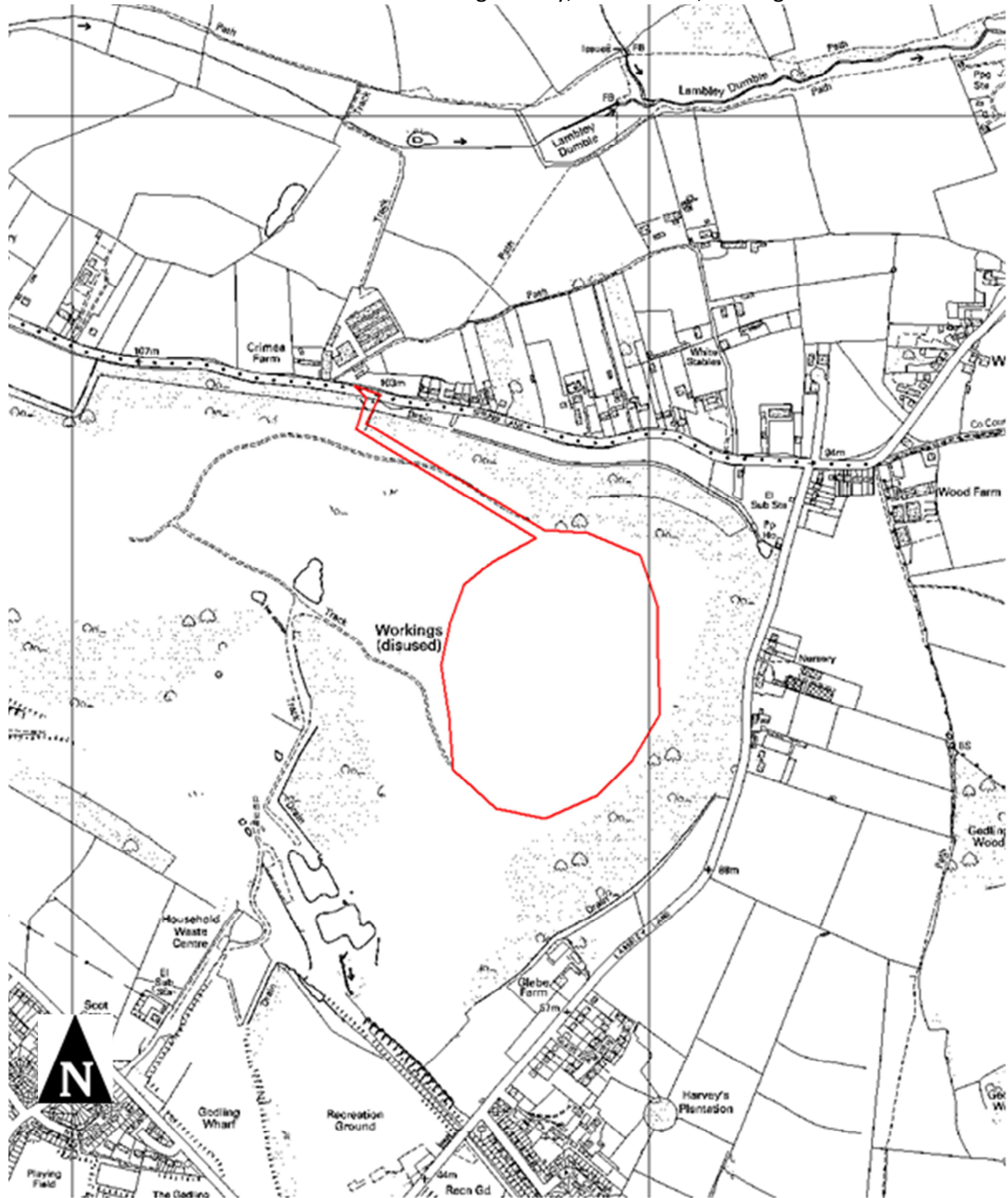


Application Number: 2012/1335

Location: Former Gedling Colliery, Arnold Lane, Gedling.



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. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright No. LA 078026
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Report to Planning Committee

Application Number:	2012/1335
Location:	Former Gedling Colliery, Arnold Lane, Gedling, Nottinghamshire.
Proposal:	Solar Farm
Applicant:	Mr Michael Annis
Agent:	Ms. Helen Forsyth

Site Description

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. Apart from the access onto Spring Lane and the route of a temporary construction road, most of the site is located on the upper part of the former colliery spoil tip, which now consists of a plateau covered predominantly by rough grassland and small areas of wetland. The plateau is known as Wicketwood Hill.

There are three groups of existing trees around the site, although only one of these is within the site boundary. These trees were planted as part of the former colliery restoration works to the northern and eastern sides of the former spoil tip.

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, around the edge of the former Gedling Colliery, lies the main urban conurbation of Gedling, Carlton and Mapperley.

The site and wider area of the former colliery spoil tip is allocated in the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) as Protected Open Space in conjunction with the proposed Gedling Colliery Park and as part of a Sub-Regional Green Infrastructure Corridor in the Gedling Borough Aligned Core Strategy Submission Documents.

The site and wider area of the former colliery spoil tip is also a Nottinghamshire Biodiversity Action Plan priority habitat (Urban and Post-industrial habitat).

Relevant Planning History

In September 2012, the Borough Council issued a Screening Opinion stating that it did not consider that the proposed development would give rise to any significant

effects on the environment so as to require an EIA.

As a consequence, the Borough Council did not consider that any subsequent planning application for the proposed development should be accompanied by an Environmental Statement.

In April 2013, planning permission was granted for the Gedling Country Park, under planning application no: 2012/1456. 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.

Proposed Development

The proposal is 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. It 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.

The proposed layout comprises one compound area with the proposed solar panels installed in arrays on an aluminium framework of 48 panels each, elevated to an angle of 25 degrees and mounted facing due south. The solar panels would be blue-black in colour, and covered with non-reflective material to allow as much light as possible through to the PV cells and to minimise glare. The lower edge of the proposed panels would typically be about 0.6 of a metre off the ground and the upper edge about 2.5 metres, with a front to back width of approximately 3.8 metres.

The tables would be bolted to galvanised steel stanchions, which would be pile-driven into the ground to a depth of up to 2 metres. They would be laid out in rows, running east-west across the site, approximately 7 metres apart. Cable trenches would be laid along the rows to a depth of 0.7 of a metre, the upper parts of which would be back filled with native soil.

The direct current (DC) from the proposed panels would be converted to alternating current (AC) within 3 inverter sub-stations located along a central site axis within the site compound. Including bases, these would measure 10.7 metres by 5.2 metres by a maximum of 2.34 metres high.

The AC voltage from the inverters would be stepped up by transformers in the inverter sub-stations and would then be fed to another sub-station located at the compound site boundary. This would measure 8.3 metres by 5.2 metres by 3.92 metres high. The output would be exported to the grid via either an underground cable or overhead line, to be installed under existing permitted developments rights for Distribution Network Operators or may need to be the subject of a separate planning application, depending on the final design.

The compound would be enclosed by palisade security fencing, powder coated green, and measuring a maximum of 2 metres in height to ensure that it cannot be

accessed by the general public. Day and night CCTV with infrared would be mounted on 3 metres high poles around the perimeter of the proposed development. No artificial lighting is proposed.

During the construction and operation phase, vehicular access would be gained via the proposed access point off Spring Lane. The proposed access road runs in a north-west direction from the proposed compound area, joining Spring Lane to the west of the existing belt of trees adjacent to the northern boundary of the former colliery.

The proposed access mirrors that approved as part of the proposed Gedling Country Park in April 2013, under planning application no: 2012/1456 and the temporary construction access road and HGV turning area would be within the proposed Country Park. It is anticipated that the temporary construction access would be required for approximately 5 months, although access to the proposed compound would need to be retained from the proposed Country Park access or car park to allow on-going maintenance and security. This would be the subject of a separate agreement between landowners.

It is anticipated that the construction period, including access routes, erection of security fencing etc. will last for approximately 10 weeks, with activities taking place between 07:30-19:30 hours Monday to Friday and 07:30-13:00 hours on Saturdays with no working on Sundays.

Once the proposed installation is operational, it will be unmanned and monitored remotely. The Security, Control and Data Acquisition system allows intruders, faults and under performance to be identified immediately and alarmed to site management.

The application is accompanied by a Design and Access Statement, Planning Statement, Extended Phase 1 Habitat Survey, Landscape and Visual Appraisal, Flood Risk Assessment, Phase 1 Preliminary Risk Assessment and a Transport Statement.

The solar panels are designed with an operational life of 25 years. At the end of the lifespan of the solar panels, the solar farm would be dismantled and removed, prior to the site being restored.

With regard to the proposed Gedling Country Park, it is suggested by the applicant that the proposed development is complementary to the Council's proposals for the following reasons:

- Installation of renewable technology, which would act as a point of interest for users of the existing open space/potential country park;

- Potential to incorporate educational benefits, such as educational site visits and/or information boards;

- Ensuring the site is well managed through regular surveillance by means of 24 hour CCTV, increasing the security of the Proposed Development and wider area

for users of the open space;

Potential to enhance biodiversity through the maintenance and creation of habitats, where appropriate; and

Restoring the site to its current use at the end of the useful lifespan of the PV technology.

For these reasons, it is considered that the proposed development represents a complementary use that would not conflict with the intentions of the Council to create a Country Park on the remainder of the former Gedling Colliery site.

Revised Plans & Additional Information

Although the area within which the solar arrays are proposed to be sited has not changed, revised site layout and junction layout plans have been submitted, showing minor changes to the proposed access, visibility splays, internal road and turning area to serve the proposed development. The overall module layout has also been revised during processing of the application.

Whilst an Outline Draft Ecological Mitigation Strategy was submitted in January 2013, further ecological survey work has been undertaken following discussions and an Extended Phase I Habitat Survey (including Desk Study) was submitted in June 2013. The report details the habitats found on site and results of the bird breeding surveys, reptile and amphibian surveys and invertebrate surveys.

Although the main content/assessment within the report remains the same, this was subsequently updated to include additional paragraphs detailing what additional planting is proposed to enhance grassland and providing additional details on what mitigation measures are proposed to enhance the site for birds, reptiles and amphibians, including:

Areas where soils disturbance has taken place to be seeded with appropriate wildflower mix (as detailed in paragraphs 5.2.1 and 5.2.4 of Revised Survey)

Sensitive mowing regime, to include strimming beneath panels rather than use of herbicide, plus once a year grass cut in early to mid-September in other areas, with cuttings removed (paragraph 5.2.1)

Erection of three pole mounted nesting boxes (paragraph 5.2.2)

S.106 agreement to contain provision for ecological enhancement of nearby habitat to compensate for the anticipated impact on specified breeding birds (paragraph 5.2.2)

Post construction monitoring for two years commencing 6 months after completion of the project (paragraph 5.2.2)

Creation of three hibernacula/basking mounds (paragraph 5.2.3)

A revised Landscape and Visual Appraisal has also been submitted in response to the comments made by the County Council Landscape Section (see below).

A Technical Briefing by the applicant and agents was held for members of the Planning Committee and Portfolio Holder on 15th July 2013. This was also open for attendance by members of the public.

Consultations

Local residents have been notified by letter, site notices have been posted and the application has been publicised in the local press.

Local Residents – I have received 48 letters and emails in response, which raise objections to the proposed development, which can be summarised as follows:

Ecological Issues

This open conservation grassland site with areas of shallow wetland has become an important habitat for some declining and threatened wildlife species [which have been listed in detail] and the proposed development would do irreparable ecological damage to this precious wildlife haven.

The site is a place of ecological merit, rare wetlands and an acknowledged area of conservation for many invertebrates, flora and fauna [which have been listed in detail].

The site is ecologically important for ground nesting and over-wintering birds [which have been listed in detail], due to a low level of disturbance and an abundance of prey species. This combination is unique in Nottinghamshire and as an important wildlife and ecological habitat it is on a par with Attenborough, Netherfield Lagoons and Sherwood Forest and its Heathlands.

The whole of the former Gedling Colliery site is extremely large and a less ecologically sensitive and unique area, such as the north-western corner, should be found within it to accommodate the Solar Farm. Pursuing the eastern plateau as an option without having a full Environmental Impact Assessment would be an act of ecological vandalism.

There has been no ecological survey or breeding bird survey, and the application should not be considered before an independent biological survey has been completed and any mitigation measures proposed.

The woodland leading to the Mapperley Tunnel is semi-natural and notified as a botanical Site of Importance for Nature Conservation. It has been noted by Natural England as being crucial to the bat colony occupying the tunnel, and a number of bats have been noted feeding over the ponds on the former Gedling Colliery site.

The Spring Lane hedgerow, where the site access is proposed, has local historical and archaeological significance and contains a number of ancient

woodland species [which have been listed in detail].

The site has the potential to be the best visible migration watchpoint in Nottinghamshire.

It is a diverse wildlife site that the Borough Council should be proud to protect and conserve for the local community to enjoy, rather than to despoil with the proposed development.

This is the wrong location for such a large development in an area with such diverse wildlife. Green energy is valuable, and alternative sources of power are needed, but this becomes environmentally disastrous if installations are poorly located.

A more appropriate location would be to site the proposed development at a local airfield or airport, where birds are a potential danger, and to retain this local wildlife habitat. Another alternative would be on the farmland surrounding the former Gedling Colliery, which does not support such a diverse wildlife population.

Landscape & Visual Impact Issues

The beauty of the former Gedling Colliery site is the panoramic views it offers of the surrounding area and sense of wilderness it offers. The proposed Solar Farm would inevitably compromise the essence of this area and the Borough Council's proposed Country Park, which is greatly anticipated and appreciated.

One of the main attractions is the view available from the site of the proposed development across the Trent Valley as far as Belvoir Castle, Newark and Lincoln and there are few accessible places in the County which provide such an attractive prospect. It is disappointing to see that this viewpoint would be lost to the proposed Country Park as a consequence of the proposed development.

The proposed development would occupy a large central plot within the wider area that has been designated as a Country Park, and the installation would be surrounded by a 2 metres high security fence. This would have a negative visual impact on the proposed pedestrian paths within the proposed Country Park and would spoil the potential appeal of the Park for many people. Visitors bring money, which could be re-invested into the Park's ongoing maintenance and development, and reducing the liability to local taxpayers.

The proposed development would be a blight on the landscape. It would have an unsightly industrial appearance and be sited in a prominent location, which would be visible from long distances, especially from houses to the south which directly overlook the former Gedling Colliery.

Siting this industrial development within a proposed Country Park is incompatible and would be contrary to the designation of the former Gedling Colliery for a Country Park in Policy ENV44 of the Replacement Local Plan.

Gedling pit top has become a much valued unofficial resource to the local residents, including youngsters, who have established access routes to enjoy this area.

Photographs showing the proposed site do not appear to include views from Lambley Lane, specifically Glebe Farm View, which possesses a more elevated view of the pit top.

Policy Issues

The National Planning Policy Framework (NPPF) provides clear guidance for the development of renewable energy as well as for the protection and enhancement of biodiversity.

The NPPF does not suggest that all renewable energy applications should be approved, but that local planning authorities should consider identifying suitable areas for renewable and low carbon energy sources.

The NPPF refers to measures to minimise the impacts on biodiversity and that the planning system should contribute to and enhance the natural and local environment by a number of means.

Policy R1 of the Replacement Local Plan gives protection for open space and the proposed development fails to meet any of the exceptions to this policy.

Policy 17 of the Aligned Core Strategy states that biodiversity will be increased over the Core Strategies period by protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including areas and networks of habitats and species listed in the UK and Nottinghamshire Biodiversity Action Plans. Policy 17 goes on to state that development on or affecting other, non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place. As the site meets these criteria, the developer has to demonstrate an overriding need for the development and provide adequate mitigation.

Whilst there is a presumption in favour of sustainable development, a development that effectively destroys 14 hectares of important habitat with high biodiversity cannot be considered as sustainable.

When determining the application to erect two wind turbines at Stoke Bardolph, the Borough Council considered that the 'very special circumstance' of generating renewable energy would not outweigh the harm to the Green Belt. The estimated electricity output from the proposed Solar Farm is considerably less than that which would have been generated by the wind turbines.

Whilst not in the Green Belt, the status of the former Gedling Colliery as protected open space ought to afford it a level of protection at or above that of Green Belt land.

Other Issues

The calorific value of the colliery spoil suggests that there is a significant risk of combustion at locations across the site within the deposited spoil materials, which could represent a hazard to future site users and adjacent properties.

It would appear that publicity and consultation about this proposal has been inadequate and has not reached many of the local people in the Gedling area. Insufficient time was given to respond.

It is likely that there will be considerable glare and reflection from the proposed panels into nearby residential properties.

Concern is expressed about the possible health implications of Solar Farms, which have yet to be quantified and may be similar to those posed by electricity pylons. It is unclear from the submitted plans as to where the electricity pylons and other infrastructure are to be located.

The stability of the slopes, and the east tip in particular, is dependant on surface water management across the site. The erection of a large number of solar panels would have a significant impact on this, which should be considered prior to determination of the application.

There is no guarantee that the applicant will be able to re-instate and return the site to its original use after 25 years, which may become an expensive legacy for the Council.

The site has subsidence and radon gas emission. Electricity and a flammable gas does not seem compatible.

The proposed development may adversely affect future house values in the surrounding area.

The application is made a for-profits company, not even based in Nottinghamshire, never mind Gedling Borough. There appears to be no sustainable employment to be created, ignoring local needs. The site should be offered to a locally created community enterprise that benefits the local community.

The Borough Council should listen to what local people say on important local planning issues.

I have received 2 emails of representation in support of the proposed development, which can be summarised as follows:

Whilst this application will cause a great deal of concern to local naturalists, the ecological report correctly evaluates the area as being of low botanical interest. Climate change is a serious threat and overrides the limited interest nature conservation of the site, which could through good design be mostly retained and enhanced. Applications like this must not be unduly bogged down or delayed.

It is hoped that the applicant could retain the rough grassland and retain and enhance the scrapes, which would demonstrate that such sites could enhance nature rather than destroy it and thus make future development of this type more acceptable and truly sustainable.

Provided the proposed Solar Farm can be properly integrated with the proposed Country Park, it would be an ideal compromise/solution for the use of the site as a whole.

I have also received 3 emails of representation which make neutral comments and which can be summarised as follows:

As there are already energy companies benefiting from this land, it would be appreciated to see financial support towards the proposed Country Park. It is unusual to have a site such as this so close to the edge of the city and effort should be made to ensure that this lucrative site benefits everyone.

Whilst the proposed Solar Park is a good idea, photographs showing the proposed site do not appear to include views from the new Taylor Wimpey development off Spring Lane, and the visual impact of the proposal from this development should be taken into account.

The location of the site given in the application is ambiguous and misleading.

Following re-consultation on the revised plans & additional information, I have received 4 further emails re-iterating some of the above objections and adding, in summary, that:

Whilst there are positive proposals about erecting nest boxes and other attempts to minimise ecological impact, the proposed development remains inappropriate within a proposed Country Park and an important wilderness area, and the impact does not disappear.

Local residents have not been re-consulted following receipt of the additional paragraphs to the Extended Phase I Habitat Survey (including Desk Study), detailing what additional planting is proposed to enhance grassland and providing additional details on what mitigation measures are proposed to enhance the site for birds.

Lambley Parish Council – no objections.

Natural England (NE) – comments that this proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development.

However, using NE's national standing advice, the local planning authority should assess protected species surveys and mitigation strategies when determining this application.

Notwithstanding the above, NE advised that further survey effort was required for

Great Crested Newts.

Nottinghamshire County Council (Nature Conservation) – was initially unable to support the proposed development on the grounds that:

The ecological information submitted amounts only to an Extended Phase I Habitat Survey.

No consultation with the Nottinghamshire Biological and Geological Records Centre had been carried out.

The survey report recommends a number of further surveys, which had not been undertaken.

No proper assessment of impacts had been carried out and no details of mitigation/compensation were provided.

Following re-consultation on the additional ecological information, the County Council is now satisfied that this application is supported by sufficient ecological survey work, allowing the ecological impact of the proposals to be properly considered. In particular, surveys for breeding birds, amphibians and reptiles have now been completed. It should be noted that wintering bird surveys have not been carried out, but bird records have been obtained from the Nottinghamshire Biological and Geological Records Centre.

No evidence of protected species (reptiles, amphibians or badgers) was found during the site surveys, and these are not considered to be a constraint on the development. However, the principle impact arising from the proposal relates to ground nesting birds which currently use the site - 5 pairs of lapwings, 9 pairs of skylark and 3 pairs of meadow pipit (all red or amber listed species of conservation concern), and also wintering birds (including snipe, jack snipe and short-eared owl). The precise impact of the development on these species is unknown, but it appears likely that a significant proportion of those birds currently using the site will be displaced from the application area, post-construction.

On this basis, it is the County Council's opinion that it is necessary to secure appropriate mitigation and compensation works, as per the requirements set out in paragraph 118 of the NPPF (which outlines the mitigation hierarchy). A range of measures are proposed, including the provision of off-site works, and it is recommended that the measures discussed to date (namely, the funding of works on a parcel of land adjacent to the Netherfield Lagoons Local Nature Reserve), are secured through an appropriate mechanism. Although such work will not deliver like-for-like compensation (the wetland habitat to be created will not be suitable for skylark or meadow pipit), it is likely to provide good breeding habitat for lapwings (and other wader species such as little ringed plover), and winter habitat for the two snipe species.

A range of additional on-site mitigation measures are proposed, to enhance the value of the site post-construction. Planning conditions should be used to secure these measures, as follows:

The undertaking of vegetation clearance works outside the bird nesting season (which runs from March to August inclusive), unless otherwise approved following a survey of the site and the submission of mitigation measures by an ecologist, as per section 5.2.2 of the SLR report (third paragraph).

The erection of three nest boxes (2 for barn owl, 1 for kestrel), as per section 5.2.2 of the SLR report (first paragraph).

The undertaking of post-construction monitoring of birds, as per section 5.2.2 of the SLR report (final paragraph).

The creation of reptile hibernaculae, as per section 5.2.3 of the SLR report.

Works to enhance the retained grassland beneath the solar arrays, to include a sensitive mowing regime and reseeded of disturbed areas. In addition, I would recommend that the whole area is over-seeded with a wildflower seed mix to raise its botanical diversity. Further details (including species mixes) should be submitted within a habitat management plan, to be produced within 3 months of development commencing.

With the delivery of the on-site habitat enhancement works and the provision of off-site habitat creation, the view of the County Council is that the impacts arising from this development can be sufficiently mitigated against/compensated for.

Nottinghamshire Wildlife Trust (NWT) – – initially objected to the proposed development on the grounds that:

Incongruous location for a proposal of this type.

The ecological information submitted amounts only to an Extended Phase I Habitat Survey.

No consultation with the Nottinghamshire Biological and Geological Records Centre had been carried out.

Further surveys had not been undertaken.

No proper assessment of impacts had been carried out.

The site qualifies as a herptiles Site of Importance for Nature Conservation (SINC).

Following re-consultation on the Outline Draft Ecological Mitigation Strategy, the NWT maintained its objection and commented that:

The strategy does not contain any up to date survey information for notable and protected species and it is not acceptable for surveys to be carried out after permission is granted.

The site is widely acknowledged as an important area for breeding and

overwintering birds. Foraging would be comprised by the loss of 13 hectares of mammal rich grassland to this proposal.

The required survey information should be used to assess the impacts of the proposal on birds, amphibians, reptiles and badgers and the biodiversity of the site as a whole and to determine how to mitigate for the impact on individual species and biodiversity.

In response to comments made in a letter from the applicant's agent in February 2013, the NWT re-iterated its previous objection and comments and also advised that the former colliery spoil heap, including the proposed development site, now qualifies as a SINC for the assemblage of moths that it supports. The likely impact on these cannot be assessed without sufficient survey data and evaluation of that data.

Following re-consultation on the additional ecological information, the NWT comments that the breeding bird surveys identified that 55 species of bird were present on site during the survey period, 50 of which are likely to have bred in the vicinity of the proposed development area in nearby woodland, scrub and grassland habitats. Three bird species bred within the proposed development footprint; lapwing (5 pairs), meadow pipit (3 pairs) and skylark (9 pairs), which means that a total of 17 nest sites occurred in the development footprint. It was also thought that a cuckoo had laid eggs in one of the meadow pipits nest within the footprint. Cuckoos are increasingly uncommon in Notts. The report states that many of the birds currently using the development footprint will be able to continue to use the site for breeding and foraging, however the NWT believes that it is unlikely that most will do so as skylark, common snipe, jack snipe and lapwing in particular, favour sites with an open aspect and the land under and around the solar panels will not be open.

To mitigate for this impact, the report states that a nearby site or sites will be enhanced, but no detail is given of which sites and what enhancements. The NWT would wish to see details of the enhancements and where they are to be located secured through a planning condition, the details will therefore need to be provided prior to determination of this application. Provision of owl and kestrel boxes, as stated in the section 5.2.2 of the report, should also be secured through a planning condition. Ground clearance and installation of panels and fencing should be undertaken outside of the bird breeding season (March to September).

No great-crested newts were found on site, but good numbers of smooth newts, common toad and common frog were found in the survey area, with over 1200 common toads being recorded during the first survey session. The NWT disputes the survey reports assertion that palmate newt were found on site, as this species has never been recorded at this site, including during recent surveys by the Nottinghamshire Amphibian and Reptile recorder. As stated in previous responses, the entire Gedling Pit top site is a candidate Site of Importance for Nature Conservation (SINC) for its amphibian assemblages and this designation is likely to be formalized in due course. Should the Borough Council decide to grant permission for the solar farm, hand searches for amphibians should be

carried out in the vicinity of any ground clearance during infrastructure installation.

No reptiles were found on site; however the report states that should the proposal be granted permission, three hibernacula will be created to benefit reptiles and the existing amphibian population. These hibernacula should be secured through a planning condition.

The report also commits to ensuring that the perimeter fence of the development will be raised off the ground to allow mammals to continue to use the site by entering and burrowing under the fence. This should also be secured via a planning condition should the Borough Council decide grant permission for this proposal.

Section 5.2.1 of the report details the proposed mitigation relating to grassland management and treatment of areas of disturbed ground with wildflower seed. These proposals are acceptable.

The NWT welcomes the provision of the additional survey and mitigation information submitted in support of this application and has summarized the findings and some of the mitigation above. However, there is no detail of the off-site enhancements provided which makes it impossible to determine if the proposals are adequate or appropriate. Although the above has reduced the NWT's concerns about the environmental impact of the proposals to some extent, it still believes that the proposal to site a solar farm on a site of high value to wildlife and to the local community is incongruous. The remainder of the site has been granted permission to be formalized as a Country Park; a solar farm in this setting is not appropriate.

Gedling Conservation Trust (GCT) – initially objected to the proposed development on the grounds that:

Surveys are required to assess the impacts of the proposal on birds, amphibians, reptiles, badgers, invertebrates and local biodiversity.

There is no proper mitigation plan to mitigate for the damage that would be done to an important wildlife site and the inevitable destruction of vital habitat.

A number of protected species are to be found on the site, and several are breeding there (these have been listed).

It is regrettable that an Environmental Impact Assessment was not required.

The proposed development would be contrary to relevant policies contained within National Planning Policy Framework, the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and the Aligned Core Strategy.

Public consultation has been inadequate.

Following re-consultation on the additional ecological information, the GCT

welcomes the new mitigation measures detailed in Section 5.2 of the revised Extended Phase 1 Habitat Survey (June 2013). If these measures can be secured by a planning condition and, where appropriate, a S106 agreement, GCT is willing to withdraw its previous objections.

Nottinghamshire County Council (Landscape Advice) – initially outlined in detail two main areas of concern and lack of clarity, which can be summarised as follows:

The visual impact of the Solar Farm for users of the Country Park

An assumption that the Solar Farm would be screened by local topography on the summit.

Following re-consultation on the revised Landscape and Visual Appraisal (LVA), the County Council commented that:

With respect to the impact on users of the Country Park, the County Council suggested that the site appraisal photographs, taken from the Solar Farm boundary and looking in, be used as the basis of photomontages. This does not appear to have been included in the revised Landscape and Visual Appraisal (LVA) and therefore the County Council's original comments that there would be substantial adverse impact upon users of the proposed Country Park remain unchanged.

With respect to sightlines and the assertion that the Solar Farm is located beyond the ridgeline, and it was also suggested that information be provided to substantiate this

However, after further discussions, additional photographs and information have been submitted for clarification. As a consequence, the County Council has reviewed the LVA and now makes the following comments:

1. Landscape Character

The overall landscape strategy for this policy zone area (MN043 Gedling Colliery Green Space) is to enhance and restore. There are long views over the surrounding countryside and the rising and restored tip has a more distinctive sense of place than other urban fringe areas.

The LVA notes that the site has low-moderate sensitivity. The site appraisal photographs show views looking towards the site summit from the periphery of the proposed development and do demonstrate that from these positions, the summit blocks views of the wider countryside.

However, from the summit itself, there would be variable but extensive views over Nottingham, the Trent and Vale of Belvoir and this would be a key attraction of the Country Park, and a key characteristic of the local landscape. The flat-topped summit, when seen against the skyline, its altitude and distinction as the highest point in the area and the views afforded, are seen as key to the local landscape character.

The development of the summit as a Solar Farm, with an industrial development standing proud of the expansive flat-topped summit and removing opportunities to reach the highest point, are assessed as medium adverse. This gives the impact on landscape character as slight-moderate adverse, if it is accepted that the site has low-moderate sensitivity. A level of moderate sensitivity would result in moderate adverse impact on landscape character.

A Solar Farm development on the summit is seen as contrary to the policy of “Enhance and Restore”.

2. Visual Impact

Apart from one viewpoint located within the Country Park boundary, the visual baseline lists only points well beyond the proposed development, and beyond the Country Park boundary. However, as far as it goes, the visual baseline does demonstrate that from the points listed, there is little or no adverse impact, due to a combination of distance, topography and woodland.

There is an analysis of the visual impact of the proposed development during both its construction and operational phases. Again, there is only one viewpoint from within the Country Park, and this is some distance away from the proposed development. Consequently, it is considered that the visual impact is underestimated. Recreational users are considered of high sensitivity and the magnitude of change will be high for receptors in close proximity to the proposed development, to moderate for those at distance. The overall visual impact during both the construction and operational phase will be moderate-substantial adverse.

It is understood that no mitigation measures are proposed, despite a comment to this effect in the LVA.

3. Summary

The County Council does not recommend acceptance of this development on the grounds that the proposals do not support the “Enhance and Restore” action for the area. It is also considered that the selection of points from which to assess visual impact underestimates the impact on future users of the Country Park. The assessment of impact on landscape character also underestimates the contribution that the dominant landform of the undeveloped tip summit would make to the landscape character of the Country Park.

Nottinghamshire County Council (Arboricultural Advice) – concern is expressed that the proposed development would have a significant effect if it results in the removal of trees planted to create local public visual amenity.

Nottinghamshire County Council (Highway Authority) – having considered the additional information provided, the Highway Authority has no objections in principle to the proposed development subject to the imposition of conditions regarding construction of the proposed access, turning facility and a lorry routing agreement.

The applicant's attention is drawn to the procedure for undertaking off-site highway works and the need to prevent mud and debris being transported onto adjacent roads.

Although the Highway Authority also advised that the internal road layout and car parking in relation to the Gedling Country Park proposals is likely to change, as part of the current design process for the Country Park, it has confirmed verbally that this will not conflict with the proposed access and turning facility for this application.

Parks & Street Care – observe that access to the proposed Solar Farm appears to be via the proposed new access into the Gedling Country Park off Spring Lane. Access rights will need to be determined in advance of any proposed development being installed.

Grassland habitat will be affected by such encroachment.

Public Protection – have reviewed the Phase 1 Preliminary Risk Assessment and agree with the report's conclusions and recommendation; that further assessment works are required around slope stability and calorific values of the colliery spoil.

It is therefore recommended that specific conditions are imposed on any planning permission to ensure that the correct assessments and any remedial works are carried out to ensure the site is suitable for use. Details of the necessary conditions to secure this have been provided.

Environment Agency – observes that the proposed development will only be acceptable if a planning condition is imposed requiring details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

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.

The reason for this condition is 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.

Advice and information is also provided by the Environment Agency regarding any proposed alterations to the above condition; sustainable drainage methods and surface water run-off control.

Severn Trent Water – no objection to the proposal and no comments.

Urban Design Consultant – No objection to the proposal, although it would affect the appearance of the countryside in this area. However, the proximity of the site to the proposed Gedling Access Road and future residential and industrial development is acknowledged and the site will become less isolated in future.

Whilst Solar Farms do change the landscape, the structures are easily removable if better sources of energy develop.

Planning Considerations

The main planning considerations in the determination of this application are the impact of the proposed development on ecology, the local landscape, the proposed Gedling Country Park and whether the proposal would meet the main principles of sustainable development.

Other planning considerations include what impact the proposed development would have on trees, residential amenity, highway safety and whether its design is acceptable.

National planning policy guidance is set out in the National Planning Policy Framework (NPPF), at the heart of which is a presumption in favour of sustainable development. The following core planning principles of the NPPF are relevant to this planning application:

7. Requiring good design (paragraphs 56-68)
10. Meeting the challenge of climate change, flooding and coastal change (paragraphs 100-104)
11. Conserving & enhancing the natural environment (paragraphs 109-125)

Locally, the following saved policies of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) are relevant to this planning application:

- Policy ENV1: Development Criteria
- Policy ENV5: Renewable Energy
- Policy ENV43: Greenwood Community Forest
- Policy ENV44: Gedling Colliery Park
- Policy R1: Protection of Open Space
- Policy T10: Highway Design and Parking Guidelines

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (ACSSD) which it considers to be sound and ready for independent examination. Consequently, Gedling Borough Council, in determining planning applications may attach greater weight to the policies contained in the ACSSD than to previous stages, as it is at an advanced stage of preparation. The level of weight given to each policy will be dependent upon

the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given), and is explored further in the Introduction Report.

The following emerging planning policies are relevant to this planning application:

1. Climate Change
10. Design and Enhancing Local Identity
- 16 Green Infrastructure, Parks and Open Space
17. Biodiversity

The Borough Council is aware of a letter from the Department for Communities and Local Government dated 27th May 2010, which confirms the Governments' intention to rapidly abolish Regional Spatial Strategies (RSS). There have been a number of legal challenges to this letter, but the current position is that the RSS forms part of the Development Plan, although the intention to revoke the RSS is a material consideration. After reviewing the East Midlands Regional Plan, it is considered that none of the policies it contains are relevant to this application.

Ecological Considerations

The relevant planning policies which need to be considered in relation to ecological matters are set out in Policy 17 of the ACSSD and Section 11 of the NPPF.

Policy 17 of the ACSSD seeks, amongst other things, to ensure that biodiversity will be increased over the Core Strategies period by:

- a) Protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including areas and networks of habitats and species listed in the UK and Nottinghamshire Biodiversity Action Plans;
- b) Ensuring that fragmentation of the Green Infrastructure network is avoided wherever appropriate and improvements to the network benefit biodiversity through the incorporation of existing habitats and the creation of new habitats.
- c) Seeking to ensure that new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate;
- d) Supporting the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreements; and
- e) Ensuring that where harm to biodiversity is unavoidable, and it has been demonstrated that no alternative sites or scheme designs are suitable, development should as a minimum mitigate or compensate at a level equivalent to the biodiversity value of the habitat lost.

Policy 17 of the ACSSD goes on to state that development on or affecting non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development

and that adequate mitigation measures are put in place.

Paragraph 118 of the NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including the encouragement of opportunities to incorporate biodiversity in and around developments. 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.

I note that the site and wider area of the former colliery spoil tip is a Nottinghamshire Biodiversity Action Plan priority habitat and that the principal impact arising from the proposed development relates to ground nesting birds (all red or amber listed species of conservation concern), and also wintering birds. It appears likely that a significant proportion of those birds currently using the site would be displaced from the application area post-construction. In these circumstances, I share the view of the County Council's Conservation Team that it is necessary to secure appropriate mitigation and compensation works, as per the requirements set out in paragraph 118 of the NPPF. A range of measures are proposed, including the provision of off-site works on a parcel of land adjacent to the Netherfield Lagoons Local Nature Reserve, and I consider that it would be appropriate, if my recommendation is accepted, to secure these measures by means of a S106 planning obligation.

Whilst I appreciate that such work would not deliver like-for-like compensation, it is likely to provide good breeding and winter habitat for some of the species likely to be displaced.

A range of additional on-site mitigation measures are proposed, to enhance the value of the site post-construction and these could be secured by the imposition of appropriate conditions, as requested by the Nottinghamshire Wildlife Trust and the Gedling Conservation Trust.

The presence of a protected species is a material planning consideration, but I note that the further ecological survey work which was requested and undertaken, found no evidence of protected species (reptiles, amphibians or badgers), and these are not considered to be a constraint on the proposed development.

In the context of the challenge posed by climate change and declining fossil fuel reserves, there is an established need for renewable energy generation and the proposed development would form part of the UK's overall strategy to reduce carbon dioxide emissions and improve security of energy supply.

Whilst the proposed development would have a detrimental impact on the existing ecological interest of this part of the former Gedling Colliery, I am satisfied, on balance, and after taking into account the mitigation and compensation measures now proposed, that the proposed development would:

Enhance existing areas of biodiversity interest elsewhere within the Borough.

Avoid fragmentation of the Green Infrastructure network.

Provide new biodiversity features, and improve existing off-site biodiversity features.

Support the management and maintenance of existing and created habitats.

Compensate at a level equivalent to the biodiversity value of the habitat lost.

As such, I consider that the proposed development would accord with the aims of Policy 17 of the ACSSD and paragraph 118 of the NPPF.

Landscape Considerations

The relevant planning policies which need to be considered in relation to landscape matters are set out in Policies ENV43 of the RLP, Policies 10 and 16 of the ACSSD and Section 11 of the NPPF.

Policy ENV43 of the RLP states that prior to granting planning permission for development within the Greenwood Community Forest area, the Council will seek to negotiate with developers to secure new tree or woodland planting as part of the development. However, bearing in mind that there has been significant tree planting around the application site as part of the Gedling Colliery restoration works and that further planting within the site would be incompatible with the proposed development and detrimental to the local habitat, no new planting is considered appropriate in this particular instance.

Policy 10 of the ACSSD states, amongst other things, that new development will be assessed with regard to its potential impact on important landscape views and vistas and that, outside settlements, new development should protect, conserve or where appropriate enhance landscape character. In broad terms, this also reflects the aims of Section 11 of the NPPF.

Policy 16 of the ACSSD states that a strategic approach will be taken to the delivery, protection and enhancement of Green Infrastructure and requires, amongst other things, that Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Area (GNLCA).

Paragraph 109 of the NPPF states, amongst other things, that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The potential landscape and visual effects of the proposed development have been assessed in the Landscape and Visual Appraisal (LVA), as revised, which forms part of this application. I also note that the overall landscape strategy for this policy zone area (MN043 Gedling Colliery Green Space) in the GNLCA is to 'enhance and restore'.

In terms of landscape character, I appreciate that there are long views from the site over the surrounding countryside and that the rising and restored tip has a more

distinctive sense of place than other urban fringe areas. The proposed development would be sited on the flat-topped summit and would remove opportunities to reach the highest point, which gives a slight-moderate adverse impact on landscape character. As such, the proposed development must be considered to be contrary to the above landscape strategy.

However, I note that the County Council Landscape Team has reviewed its initial comments on the revised LVA and accepts that views looking towards the site summit from the periphery of the proposed development do demonstrate that, from these positions, the summit blocks views of the wider countryside.

In terms of visual impact from points located outside the proposed Gedling Country Park boundary, I note that it has been demonstrated that there is little or no adverse impact, due to a combination of distance, topography and woodland. However, the County Council does consider that the visual impact for recreational users will be high for receptors in close proximity to the proposed development, to moderate for those at distance. The overall visual impact will therefore be moderate-substantial adverse.

I am mindful, therefore, that the County Council does not recommend acceptance of this development on the grounds that the proposals do not support the 'enhance and restore' action for the area and considers that the visual impact on future users of the Country Park has been under-estimated. In addition, the County Council considers that the assessment of impact on landscape character also underestimates the contribution that the dominant landform of the undeveloped tip summit would make to the landscape character of the Country Park.

Whilst I appreciate the concerns which have been expressed by local residents and the County Council in terms of the impact of the proposed development on the local landscape, I share the view of the Urban Design Consultant that this impact must be balanced against the proximity of the site to the proposed Gedling Access Road and future residential and industrial development, which I consider would have similar or greater impacts on landscape character and on the visual impact for users of the proposed Gedling Country Park.

Bearing this in mind, and the weight which must be attached to the need for renewable energy generation, I consider that it would be difficult to sustain a refusal of planning permission on landscape grounds, although the proposed development would not accord with Policies 10 and 16 of the ACSSD and paragraph 109 of the NPPF.

In this respect, I am also mindful of paragraph 93, Section 10 of the NPPF on climate change, which states, amongst other things, that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy and associated infrastructure.

Gedling Country Park, Public Open Space & Green Infrastructure Considerations

The relevant planning policies that need to be considered in relation to the proposed Gedling Country Park, public open space and Green Infrastructure are set out in Policies ENV34 and R1 of the RLP and Policy 16 of the ACSSD.

Policy ENV44 of the RLP states that the Borough Council propose, through the Greenwood Community Forest Partnership, appropriate options for the provision of public open space at Gedling Colliery, as shown on the Proposals Map. The supporting text to this Policy goes on to state that the former Gedling Colliery Pit Tip is important in the context of the development site at the former Gedling Colliery and that opportunities for links between the recreational land, the new development and the wider countryside will be pursued.

This is now reflected in Policy 16 of the ACSSD, which identifies Gedling Colliery/Chase Farm as part of a Sub-Regional Green Infrastructure Corridor which should be protected and enhanced. However, the Policy goes on to advise, amongst other things, that whilst Parks and Open Space should be protected from development, exceptions may be made if the development is a small part of the Green Infrastructure network and would not be detrimental to its function. I am satisfied that this is the case in this particular instance, bearing in mind the extent of the proposed Country Park in relation to the application site.

Policy R1 of the RLP states that planning permission will not be granted for development that is used, or was last used, as open space. However, as the application site for the proposed Country Park excluded the site of the proposed Solar Farm compound and the land is not currently being used as public open space, and never has been, I do not consider that any significant weight should be attached to this Policy, which is intended to protect the proposed Country Park as allocated in the RLP.

Whilst I note the comments made by the applicant's agent as to how the proposed development could be considered to be complementary to the Council's proposals, I would not attach any significant weight to these from a planning perspective.

In my opinion, the proposed development would not conflict with the aims of Policies ENV44 and R1 of the RLP or Policy 16 of the ACSSD.

Sustainability Considerations

The relevant planning policies that need to be considered in relation to sustainability are set out in Policies ENV1 and ENV 5 of the RLP, Policies 1 and 10 of the ACSSD and Section 10 of the NPPF.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it incorporates best practice in the protection and management of water resources.

Policy ENV5 of the RLP states, amongst other things, that planning permission will be granted, or supported, for development for Renewable Energy, provided the proposals do not adversely affect the amenities of residents or users of nearby properties and are designed, sited and landscaped to minimise any impact upon the

character of the area.

Policy 1 of the ACSSD requires all development proposals to deliver high levels of sustainability in order to mitigate against and adapt to climate change and to contribute to national and local targets on reducing carbon emissions and energy use and sets out how this should be achieved.

Policy 1 goes on to state, with regard to Sustainable Drainage, that all new development should incorporate measures to reduce surface water run-off, and the implementation of Sustainable Urban Drainage Systems into all new development will be sought, unless it can be demonstrated that such measures are not viable or technically feasible.

Policy 10 of the ACSSD requires all new development to be designed to be adaptable to meet evolving demands and the effects of climate change and reflect the need to reduce the dominance of motor vehicles and to perform highly when assessed against best practice guidance and standards for sustainability.

Section 10 of the NPPF states, amongst other things, that when determining planning applications for energy development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and advises local planning authorities to approve such applications if the impacts are (or can be made) acceptable.

As stated earlier, in the context of the challenge posed by climate change and declining fossil fuel reserves, there is an established need for renewable energy generation. The use of Solar Photovoltaic Cells is recognised as a source of renewable energy under current UK Government standards. As such, the proposed development would utilise renewable energy sources for the production of electricity and would form part of the UK's overall strategy to reduce carbon dioxide emissions and improve security of energy supply.

With regard to drainage, I note that the Environment Agency has no objection, subject to the imposition of an appropriate condition to secure a surface water drainage scheme, based on sustainable principles in order 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.

The proposed ecological mitigation measures would also increase the sustainability of the proposed development and contribute towards a greater understanding of its environment impact.

I am also mindful that the solar panels are designed with an operational life of 25 years and that at the end of this period the solar farm would be dismantled and removed, prior to the site being restored with no lasting environmental effects.

The impact of the proposed development on the character of the area and the amenity of local residents has been assessed in other sections and would not be contrary to the aims of Policy ENV5 of the RLP.

It is considered, therefore, that this proposed development for renewable energy would contribute to a reduction in greenhouse gas emissions and would possess other sustainable features, in accordance with the relevant aims of Policies ENV1 and ENV5 of the RLP, Policies 1 and 10 of the ACSSD and Section 10 of the NPPF.

Arboricultural Considerations

The most relevant planning policy that needs to be considered in relation to the impact of the proposed development on trees is set out in Policy 16 of the ACSSD.

Policy 16 of the ACSSD states, amongst other things, that existing Green Infrastructure corridors and assets are to be protected and enhanced.

The proposed temporary construction access road will fringe the western edge of a group of trees close to the site access and some minor loss of tree cover is inevitable in order to facilitate the access in this position. However, as these trees are immature and of relatively low arboricultural significance, their loss should not detrimentally affect the remaining trees within the group. I am also mindful that this work is also required in conjunction with the proposed Gedling Country Park access.

Whilst replacement planting would normally be recommended, the only realistic area within the applicant's control for this would be within the proposed compound area, which would conflict with both the proposed solar arrays and ecological habitats.

I am satisfied, therefore, that the loss of a small number of immature trees would not have a detrimental impact effect on the overall visual amenity of the area and is required to facilitate access to the proposed Gedling Country Park, as well as the proposed development.

I consider, therefore, that the proposed development would not be contrary to the aims of Policy 16 of the ACSSD.

Amenity Considerations

The relevant planning policies that need to be considered in relation to residential amenity are set out in Policy ENV1 of the RLP, Policy 10 of the ACSSD and Section 11 of the NPPF.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. This is reflected more broadly in Policy 10 of the ACSSD.

Policy 10 of the ACSSD states, amongst other things, that development will be assessed in terms of its treatment of the impact on the amenity of nearby residents and occupiers.

Paragraph 123 of the NPPF states, amongst other things, that planning decisions should aim to avoid any adverse noise impacts as a result of new development

Whilst there would be a temporary increased amount of traffic activity generated in the area, this would be primarily on Spring Lane, where there are few residential properties in the immediate vicinity. I also note that the construction period is only anticipated to last for approximately 10 weeks, following which there would be little traffic or other activity on the site.

I am satisfied, therefore, that the proposed use would not have any significant adverse impact on nearby properties due to the level of activities on the site or the level of traffic generated. For the same reason, I do not consider that the proposed development would give rise to any adverse noise impacts.

Whilst the proposed development would be visible from elevated points within the urban area, this would be less intrusive than other forms of renewable energy and would be minimised due to the distances involved and by the proposed location of the solar arrays on a plateau at the top of the former spoil heap, where views from below would be reduced by the local topography.

Whilst I note the concerns about potential reflective glare, I am mindful that the solar panels would be blue-black in colour, and would be covered with non-reflective material to allow as much light as possible through to the PV cells and to minimise glare.

In my opinion, the proposed development would not have an unduly detrimental impact on the amenity of nearby residents in accordance with the aims of Policy ENV1 of the RLP, Policy 10 of the ACSSD and Section 11 of the NPPF.

Highway Safety Considerations

The relevant planning policies that need to be considered in relation to highway safety are set out in Policies ENV1 and T10 of the RLP.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development if it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated and that development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and that, in this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children.

Policy T10 of the RLP refers to highway design and parking guidelines and states, amongst other things, that developers will not be required to provide more parking spaces than they consider necessary unless failure to provide enough off-street parking would harm road safety or prejudice the flow and management of traffic on nearby streets. In addition, Policy T10 requires that special attention will be paid to providing parking spaces reserved for disabled people in all non-residential development.

I note that the Highway Authority has no objections in principle to the proposed

development, subject to the imposition of appropriate conditions regarding construction of the proposed access, turning facility and a lorry routing agreement.

Whilst I am mindful that the internal road layout and car parking in relation to the Gedling Country Park proposals is likely to change, I do not consider that this is likely to conflict unacceptably with the proposed turning facility for Heavy Goods Vehicles as part of this application and am satisfied that there are appropriate planning mechanisms to address any such issue, should it arise.

It is considered, therefore, that the proposed development would provide access, parking and turning arrangements in accordance with Policies ENV1 and T10 of the RLP.

Design Considerations

The relevant planning policies that need to be considered in relation to design are set out in Policy ENV1 of the RLP, Policy 10 of the ACSSD and Section 7 of the NPPF.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials.

Policy 10 of the ACSSD requires all new development to be designed to a high standard and sets out in detail how this should be assessed. The most relevant design elements in this instance include the site layout; massing, scale and proportion; materials, architectural style and detailing.

Paragraph 65 of the NPPF states, amongst other things, that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.

The proposed development would inevitably introduce a new land use into the area, with a bespoke design required as a result of the functionality of the proposed use.

I appreciate the concerns which have been expressed by local residents and the Nottinghamshire Wildlife Trust about the incongruity of a Solar Farm in this location, which would be surrounded by the proposed Gedling Country Park. However, I note that the Borough Council's Urban Design Consultant has no objection in principle on the grounds that the site will become less isolated in future as adjacent land is developed and that the proposed structures are easily removable.

In addition, I would re-iterate that although the proposed development would be visible from elevated points within the urban area, its overall level of intrusiveness would be reduced as a consequence of the proposed site layout, scale and proportion, combined with the distances involved and the local topography.

The impact of the proposed development on the local landscape has been assessed above.

I consider, therefore, that the proposed development would be designed in accordance with the aims of Policy ENV1 of the RLP, Policy 10 of the ACSSD and the relevant design aims of the NPPF.

Other Issues

With regard to other issues raised, I would comment as follows:

Slope Stability & Calorific Values

An appropriate condition is recommended to ensure that further assessment work is undertaken around slope stability and calorific values of the colliery spoil.

Surface Water Drainage

An appropriate condition is recommended to ensure that details of a surface water drainage scheme for the site are submitted and approved.

Glare

The solar panels would be blue-black in colour, and covered with non-reflective material, which would minimise any potential glare.

Grid Connection

The output from the Solar Panels would be exported to the grid via either an underground cable or overhead line. This connection could be installed via existing permitted developments rights for Distribution Network Operators or may need to be the subject of a separate planning application, depending on the final design.

Restoration

An appropriate condition is recommended to ensure the re-instatement of the site at the end of the proposed development's lifespan.

Publicity

In addition to a public exhibition held by the applicant, the application was publicised by letters to residents around the former Gedling Colliery and site notices were posted at various locations within the urban area which have views over the application site. The press notice was also published in the Nottingham Post. This was in excess of statutory publicity requirements and representations have continued to be accepted well beyond the end of the statutory period.

Property Values

The impact of a proposed development on property values is not a material planning consideration.

Conclusion

I consider that the proposed development of this site for the generation of renewable energy is acceptable, bearing in mind that local planning authorities should not require applicants to demonstrate the overall need for renewable energy

Whilst the proposed development would have a detrimental impact on the existing ecological interest of this part of the former Gedling Colliery, I consider that appropriate mitigation and compensation works, both on and off-site are proposed.

I am also satisfied that the proposed development would not give rise to any undue impacts on the local landscape, the proposed Gedling Country Park, trees, residential amenity or highway safety.

The planning issues set out and discussed above in relation to the planning considerations indicate that the proposed development would accord with the relevant national and local planning policies, apart from those in relation to landscape and tree planting, which it is considered are outweighed by other material considerations.

I am satisfied, therefore, that the proposal complies with Policies ENV1, ENV5, ENV44, R1 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and, apart from the above justified exceptions, accords with the aims of Sections 7, 10 and 11 of the National Planning Policy Framework and emerging Policies 1, 10 and 16 of the Gedling Borough Aligned Core Strategy Submission Documents.

Recommendation:

That the Borough Council supports the GRANT OF PLANNING PERMISSION, subject to the applicant entering into a Section 106 Agreement with the Borough Council for a financial contribution towards off-site biodiversity mitigation and compensation works and subject to the following conditions:

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be constructed in accordance with the following approved plans and documents: Juwi Rack (4020 1069-69.2), Technical Details 2 (4020 1069-69.2), Technical Details - Substation 2 (4020 1069-69.2), Technical Details 4 - Station (4020 1069-69.2) and Technical Details - Substation (4020 1069-69.2), deposited on 21st November 2012; Site Location Plan (RG-M-02 Rev E), Overall Module Layout (4020 1069-10.00) and Spring Lane Proposed Junction Layout (0435-GA-01D Rev D), received on 7th June 2013; Technical Details 1 (4020 1069-69.2), received on 23rd July 2013; and the Extended Phase I Habitat Survey, including Desk

Study, (SLR Ref: 424-04114-00003), June 2013 Rev 01, received on 28th June 2013.

3. 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.
4. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the materials to be used in the construction of the proposed temporary construction access and HGV turning area. The temporary construction access and HGV turning area shall be provided in accordance with the approved details prior to work commencing on the installation of the solar arrays, sub-stations, cable trenches or fencing and shall be retained until the development hereby approved is first brought into use.
5. 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.
6. Unless otherwise agreed by the Borough Council, development must not commence until the following has been complied with: (a) Site Characterisation- An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Borough Council. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. If the site characterisation assessment indicates that contamination is likely to be present a Remediation Scheme shall be submitted to and approved in writing by the Borough Council. (b) Submission of Remediation Scheme - Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Borough Council. The scheme must include all

works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

7. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works under condition 6 above. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Borough Council.
8. Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of the number and location of the proposed CCTV cameras. The CCTV cameras shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
9. No vegetation clearance or ground works shall be undertaken during installation unless hand searches for amphibians have been carried out by an appropriately qualified ecologist. If any amphibians are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council. The mitigation measures shall be implemented in accordance with the approved details before development commences.
10. No vegetation clearance or ground works shall be undertaken on site during the bird nesting season (which runs from 1st March to 31st August inclusive in any given year), unless otherwise approved following a pre-commencement survey of the site by an appropriately qualified ecologist and the submission of any proposed mitigation measures, as per the third paragraph of section 5.2.2 of the Extended Phase I Habitat Survey, including Desk Study, (SLR Ref: 424-04114-00003), June 2013 Rev 01. The outcome of the survey and details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before the development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences.
11. No part of the development hereby permitted shall take place until the access arrangement, as shown for indicative purposes only on drawing no: 0435-GA-01D Revision D, has been constructed in accordance with construction details to be first submitted to and approved in writing by the Borough Council.
12. No part of the development hereby permitted shall take place until the access road and Heavy Goods Vehicle's turning facility, as shown for indicative purposes only on drawing no. 0435-GA-01D Revision D have been surfaced in a hard bound material (not loose gravel) in accordance with details to be first submitted to and approved in writing by the Borough Council. The access road and turning facility shall be retained in accordance with the approved details for the construction phase of the development hereby permitted,

unless otherwise prior agreed in writing by the Borough Council.

13. No part of the development hereby permitted shall take place until such time a lorry routing agreement is in place, as shown for indicative purposes only on WSP consultant's Delivery Routing Plan (Figure 7) and in accordance with an associated signage scheme to be first submitted and approved in writing by the Borough Council. The lorry routing agreement and associated signage scheme shall be operated and retained in accordance with the approved details for the construction phase of the development hereby permitted, unless otherwise prior agreed in writing by the Borough Council.
14. Before the development hereby permitted is first brought into use, three nest boxes (2 for barn owl, 1 for kestrel) shall be erected as per the first paragraph of section 5.2.2 of the Extended Phase I Habitat Survey, including Desk Study, (SLR Ref: 424-04114-00003), June 2013 Rev 01.
15. Before the development hereby permitted is first brought into use, three reptile hibernaculae/basking mounds shall be created, as per section 5.2.3 of the Extended Phase I Habitat Survey, including Desk Study, (SLR Ref: 424-04114-00003), June 2013 Rev 01.
16. The boundary fence, as shown on Technical Details 2 drawing, shall be constructed so as to leave a small gap at the base of the fence to allow access for mammals, as per section 5.2.5 of the Extended Phase I Habitat Survey, including Desk Study, (SLR Ref: 424-04114-00003), June 2013 Rev 01.
17. The existing trees to be retained shall be protected in accordance with the details specified within Chapter 5 and Appendix B of the fpcr Arboricultural Assessment, October 2012, which shall be implemented prior to the commencement of development and shall remain in situ until the development has been completed.
18. Before the development hereby approved is first brought into use, visibility splays shall be provided at the site entrance in accordance with the details shown on drawing no: 47064093/VSR01 Rev A. The area within the visibility splays shall thereafter be kept free of all obstructions, structures or erections exceeding 0.90 metres in height.
19. Before the development hereby permitted is first brought into use, the proposed sub-station adjacent to the western boundary shall have a rendered finish applied to all elevations and shall be painted dark green. The render and painted finish shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
20. 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.

21. Within 6 months of the development hereby permitted being first brought into use, the temporary construction access and HGV turning area shall be removed and this part of the site restored in accordance with details which shall be submitted to and approved in writing by the Borough Council prior to the development hereby approved being first brought into use.
22. Post-construction monitoring of birds shall be undertaken, as per the final paragraph of section 5.2.2 of the Extended Phase I Habitat Survey, including Desk Study, (SLR Ref: 424-04114-00003), June 2013 Rev 01. The annual reports shall be submitted to the Borough Council, the Nottinghamshire County Council, the Nottinghamshire Wildlife Trust and the Gedling Conservation Trust.
23. 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.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. 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).
4. 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).
5. 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.

6. To ensure a satisfactory development in accordance with the aims of Policy ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
7. To ensure a satisfactory development in accordance with the aims of Policy ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
8. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
9. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents, February 2013.
10. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents, February 2013.
11. In the interests of highway safety.
12. In the interests of highway safety.
13. In the interests of highway safety.
14. 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.
15. 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.
16. In the interests of biodiversity, in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents, February 2013.
17. To ensure that the trees to be retained as part of the development are protected during the construction of the development.
18. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
19. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
20. 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.

21. In the interests of visual amenity in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
22. In the interests of biodiversity, in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents, February 2013.
23. In the interests of visual amenity in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

Reasons for Decision

The proposed development of this site for the generation of renewable energy is acceptable and whilst it would have a detrimental impact on ecology, appropriate mitigation and compensation works are proposed. The proposed development would not give rise to any undue impacts on the local landscape, the proposed Gedling Country Park, trees, residential amenity or highway safety. The proposed development would comply with Policies ENV1, ENV5, ENV44, R1 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and, apart from those relating to landscape and tree planting, which are outweighed by other material considerations, accords with the aims of Sections 7, 10 and 11 of the National Planning Policy Framework and emerging Policies 1, 10 and 16 of the Gedling Borough Aligned Core Strategy Submission Documents.

Notes to Applicant

Your attention is drawn to the attached comments from the Borough Councils Public Protection Section, the Nottinghamshire Wildlife Trust, the Environment Agency and Nottinghamshire County Council with regard to Highways and Ecology.

The Borough Council's Parks and Street Care Section advise that access rights will need to be determined before the proposed development commences.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.