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File No: CHE/20/00332/REM1
Plot Nos: 2/3037, 1562,

Item 1

**PROPOSED VARIATION OF CONDITION 3 OF CHE/14/00644/FUL
(PROPOSED SOLAR PHOTOVOLTAIC (PV) FARM WITH
ASSOCIATED INFRASTRUCTURE FOR A TEMPORARY PERIOD OF
27 YEARS) TO EXTEND THE OPERATION PERIOD TO A TOTAL OF
40 YEARS AT DEVELOPMENT LAND TO WEST OF DUCKMANTON
AND NORTH OF TOM LANE, DUCKMANTON, DERBYSHIRE FOR
LIGHTSOURCE BP**

Local Plan: Development in the open countryside and other open land
Ward: Hollingwood and Inkersall

Committee Date: 3rd August 2020

1.0 CONSULTATIONS

Ward members report	Comments received - see
Staveley Town Council Strategic Planning report	No comments received Comments received - see
Urban Design Officer DCC Highways Authority report	No comments received Comments received - see
Neighbours, site notices, DT Advert	Representations received - see report

2.0 The Site

2.1 The site, the subject of the application comprises land at the former Arkwright open cast mine, off Tom Lane, Duckmanton. The majority of the open cast site was reclaimed and the fields specific to the application were previously utilised for arable farming. The site extends to approximately 19.5ha. The original application for

the Solar Farm was received by the Local Planning Authority in 2014, and conditional consent was granted on 24th February 2015. The solar farm is detailed to have been connected to the electricity grid on the 18th December 2015, and this has been the predominant use of the land which forms the application site.

- 2.2 Access to the application site is from Tom Lane, to the south via a track. The residential settlements of Duckmanton, Inkersall and Staveley/Poolsbrook are situated to the east, west, and north of the site respectively.
- 2.3 The M1 motorway is approximately 1km to the east of the proposal and links to Tom Lane via Markham Road. The A632 Chesterfield Road runs approximately 1.2km to the south and the Staveley Road/Inkersall Road runs approximately 450m to the west. In addition there are 400kW overhead transmission lines adjacent the west and north of the site towards Inkersall and Poolsbrook Country Park. Footpath 10 also runs alongside the eastern boundary and partially through the northern half of the application site from Tom Lane to Poolsbrook.
- 2.4 To the immediate west of the application site boundary stands an 85m high wind turbine, which became operational towards the end of 2014.

3.0 Site History

- 3.1 CHE/14/00644/FUL - Solar Farm with associated infrastructure – Approved for 27 year period on 24th February 2015
- 3.2 CHE/14/00060/EIA - Screening opinion under regulation 5 of the Town and Country Planning (EIA) Regulations 2011 for the locating of a temporary (27 year period) solar voltaic farm capable of generating 6.5mw.

Screening direction issued by LPA on 07/02/2014 confirming the proposals were not EIA development.

- 3.3 CHE/13/00420/FUL - installation of one (1) mid scale wind turbine of maximum height to tip of 84m and including: upgraded and new access track, a hardstanding area, a small substation enclosure, temporary guyed meteorological mast and associated

infrastructure.

Approved conditionally on 19/11/2013.

3.4 Relevant surrounding history

North East Derbyshire Council: 14/00563/FL – Construction of 4.9MW Solar Farm with ancillary buildings, deer fence, CCTV, access tracks and landscaping on land NE of Arkwright Town, Cherry Tree Farm, Chesterfield Road, Duckmanton, Chesterfield, S44 5JG.

Conditionally approved 11/09/2014 and now implemented

4.0 The Proposal

4.1 This is an application submitted under Section 73 of the Town and Country Planning Act 1990 to vary the condition 3 of the previously approved planning permission CHE/14/00644/FUL, to seek permission to extend the operation period to a total of 40 years at the solar farm.

4.2 Condition 3 of the identified consent (CHE/14/00644/FUL) reads as follows:

“The planning permission is granted for a period of 27 years from the commencement of the solar farm development. Not less than 12 months from the expiry of the 27 years or on cessation of electricity generation on site (whichever is sooner) details of the removal of the array and associated equipment; the restoration of the land to agricultural use; and the phasing of works shall be submitted to the Local Planning Authority for consideration / approval. Not less than 6 months from the expiry of the 27 years or on cessation of electricity on site (whichever is sooner) all development hereby permitted shall be removed and the land restored to agricultural land in accordance with the approved scheme.”

4.3 The application CHE/14/00644/FUL originally sought permission for 27 years; hence the reason planning consent was granted for 27 years. The reason for the above mentioned condition 3 was

detailed to be for the interests of visual amenity and the amenities of nearby residential properties.

4.4 The application being considered here (CHE/20/00332/REM1) is supported by a covering letter which indicates “*the solar farm is expected to operate efficiently well beyond the current 25- year planning permission term*”. It is detailed that the decommissioning of the solar farm will mean missing out on the continued benefits from renewable energy and represent an inefficient use of resources, as equipment sent for recycling would still be operationally sound.

4.5 The application is supported by the submission of the following documentation:

- Application form
- Covering letter

5.0 Considerations

5.1 Planning Policy

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, ‘applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. The relevant Development Plan for the area is the adopted Chesterfield Borough Local Plan 2018 – 2035 (adopted July 2020).

5.2 Chesterfield Local Plan: 2018 – 2035 (adopted July 2020)

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP11 Infrastructure Delivery
- CLP12 Renewable Energy (Strategic Policy)
- CLP14 A Healthy environment
- CLP20 Design
- CLP21 Historic Environment

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)

5.4 Key Issues

- Principle of development
- Landscape and visual impact
- Heritage
- Highways safety and parking provision

5.5 Principle of Development

5.5.1 The principle of the development has already been established in the previously approved planning application, CHE/14/00644/FUL. The proposed extension of the time period in which the solar farm is to operate is therefore the only main consideration in this application.

5.5.2 The NPPF also supports the principle of the development, noting (in paragraph 148) *“the planning system should support the transition to a low carbon future in a changing climate... encourage the use of existing resources...and support renewable and low carbon energy and associated infrastructure.”*

5.5.3 The NPPF also dictates (in paragraph 154) that when determining planning applications for renewable and low carbon development, LPA should *“not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions...”*

5.5.4 Policy CLP12 of the newly adopted local plan also outlines that *“the council will support proposals for renewable energy generation, particularly where they have wider social, economic, and environmental benefits...”*

5.5.5 It was noted in Section 5.2 of the case officers' report of the original planning application that the applicant also submitted a Site Selection Appraisal (SSA) which outlined the developers approach to site selection including assessment of the

development site against brownfield/ previously developed land. As a result of the SSA, the application site the subject of this application was identified. It is noted that the application site was previously greenfield however it was low grade agricultural land and therefore resulted in being sequentially preferable given its balance against other material considerations. This opinion is supported by comments from the **Strategic Planning Officer** who notes that as the land is “grade 4, is not the best and most versatile and there are no policy objections to the extension of lifetime in this regard”.

5.5.6 It is accepted that some of the sites included in the previous Site Sequential Appraisal may now be available (i.e. not hold a live planning consent) however the principle consideration in this application is to consider the appropriateness to extend the number of years this site can be utilised for as a solar farm, due to the expected efficiency rates extending beyond the life of the current consent. This is also noted by the **Strategic Planning Officer** who notes that “the development remains time limited and will need to be appropriately conditioned in order to ensure it is decommissioned within the 40 year time frame”. These comments are noted and a planning condition requiring such can be applied to any consent granted.

5.5.7 As outlined in paragraph 148 of the NPPF, Local Planning Authorities are encouraged to utilise existing resources and not challenge the need for renewable or low carbon energy (paragraph 154). It is therefore considered that the principle of the proposal to extend the years of operation at this solar farm are acceptable and in accordance with the requirements of the NPPF and CLP12, subject to assessment of other material considerations, which will be addressed in the remainder of the report.

5.6 Landscape and visual impact

5.6.1 CLP12 requires that “*direct and cumulative adverse impacts of the proposals on the following assets are acceptable, or can be made so a) the historic environment including heritage assets and their setting; b) natural landscape and townscape character; c) nature*

conservation; and d) amenity- in particular through noise, dust, odour an traffic generation”.

5.6.2 The original application (CHE/14/00644/FUL) was submitted with a supporting Landscape and Visual Impact Assessment (dated July 2014). As a result of this assessment, combined with the case officer’s assessment of the application site, it was not considered *“that the development will be unduly prominent in the landscape”* (Section 5.3.5 of the Committee report for the previous planning application).

5.6.3 It was noted by the Local Planning Authority that beyond a localised visual impact, the visual effects of the proposed solar farm will not detract significantly from visual amenity such that permission should be refused on these grounds.

5.6.4 Of consideration in this application therefore, is to understand to what extent the detriment of extending the permission for the solar farm from the existing approved 27 years to the proposed 40 years. It is considered to extend the life of the permission by an additional 13 years from the 27 originally approved does not cause exacerbated or increased harm to visual amenity, beyond what is experienced as a result of the previous approval. It is noted and accepted that the solar farm has a localised visual impact, however as the solar panels have a height of 2.5 metres and are bounded by woodland and hedgerows, the impact of such is considered to be minimised and therefore acceptable.

5.6.5 It is therefore accepted that the conclusions of the previous discussions in relation to the landscape and visual impact of such remain, and by extending the life of the permission for the solar farm will not exacerbate or increase the harm in any material manner to the landscape or the visual impact. The proposal to extend the operational life of the solar farm is considered to accord with the provisions of CLP2, CLP12 and CLP20 of the Chesterfield Borough Local Plan.

5.7 Heritage

- 5.7.1 CLP21 outlines that the “*council will give great weight to the conservation of designated heritage assets*” when assessing the impact of a proposed development on the significance of a designated heritage asset.
- 5.7.2 As established in the previous report, there are no heritage assets within the application site, however in the submitted Heritage Assessment (submitted with the CHE/14/00644/FUL application), Three grade I listed buildings were identified to be located within 1km of the application site. It was noted that the proposed solar farm had no direct impacts on any designated heritage assets. This was also reflected in the comments received from English Heritage who concluded “*any harm is less than substantial...*” but any harm of the proposed development would still require justification and weighed consideration against the public benefits.
- 5.7.3 The Local Planning Authority considered “substantial” harm might include development that would permanently change the character of appearance of the landscape in which the heritage asset exists. The Authority took the view that it would be unsustainable to consider that just because development features were in the view of a listed building it would contribute harm and therefore warrant a refusal of planning permission. In taking such a view, the LPA considered the public benefits (as outlined in paragraph 195 of the NPPF) of the temporary feature of a solar farm outweighed the harm to the Grade I listed buildings, which according to English Heritage, would be less than substantial.
- 5.7.4 In respect of this proposal to extend the length of time that the solar farm occupies the land for, it is considered that the view of the LPA has previously concluded that the harm to the historic environment is minimal. This view is reflected in this application; the solar farm has permission to operate for a period of 27 years and to extend this time by 13 years is also considered to have a negligible additional impact on the historic environment.
- 5.7.5 It is therefore considered that the proposal accords with the provisions of CLP12 and CLP21 of the Chesterfield Borough Local Plan, and the NPPF, and is considered to be acceptable.

5.8 Highway Safety

5.8.1 DCC Highways have been consulted in relation to this application and raised no objections to the proposed extension of the time period in which the solar farm will utilise the land which forms the subject of the application.

6.0 Representations

6.1 The application has been publicised by neighbour notification letters to boundary sharing neighbours, which were posted on 15th June 2020; deadline for responses being 8th July 2020.

An advert was placed in the local press which was published on 25th June 2020 and 4 x site notices were also displayed around the application site on 23rd June 2020.

5 x comments have been received as a result. The representations received are as follows:

6.2 97 Rectory Road, Duckmanton

“Firstly, I would like to state that I am very much in favour of solar farms generating our electricity, they are a valuable source of green energy but consideration should be given as to the correct location.

I checked the original date from your planning department and found it commence 18th December 2015, less than 5 years ago!

It is less than 5 years into the scheme and already the company feels the need to extend the period by a further 13 years?

I object to the justification within their application as follows, quote:

“The solar farm is expected to continue to operate efficiently well beyond the current 25 year planning permission term requiring the early decommissioning of the solar farm will mean missing out on continued benefits from renewable energy and represent an inefficient use of resources, as equipment would be sent for recycling whilst still operational”

(It would appear they are not aware the term was granted for 27 years!)

My objection is as follows:

The company has been operating the site for only 5 years and suddenly now believes it will have further years left in the Solar Farm System for the farm to operate efficiently beyond the current scheme of 27 years

I have researched the life span of solar panels and found they can have a lifespan between 25 and 30 years if not damaged by outside forces like deteriorating racking or inclement weather.

Solar panels do not operate at full efficiency over their life span they degrade annually and slowly become less efficient over time. Most manufacturers will offer 10 to 12 years equipment warranties and production warranties of up to 25 years.

To this end I believe the existing period of 27 years is about correct and there would be no useful purpose in extending the current term for a further 13 years.

The statement in the application “represents an inefficient use of resources, as equipment would be sent for recycling whilst still operational” is incorrect.

Although the panels may be operational they will have come to the end of their serviceable life simply due to their age and being considerably less efficient after the 27 years term.

Having served their useful life expectancy after 27 years there would be need for the company to make further capital investment.

Allowing an extension to the term, to 40 years falls outside the capital investment the company has already made. Any further investment after the 27 year term would then leave them with a 13 year life span, making it a nonviable proposition and inefficient use of resources.

I also object to the use of solar farms on agricultural land, in this case many acres on the fringe of an existing community, this is an

underprivileged community and we must respect their right to protect the countryside on their doorstep it is for them to enjoy.

I myself and family take our recreation walking the many paths and trails directly accessed from Duckmanton, Arkwright Town, Inkersall, Staveley and Poolsbrook Country Park all linked to the Trans Pennine Country Trail.

We share these amenities with many other walkers, families with children and bikers.

We are blessed with lovely countryside in this location to be enjoyed by all with views across both sides of the valley which is now unfortunately already spoilt by this scheme.

This would not happen on the fringe of a more affluent community!

This scheme should not have been allowed in this location and is a blot on the local countryside, it should not have been a problem finding a more remote site that would not have been an intrusion on the local community.”

Officer comments:

The concerns raised by the objection have been noted. It is considered the principle of the solar farm has been established and this application seeks to extend the consent for the time period the land can be used for. It is considered the consequences as a result of extending the life of the consent has been addressed throughout this report, and the reader is directed to sections 5.5, 5.6 and 5.7 of this report.

6.3 The Bungalow, Duckmanton Road

3 x letters of support have been received from this address, all on different dates. The three letters are detailed below:

01/07/2020

“I am writing in full support for the extension to 40 years for the life of the Solar Farm at Duckmanton.

In the Derbyshire Times March 2014 we were told that at the Presentation meeting eighty percent of people present at the meeting voted in support of the Solar Farm. I have never heard anybody complaining about it.

We moved to the Cherry Tree Estate at Long Duckmanton in 1998 and suffered inconvenient power cuts like the one in December 2002 6a.m till 7a.m. Inconvenient for people wanting to get showered and breakfasted before going to work. Some power cuts lasted for several hours like the one in March 2004 6p.m till 11p.m. It was probably this one that made us decide to drive to the De Rhodes Arms at Barlborough because it had a carvery so we could get an evening meal. When we got there many people from Staveley had also had the same idea as they were suffering the power cut in their area as well.

The most recent power cut was a brief one when the solar farm was being connected. In respect of power cuts the solar farm has been a big benefit to the area let alone the village.

Staveley, Arkwright and Sutton cum Duckmanton have several solar farms. Our one at Duckmanton feeds one thousand houses.

We need as much electricity as we can get for the future when we are going to be driving cars run on electricity and using even more re-chargeable domestic gadgets like toothbrushes and vacuum cleaners and mobile phones.

Duckmanton School has benefitted from solar panels being installed on the roof by the Turbine's Schools Renewable Energy Fund. The Fund also maintains the panels. That means free electricity for the school for the next twenty years. A big saving. When the Directors of the turbine energy fund hosted educational visits both Duckmanton and Poolsbrook Primary School children visited and learned about how turbines work.

Incidentally the turbine fund has supported the Walking Together Memorial project at Markham Vale - another benefit to the community. It is my understanding that the Solar Farm has contributed a substantial amount to the school as well. Besides the

material benefits to the school there is the educational benefit of having a renewable energy project for a next door neighbour.

As we have seen over this last year young people are voicing their concern for a greener, cleaner environment.

At the end of May when restrictions over Covid 19 were lifted and we were able to go out once a day for exercise. We headed for our lovely Tom Lane. It was litter free and there were very few cars. In eight consecutive days we only saw as many people. We counted fifteen different flowering plants and a pretty white rambler rose in the hedge on our side of the road. We could not help lingering near the bottom of Tom Lane by the trees where the air smelled so fresh and clean.

After ten days we noticed empty packaging, and receipts even, carelessly thrown from car windows by people going home from the take-away on Markham Vale.

The fields, that the solar farm is on, slope towards the Pools Brook at the bottom of Tom Lane. The fields also tilt towards Tom Lane. This means that in a cloudburst or a persistent deluge, water runs from the private road onto Tom Lane carrying aggregate from the private road. The force of the running water carries the aggregate to the bottom of Tom Lane where it blocks drainage grates and causes a pool of water on the road.

We have all seen the flooding across the country. There is no controlling that amount of water.

It is conditions like this that has encouraged the younger generation to voice their concerns for the environment.

I think Duckmanton is leading the way in our area for 'energy from renewables'."

02/07/2020

"I am writing in complete support of the extension of 40 years for our Solar Farm at Duckmanton. I have only read this week in the

Daily Express that we are facing 'unnatural heat waves unless we cut carbon emissions'.

There have been many demonstrations over the last year by the younger generation who are concerned for the environment. I think they would thank us for being environmentally aware that we have been in the past."

10/07/2020

"I'm writing again to clarify a few points.

In March 2014 there was a public exhibition from 3p.m to 7p.m ,in the Duckmanton School Hall by 'RES U.K. and Ireland', the company bringing the Solar Farm to Duckmanton.

This was a 'drop in' session, with staff to answer questions, information on display and a six page brochure to bring away. Councillors were invited.

I suspect many of the people who came told staff about flooding on Tom Lane. At the Planning Meeting in the Town Hall Feb.2015, several councillors voiced their concerns about the flooding on Tom Lane. The RES project manager told us their concerns had been taken on board. He said 'swale soakaways' would be built 1metre wide and 1metre deep along the access tracks. Swale soakaways were explained to us as like linear ponds to capture the rain and let it percolate into the soil. This would prevent water running quickly off the surface of the fields to the Pools Brook. Obviously some would gradually drain into the brook.

This system has helped lessen the problem of flooding that has existed for many years. The Brook was dredged after the serious flooding at some cottages near the Arkwright Arms in 2014, a bit further up stream of Duckmanton Tom Lane. The dredging has allowed the water to flow away more easily in the Brook and less likely to overflow onto the road.

It was necessary to take down a couple of trees so that the machine doing the dredging could reach the Brook. There are plenty of trees along the length of the Brook. What is noticeable

now at the bottom of Tom lane is that water stands in the field at the south side of Tom Lane like a small flood plain, keeping the road clear of water.

The private road had been a tarmac road when British Coal was using it but when they finished they took the surface off the road leaving it mud and clay which held pools of water.

The Developer of the Solar Farm repaired the private road with what looks like hogging making it drier and better to use.

The large pieces of gravel that are swept off the private road down the hill by the force of running water sit on top of the drainage grate at the bottom of Tom lane causing a pool of water on the road. I would think an operative with a shovel would only take a few minutes shovelling the gravel onto the grass verge which is how it appears to being dealt with.

In our area there are community funds from Viridor Landfill, The Turbine at Duckmanton, The Compost Plant (Suez) at Arkwright, Usually there is a radius round the Plant showing what area may benefit from the fund. Sometimes they will only deal through local Councils so that gives local councils plenty of opportunity to help local groups. In fact 'The Breck Solar Farm' at Barrow Hill has such a community fund.

The Breck is a bit bigger solar farm than Duckmanton's. According to it's leaflet It powers 1,300 houses and saves 2,300 tons of carbon emissions a year. Their leaflet clearly states, Lightsource Renewable Energy Holdings Ltd 'Is offering a community benefit fund to Staveley Town Council which can be used to instigate and support local projects of their choosing. If the planning application is successful, Staveley Town Council will receive approximately £3,500 per year for 20 years'.

It would be interesting to know how successful this way of managing the community fund has been so far. At least the money has already been received in Duckmanton.

In my opinion, Solar Farms are ongoing benefits to local communities."

(A leaflet was also attached to the letter which is available to view on the public access system).

Officer comments:

The comments received from The Bungalow have been noted.

6.4 Comments were also received from Cllr Bagshaw, who noted:

“Have we got a direct contact point to find out exactly what they have contributed and can we put on any conditions such as they pay for roadsweeping as we have had to ask for additional roadsweeping at ratepayers cost and therefore putting more pressure on councils finances”

A second email was received from Cllr Bagshaw which reads as follows:

“Could a condition be put on that they clean the road/pay for the sweeping of road due to heavy rainfall.

I am unaware of any benefit this solar farm has given direct to the community.”

Officer comments

It is not considered reasonable to require a condition and/or request additional monies from the applicant in relation to this application. This application seeks to extend the life of the permission and therefore conditions must relate to this matter. It is understood all necessary drainage requirements were appropriately considered and dealt with in the initial application, CHE/14/00644/FUL and whilst the proposal is to extend the scheme the low activity levels associated with the scheme are such that additional maintenance could not be made a requirement. The site owner has a duty to ensure that materials are not washed onto the public highway however this is a matter between the applicant and the Highway Authority. The use of the land does not affect the way rainwater arrives and leaves the site and the proposal does not change this.

7.0 Human Rights Act 1998

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

- The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme.
- The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application.
- The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary.
- The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.
- The interference caused by a refusal, approval or approval with conditions, based solely on planning merits, impairs as little as possible with the qualified rights or freedoms of the applicant, an objector or consideration of the wider Public Interest.
- The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

8.0 Statement of positive and proactive working with the applicant

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England)

(Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant/ agent and any objector will be provided with a copy of this report informing them of the application considerations and recommendation/ conclusion.

9.0 Conclusion

9.1 Nationally renewable energy developments are strongly supported and the Council has a clear commitment to addressing climate change, as set out in the principles of CLP12 of the Chesterfield Local Plan 2018 – 2035. Where it is considered that proposed renewable energy generation developments meet the criteria of CLP12, the policy is explicit in stating the Council will support these developments. Having regard to the considerations that have been addressed in this report, it is considered the extension of the existing solar farm from a 27 year time period to a 40 year time period is acceptable and does not pose any additional or increased harm to the surrounding area. It is considered that the provision of renewable energy and reduction in carbon emissions outweigh any potential harm and as such, it is recommended that the planning permission be granted.

9.2 Overall, it is considered that the proposal accords with the provisions of CLP2, CLP12, CLP20 and CLP21 of the Chesterfield Local Plan 2018 – 2035, and the wider National Planning Policy Framework, and is therefore acceptable.

10.0 Recommendation

10.1 It is therefore recommended that the application be **GRANTED** subject to the following:

Conditions

1. All external dimensions and elevational treatments shall be as shown on the approved plans, 03236D2202-01, 03236D2215-01, 03236D2207-01, 03236D2212-02 Sheet 1, 03236D2212-02 Sheet 2, 03236D2203-03, 03236D2206-01, 03236D2201-02 and 03009D1001-07, with the exception of any approved non material amendment.

Reason- *In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.*

2. The planning permission is granted for a period of 40 years from the commencement of the solar farm development. Not less than 12 months from the expiry of the 40 years or on cessation of electricity generation on site (whichever is sooner) details of the removal of the array and associated equipment; the restoration of the land to agricultural use; and the phasing of works shall be submitted to the Local than Planning Authority for consideration / approval. Not less 6 months from the expiry of the 40 years or on cessation of electricity on site (whichever is sooner) all development hereby permitted shall be removed and the land restored to agricultural land in accordance with the approved scheme.

Reason- *In the interests of visual amenity and the amenities of nearby residential properties.*

3. The development shall remain in accordance with the details provided in respect of biodiversity enhancement plan and the landscaping scheme dated June 2015.

Reason- *The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

4. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place.

Reason- *The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

5. The development shall remain in accordance with the Surface Water Drainage Strategy document, dated June 2015.

Reason- *The condition is imposed to ensure the development is properly drained and in the interest of satisfactory and sustainable drainage.*

6. Should the LPA receive any complaints regarding noise output from the installation the site operator will be required to fully comply with the LPAs complaint investigation process and install any necessary mitigation measures which may be deemed necessary.

Reason- *In the interests of amenity of nearby neighbouring properties.*

7. The development shall remain in accordance with the approved colours;
 - Substation – RAL 6005 Moss Green
 - Inverter/Transformer – RAL 7004 Signal Grey

Reason- *In the interests of visual amenity.*

8. The development shall continue to operate in accordance with the submitted Traffic Management Plan and Environmental Requirements of Contractor, dated March 2015.

Reason- *In the interests of highway safety.*

9. All electricity cables shall be installed below ground.

Reason- *In the interests of highway safety.*

Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice

must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from:

www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

3. Staveley Footpath No 10 abuts the Eastern boundary of the application site and crosses the site toward its North East corner outlined as shown in red on the site layout plan. The applicant is therefore advised of the following:
 - o The route must remain open, unobstructed and on its legal alignment at all times.
 - o There should be no disturbance to the surface of the path without prior authorisation from Michelle Sergeant, the Rights of Way Inspector for the area.
 - o Consideration should be given to members of the public using the path at all times.
 - o A temporary closure of the footpath may be granted to facilitate public safety during the construction phase subject

to certain conditions. Further information may be obtained by contacting the Rights of Way Section.

- o If a structure is to be erected adjacent to the public footpath, it should be installed within the site boundary so that the width of the right of way is not encroached upon.
- o Please note that the granting of planning permission is not consent to divert or obstruct a public right of way
- o If a right of way is required to be permanently diverted then the Council that determines the planning application has the necessary powers to make a diversion order.