

**DERBYSHIRE COUNTY COUNCIL  
REGULATORY – PLANNING COMMITTEE**

**11 January 2016**

Report of the Strategic Director – Economy, Transport and the Environment

- 1 PROPOSED SOLAR FARM (GROUND MOUNTED SOLAR PV INSTALLATION), ON LAND AT MANSFIELD ROAD, TEMPLE NORMANTON**  
**APPLICANT: DERBYSHIRE COUNTY COUNCIL**  
**CODE NO: CD4/0615/36**

**4.815.6**

**Introductory Summary** This application proposes the installation of a solar farm on farmland to the north of Mansfield Road, Temple Normanton. This type of development is supported by national and local policy subject to impacts on local amenity and environment being acceptable. Whilst there would be limited impacts on the countryside setting, landscape character, ecology, and local amenity, I consider that these impacts can be made acceptable by mitigation measures that can be secured by conditions. Consequently, the proposal is therefore recommended for approval.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis**

**The Site and Surroundings**

The 7.9 hectares site is located to the east of Temple Normanton and comprises an agricultural field, currently used for livestock grazing, which is bounded to the north by the A617 and to the south by Mansfield Road. The eastern boundary of the site is formed by Muster Brook and immediately to the west is a single property known as The Gables, which appears to comprise a residential property and a vehicle repair business or a similar operation. Access to the site would be off Mansfield Road. South of the site, across Mansfield Road, is Williamthorpe Country Park which is a designated Local Nature Reserve, with Williamthorpe Ponds forming a Local Wildlife Site. Apart from The Gables, the nearest residential properties are located on Mansfield Road, approximately 125m south-east of the site.

**Proposal**

This application proposes to install solar panels and associated infrastructure on an agricultural field which lies between the A617 and Mansfield Road, east of Temple Normanton, for a period of up to 25 years. The operational facility

would generate an estimated 3,249,847kWh (kilowatt hours) of electricity annually to be fed into the National Grid. The proposed life of the development is 20 to 25 years after which (except in the event of an application for permission to extend the duration being made and approved) the panels and infrastructure would be removed and the fields returned to agricultural use.

The applicant states that the development would contribute to the County Council's goal of reducing its carbon emissions and generate an income that would go towards improving the Council's services. It also states that it would contribute to the UK Renewable Energy Strategy and compliance with the requirements of the Climate Change Act.

Prior to the submission of this application, the applicant carried out a site selection exercise involving the evaluation of 30 potential sites owned by the Council across Derbyshire. The Mansfield Road site was included in a short list of six sites and a public consultation 'roadshow' event was held at St James Church, Temple Normanton on 13 April 2015.

The applicant has set out the broad criteria used for site selection, stating that due to size and space requirements, solar farms are mostly located in the countryside, and that to be viable, potential sites must ideally be free from shadowing from trees or buildings in order to access direct sunlight, be of a reasonably flat nature to allow construction and maintenance to be carried out, have good access to the road network and have access to an electricity grid connection of sufficient capacity.

The proposed development would include:

- Approximately 12,000 ground-mounted photovoltaic solar panels set on a 25° pitch with 7m spacing between rows to minimise inter-shading (each panel being 1m x 1.6m and mounted at a maximum height of 2.4m above ground level).
- Inverter cabins with a maximum height of approximately 3.0m.
- Cabling for grid connection.
- Security fencing to the perimeter of the site up to 2.4m in height.
- Pole mounted CCTV cameras at a height of approximately 3.0m.
- A temporary access road.

The application is also supported with a series of reports.

### **Landscape Appraisal**

The appraisal concludes that:

*"Overall, the site is well screened to east and west and partially screened to the north and south. The rolling landscape, adjacent woodland blocks and mixed plantation woodland provide effective screening which restricts the*

*intervisibility of the proposed development with large areas of the surrounding landscape, thus limiting the effects of the proposed development on the surrounding landscape character.*

*Views of the proposed development will be restricted to close range receptors where it is likely to have an increased visual impact. It is recommended that within these locations a number of measures are considered in order to mitigate against potential visual impacts. These include:*

- Infill hedgerow planting along the southern boundary of site to tie in with existing hedgerows which currently provide complete screening of the site;*
- Additional shrub and tree planting to gaps in vegetation along the northern boundary of the site to tie in with existing vegetation which currently provides complete screening of the site; and*
- New planting to the north west corner of the site to prevent views from residents of an isolated property on Mansfield Road to a small section of the site and proposed development.*

*By introducing these new areas of boundary vegetation and in-fill hedgerow planting, long term visibility of the proposed development will be reduced and will provide additional biodiversity and green infrastructure benefits.*

*It is anticipated that the proposed development in combination with the conditionally approved Postman's Lane solar farm will not result in any cumulative effects on landscape character or visual amenity."*

### **Extended Phase 1 Habitat Survey and Arboricultural Report**

The survey states that habitats within the site are limited in conservation value with the higher quality habitats bounding the site; hedgerows, small areas of semi-improved grassland and a watercourse. However, the site does contain an area of marshy grassland that would have solar arrays installed within it and there is some value to this habitat, albeit likely to be no more than Local value. It advises that consideration should be given to not installing arrays within it should the level of disturbance to or loss of the habitat not be avoidable. Linked to this is the potential for reptiles to be present in this field, in particular, and should they be present, this would be an added constraint that could delay the development until an appropriate mitigation scheme has been agreed and undertaken.

Notwithstanding the potential effects of development on the area of marshy grassland, the survey concludes that there would not be any other significant adverse effects on nature conservation from construction, operation and maintenance of the development, provided that standard best practices are adopted.

The arboricultural report concludes that there were no high quality trees or hedgerows on the site with most being of moderate or low quality. It notes that no trees were to be felled as a result of the proposed development but did recommend the removal of five trees on arboricultural grounds.

### **Flood Risk Assessment**

The Flood Risk Assessment (FRA) carried out for the site states that, from the available information, the site of the proposed solar farm is not considered to be at risk of flooding from watercourses or groundwater flooding for the lifetime of the project. It further states that the solar farm's associated infrastructure will result in a very minor increase in the site's impermeable area at ground level, and that in accordance with Part H of the Building Regulations, and subject to percolation testing, it is proposed, in the first instance, that infiltration techniques are employed to drain this increase in impermeable area. It suggests that the design of such schemes will be established prior to construction. Overall, it considers that the proposed development would not exacerbate the risk of flooding on the site or on more vulnerable sites in the area.

### **Coal Mining Risk Assessment**

The assessment notes that the site has been deemed "Development High Risk" and that this is due to the presence of coal outcrops at the site, together with a history of opencasting and shallow and deep mining from shafts located both on site and within the surrounding area.

To determine the stability of the ground and the potential presence of worked coal seams (voids), it recommends that the underlying ground conditions are investigated to determine depths and thicknesses of coal seams and the presence of voids.

### **Provisional Construction Traffic Management Plan**

A provisional Construction Traffic Management Plan (CTMP) was submitted as further information following a request from Highways. The Plan sets out a delivery route for materials during the construction phase. This would be via the B617 and B6425 through Temple Normanton. It sets out the number of HGV movements during construction, together with areas for parking and manoeuvring of vehicles on site. It states that a wheel wash would be in use at the construction compound to ensure that material from the site would not be deposited on the local highways network.

### **Consultations**

#### **Local Members**

Councillor Hill was requested to respond by 25 August 2015.

## **North East Derbyshire District Council Planning**

The District Council has no objections subject to:

- a full assessment being made regarding the visual impact of the development on the wider countryside and Williamthorpe Country Park;
- there being no overriding adverse impact on the amenity of nearby residential property owners; and
- the ecology of the site be protected and enhanced.

## **Environmental Health**

No comments.

## **Environment Agency**

The Environment Agency states that it was now only able to provide detailed site-specific advice for certain development types that pose a particularly high risk to groundwater receptors. It advises that the developer will need to demonstrate to the local authority that potential risks to controlled waters from land contamination have been adequately investigated and that the development will not contribute to an unacceptable pollution risk to the water environment.

## **Natural England**

The response from Natural England refers to its standing advice on planning matters but does not offer any further comment.

## **Derbyshire Wildlife Trust**

The Wildlife Trust considers that the conclusions reached in the ecological assessment are 'largely reasonable' given the available information. It agrees with the ecological assessment in relation to the value of the marshy grassland and recommends that, in order to avoid an impact on this habitat and to help reduce potential impacts on reptiles, this area of the site is not used for solar panels. It also recommends that this area is included within a management plan for the site.

The Trust therefore recommends conditions requiring a 'Construction Environmental Management Plan (Biodiversity)', and that this should include the provision of a reptile method statement, together with a 'Landscape and Ecological Mitigation Plan', and a condition to ensure the protection of breeding birds from clearance and construction works during the nesting season.

## **Police Crime Prevention Design Advisor**

The Police recommend that 2.4m high weldmesh fencing be used to enclose the site instead of 2m high palisade fencing.

### **Coal Authority**

The Coal Authority confirms that the application site falls within the defined Development High Risk Area as there are coal mining features and hazards in the area. It notes the Coal Mining Risk Assessment included with the application and recommends a condition for a programme of site investigation works prior to the commencement of development.

### **Temple Normanton Parish Council, Heath and Holmewood Parish Council, National Grid**

Requested to respond by 25 August 2015.

### **Internal Consultations**

#### **Flood Risk Management Team**

The Flood Risk Management Team reviewed the FRA and has no objections subject to the applicant following the recommendations of the FRA, and referred the developer to its standing advice.

#### **Landscape Architect**

The Senior Landscape Architect (SLA) broadly agrees with the conclusions of the Landscape and Visual Impact Assessment (LVIA) and considers that existing hedgerows should be strengthened and allowed to grow taller to provide further mitigation against any potential visual intrusion. The SLA adds that existing screen vegetation should be protected and managed, and that there should be additional planting with a relevant landscape maintenance and management plan. Any planting proposal should be in keeping with the relevant landscape character type (Coalfield Village Farmlands), as set out in the tree and woodland planting guidance. Any damage to the sward during construction should be reseeded with an approved seed mix and the fields should be managed to promote biodiversity and in accordance with sustainable agricultural practices as part of a landscape management plan.

#### **Public Rights of Way Team**

The Rights of Way Officer has no objections and notes that there are no recorded or formally claimed public rights of way within the site, and considers that the proposed development site does not present any opportunities for the creation of connections to existing routes or new Public Rights of Way.

#### **Highway Authority**

The Highways Officer has no objections to the proposal. However, he does consider that details of manoeuvring and parking provisions, together with establishment and maintenance of sightlines at the site entrance, should be required by conditions on any permission.

#### **Publicity**

The application was advertised by site notices and a notice published in the Derbyshire Times on 13 August 2015 with a request for observations by 28

August 2015. One response has been received as a result of this publicity. This raises concerns in relation to the public consultation exercise, the effect on property values, and visual impact on the adjacent residential property. Where relevant to planning considerations, these issues are discussed below.

## **Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Planning authorities must therefore respect this formal priority to the development plan that Section 38(6) of the Planning and Compulsory Purchase Act 2004 confers. In the paragraphs below, I identify the relevant provisions of the development plan for the application, before addressing the compatibility of the planning application with the development plan.

In relation to this application, the relevant policies of the development plan are contained in the saved policies of the North East Derbyshire Local Plan (2006) (NEDLP). Other material considerations include national policy as set out in the National Planning Policy Framework (NPPF) and the associated Planning Practice Guidance (PPG).

### **Saved Policies of the North East Derbyshire Local Plan**

GS1: Sustainable Development.

GS6: New Development in the Countryside.

GS8: Temporary Land Uses.

NE1: Landscape Character.

NE3: Protecting and Managing Features of Importance to Wild Flora and Fauna.

NE7: Protection of Trees and Hedgerows.

T2: Highway Access and Impact of New Development.

CSU7: Renewable Energy.

The emerging new North East Derbyshire Local Plan has been published in draft form, however, I consider the draft Plan is not yet at a stage where the current draft policies can be given any weight. I do not consider this to be detrimental to the considerations of planning policy as the NPPF and the existing Local Plan adequately cover all relevant issues.

Government policy and, increasingly as Local Plans are updated, local policies support the development of a range of renewable energy supplies, including solar farms. Certain Ministerial statements on requirements for renewable energy only schemes to be located in an area identified 'as suitable' in a Local Plan, only relates to wind farms. The NPPF supports renewable energy proposals. The transition to a low carbon future is one of its core planning principles and Paragraph 93 of the NPPF states that planning plays a key role in supporting the delivery of renewable energy.

Planning Policy Guidance on Renewable and Low Carbon Energy explains that the importance of increasing energy from renewable technologies; *“will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses”*.

At Paragraph 98, the NPPF states that when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve applications for renewable energy if its impacts are (or can be made) acceptable unless material considerations indicate otherwise.

The relevant policy of the NEDLP is CSU7: Renewable Energy. This states that planning permission for renewable energy installations will be granted, provided that:

- (a) the impact of the proposal on the character and amenity of the environment is acceptable, especially with regard to sensitive areas, such as the Green Belt, Special Landscape Areas, Conservation Areas, Listed Buildings, Scheduled Ancient Monuments, Historic Parks and Gardens, and other significant areas of historic landscape, sites of natural history importance and built up residential areas;
- (b) sufficient measures can be undertaken to reduce any visual or noise disturbance or possible electrical and radio interference; and
- (c) any ancillary buildings are kept to a minimum and are designed and sited to limit the visual impact on the landscape.

The PPG (at paragraph 27) sets out several particular factors relating to large scale ground mounted solar farms for planning authorities to consider. For such a proposal which involves greenfield agricultural land, the factors may be summarised as:

- whether (i) the use of the land has been shown to be necessary and poorer quality land would be used in preference to higher, and (ii) the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays;
- use of planning conditions for removal of installations when no longer in use, and land restoration;
- the landscape and visual impacts (including any on neighbouring uses and aircraft safety);
- any additional impacts if arrays follow the movement of the sun;



- the need for, and impact of, security measures such as lights and fencing;
- ensuring any heritage assets are conserved as appropriate to their significance, including the impact on views important to their setting.;
- the potential to mitigate landscape and visual impacts; and
- the energy generating potential.”

It is clear that the proposed solar farm is supported in principle by national and local policies. It therefore remains to be considered whether the impacts of the development are, or can be made, acceptable.

Having reviewed the details of the application and the responses from consultees, I am satisfied that there are no concerns relating to heritage, and that the minor concerns relating to ecology, highway access, on site vehicle manoeuvring, ground investigation and drainage can be adequately dealt with by the means of appropriate conditions, and consequently, do not warrant further discussion.

However, I do consider that the interrelated concerns of the effects of development in the countryside, visual and landscape impacts, and the effects on local amenity, do warrant further analysis.

The proposed solar farm must be considered with regard to the context of the site and its surroundings. Solar panels are industrial in form and materials, and because of this it is inevitable that the character of the landscape, which is currently predominantly grassland, would be adversely affected. However, the panels would be consistent in height and so would follow and mimic the contours of the land. This would help to limit the visual impacts from more distant viewpoints and confine these effects of the development to the immediate area of the site.

The site is surrounded predominantly by hedgerows with some small tree plantations. These already provide some screening and where this screening is limited, there is the potential to fill the gaps through management of existing hedgerows, together with additional hedgerow planting.

Subject to a condition requiring a scheme for hedgerow planting and ongoing management, I consider the overall adverse effect on the countryside setting and the character of the landscape would be slight, and therefore less than substantial.

The single objection to the proposal raises concern about the impact on amenity of the adjacent property off Mansfield Road. This property (The Gables, referred to above under ‘Site and Surroundings’) is itself screened from external viewpoints by substantial boundary planting of conifer trees. Whilst there would inevitably be a limited degree of inter-visibility between this property and the site, I consider this impact would be moderate at most and

would be limited to the first two or three years of the life of the development whilst the boundary planting becomes established, after which the impacts are likely be negligible. Therefore, I do not consider there would be an unacceptable impact on amenity at this location.

The Agricultural Land Classification carried out by Natural England classifies all land in terms of its agricultural quality and versatility. Government guidance steers developers of solar farms away from land that is classified as Grades 1, 2, or 3a – the best and most versatile land. As the application site is classified as Grade 4 - Poor, I consider the use of the site as a solar farm is appropriate in terms of agricultural land use. Furthermore, the fields may continue in agricultural use as grazing land whilst the solar farm is operational.

The concerns raised in relation to the potential impacts on ecology of the area's marshy grassland can be resolved by imposing a condition preventing the development of that part of the site. Clearly, with this type of condition, the actual size of the built development and its potential for energy generation would both be somewhat less than the total figures in the application proposal suggest; these consequences are considered to be acceptable and appropriate, having regard to the relevant planning considerations.

I consider that the applicant has carried out a suitable assessment of the potential effects of the proposed development on its countryside setting and landscape character, its potential visual impacts, the effects on local amenity, and cumulative impacts with other similar developments, and has proposed appropriate mitigation measures that would ameliorate these effects. Therefore, I consider that the development would be in accordance with policies GS6: New Development in the Countryside and NE1: Landscape Character of the NEDLP, and with the NPPF and the PPG.

## **Conclusion**

It is clear that low carbon renewable energy proposals are supported by Government policy and there are substantial planning merits accorded to the proposed development. Having considered the effects of the proposal on local amenity and the environment, I consider that the impacts would be moderate and could be made wholly acceptable by appropriate mitigation measures that could be secured by condition. Therefore, the application is put forward with a recommendation for approval subject to a suite of conditions based on those appended to this report.

(3) **Financial Considerations** The correct fee of £22,384 has been received.

(4) **Legal Considerations** This is an application submitted under the terms of the Town and Country Planning General Regulations 1992 for development which the Authority itself proposes to carry out.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

- (5) **Environmental and Health Considerations** As indicated in the report.

### Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property and transport considerations.

- (6) **Background Papers** File No. 4.815.6  
Application documents dated 17 June 2015 and further information submitted under a covering email dated 14 September 2015 from Derbyshire County Council.  
Email from Natural England dated 7 August 2015. Email from North East Derbyshire District Council's Environmental Protection Officer dated 12 August 2015. Memorandum from the County Council's Senior Landscape Architect dated August 2015. Letter from the Coal Authority dated 20 August 2015. Email from the Police Crime Prevention Design Advisor dated 21 August 2015. Memoranda from the County Council's Flood Risk Management Team dated 19 August 2015. Memorandum from the County Council's Public Rights of Way Team dated 20 August 2015. Memoranda from the Highway Authority dated 26 August and 17 November 2015. Letter from the Environment Agency dated 4 August 2015. Letter from North East Derbyshire District Council dated 3 November 2015. Letter from Derbyshire Wildlife Trust dated 12 November 2015.

- (7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission for Code No. CD4/0615/36 be **granted**, subject to a set of conditions substantially based on the following draft set of conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority a minimum of 14 days prior to commencement.  
**Reason:** The condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990.
- 2) Except as required by the other conditions to this permission, the development shall take place in accordance with the details set out in the application for planning permission and the accompanying documentation, including the full implementation of all mitigation measures. The key application documents are set out below:

- Application Form dated 17 June 2015.
- Drawing Number: 4269-01-01 Layout Drawing for Land at Mansfield Road.
- Drawing Number: 4269-01-02 Mounting System Profile View for Mansfield Road.
- Drawing Number Mansfield/2015-1A Proposed Site Access Details.
- Flood Risk Assessment drafted by Planning Design Practice Ltd (Project Reference 1207) dated November 2015.
- Land at Mansfield Road, Temple Normanton Design and Access Statement June 2015.
- MHA PSP2 DCC GM Solar PV – Mansfield Road Solar Farm Coal Mining Risk Assessment July 2015.
- MHA PSP2 DCC GM Solar PV – Mansfield Road Solar Farm Extended Phase 1 Habitat Survey June 2015.
- MHA PSP2 DCC GM Solar PV – Mansfield Road Solar Farm Arboricultural Report June 2015.
- MHA PSP2 DCC GM Solar PV – Mansfield Road Solar Farm Landscape Appraisal September 2015.
- Further details set out in the email from Climate Change (Chief Executives) dated 14 September 2015.

**Reason:** To ensure conformity with the details of the application that is approved and to clarify its scope.

- 3) There shall be no development under this permission of the area depicted as marshy grassland on Drawing Number: Figure 3 – Proposed Layout and Location of Features included in the document MHA PSP2 DCC GM Solar PV – Mansfield Road Solar Farm Extended Phase 1 Habitat Survey June 2015.

**Reason:** To protect the ecological interests of this area of the site.

- 4) All solar panels and associated above ground works hereby permitted shall be removed in accordance with Condition 5 below after a period of 25 years from the date when electricity is first exported from the solar farm to the electricity grid ("First Export Date"). Written notification of the First Export Date shall be submitted to the County Planning Authority no later than 14 days after the event.

**Reason:** To provide for the removal from the site of all solar panels and associated above ground works that are erected under this permission at the end of the planned operational period for the development under this permission.

- 5) No later than nine months before the end of this permission, a decommissioning and site restoration scheme shall be submitted for the

written approval of the County Planning Authority. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures. The scheme, as approved, shall be implemented within 6 months of the expiry of this permission.

**Reason:** In the interests of the character of the area and highway safety.

- 6) Development shall not commence until a Construction and Environment Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the County Planning Authority. The CEMP (Biodiversity) shall include the following, incorporating the measures outlined within Section 4 of the Ecological report:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection/buffer zones” to include hedgerows, woodland, trees and other habitat as required.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on habitats and species during construction, e.g. reptiles (reptile method statement), water vole, birds, badger.
  - d) The location and timing of sensitive works to avoid harm to habitats and species.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person (as required).
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period, strictly in accordance with the approved details, unless otherwise agreed in writing by the County Planning Authority.

**Reason:** To ensure that the construction works are undertaken to the highest ecological standards.

It is considered that compliance with these requirements would only be effective if the Plan is found to be acceptable and approved as such prior to the commencement of the development.

- 7) Development shall not commence until a Landscape and Ecological Mitigation and Management Plan for all retained habitats within the development site has been submitted to and approved in writing by the County Planning Authority. The Plan should incorporate the details provided in the ecological appraisals and the content of the plan should include the following:
- a) Description and evaluation of features to be managed/enhanced or created. This should include:
    - i. Management and enhancement of semi-improved grassland within the site, including seeding mixes for the re-seeding of any damaged sward.
    - ii. Hedgerow management and enhancement, including the species mix for new or replacement tree and hedgerow planting.
    - iii. Reptile hibernacula x 2.
    - iv. Bird boxes.
    - v. Bat boxes.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options and methods for achieving aims and objectives.
  - e) Timescales.
  - f) Prescriptions for management actions.
  - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - h) Details of the body or organisation responsible for the implementation of the Plan.
  - i) Ongoing monitoring and remedial measures.

The Plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The Plan shall be implemented in accordance with the approved details.

**Reason:** To ensure that the restored areas assimilate into the surrounding countryside in the interests of the landscape and visual amenity of the area.

It is considered that compliance with these requirements would only be effective if the Plan is found to be acceptable and approved as such prior to the commencement of the development.

- 8) No site clearance or construction work shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed assessment of the site for active birds' nests immediately before work is commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. The written confirmation should be submitted to the County Planning Authority within 7 days of the assessment.

**Reason:** To protect nesting birds.

- 9) Development shall not commence until the site vehicular access has been provided with visibility sightlines extending from a point 2.4m back from the Mansfield Road carriageway edge, measured along the centreline of the access, for a distance of 150m in each direction, also measured along the carriageway edge. The land in advance of the sightlines shall be cleared of all obstructions exceeding 600mm in height and shall thereafter be retained accordingly throughout the lifetime of the development.

**Reason:** In the interests of highway safety.

It is considered that compliance with this requirement would only be effective if the visibility sightlines are established prior to the commencement of the development.

- 10) Notwithstanding the submitted details, no development shall be commenced until the design of a 6.0m wide vehicular access with 10m radii has been submitted to and approved in writing by the County Planning Authority, and implemented in accordance with the approved design. The access shall thereafter be retained accordingly throughout the lifetime of the development, unless otherwise agreed in writing by the County Planning Authority.

**Reason:** In the interests of highway safety.

It is considered that compliance with this requirement would only be effective if the design of the site vehicular access has been established prior to the commencement of the development.

- 11) Development shall not commence until a detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the County Planning Authority. The CTMP shall include details of:

- a) Delivery routeing.
- b) Site access.
- c) Delivery management.

- d) Deliveries to site.
- e) Daily traffic movements.
- f) Vehicle parking.
- g) Vehicle manoeuvring.
- h) Off-site traffic management.
- i) Remediation of damage to highways due to construction traffic.
- j) Public road cleanliness.

The approved CTMP shall be adhered to during the construction period.

**Reason:** In the interests of highway safety.

It is considered that compliance with these requirements would only be effective if the Plan is found to be acceptable and approved as such prior to the commencement of the development.

- 12) Development shall not commence until a detailed scheme of intrusive site investigations has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of:
- a) the undertaking of that scheme of intrusive site investigations;
  - b) the submission of a report of findings arising from the intrusive site investigations;
  - c) the submission of a scheme of remedial works for approval; and
  - d) the implementation of those remedial works.

The scheme shall be implemented in accordance with the approved details.

**Reason:** In the interests of the safety of people working at or visiting the site, and in accordance with the provisions of the Coal Industry Act 1994.

- 13) The development shall be carried out in accordance with the Flood Risk Assessment drafted by Planning Design Practice Ltd (Project Reference 1207) dated November 2015. Details of the implemented drainage design shall be submitted to the County Planning Authority within six months of the First Export Date.

**Reason:** To ensure that the development will not increase flood risk or cause detriment to the water environment.

- 14) No lighting shall be installed within the development site other than that required to ensure the safety and security of the site in accordance with details to be submitted and approved in writing by the County Planning Authority.



**Reason:** In the interests of local amenity and to prevent unnecessary light pollution.

- 15) Site perimeter fencing shall be of weldmesh construction, be 2.4m high and coloured RAL6009 dark green.

**Reason:** In the interests of local amenity.

- 16) Development shall not commence until the colour of the transformer enclosures and grid connection building has been submitted to and approved in writing by the County Planning Authority. The transformer enclosures and grid connection building shall be finished and maintained in the approved colour.

**Reason:** In the interests of local amenity.

It is considered that compliance with this requirement would only be effective if the colour is found to be acceptable and approved as such prior to the commencement of the development.

- 17) Within three months of the First Export Date, use of the temporary storage area shall cease and the site shall be restored to agricultural use in accordance with measures that shall have been submitted to and approved in writing by the County Planning Authority.

**Reason:** In the interests of local amenity.

### **Reasons for Approval**

The planning application has been determined having regards to the development plan and other material considerations as is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the NPPF published by the Department of Communities and Local Government on 27 March 2012.

### **Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015**

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required. In carrying out these measures it is considered that the County Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the NPPF.

## Footnotes

- 1) This permission, granted under the terms of Regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.
- 2) Pursuant to sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

Advice regarding Traffic Management and off-site signing procedures should be sought from the Traffic and Safety Section of the Economy, Transport and Environment Department, telephone 01629 533190.

- 3) Under the Coal Industry Act 1994, any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action.

Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

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