

Agenda Item No. 4.4

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

7 December 2015

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

**4 PROPOSED SOLAR FARM (GROUND MOUNTED SOLAR PV
INSTALLATION), ON LAND AT THE FORMER WILLIAMTHORPE
COLLIERY, MANSFIELD ROAD, TEMPLE NORMANTON
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD4/0615/37**

4.121.30

Introductory Summary This application proposes the installation of a solar farm on farmland at the former Williamthorpe Colliery site, off Mansfield Road, Temple Normanton. This type of development is supported by national and local policy, subject to impacts on local amenity and the environment being acceptable. Whilst there would be limited impacts on the countryside setting, landscape character 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 site covers an area of 10.31 hectares and once formed part of the former Williamthorpe Colliery site, it now consists of two large agricultural fields which are currently used for grazing. Woodland surrounds the site on all sides except for along the eastern and part of the southern boundaries which are formed by hedgerows. The adjacent Williamthorpe Country Park is a designated Local Nature Reserve, and Williamthorpe Ponds is a Local Wildlife Site. The nearest residential properties are located on Moorland Drive with the closest property 50m south-east of the site and on Mansfield Road 50m to the north. Access to the site would be via Mansfield Road, at the north-western boundary.

Proposal

This proposal is for the installation of solar panels and associated infrastructure on two agricultural fields on land at the former Williamthorpe Colliery site for a period of 25 years. The operational facility would generate an estimated 3,738,557kWh (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 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 2008.

Prior to 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 Williamthorpe site was included in a selection of six sites and a public consultation 'roadshow' event was held at the St Albans Centre, Holmewood on 23 March 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 trees or buildings in order to receive maximum 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 14,231 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 from the surrounding landscape by mature and well established vegetation. This 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.

High sensitivity receptors are located within close proximity of the southern boundary of the site. It is in these locations that views into the site are possible and where the proposed development is likely to have the greatest 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:

- *where practicable, alter the maintenance regime of the hedgerow to the eastern boundary of the site to increase vegetation height and increase the screening potential to views from the east;*
- *additional planting within the south-east corner of site, along the Heath and Holmewood FP27 PRow to the junction of Slack Lane to increase vegetated screening to residents of Moorland Drive and users of the PRow; and*
- *infill gaps in hedgerows along the southern boundary of the site where close range framed views of the site are possible.*

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.”

Extended Phase 1 Habitat Survey and Arboricultural Report

The survey notes the existence of areas of land with wildlife value within 1km of the site and semi-improved neutral grassland and hedgerows within the site of local conservation value. It concludes that there was little, if any, potential for the development to adversely affect these assets. However, it does note that one dead tree within the site, close to the boundary, had the potential to be a site for roosting bats. It therefore recommends survey work to establish whether or not this is the case before work commences, and for appropriate mitigation measures to be undertaken if necessary. It 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.

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 areas. 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.

It concludes that there could be plausible risks associated with underground coal mining at shallow depths and from surface/opencast workings. There are also risks associated with recorded mine entries, which are known to be present within the site and within 20m of the site boundary. To determine the stability of the ground, it recommends that the underlying ground conditions are investigated to determine depths and thicknesses of coal seams and the potential for coal seams to have been mined at shallow depths beneath the site. It also states that the known locations of the mine entries, as recorded by The Coal Authority, should be investigated to identify the mine entries, so that they may be made safe in accordance with requirements of The Coal Authority.

Provisional Construction Traffic Management Plan

A provisional Construction Traffic Management Plan (CTMP) was submitted as further information following a request from Highways. The CTMP 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 Julie Hill has been consulted.

North East Derbyshire District Council

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 County Park;
- there being no overriding adverse impact on the amenity of nearby residential property owners; and
- the ecology of the site being protected and enhanced.

Environment Agency

The Environment Agency states that it is 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 considers that there is an element of doubt regarding the value of the grassland habitat, but considers it unlikely that the grassland would meet the 'lowland meadow' priority habitat definition in this instance. It concludes that the impacts on the grassland habitat could therefore be mitigated through the implementation of a sympathetic management and enhancement plan, and the retention of grassland habitat within buffers to the hedgerows. The Trust therefore recommends conditions requiring a 'CEMP (Biodiversity)', and a 'Landscape and Ecological Mitigation Plan', together with 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 recommends 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 that a condition for a programme of site investigation works prior to the commencement of development.

Heath and Holmwood Parish Council, Temple Normanton Parish Council, National Grid

Requested to respond by 25 August 2015.

Internal Consultations

Flood Risk Management Team:

Derbyshire County Council's 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.

The County Council's Landscape Architect

The Senior Landscape Architect 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 Architect 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.

The County Council's Public Rights of Way Team

The Rights of Way Officer notes that Heath and Holmewood Footpath No.27 abuts the southern boundary of the site, and states that there is no objection to the proposal, as it does not appear to affect the route of the footpath.

The County Council as 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 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 residents of Moorland Drive. 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 are determined in accordance with the development plan unless material considerations indicate otherwise. 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 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. It should be noted that Ministerial Statements on requirements for renewable energy schemes only 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.

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.

It is clear that the proposed solar farm is supported in principle by national and local policies. It therefore remains to consider 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 cultural 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 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 feature, in itself, would serve to significantly limit the visual impacts of the development to the immediate area of the site and a small number of nearby vantage points.

The site is surrounded by tree plantations and hedgerows, which already provide a substantial amount of 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 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. I also note that the fields may continue in agricultural use as grazing land whilst the solar farm is operational.

The single objection to the proposal raises the concern of the impact on amenity of Moorland Drive. Moorland Drive lies south-east of the site and at the closest point, the rear gardens of a handful of properties would be less than 50m from the site boundary. In order to mitigate the visual impacts of the development on these properties, the applicant has designed the development so that the solar panel arrays would not reach this corner of the site and has instead set aside the area at the south-eastern boundary for a block of screening tree planting. Whilst there would inevitably be a limited degree of visibility from Moorland Drive whilst the tree planting becomes established, if controlled and monitored through a suitably robust condition, 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, after which the impacts are likely be negligible. There would continue to be views of the more distant arrays on the higher part of the site from Moorland Drive, however, I consider the visual impacts of these views would be ameliorated by this distance and that the impacts would be moderate.

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 and effects on local amenity, 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 the requirements as set out in Paragraph 98 of the NPPF.

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 £24,799 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 delegated decision.

(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. 4.121.30
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 11 August 2015. Memorandum from the County Council's Senior Landscape Architect dated August 2015. Letter from the Coal Authority dated 19 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 25 August and 9 November 2015. Memorandum from the County Council's Public Rights of Way Team dated 24 August 2015. Memoranda from the Highways Authority dated 25 August and 17 November 2015. Letter from the Environment Agency dated 3 September 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 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 Local 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 may be 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 dated 17 June 2015 and the following accompanying documentation, including the full implementation of all mitigation measures:
- Application Form dated 17 June 2015.
 - Drawing Number: 4273-01-01 Layout Drawing for Williamthorpe Colliery.
 - Drawing Number: 4273-01-02 Williamthorpe Colliery Mounting System Project View.
 - Drawing Number Williamthorpe/2015-1 Proposed Site Access Details.
 - Flood Risk Assessment drafted by Planning Design Practice Ltd (Project Reference 1207) dated November 2015.
 - Williamthorpe Colliery Land, Mansfield Road, Heath Design and Access Statement June 2015.
 - MHA PSP2 DCC GM Solar PV – Williamthorpe Colliery Reclamation Land Solar Site Coal Mining Risk Assessment July 2015.
 - MHA PSP2 DCC GM Solar PV - Williamthorpe Solar Farm Extended Phase 1 Habitat Survey June 2015.
 - MHA PSP2 DCC GM Solar PV – Williamthorpe Solar Farm Arboricultural Report June 2015.
 - MHA PSP2 DCC GM Solar PV – Williamthorpe Solar Farm Landscape Appraisal June 2015.
 - Further details set out in the email from Climate Change (Chief Executives) dated 14 September 2015.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3) The development hereby permitted shall be removed in accordance with Condition 4 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 ensure the development is removed at the end of its effective life.

- 4) 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 six months of the expiry of this permission.

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

- 5) 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, the dead trees (TN5 in the ecological report), tall ruderal at the edge of the field 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, in particular reptiles.
 - 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.

- 6) 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 be 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 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.

- 7) 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.

- 8) 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.

- 9) 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 routing;
- 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; and
- j) public road cleanliness.

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

Reason: In the interests of highway safety.

- 10) 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) 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.

- 11) 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.

- 12) 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.

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

Reason: In the interests of local amenity.

- 14) Development shall not commence until the colour of the transformer enclosures and grid connection building have 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.

- 15) 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 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>

Mike Ashworth
Strategic Director – Economy, Transport and Environment

