

Committee Report

Application No:	DC/21/01117/FUL
Case Officer	Andrew C Softley
Date Application Valid	12 October 2021
Applicant	SAS Energy Limited
Site:	Land At Gateshead International Stadium Neilson Road Gateshead NE10 0EF
Ward:	Felling
Proposal:	Installation of ground mounted solar photovoltaic array and associated substation.
Recommendation:	GRANT TEMPORARY PERMISSION
Application Type	Full Application

1.0 The Application:**1.1 DESCRIPTION OF THE SITE**

The application site is a 1.02 hectare area of amenity grassland on the north side of the A184 Felling Bypass, to the southeast of and within the grounds of the Gateshead International Stadium, adjacent to the Gateshead College Academy for Sport. To the west the site borders the car park for the Gateshead College Academy for Sport and to the south is the A184 Park Road. To the east the site adjoins the rear gardens of residential properties in Coach Road Green. Vehicular and pedestrian access to the site is via the main entrance into the Gateshead College Academy for Sport via Neilson Road.

1.2 DESCRIPTION OF THE APPLICATION

This application proposes the installation of a ground mounted solar photovoltaic (pv) array and associated substation for a temporary period of 10 years. A total of 2066 pv modules would be installed on low profile mounting frames set at an angle of 10 degrees from horizontal covering a total area of 6410m² (0.64 hectares). The panels would be low level to the ground, with a maximum height of 384mm (38cm) from the lowest point of the mounting system to the highest point of each panel. It is also worth noting that a base layer of 40mm of stone/pebbles would be applied to the existing ground level first with the mounting system for the panels placed on top of the base layer. Therefore, the total maximum height above the existing ground level once installed would be approximately 424mm (42.4cm). The panels would be arranged in uniform rows with a 480mm (48cm) gap between each row.

1.3 The panels would be laid in two distinct sections, known as the eastern and the western sections respectively. The eastern section would be made up of 614 panels orientated in a south-easterly direction, whereas the western section would be made up of 1452 panels orientated in a south south-westerly direction. Separating the two sections would be 7.2m corridor running in a

north-south direction through the site before turning and progressing to the north east corner of the site. The corridor is to provide a central access route through the site for maintenance and also to maintain an easement for existing underground services.

- 1.4 In the northwest corner of the site a sub-station and inverter station and entrance hardstanding would be constructed. The substation would be a prefabricated structure with external dimensions of 3.9m by 3.9m by 2.85m high on a 700mm deep foundation. The inverter station would sit alongside the substation and would comprise seven adjoining units with a total length of 11m and a height of 2m set on a 200mm concrete base. To service the substation and inverter station an area of hardstanding is proposed to link them to the access point.
- 1.5 There is an area of uneven ground at the north of the site, within the perimeter boundary fence but outside the area proposed for the solar array which has been assessed and deemed unsuitable due to the uneven ground. The existing scrub vegetation would be retained and left to naturalise.
- 1.6 All existing boundary vegetation to the south and east would be retained and remain unaffected. Additional planting is proposed along the eastern boundary of the solar array to partially screen the panels from the closest dwellings located in Coach Road Green.

1.7 RELEVANT PLANNING HISTORY

DC/21/00292/FUL: Planning permission granted for the erection of a permanent MasterView Mesh Fence System 868, 2.4m in height and 6m width double access gate in pre-galvanised and polyester powder-coated green. Permission granted 16.04.2021.

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	It is considered that the proposals will not have a significant impact on any known heritage assets. Therefore, no archaeological work is required.
Coal Authority	No objections.
Northumbria Water	No objections.
Newcastle Airport	No objections.

3.0 Representations:

- 3.1 Direct notification letters have been sent to 85 neighbouring addresses and the application has been publicised with press and site notices.
- 3.2 No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP22 Aircraft Safety

MSGP24 Design Quality

MSGP28 Renewable and Low Carbon Energy

MSGP29 Flood Risk Management

MSGP37 Biodiversity and Geodiversity

5.0 Assessment of the Proposal:

5.1 ASSESSMENT

The main planning issues to be considered are the principle of the development, visual/residential amenity, landscaping, transport, contaminated land and coal mining legacy, flood risk and drainage, and ecology.

5.2 PRINCIPLE

Climate Change

The Council has declared a climate change emergency and has pledged to be carbon neutral by 2030, and to work with partners and agencies to assist in the whole of Gateshead being carbon neutral in the same timeframe. Therefore, the implementation of low carbon and renewable energy generation projects will contribute towards meeting carbon reduction targets.

As a result, the Council is supportive in principle of low carbon energy generation projects such as this one. This in-principle position is supported by policies CS16 and MSGP28 of the Local Plan for Gateshead, which seek to promote sustainable and low carbon developments/energy generation. Furthermore, paragraph 12.29 of the of the Core Strategy and Urban Core Plan states that 'This Plan supports the development of appropriate, commercial-scale energy schemes. In accordance with national planning policy, weight will be given to the wider environmental, social and economic benefits of renewable and low carbon energy generation in considering proposals.'

5.3 VISUAL/RESIDENTIAL AMENITY

The low level nature of the development, being only just over 42cm above ground level at the highest point combined with the modest gradient change across the site and the established and mature soft vegetation, especially along the southern boundary of the site means that visual amenity should not be harmed by the proposed development.

5.4 With regard to residential amenity, a glint and glare assessment has considered residential receptors that:

- Are within, or close to one kilometre of the proposed development; and
- Have a potential view of the panels.

5.5 Applying this to the proposed development returned 38 properties that warranted further assessment. The results of the analysis have shown that solar reflections from the proposed development are possible towards 14 of the 38 assessed dwellings. For seven of the 14 dwellings (6 are south west of the application site on the south side of the A184 and 1 to the northeast of the application site), existing screening in the form of vegetation along the boundaries of the application site, the location of the Gateshead College Academy for Sport building and a significant difference in orientation, would mitigate possible solar reflections either completely or significantly. However, for the other 7 properties (located to the east of the application site on Coach Road Green) significant views of the reflecting solar panel areas are expected and therefore moderate glint and glare effects are predicted. To address this a detailed landscaping scheme has been submitted setting out a range of shrub planting along the eastern edge of the application site to screen the panels and thus mitigate the glint and glare effects upon the 7 properties within Coach Road Green. The proposed mitigation scheme is considered to be acceptable and thus should be installed at the earliest opportunity to help maintain residential amenity. This can be secured by condition (condition wording to follow as an update report).

5.6 The location towards the northwest corner of the site and the modest size of the substation and inverter station are such that no residential amenity issues are foreseen.

5.7 Taking all the issues into account and subject to the condition referred to above, it is considered that the proposed development would maintain visual

and residential amenity and thus accord with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan for Gateshead.

5.8 TRANSPORT

The principle of the development is supported in transport terms, as once operational the trips made to and from the site would be minimal at 1 every six months.

5.9 Therefore, the key points to consider are whether glint and glare could impact vehicles on the A184 Felling Bypass and what the implications would be for the construction of this development.

5.10 With regard to glint and glare, the assessment identified a section of the A184 where solar reflections would theoretically be possible. However, when taking into account the location of the Gateshead College Academy for Sport building and the mature vegetation along the southern boundary of the application site it is considered that the A184 would be screened and thus no highway safety issues would result. The vegetation in question is in Council ownership and thus is in the Council's gift to ensure the vegetation is maintained.

5.11 A draft construction management plan (CMP) has been submitted and is being considered by officers. An update report to address the CMP in more detail can be expected.

5.12 Taking the issues raised into account it is considered that the proposal would safeguard highway safety and thus accords with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

5.13 CONTAMINATION/COAL MINING LEGACY

The application site has been assessed and inspected as part of the Council's Contaminated Land strategy, as part of the Local Authorities' obligations under Part IIA of the Environmental Protection Act of 1990, and has not been determined as "Contaminated Land". However, the site is situated on potentially contaminated land based on previous historic uses, i.e. the site has previously been occupied by former housing estates and the adjacent land was in use as chemical works during the 19th Century, albeit it was reclaimed in the 1960s and again in 2007.

5.14 The application is accompanied by a Phase 1 Geo environmental Desk Study and a Preliminary Phase 2 Geo-environmental Ground Investigation Report. The reports have been assessed by officers and it is considered that the methodologies used and conclusions reached are acceptable. The Phase 2 report provides details of an intrusive site investigation undertaken within the site boundaries which concludes that there is no risk to potential site users from potential land contamination, which officers consider is an acceptable conclusion based on the information provided. The report then concludes that "The solar farm development with associated services and substation is likely to be primarily unmanned and involving shallow excavation with minimal ground disturbance. There is unlikely to be a significant risk to human

receptors at the site associated with the proposed development". Again, based on the information presented, officers consider this is an acceptable conclusion to reach.

- 5.15 Notwithstanding the above there is the potential that previously unidentified contaminated materials could be discovered during the construction process. Therefore, should that occur the affected material and ground should be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations should cease until the exposed material has been chemically tested. This can be dealt with via condition (condition wording to follow as an update report).
- 5.16 Overall, taking into account the condition referred to above, it is considered that the proposed development accords with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead in respect of contamination.
- 5.17 With regard to coal mining legacy, solar panel arrays such as proposed here are exempt from requiring a coal mining risk assessment (CMRA) due to the minimal groundworks required for their installation. However, any permanent structures that require foundations, which in this case amounts to the proposed substation and inverter, do require consideration when located in a defined high risk area, which the application site is and so the application includes a CMRA to address those elements. Furthermore, in this case, The Coal Authority records indicate that there is an off-site mine entry within influencing distance of the north eastern part of the site. The CMRA and the site the layout proposed has taken the recorded mine entry into account and the proposed substation and inverter are located to the north west corner of the site and the solar arrays would be laid out to avoid the zone of influence associated with the mine entry.
- 5.18 As a result, it is considered that the applicant has demonstrated to the LPA that the site is, or can be made safe and stable for the development proposed and thus is in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead in terms of coal mining legacy.
- 5.19 **FLOOD RISK AND DRAINAGE**
The application site is located within Flood Zone 1 and there are no other significant sources of flood risk to the site. According to the Environment Agency's Risk of flooding from Surface Water map, the majority of the site is considered to be at very low risk of flooding from pluvial sources. For the 1 in 1000-year pluvial flood event there are areas mapped at risk of flooding along the eastern site boundary, including the north eastern site corner and the south eastern site corner. However, given the nature of the proposal and the fact it is only proposed for a limited 10 year period, it is considered that the risks are very low and do not warrant any mitigation.
- 5.20 With regard to drainage, as the panels would be mounted on frames on a bed of stone and pebbles, the majority of the site would remain permeable. Only the area of hardstanding and the substation and inverter station would amount

to the addition of impermeable surfaces to the site, which would be approximately 136sqm in area out of a site area of 1.02 hectares. Given the nature of the development and the very small area of new impermeable ground it is proposed to mimic existing conditions and shed surface water to the surrounding grassland and allow surface water to infiltrate into the surrounding ground, as on balance it is considered that the change is not significant enough to warrant mitigation in this case.

5.21 Overall, it is considered that the proposed development does not create any significant flood risk or drainage issues and thus accords with the NPPF and policies CS16 and MSGP29 of the Local Plan for Gateshead.

5.22 ECOLOGY

A Preliminary Ecological Appraisal (PEA) has been submitted with the application. The PEA identified eight types of habitat on site. These are; amenity grassland, bare ground, buildings, dense scrub, boundary fences, hedge with trees (poor), poor semi-improved grassland and scattered trees. These habitats are all considered to be locally and nationally common and widespread and therefore of limited ecological value. No impacts on designated nature conservation sites are anticipated and no controlled invasive species were noted.

5.23 Based on the current proposals, the following impacts may potentially occur as a result of the works.

- Loss of nesting and foraging habitat for an assemblage of locally common bird species during vegetation clearance works
- Loss of foraging habitat for, and potential killing or injuring of a NERC Act listed species (Hedgehog)
- Loss of low foraging potential for a European Protected species (Bats)

5.24 Precautionary working method statements have been provided to reduce any risk of harming Hedgehog and nesting birds and implementing them can be secured by condition (condition wording to follow as an update report).

5.25 A Biodiversity Net Gains calculations has been undertaken using the Defra Biodiversity Metric 3.0 and it has returned an on-site baseline of 5.94 habitat units. The on-site post development habitat impacts can be assessed and subsequent compensatory measures can be calculated on submission of the final detailed plans. The proposed development would remove the majority of the grassland cover and is calculated to result in biodiversity loss of 1.52 units. To compensate for the loss of the grassland the landscape plan includes the new planting of a native broadleaved species woodland block on the eastern boundary of the site, in addition to the planting of a new native species hedgerow, however, this does not fully address the loss of units as a result of the development.

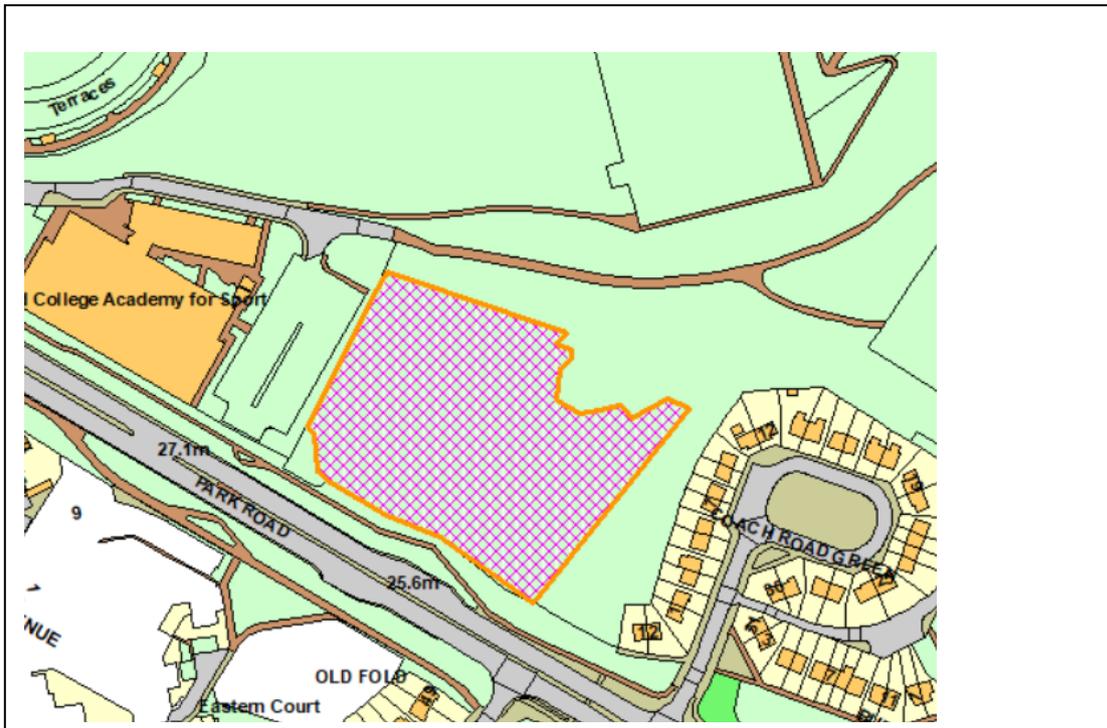
5.26 An update report to address the shortfall is expected to demonstrate that the development accords with the NPPF and policies CS17 and MSGP37 of the Local Plan for Gateshead.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that temporary planning permission be granted, as the proposal has been able to demonstrate that it would be acceptable, subject to conditions. It is considered that the proposal does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant.

7.0 Recommendation:

That temporary permission be GRANTED



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