

**Committee Report**

<b>Application No:</b>	<b>DC/21/01206/FUL</b>
<b>Case Officer</b>	<b>Andrew C Softley</b>
<b>Date Application Valid</b>	<b>12 October 2021</b>
<b>Applicant</b>	<b>SAS Energy Limited</b>
<b>Site:</b>	<b>Baltic Business Quarter Albany Road Gateshead NE8 3BP</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Proposal:</b>	<b>Installation of ground-mounted solar photovoltaic array and associated substation</b>
<b>Recommendation:</b>	<b>GRANT TEMPORARY PERMISSION</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application site is approximately 3.04 hectares in area that is located to the north of Albany Road. The site currently consists of a derelict, stopped up road and footways and shrubland. The site gradually falls from Albany Road in the south towards Hawks Road in the north. To the north of the site is a continuation of scrubland and former estate roads and to the east are a number of industrial buildings that front onto Saltmeadows Road and Albany Road respectively. To the west is the construction site of the new Gateshead Quays Link Road and beyond that is the Northern Design and other office buildings and the construction site of the new Gateshead Multi Storey Car Park. To the south is Albany Road and beyond that further industrial development.

**1.2** The application site forms part of a major regeneration area which is allocated for a diverse mix of cultural, commercial, and leisure-led uses within CSUCP Policy QB1 (Quays and Baltic Sub- Area) and CSUCP Policy QB3 (Quays and Baltic Development Opportunity Sites). It lies within the Baltic Business Quarter site, which is identified for a strategic office quarter attracting regional and international investment.

**1.3 DESCRIPTION OF THE APPLICATION**

This application proposes the installation of a ground mounted solar photovoltaic array and associated substation for a temporary period of 25 years. A total of 6068 pv modules would be installed on low profile mounting frames set at an angle of 10 degrees from horizontal covering a total area of approximately 1.5 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 ground level once installed would be approximately 424mm (42.4cm).

- 1.4 The site would be split in two by a central corridor to provide access through the site for maintenance and also to retain an easement to existing underground services. As a result the panels would form two distinct groups with those to the east of the corridor orientated in an easterly direction and those to the west of the corridor orientated in a westerly direction.
- 1.5 Close to the southern boundary a substation enclosure would be created that house two prefabricated buildings and also an inverter station. The substations would be prefabricated structures with external dimensions of 6.5m by 5m by 3.5m and 3.4m by 3.1m by 2.4m respectively. The inverter station would sit alongside the substation and would comprise 19 adjoining units set in two rows with a total length of 18m 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.
- 1.6 The land slopes gradually downwards from south to north but not in a uniform manner, meaning high and low spots exist across the site. The proposal is therefore to utilise cut and fill to level the site up in order to create a uniform gradient. This is envisaged to result in an element of surplus material that would be deposited in the south east corner of the site and naturalised to form a small landscape bund. The mound would be seeded as part of the landscaping scheme.
- 1.7 All existing vegetation to the north of the application site would be retained and remain unaffected. Additional planting is proposed along sections of the southern boundary adjacent to Albany Road and in the north-western corner of the site in the form of native species mix comprising Field Maple, Hawthorne, and other species.
- 1.8 Vehicular access would be via the existing access point off Albany Road and would utilise the existing hardstanding in order to service the development.
- 1.9 The proposals do not include any artificial lighting installation which is not required as part of the development.
- 1.10 **RELEVANT PLANNING HISTORY**  
DC/20/01156/FUL: Planning permission granted for the erection of a mesh fence around site boundary and double access gate on southern boundary (amended 20/01/21 and 05/02/21). Permission was granted 05.03.2021.  
  
DC/20/00694/FUL: Planning permission granted for the construction of a proposed link road, cycleway and footpaths connecting Hawks Road and Albany Road including provision of signalised junctions, landscaping and drainage. Permission was granted 19.10.2020.

## **2.0 Consultation Responses:**

Northumbria Water                  No objections.

Newcastle Airport                  No objections.

Coal Authority                  No objections.

## **3.0 Representations:**

3.1 Direct notification letters have been sent to 202 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

QB3 Quays and Baltic Dev Opportunity Sites

UC13 Respecting and Managing Views

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP4 Loss of Employment Land

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 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 Employment**

The application site forms part of the Baltic Business Quarter and is identified under policy QB3 of the Core Strategy as a 'Development Opportunity Site'. This policy advises that uses will encompass office, hotels, sport and leisure, education and ancillary retail. Paragraph 17.86 of the supporting text advises that Baltic Business Quarter has the floor space capacity of 81,200 square metres of office accommodation, resulting in the potential for a strategic office quarter attracting regional and international investment. However, this is a long term aim and the development of the Baltic Business Quarter is expected to take a number of years to be realised. Therefore, use of the site as a solar farm for an interim period is not considered to jeopardise the long term aims of the site, as the scheme is designed to be removed quickly and efficiently should a long term development opportunity that aligns with policy QB3 present itself. Furthermore, making use of the site on an interim basis for renewable energy generation has obvious benefits, as has been set out in the previous paragraph.

**5.4 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 vegetation, which would be further supplemented means that visual amenity should not be harmed by the proposed development.

**5.5 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.

**5.6 Applying this to the proposed development returned 16 properties that warranted further assessment. The results of the analysis have shown that solar reflections from the proposed development are theoretically possible towards 5 of the 16 assessed dwellings, at Baltic Quay Apartments.**

However, when consideration is then given to what existing screening exists, it is apparent that all 5 dwellings would be effectively screened from any significant glint and glare by a combination of other buildings, orientation of windows and separation distances involved.

**5.7 The location towards the southern boundary of the site and the relatively modest size of the substations and inverter station are such that no residential amenity issues are foreseen.**

**5.8 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.**

**5.9 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.

**5.10 Therefore, the key points to consider are whether glint and glare could impact vehicles on the surrounding roads and what the implications would be for the construction of this development.**

**5.11 With regard to glint and glare, the assessment has considered a section of the A184 and also a section of Hawks Road. The analysis has shown that no solar reflections would theoretically be possible to the A184. With regard to Hawks Road, solar reflections are theoretically possible, however, when consideration is then given to what existing screening exists, it is apparent that Hawks Road would be effectively screened from any significant glint and glare due the existing vegetation that exists along Hawks Road. Therefore, 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.**

- 5.12 The concern at this stage is that the glint and glare assessment has only considered Hawk Road and Park Road, with no reference is made to Albany Road, Quarryfield Road, the Quays Link Road that is under construction or the access road associated with the committed multi storey car park. It is considered that these points should be addressed by the applicant and an update report shall be provided.
- 5.13 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.
- 5.14 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, subject to satisfying the points raised above.
- 5.15 **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.
- 5.16 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.
- 5.17 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).
- 5.18 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.
- 5.19 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 substations 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 are two mine entries within the central element of the site. The CMRA and the site the layout proposed has taken the recorded mine entries into account and the proposed substations and inverter are located to towards the southern boundary of the site and the solar arrays would be laid out to minimise any potential impacts.

- 5.20 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.
- 5.21 **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, with the exception of some identified surface water ponding areas that could occur during extreme rainfall events. Therefore, given the nature of the proposal and the fact it is only proposed for a limited period, it is considered that the risks are very low and do not warrant any mitigation.
- 5.22 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 for the substations 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 3.04 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 land 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. Furthermore, as part of the Gateshead Quays Link Road that is under construction, a sustainable drainage feature to serve the whole of the Baltic Quarter is being installed that this application could utilise if required.
- 5.23 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.
- 5.24 **ECOLOGY**  
A Preliminary Ecological Appraisal (PEA) and a Natural Capital Assessment have been submitted with the application. The documents have identified six types of habitat on site. These are ephemeral / short perennial, semi-improved neutral grassland, broad-leaved plantation woodland, dense scrub, scattered scrub and hardstanding.

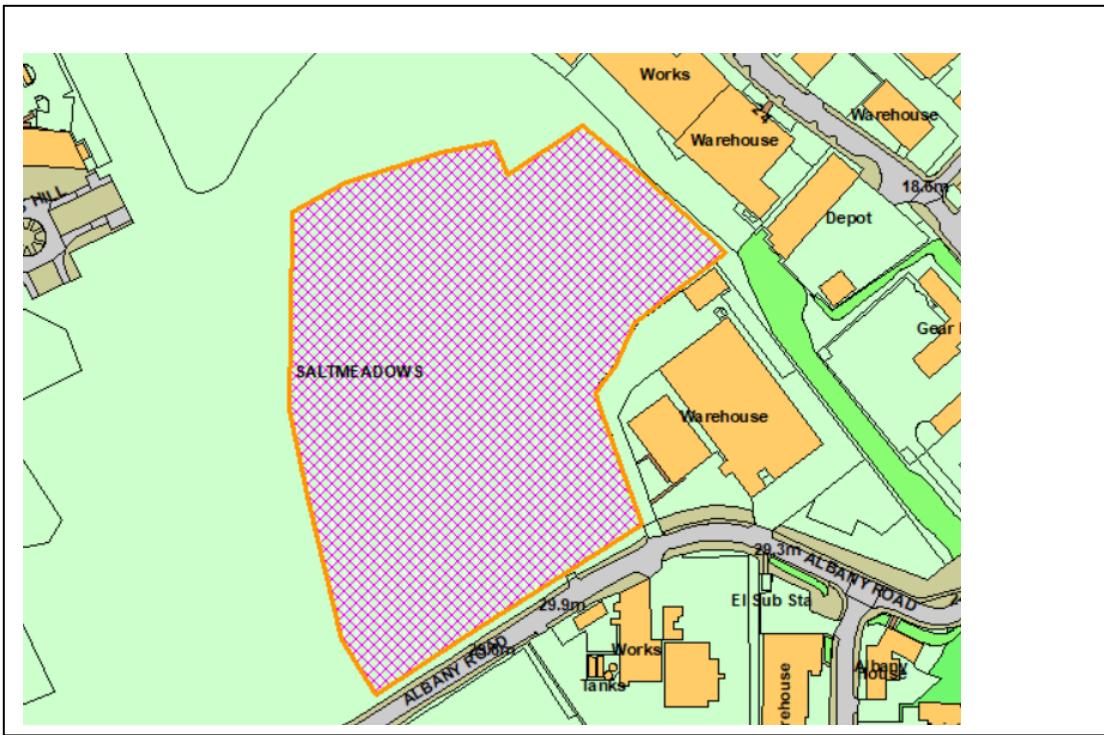
- 5.25 Based on the current proposals, the following impacts may potentially occur as a result of the works.
- Loss of nesting and foraging habitat for an assemblage of locally common bird species during vegetation clearance works
  - Loss of foraging habitat for, and potential killing or injuring of a NERC Act listed species (Hedgehog)
  - Loss of low foraging potential for a European Protected species (Bats)
- 5.26 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).
- 5.27 A Biodiversity Net Gains calculations has been undertaken using the Defra Biodiversity Metric 3.0 and it has returned an on-site baseline of 17.61 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 vegetation and is calculated to result in biodiversity loss of 12.30 units, which is a significant loss of biodiversity. To compensate for some of the losses the landscape plan includes new planting of native broadleaved species along the southern aspect 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.
- 5.28 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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