solar Farm – Variation of condition 16 of planning permission 2014/0633 to allow retention of solar farm for 40 rather than 25 years.
Applicant:	C Cowden – Foresight Group
Agent:	
Case Officer:	Claire Turton

The application is referred to Planning Committee because the site is owned by Gedling Borough Council.

1.0 Site Description

- 1.1 The application site is approximately 14 hectares in size and comprises part of the former Gedling Colliery site, which has been restored since mining ceased in November 1991. The site is surrounded by Gedling Country Park but does not form part of the park itself. The site is on the upper part of the former colliery spoil tip, the plateau is known as Wicketwood Hill. The site has been in use as a solar farm since 04/03/2015.
- 1.2 Beyond Gedling County Park, Spring Lane and Lambley Lane lie to the north and east respectively, both of which have sporadic pockets of residential and business properties. Further to south and west, lies the main urban conurbations of Gedling, Carlton and Mapperley.
- 1.3 The Gedling Borough Council Local Plan designates the site as Protected Open Space. It is outside of the Green Belt and close to, but not within, a Local Wildlife Site.

2.0 Proposed Development

- 2.1 Planning permission is sought for;-

“Solar farm - Variation of condition 16 of planning permission 2014/0633 to allow retention of solar farm for 40 rather than 25 years.”

- 2.2 Condition 16 of planning permission 2014/0633 states that;-

“The proposed Solar Farm and associated works hereby permitted shall be dismantled and removed from the site within 6 months at the end of 25 years from it first being brought into use or in the event of it becoming non-operational, whichever is the sooner, and the site re-instated and returned to its original condition, unless otherwise prior approved in writing by the Borough Council.”

2.3 It is proposed that the revised condition should state:-

“The proposed Solar Farm and associated works hereby permitted shall be dismantled and removed from the site within 6 months at the end of 40 years from it first being brought into use or in the event of it becoming non-operational, whichever is the sooner, and the site re-instated and returned to its original condition.”

2.4 The applicant has justified this amendment due to a result of market changes and technological advancement, which allow solar farms to be maintained for longer periods. They state that the panels themselves are also capable of an electricity generating life much greater than the 25-year period. It has been determined that the solar farm can continue to operate viably beyond the 25 year period and the project can make effective use of the existing infrastructure and grid connection during years 25-40.

2.5 This application proposes no physical changes to the solar farm or any of the mitigation measures previously permitted.

2.6 Also of relevance is the Section 106 Legal Agreement (S106 Agreement) attached to planning permission 2014/0633 securing annual financial biodiversity contributions of £1,000 for a period of 25 years (25 years being the lifetime of the development under planning permission 2014/0633). The applicant has confirmed that they will continue to pay this financial contribution for years 25 – 40 of the solar farm, if planning permission is granted.

3.0 Relevant Planning History

3.1 **2012/1456** In April 2013, planning permission was granted for the Gedling Country Park. The application site for the Country Park excluded the plateau area on top of the former spoil tip to which the current planning application refers.

3.2 **2012/1335** In October 2013, planning permission was granted for the construction of a solar photovoltaic (PV) farm, with an installed electricity generation capacity of 5.5 MWp, capable of generating approximately 5 million kWh of electricity per annum. This would include 23,328 by 240W solar panels, 3 associated central inverter stations (each comprising two inverters and one transformer) and an exit point sub-station building, a security fence, CCTV and associated underground cabling and access road, with access off Spring Lane.

3.3 **2014/0633** Planning permission was granted for the above solar farm but with the removal and variation of some conditions attached to planning permission 2012/1335. This was due to an overlap of planning conditions with the Gedling Country Park application. As such, planning permission 2014/0633 is now the correct and updated planning permission for the existing solar farm at Gedling

Country Park. This planning permission has been implemented and the solar farm began operation on 04/03/2015.

4.0 Consultations

- 4.1 Gedling Conservation Trust – Under a provision of the original S106 agreement, the Trust is due to receive the sum of £1,000 p.a. for the 25 year duration of the original application and planning permission. This money is used as mitigation for the Solar Farm development and is used to maintain habitats at the Netherfield Lagoons Local Nature Reserve.

The Trust has the following comments on the new application:

1. It would be right and proper for the existing agreement for the Trust to receive £1,000 p.a. for the new period of operation of the solar farm i.e. 40 years
2. Since this period is significant in economic terms, the Trust requests that the £1,000 p.a. made under the agreement is increased each year in line with inflation. Without such inflation-proofing, the real value of the annual payment will decline and have an impact on the Trust's ability to carry out the habitat maintenance work.
3. Since the date of the original agreement (more than 10 years ago), the habitat maintained by the Trust has been significantly impacted by the presence of the non-native, invasive plant species, Himalayan balsam, making the task of maintaining the relevant area much more difficult. This plant is now a major problem along the length of the Ouse dyke downstream from the Trust's nature reserve. This issue can only be tackled by all relevant parties working together to physically remove the plants. The reality is that contractors will be required to help with the work and there is an opportunity here for the solar farm to make a financial contribution to the balsam removal as part of the mitigation provisions. This would make a significant contribution to improving the local environment. We would suggest an annual grant towards this work of £5,000 for the years 2025, 2026, 2027. It is projected that, with this grant aid, the task could be accomplished over this period.

5.0 Relevant Planning Policy

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework (NPPF) (2024) and the National Planning Practice Guidance (NPPG). The NPPF sets out the national objectives for delivering sustainable development. Sections 2 (Achieving Sustainable Development), 4 (Decision making), 11 (Making effective use of land), 12 (Achieving well-designed places), 15 (Conserving and enhancing the natural environment), are particularly relevant in this instance.

5.3 The Gedling Borough Council Aligned Core Strategy (GBACS) (September 2014) is part of the development plan for the area. The following policies are relevant in considering this application:

- Policy A (Presumption in Favour of Sustainable Development) sets out that a positive approach will be taken when considering development proposals.
- Policy 1 (Climate Change) states All development proposals will be expected to mitigate against and adapt to climate change, to comply with national and contribute to local targets on reducing carbon emissions and energy use.
- Policy 10 (Design and Enhancing Local Identity) sets out that “development will be assessed in terms of its ‘massing, scale and proportion; materials, architectural style and detailing and impact on the amenity of nearby residents and occupiers’.”
- Policy 19 (Developer Contributions) contributions may be required towards local services.

5.4 The Gedling Borough Local Planning Document (LPD) (July 2018) is part of the development plan for the area. The following policies are relevant in considering this application:

- Policy LPD 2 - Other Renewable Energy Schemes states that Proposals for renewable energy schemes, other than wind turbines, will be granted planning permission where they are acceptable in terms of:
 - a. Green Belt;
 - b. landscape and visual effects;
 - c. ecology and biodiversity;
 - d. the historic environment;
 - e. open space and other recreational uses;
 - f. amenity of nearby properties;
 - g. grid connection;
 - h. form and siting;
 - i. mitigation;
 - j. the decommissioning and reinstatement of land at the end of the operational life of the development;
 - k. cumulative impact with existing and proposed development;
 - l. emissions to ground, water courses and/or air;
 - m. odour;
 - n. vehicular access and traffic; and
 - o. proximity of generating plants to the renewable energy source
- Policy LPD 18 (Protecting and Enhancing Biodiversity) development proposals will be expected to take opportunities to incorporate biodiversity in and around development and contribute to the establishment and maintenance of green infrastructure.
- Policy LPD 19 - Landscape Character and Visual Impact states Planning permission will be granted where new development does not result in a significant adverse visual impact or significant adverse impact on the character of the landscape.

- Policy LPD 32 (Amenity) requires that development proposals do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures.”

Appraisal

- 6.1 The original planning application (2014/0633) for the solar farm fully addressed issues of ecology, landscape and trees, amenity, highway safety and design / visual impact, as required by LPD Policy 2, which were all considered to be acceptable. The solar farm is now built out and has been fully operational since 04/03/2015.
- 6.2 This current planning application seeks to allow the retention of the existing solar farm for 40 rather than 25 years only. No physical changes to the solar farm or any of the mitigation measures previously permitted are proposed as part of this application.
- 6.3 As such, it is only the retention of the existing solar farm for a 40-year period (instead of a 25-year period) that is being assessed as part of this current planning application.
- 6.4 The applicant states that the proposed retention of the existing solar farm for a 40-year period is due to a result of market changes and technological advancement, which allow solar farms to be maintained for longer periods. They state that the panels themselves are also capable of an electricity generating life much greater than the 25-year period. It has been determined that the solar farm can continue to operate viably beyond the 25-year period and the project can make effective use of the existing infrastructure and grid connection during years 25-40.
- 6.5 The proposed amendment to condition 16 to allow an increased period of solar farm operation remains consistent with the original purpose of the condition, which is to ensure the proper decommissioning of the solar farm at the end of its operational life, in the interests of visual amenity.
- 6.6 The site has been in operation for ten years without issue. There would appear to be no reason why the solar farm would cause any additional harm if it continued to operate for the proposed extended period of time (40 years instead of 25 years), whilst it is still capable of producing renewable energy.
- 6.6 The solar farm will continue to make a positive contribution to meeting renewable energy targets and policies, including paragraph 161 of the NPPF, which states that the planning system should support the transition net zero by 2050 by encouraging the reuse of existing resources and supporting renewable and low carbon energy and associated infrastructure, and policy LPD2.
- 6.7 A S106 Agreement was attached to planning permission 2014/0633 securing annual financial biodiversity contributions of £1000 for a period of 25 years (25 years being the lifetime of the development under planning permission 2014/0633). The applicant has confirmed that they will continue to pay this

financial contribution for years 25 – 40 of the solar farm, if planning permission is granted. At the request of the Planning Officer, this is now proposed to be paid in one lump sum which will remove the need for annual monitoring and may also help the Gedling Conservation Trust with their immediate needs regarding the removal of Himalayan balsam.

6.8 This financial contribution is used by Gedling Conservation Trust (GCT) to maintain habitats at the Netherfield Lagoons Local Nature Reserve. GCT has commented on this application and requested that the £1,000 financial contribution made under the agreement is increased each year in line with inflation. They state that the habitat maintained by the Trust has been significantly impacted by the presence of the non-native, invasive plant species, Himalayan balsam, making the task of maintaining the relevant area much more difficult and that this issue can only be tackled by all relevant parties working together to physically remove the plants. The reality is that contractors will be required to help with the work and there is an opportunity here for the solar farm to make a financial contribution to the balsam removal. They suggest an annual grant towards this work of £5,000 for the years for the years 2025, 2026 and 2027.

6.9 However, the original S106 agreement did not index link the original financial contribution. As a result, it is considered that asking for a larger contribution would now be unreasonable in that one was not in the original agreement. It is also considered that asking for a larger financial contribution would be contrary to paragraph 58 of the NPPF which states that;-

“Planning obligations must only be sought where they meet all of the following tests:-

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.”

6.10 If planning permission is granted then this planning application will essentially re-issue the original planning permission for the solar farm (but with the wording of condition 16 varied). As such, all other conditions attached to the original planning permission are still relevant and will need to be included on the decision notice, should this current application be granted planning permission. The proposed conditions are set out in full in Section 8 of this report.

7.0 Conclusion

7.1 For the reasons stated above, it is considered that the proposed amendment to condition 16 to allow an increased period of solar farm operation remains consistent with the original purpose of the condition, which is to ensure the proper decommissioning of the solar farm at the end of its operational life, in the interests of visual amenity. The site has been in operation for ten years without issue and there would appear to be no reason why the solar farm would cause any additional harm to continue to operate for the proposed extended period of time, whilst it is still capable of producing renewable energy. The solar

farm will continue to make a positive contribution to meeting renewable energy targets and policies. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Parts 2, 4, 11, 12 and 15), Policies A, 1, 10, and 19 of the ACS and Policies LPD 2, 18, 19 and 32 of the LPD.

8.0 Recommendation: GRANT PLANNING PERMISSION subject to the signing of a Legal Agreement and the following conditions;-

- 1 The development hereby permitted shall be read in accordance with the following approved plans and documents submitted as part of planning application 2014/0633:

Extended Phase I Habitat Survey, including Desk Study, (SLR Ref: 424-04114-00003), June 2013 Rev 01, received on 28th June 2013; Technical Details 1 (4020 1069-69.2), received on 23rd July 2013; PV Array Elevation and Section (000903_09 Rev A), Technical Details 2 (4020 1069-69.2), DNO Substation and Customer Switchgear Enclosure (000903_10 Rev A), LV Station Arrangement (3 no.) (000903_08 Rev A), deposited on 19th May 2014; Site Location Plan (000903_04 Rev D) received on 29th May 2014; and the revised Site Layout - Planning (000903_01_ PL Rev B), received on 18th August 2014.

- 2 The surface water drainage scheme approved on 4th September 2014, under application no: 2014/0619DOC shall be retained for the lifetime of the development.
- 3 The CCTV cameras shown on the details approved on 4th September 2014, under application no: 2014/0619DOC shall be retained for the lifetime of the development.
- 4 The sub-station adjacent to the western boundary shall remain a dark green finish for the lifetime of the development.
- 5 The proposed Solar Farm and associated works hereby permitted shall be dismantled and removed from the site within 6 months at the end of 40 years from it first being brought into use or in the event of it becoming non-operational, whichever is the sooner, and the site re-instated and returned to its original condition.
- 6 The measures contained within the Habitat Management Plan reference 424.05075.00002, version No. 1, October 2016, submitted as part of planning application 2014/0633 shall be maintained and retained for the lifetime of the development.

Within three months of the development hereby permitted first being brought into use, there shall be submitted to and approved in writing by the Borough Council a Habitat Management Plan, detailing works to enhance the retained grassland beneath the solar arrays, including a sensitive mowing regime, the re-seeding of disturbed areas, and the over-seeding of the whole compound site with a wildflower seed mix to raise its botanical diversity (further details of which, including species mixes, should be submitted within the Habitat Management Plan). The Habitat Management Plan 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.

- 1 Reason: For the avoidance of doubt.
- 2 Reason: 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
- 3 Reason: In the interests of amenity
- 4 Reason: In the interests of visual amenity
- 5 Reason: In the interests of visual amenity
- 6 Reason: To enhance biodiversity

Informatives

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 39 of the National Planning Policy Framework based on seeking solutions to problems arising in relation to dealing with the planning application.