Item No. 1.3

Ref. No. DMPA/2024/1052

Valid date: 08/08/2024

Applicant: Anesco Ltd **Agent:** Stantec

Proposal: **Installation and operation of a renewable energy generation station comprising ground-mounted photovoltaic panels, inverter/transformer units, DNO substation, site access, internal access tracks, security measures, landscaping, and other ancillary infrastructure at Land west of Newton Lane, Newton Solney, DE15 0RU**

Ward: **Repton**

Reason for committee determination

The item is presented to the Committee due to the level of public objection received to the application which is a major application with more than 4 letters of objection.

Executive Summary

The application proposes the development of a solar farm on land currently in agricultural use. The site is an irregular parcel of land formed of five agricultural fields, the topography rises array from Knights Lane in a north westerly direction and from Newton Lane in a westerly direction, reaching the highest point around the area of the proposed DNO substation. The land then inclines down to the north and the west. A public right of way leaves Newton Lane at the access point and travels through the site. Bretby Conservation Area lies south of the site on the opposite side of Knights Lane to the site boundary.

Primary consideration of the application are the delivery of 21.09mw per annum of renewable energy and the ensuing contribution that this will make to carbon reduction targets; the reversibility of the scheme at the cessation of energy generation via decommissioning of the site and the scope for the land to be returned to agricultural use; the temporary loss of best and most versatile agricultural land; the visual impacts of the development from various receptors and the impact upon the landscape and the biodiversity benefits of the scheme beyond the mandatory net gain of 10%.

Highway impacts, though noting disruption during the construction period, have been assessed not to be such that would present a robust reason for refusal, neither are implications in relation to flood risk which are addressed via conditions.

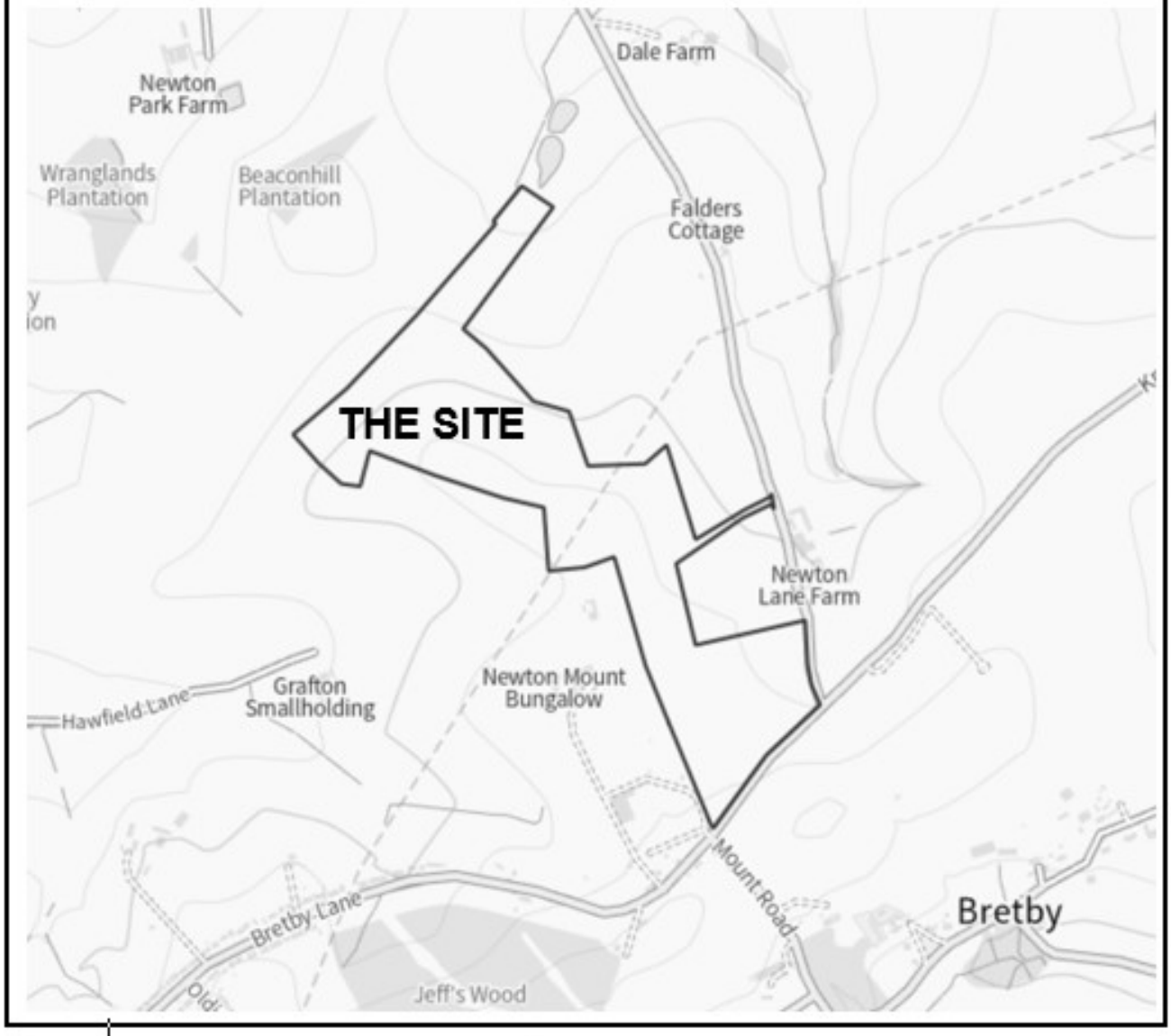
There are no objections from statutory consultees and overall, the proposal is considered appropriate and acceptable. The following sections of the report assess the key considerations fully and set out the reasons for recommended conditions.

Site Description

The application site is an irregular parcel of land lying to the north west of Knights Lane and west of Newton Lane from where the site is accessed via an existing gravel track leading to its' centre. The site is comprised of agricultural fields extending to 28.6hectares and bound by mature hedgerows interspersed with hedgerow trees.

The site is not level, the southern area of the site rises away from the Knights Land and Newton Lane towards its centre which is the highest point of the site. The land falls from here to the north east periphery. In addition to the hedgerows there are ponds within the northern area of the site and a public footpath, Newton Solney Footpath 2 runs through the site on a meandering east – west trajectory. The application site lies within the *Estate Farmlands* character area of *Melbourne Parklands* as defined by *the Landscape Character of Derbyshire.*

DMPA/2024/1052 – Land west of Newton Lane, Newton Solney, DE15 0RU



The Bretby Conservation Area lies across Knights Lane from the development and includes a number of Listed Buildings and Bretby Castle which is a scheduled ancient monument lying around 320m from the south of the site.

The site itself within Flood Zone 1 with some areas around the site noted to be at risk from surface water flooding. Electricity pylons cross the site, roughly at its centre point in a south west – north east direction.

Being within the rural area the surrounding built form is dispersed with Planters Garden Centre lying immediately adjacent the western boundary of the site, residential properties around the site are dispersed in small clusters or individual dwellings. There are some tourism lodges to the south east of the site which are also accessed off Newton Lane.

Settlement boundary	Outside	Flood zone	1 – Lowest risk
Neighbourhood Plan Area	*Not within*	Green belt	No
Conservation area	No / setting	Listed building	No
River Mease SAC Zone of Influence	No	Allocated site	No
Tree preservation order	Individual	Coal Mining risk	Standing advice
Agricultural Land Classification	78% BMV	National Forest Area	Not within
Great Crested Newt (GCN) risk zone	Green & Amber		

The proposal

The application seeks permission for the *Installation and operation of a renewable energy generation station comprising ground-mounted photovoltaic panels, inverter/transformer units, DNO substation, site access, internal access tracks, security measures, landscaping, and other ancillary infrastructure*.

The development will predominantly comprise the solar arrays which will have an export capacity of 21.09MW. Energy generated by the panels will be fed via low voltage cables to transformers across the site which in turn will lead to a DNO substation within the site. From this substation the energy will be transferred via an underground cable route to a point of connection south west of the site.

The application seeks permission for a 40 year operational period after which the development would be decommissioned and restored to previous agricultural use with the exception of landscaping and habitat features which would be retained.

Landscaping proposes 2,092 metres of new hedgerow, 62 new trees and 251,649 square metres of grassland. The supporting information indicated this would deliver a biodiversity net gain of approximately 205% for habitat units and 101.56% hedgerow units

The supporting information states that a connection to the grid has been secured. In terms of this connection the location is important as the shorter the connection route means that energy is more efficiently supplied to the National Grid and the number of panels required to achieve the agreed connection capacity can be reduced. The agreed point of connection for this application would be the Bretby substation.

The dimensions of the components of the Proposed Development are stated to be:

- Solar Arrays – 6.9m x 2.9m (L x H)
- 66kv substation and DNO control room – 3.1m (H) to be enclosed by 2m high palisade fencing
- LV Transformer – 2.8m x 3.5m x 2.6m (L x W x H)
- Customer substation – 6.5m x 4.5m x 3.1m (L x W x H)
- Security fencing – 2m (H)

Applicant's supporting information

Agricultural Quality of Land West of Newton Lane, Burton on Trent, Report Number: 2081/2, Prepared by: L Thomas, MSc, MISoilSci, Land Research Associates Ltd 10th May 2024

The report identified 2 main soil types within the site area these were permeable loams and loamy over slowly permeable soil and categorised these as *Grade 2, Subgrades 3a and 3b, limited by wetness/workability, droughtiness, or soil depth.* The survey confirms the site was appraised as part of a larger area of 54.6ha. It confirms the local policy context and the methodology by which the survey was undertaken. In further describing the classification of soils it describes the **Grade 2** soils as featuring permeable loams with slight drainage impediments and with limited access during wet conditions. The **Subgrade 3a** soil is said to be moderate to high topsoil clay content; limited in winter due to drainage and **subgrade 3 b** as heavy, poorly draining soils especially inaccessible in winter / spring.

Alternative Site Assessment, Newton Solney Solar Farm, project ref: 33313416600, Rev A dated August 2024

The Alternative Site Assessment assessed one alternate site. It summarises the location and compares it to the application site in a number of planning considerations. Though the alternative site was found to have a lower ALC it was not found to perform better than the selected site in the other areas considered.

Ecological Impact Assessment Newton Solney Solar Farm, SLR Project No.: 424.064638.00001 25 July 2024 Revision: 1

The EcIA describes the scope and purpose of the report and the policy context. It sets out how baseline data was collected via a desk and field surveys and describes the ecological features. It sets

out the baseline conditions for habitats, cropland, hedgerows, species, plants, invertebrates and amphibian; reptiles, mammals and summarises important features. It proceeds to assess the effects and mitigation measures.

The report confirms the hedgerows are likely to support foraging bats and that two badger sets were identified during the walkover, stating the site is considered as holding local importance for badgers. The report confirms the loss of 10m of hedgerow to facilitate the development. Protective measures are proposed for the retained hedgerows as is the inclusion of 2092m of native species rich hedgerow planting as part of the landscaping of the site.

In respect of species the report considers potential for effects on roosting bats, however notes that all trees are proposed for retention and as such no mitigation is required. For badgers it confirms that the location of sets will be protected and site fencing and infrastructure will be outside the areas of the setts. In addition it states that a native 'structure' scrub mix will be maintained between the sett locations, preserving habitat links between the two setts and badger access gaps will be included within the fencing of the site to enable foraging and commuting across the site. Due to the active nature of the species a further pre-commencement site walkover is considered necessary to safeguard species and identify new activity.

In terms of enhancement, habitat enhancements including 4.63 ha of nectar rich grassland and wildflower seeding, 17.4 ha of grassland and wildflower seeding within and around the solar arrays, and 3.1 ha of tussocky grassland outside of the security fence are proposed to deliver a significant uplift in biodiversity value, supporting pollinators, small mammals and bird species. 0.87 ha 'native structure' scrub mix will be planted at various locations around the Site boundary. This will constitute a scrubby buffer that will contribute to habitat connectivity and provide a foraging habitat for birds and mammal species. An additional 62 native trees will be planted throughout the Site, in addition to the 140 trees incorporated into the hedgerow reinforcement.

Species enhancements including bat and bird boxes are also proposed.

Heritage Statement, Newton Solney Solar Farm, Derbyshire, SLR Project No.: 407.064643.00001, Revision: 03, prepared by SLR Consulting Limited for Anesco, dated 10th May 2025

The Heritage Statement sets out the legislative and policy considerations for applications affecting heritage assets and provides an overview of previous investigation undertaken within the wider area and a geophysical survey of the site undertaken in September 2023 which is included within the appendix. Figure 7 shows the built heritage assets in the surrounding areas. The report concludes that by virtue of the absence of designated assets within the site there will be no physical affects to heritage assets as a result of the development. In respect of agricultural remains it is noted that recorded and potential non-designated assets within the site comprise *post-medieval agricultural remains, e.g., cultivation earthworks, former agricultural structures, infilled ponds, former boundary ditches / drainage channels, and possible agricultural buildings.* The report further concludes that the development would not result in harm to the significance of any assts as a result of changes within their setting nor would the proposals diminish the ability to appreciate the significance of any heritage assets. It concludes the proposals are consistent with the Planning (Listed Building and Conservation Areas) Act (1990).

Landscape Visual Impact Assessment, Newton Solney Solar Farm, 1512 (PJ3778), Revision A, November 2024

The LVIA sets out the site location and study area for the purposes of assessing the landscape and visual impacts of the development proposed, it further sets out the site context and proposed development as well as the Policy context. The Methodology used is set out in section 2 together with an overview of terminology. The baseline conditions of the site and surroundings sets out that a desktop study was undertaken to direct and focus surveys of the landscape receptors that have potential to experience change because of the development.

In terms of the photographs from various receptors the study sets out the equipment and methodology with which the panoramas were constructed.

In assessing the effects of the proposals, the section sets out that the landscape and visual effects are considered separately for their sensitivity nature and importance. The method for assessing landscape

impact is set out as is the definition of landscape sensitivity. Similarly, the method for establishing the sensitivity of visual receptors and therefore the impact on them from the development is also set out. It further sets out the mitigation and conclusions.

It confirms the landscape character type is Melbourne Parklands landscape type: Estate Farmlands. The report establishes this as a medium sensitivity receptor and the magnitude of change to be low.; it sets out that the result will be a minor adverse impact in comparison to the base line.

Table F *Representative* Views sets out the viewpoint descriptions, their distance from the site and the receptor types, distances range up to 3.9km and receptors include, Road users, PROW users, holiday lodge occupants, Bridleway users and local residents. The visual sensitivity is assessed based upon the viewpoint, the impacts are assessed to range from minor – adverse to moderate – adverse effects in comparison to the baseline. For the public right of way (viewpoint 19 the change is stated to be substantial, leading to a moderate impact overtime as landscaping matures.

The report recommends mitigation in line with the landscape strategies informed by the character of the landscape and in consultation with project ecologists. These comprise for the operational period: Enhanced field boundaries to the east and west with native hedgerow planting; Planting of new hedgerows which will help balance the historic loss of hedgerows typical of intensive arable farming with large field sizes; gapping up of existing hedges which currently have large lengths of gaps; existing heavily flailed 1m hedges to be allowed to grow taller up to 3m and maintenance of existing hedgerows at 3m high; native structure mix belt proposed along the more exposed northern and western boundaries; additional broadleaf woodland in belts and pockets where possible to provide forest scale for richness of layering of form and structure; Nectar rich grass and wildflower planting between solar arrays and security fence

The summary of visual and landscape effects sets these to be between no effect and moderate depending upon the viewpoint assessed and minor on the character of the landscape.

Newton Solney Solar Project, Flood Risk Assessment and Surface Water Drainage Strategy, prepared by SLR Consulting, Project No: 402.064306.00001, Revision 2, dated 2nd August 2024

The Flood Risk Assessment (FRA) and Surface Water Drainage Strategy sets out the existing site extent and features and the proposed development confirming that in accordance with the PPG the development is considered to be classified as *'Essential Infrastructure'.* Section 2 provides an in-depth review of the site characteristics in terms of hydrology and geology and the existing drainage, which based upon the agricultural use of the site is not expected to be served by formal drainage other than existing field drains and any agricultural land drainage. It considers rainfall likely to drain via evaporation, limited infiltration into the underlying soil before entering existing surface water channels present across the site. It expects excess overland flow to follow the local topography to existing surface water channel in the north-east of the site.

The report confirms that infiltration testing was undertaken in September 2023 in three pits across the different geology of the site. The report confirms that the drawdown rates were insufficient to calculate an infiltration rate that would deem this option viable for the site.

The FRA considered the site and development proposed pass the sequential test as the site is within the lowest area of risk from flooding from rivers or seas. It confirms the exception test is not required. The flood screening shows there are no potential significant flood risks present at the site from any of the assessed sources.

In assessing the potential for climate change impacts the FRA sets out the surface water drainage strategy will be developed to take into account increases in rainfall intensity of 25% over the 40-year lifetime of the development.

In terms of surface water drainage, the report acknowledges the potential for small increase in impermeable coverage of the site that could result in increases to the rate and volume of surface water runoff. The report calculates the pre-development runoff rates, also termed *greenfield run off*; to control runoff to mimic greenfield rates the strategy proposes the use of a hydro-brake. It further confirms it considers it possible to discharge runoff to an existing ditch on the northern boundary of the site, which ultimately discharges to the River Trent. It proposes that the surface water will be captured

by swale at the northern boundary of the impermeable areas and controlled by a Hydrobrake restricting flows to greenfield runoff into the existing watercourse. The report concludes that the strategy will ensure the proposed development will not increase flood risk elsewhere and the runoff will have no adverse impact on water quality at the point of discharge.

Newton Solney Solar Farm, Land at Willington Transport Statement, dated 24/07/2024

The Transport Statement sets out that the proposed construction routing for the development which will leave the A38 turning onto the A5121 and travel south. Along the A511 to the Newton Road B5008 before turning onto Newton Road to Newton Lane and travel south to the construction site access. It acknowledges construction phase increases to traffic on the surrounding road network over the 38-week construction period, it predicts an increase of 7 two-way vehicle movements per day and defines this as a having a de minimis impact on highway capacity The report also sets out that the operational phase of the development will have minimal impact upon the surrounding network.

The statement concludes that the proposals accord with the relevant transport policies; safe and suitable site acceeses can be achieved and the level of traffic generated will not lead to severe impact to existing operation and free flow of traffic.

The vehicle movements are stated to average 7 x 2-way HGV movements during the 38-week construction period, noting that during the initial two-week site setup period movements are estimated to be around 17 HGV movements per day. 2 van movements, per day, twice a month are estimated during the operational lifetime of the development. The report sets out that due to the proximity of the site to the Strategic Road Network the estimated increase is unlikely to cause disturbance to other users.

The report acknowledges that there could be some highway safety impacts but that due to the temporary 38-week construction period these are not likely to have a significant road safety impact.

In respect of site visibility, the report sets out the TRO will serve to overcome visibility limits from the access in a southerly direction as vehicles will only travel southbound, thus only requiring northbound visibility.

A Construction Traffic Management plan is proposed to reduce / avoid potential disturbance arising from HGV traffic.

Public right of way clarification note Proposed solar development on land west of Newton Lane Planning application DMPA/2024/1052

The PROW Note clarifies three points following discussions with the applicant, the DCC PROW Team and Officers of the Council:

1) Existing public rights of way routes are retained on their current alignment and the proposed materials and route will improve the accessibility of the right of way.
2) Landscaping, in particular that sufficient buffers and corridors are provided for the public rights of way and landscaping will be sufficiently set back.
3) There will be no conflict between public rights of way users and vehicles accessing the site.
   a. During the operational phase, vehicle numbers will be very low, with suitable signage to be put in place.
   b. Construction phase impacts will be managed through temporary diversions/closures to the public rights of way and through a Construction Management Plan

The note provides further plan excerpts and drawings showing the PROW in the context of the proposed landscaped corridor and the proposed development. The note confirms that potential interactions between site traffic and PRoW users will be managed via details to be submitted in the Construction Management Plan. Further safety signage will be installed at the site access for robust safety measures during the operational phases.

Newton Solney Solar Farm, Land at Willington Transport Statement, dated 24/07/2024

The Transport Statement (TS) sets out the existing highway conditions, the nature of the proposed development, the impact on traffic and proposed mitigation. Additional plans are included within the Appendices including various swept path analysis drawings for the access, proposed routes, a diversionary plan and signage plans together with the survey results and visibility splays.

The Statement sets out that the report has been prepared in accordance with best guidance and demonstrated policy compliance, safe and suitable access can be achieved and that changes in the level of traffic resulting from the development will not lead to sever impacts on the existing operation and free flow of traffic on the surrounding highway network.

Noise Technical Note, Newton Solney Solar farm, Burton-on-Trent, Document number: 244696-BWB-ZZ-ZZ-RP-O-0001, rev 02, dated 04/10/2024

The Noise Technical Note identifies the nearest noise sensitive receptors as dwellings on Newton Lane and to the west of the site periphery. The Note confirms the methodology, baseline and predicted noise levels from the proposed infrastructure. It applies methodology to calculate how the noise will change between the source and receptor. The report concludes that:

Based on these assessment scenarios impacts on residential receptors can be ruled out at night and for average operation during the day as predicted sound levels are below or just above the threshold for human hearing.

The worst case daytime prediction of noise levels from the site is below the BS8233 guideline values for a residential receptor internally and externally. Impacts from operational noise are therefore considered unlikely.

Solar Photovoltaic Glint and Glare Study Anesco Ltd Newton Solney, reference 11590B, Issue 03, July 2024

The report concludes that reflections are possible towards 90 of the 112 residential receptors, however 88 of these will be screened from reflections by existing vegetation and/or buildings which are predicted to o significantly obstruct views of the reflecting panels, no impact is predicted and on that basis no mitigation is required. The remaining two dwellings proposed vegetation screening will significantly obstruct views, and no solar reflections will be experienced.

No significant impacts upon aviation activity at Derby Aerodrome Grangewood or Riding Bank Farm Airfields are anticipated and on that basis no mitigation is required.

Planning Statement, Newton Solney Solar Farm, Project ref: 33313416600, Rev. A, August 2024

The Planning Statement provides an overview of the site context, development proposals as a whole, and a detailed review of policy and other influencing documents from national and regional government and associated bodies. It also provides an overview of the consultation undertaken and the responses received. In addition, it sets out the benefits of the scheme including the economic, social and environmental benefits and in terms of energy generation and seeks to quantify these in an accessible format.

Design and Access Statement, Land at Newton Solney Proposed Solar Development, 08/24

The design and Access Statement (D&AS) introduces the purpose of the document setting out the national and local need to reduce fossil fuel dependency and the role of solar technology in this. The scope of the documents sets out that it draws together the conclusions of various consultants to demonstrate the design response and justify the proposals. It highlights the need to review this document alongside other supporting information. Following this it sets out the site in terms of location, features and the suitability f the site for solar development due to its spatial and geographical attributes.

It provides a further overview of the policy context and the challenges and benefits of the site. The community engagement section sets out the public consultation requirement and strategy and summarises the key issues raised during the process which were summarised under the following headings: Landscape impacts of the proposed development; Use of agricultural land; Highways; Flooding and Heritage.

In describing the proposals it sets out the energy, landscaping and biodiversity benefits of the scheme and provides a layout and detail drawings of the typical modules. It summarises the LVIA and appraises the Landscape Character and Visual appraisal. The landscape strategy for the site is then summarised.

The conclusion sets out that the site is an area of high levels of solar irradiance and an area of low landscape sensitivity and there will not be any resultant adverse impacts and that the proposed development is consistent with the development plan and national policy. It reiterates the benefits of the scheme in relation to the provision of renewable energy in increasing South Derbyshire contribution by around 6% making it on of the largest contributor in the County.

Relevant planning history

No relevant planning history for the site was found as part of the application review.

Responses to consultations and publicity

Historic England - No advice offered 18/12/2024
Historic England suggest that the LPA seek the views of its' specialist conservation and archaeological advisers.

Natural England - No objection subject to condition - 01/10/2024
Natural England state that based upon the plans submitted they consider the proposed development will not have significant adverse impacts on designated sites. They further state that the lack of objection does not mean that there are no significant Environmental Impacts and advise all environmental impacts are considered and fully and relevant local bodies consulted.
Further advice is offered on **Best and Most Versatile Agricultural Land,** they confirm review of the Local Plan and ALC report but state they were unable to access other supporting information. They confirm their role as Statutory Consultee (as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO)) on development leading to a loss of more than 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system), where this is not in accordance with an approved plan.) They note that from the description of the development this application is likely to affect 22.5ha of BMV agricultural land based on the applicants survey. If temporary, they considered the proposed development is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. They describe that where solar panels are secured to the ground by steel piles with limited soil disturbance and can be removed in the future with no permanent loss of agricultural land quality likely to occur, provided appropriate soil management is employed and the development is undertaken to high standards.

Further comments state that some components of the development, such as the sub-station, may permanently affect agricultural land and that this would be limited to small areas of which is BMV agricultural land can be avoided and mitigated. They state they were unable to view any site plans so could not assess whether the permanent structures have avoided BMV agricultural land or mitigated against permanent loss appropriately.

They note that during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area. On this basis they advise the LPA to consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large-scale solar farms on previously developed and non-agricultural land. They reiterate the requirements of Paragraph 180b and footnote 62 of the National Planning Policy Framework (NPPF) (2023) which states that:
Planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
Footnote 62: Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
Comments also draw attention to Planning Practice Guidance for Renewable and Low Carbon Energy

(March 2015) (in particular paragraph 013), and advise the LPA to fully consider best and most versatile land issues in accordance with that guidance.
They further state that local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.
They refer questions about ALC or the reliability of information submitted with regard to BMV land please to Natural England's 'Guide to assessing Development proposals on Agricultural Land'. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required.

They further set out that soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.

In the absence of soil survey information, Natural England would advise that any grant of planning permission should be subject to conditions to safeguard soil resources, including the provision of soil resource information in line with the Defra guidance Code of Practice for the Sustainable Use of Soils on Construction Sites. Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade).

General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.
The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed. They also advise conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires. They request further consultation should the proposal change.

East Staffordshire Borough Council - No objection 05/09/2024
No specific comments on the proposals as submitted but trust that matters relating to residential amenity, visual amenity, biodiversity and highway safety are fully considered in the determination of the application.

Open Space Society - Neither - 01/09/2024
The Open Space Society advise that the Public right of way shall be made available at all times during the construction of the solar farm acknowledging a temporary diversion may be required. Further advice is offered in terms of the width and the need to agree matters with the DCC ROW Team; the surfacing of the path; the drainage of the path, to avoid waterlogging. They consider that the visual impact and impact upon public access can be largely reversible, with good design and provided that suitable permanent and enforceable planning conditions are put in place for decommissioning and site restoration and visual impact upon the path.

East Midlands Airport - No objection 16/08/2024
The EMA thank the LPA for consultation on the proposed development and offer no objections. They

draw the applicant's attention to procedures for crane and tall equipment and provide a link to this.

Derbyshire Constabulary Force Designing Out Crime Officer - No objection subject to conditions
Final comments: The Designing Out Crime Officer (DOCO) offers no objection to the principle of the development but advise a more robust approach to security is made a condition of any forthcoming approval. They provide that the industrial scale of thefts from solar farms nationally that are employed by organised crime groups in the commission of offending which make the absence of any consideration of this subject area a significant omission. They state the isolated location and rural context as exacerbating panel and cable theft and offer concerns regarding growing trends for violence and weapons to be used in offending, raising risk to responders.

The proposed 'security fencing' is considered inadequate and is actually stock fencing with minimal security value. They note sector security trends of active monitoring provision for their sites, in order that accurate risk assessments of any trespass can be made, and an informed and appropriate response, involving the police if necessary, can be mobilised. The Officer confirms they would expect that the site should have a combination of 24hour monitored intruder detection devices and CCTV coverage, with the CCTV coverage extending into the site. This would require infra-red capacity considering the absence of any site lighting. They consider a suitably worded condition to be appropriate.

Derbyshire County Council - County Archaeologist - No objection subject to conditions 03/09/2024
The County Archaeologist advises the site is 300m from the Scheduled Monument at Bretby Castle and Historic England should be consulted for advice in relation to potential impacts on this designated heritage asset through its setting.

The comments refer to earlier pre-application discussion with the County Archaeologist and the applicant and confirm the documents submitted provide a reasonable summary of the site's archaeological potential with no known assets (Derbyshire HER) within the site and few likely archaeological targets identified in the geophysical survey. The state that previous advice given in respect of the emerging realisation that the activity of the Viking 'Great Army' of 873-4 was not confined to Repton but may have extended along an axis south of the Trent between Repton and Foremark, and that it is not impossible that this activity also extended west of Repton towards or into the current proposal site, is not reflected in the information supporting the application, noting that previous advice offered [outside this application process] stated works could be undertaken either by pre-application evaluation or pre-commencement condition securing the same level of work and response towards recording, or designing out impacts should any significant archaeology be identified. Given the information is omitted from this supporting information they request a condition for a WSI

Derbyshire County Council - Local Highway Authority - No objection subject to conditions - 17/12/2024
Subsequent comments: Following the submission of additional information the LHA confirm their review of this and confirm its acceptability. On this basis they offer no objections to the application and make a request for conditions to be attached, these are summarised as below:
1) No development shall commence until a temporary TRO is in place to Make Newton Lane one way in a South Bound Direction for the duration of construction and impose temporary parking restrictions at the junction between Newton Lane and Newton Road.
2) Installation of access prior to construction of the development.
3) Construction Management Plan - prior to commencement.
Further informatives are requested.

Initial comments: The LHA confirm review of the submission documents and set out that additional information is requested to address a number of issues which are summarised as:
The existing access is proposed to be widened, however visibility splays are required to demonstrate whether this would be acceptable. The swept path analysis is acceptable, subject to the provision of adequate visibility splays. The proposed access construction is considered acceptable, however information relating to any siting of gates is provided to ensure these do not raise highway safety concerns. Attention is drawn to the PROW in the site and at it's access and details of the PROW team provided. In respect of the proposed construction routing the Officer sets out a Temporary TRO will be required and this will be necessary prior to development.

Object -

Derbyshire County Council - Public Rights of Way - No objection 18/12/2024
Final comments: The Officer is satisfied the amendments in the PROW note address previously raised concerns and they have no further comments or objections to make.
Initial comments: Comments confirm Newton Solney Public Footpath No.2 runs through the proposed development site. This differs from the route shown in the layout plan and would likely be encroached upon by the proposed panels. Either a minor diversion or adjusting the proposals would remedy this.

Due to impacts on visual request the corridor for the path be as wide as possible with vegetation screening. Object to the access road also being used for a PRoW and for public safety suggest that the PRoW should run parallel but separate to the access road, Because the visual amenity of the path is impacted by the proposals, request that vegetation screening be used between the access road and the path, and further to the west, on either side of the path, to mitigate the impact. The important issue is that for public safety the access track is not also used as a PRoW and that they are clearly defined and separate. Further comments are withheld until more information on the legal lne of the path is available and information advised to the applicant.
Derbyshire Wildlife Trust – No objection subject to conditions - December 2024

Note the potential impacts on habitats and the proposed net gain to biodiversity resulting in a 205% gain in habitat units and a 101.56% gain in hedgerow units, which surpass the requirements of the Environment Act.

Recommend conditions for tree and hedgerow protects for all retained areas within the site. HMMP, construction Environment Management Plan (to include an Arboricultural Method Statement)

South Derbyshire District Council

Environmental Health Officer – No objection subject to conditions 11/10/2024
Final comments: Confirm review of Noise Impact Assessment and no further objections or comments.

Initial comments: No objection to the scheme, however a Noise Impact Assessment should be submitted prior to permission being granted in order to ensure the amenity of the areas and surrounding occupiers is safeguarded. Further conditions are requested for:

- construction phase hours of working

Local Flood Officer – No objection - 13/01/2025
Final comments: An increase in surface water could still occur depending upon the design of the swales. At times of heavy rain fall there could be a small increase in surface water run of from the “drip line” that could contribute to issues on Newton Lane and Repton Road. There are already issues with the small watercourse to the Northeast of the site which regularly floods Newton Lane and then floods Repton Road. Key concern is Newton Lane and Repton Road which flood regularly resulting in road closures, at times of heavy rain fall the solar panels could contribute to this, photos are supplied of flooding on January 8th 2025, Repton Road was also closed during this time due to flooding furthermore the LVIA viewpoint 3 also shows flood warning signs in place on Newton Road. All obligations are on the developer to make sure the calculations are correct to the C753 manuals recommendations.

Subsequent comments: Consider that there remains a risk in surface water increase dependent upon how Swales are designed. Also, at times of heavy rain fall there could be a small increase in surface water run of from the “drip line” that could contribute to issues on Newton Lane. There are already issues with the small watercourse to the Northeast of the site which regularly floods Newton Lane. All obligations are on the developer to make sure the calculations are correct to the C753 manuals recommendations.

Initial comments: Note EA flood risk maps show the site to be low risk and medium risk for surface water flooding (between 0.1% and 1% chance each year for low risk and between 1% and 3.3%

chance each year at a depth of below 30cm for medium risk). They note that flooding from surface water to the northeast of the site towards the River Trent increases with flooding noted during the site visit on 06/09/2024. They note Newton Lane is renowned for flooding and experiences closures frequently for flood related issues. They note further impacts on Repton Road as a result of flood risk. They consider that solar panel site has potential to interrupt overland flow and reduce absorption to ground, thus increasing the rate and volume of surface water runoff.

Although the site has 2 x swales and a hydrobrake, this is then culverted for a quite a distance into a private natural pond to the North of the site boundary. I believe that the site north of the swales is supposed to be draining into natural ditches which flows into the pond to the Northern boundary of the site. Can consideration/ investigation be made to whether the natural pond and small watercourse can cope with the increase in surface water run-off. Can consideration be made to the erosion of the pond/ watercourse where the outfall pipe is going to be positioned. Do they need to ask permission to outfall into a private pond.

There are already issues with the small watercourse to the Northeast of the site which regularly floods Newton Lane. The natural private pond is not a SuDS

Newton Solney Parish Council - Object 14/09/2024
The Parish Council Object to the application on the grounds environmental impact due to the presence of various species within and around the site and its' surrounds including Badger and Common Toad. In terms of Landscape and Visual impact they raise inaccuracies in the LVIA and the potential distances at which views of the site will be experienced. They request an independent survey be undertaken by SDDC. Further concerns regarding flooding on Newton Lane and the history of this flooding was discussed at past meetings of the Parish Council. Concerns in bold are also raised that the proposed outfall to the existing ditch (deemed within the FRA as a viable method of Surface Water drainage) is not properly connected and that the water from this ditch runs across Newton Lane and down the B5008 and Blacksmiths Lane and leaves debris ad soil and mud, on occasion affecting dwellings, as it flows.
The Parish Council, using the site assessment criteria used by the applicant consider it can be demonstrated that the site is eminently unsuitable for this type of development.

The response includes a comparison of the Willington Power Station Site setting out this would more suitably meet the applicants selection criteria.

The transport statement is incorrect, this is not Newton Solney Solar farm Land at Willington.
It is the opinion of the NSPC that the application does not meet the requirements of Policy INF2, concerns regarding highway safety and the routing of traffic through Newton Solney and turning right adjacent the landscape area at the junction of the B5008 and Newton Lane are raised and amplified in the response. Concerns in respect of the potential for noise to be generated from the development and the potential for impact upon amenity, the response sets out that a noise assessment, though referenced has not been summitted. Concerns regarding construction phase noise are also raised including noise emissions from vehicles. The Parish Council quote and refute statement in relation to the absence of adverse noise impacts arising from the development, in particular citing the absence of a noise assessment from the suit of supporting information and the construction phase. The Conclusions of the Parish Council's objection are copied verbatim below:
Newton Solney Parish Council OBJECTS to the application on the following grounds.
The application does not fulfill the planning criteria set out in the National Planning Policy Framework or the SDDC Local Plan.
There will be:
• Disturbance and possible destruction of protected species- Badgers (meles meles) and the Common Toad (bufo bufo).
• Loss of livelihood and employment for some local residents.
• Loss of valuable agricultural land- 78% is Grade 2 or 3a.
• Unacceptable visual impact on the local and wider surrounding area.
• Exacerbation of existing flooding problems on Newton Lane.
• Increased likelihood of road traffic accidents commensurate with the increase in volume of traffic and type of vehicles using Newton Lane and the surrounding roads.

• Worsening of the already extremely poor road surface of Newton Lane.
• Disruption to residents of the parishes of Newton Solney, Bretby and Repton affected by the proposed traffic management "solution".
• No social or amenity benefits to local residents or any enhancement of the local and wider area.
The proposed site does not meet best practice for the construction of and installation of a solar farm. Overall the application demonstrates a lack of understanding of the site and surrounding area as evidenced by confusion in various documents as to the correct address of the site, the use of "desk" studies instead of actual site visits and the important omission of a noise assessment.

Bretby Parish Council - Object - 14/09/2024
The Parish Council objects on the grounds of the loss of BMV used to grow a variety of crops, the wider impacts and NPPF preference for brownfield land. They further consider the likely visual impacts unacceptable. Objections are also raised on the grounds of an absence of assessment on the impact upon neighbours of nearby (100m) away residential dwellings, in relation to noise. Impacts on the Public Right of Way. In respects of the public rights of way they consider the RoW through the site is not properly identified; concerns are raised in relation to the green and biodiversity credentials of the proposed development and the capability of the land to be reinstated after 40 years to agricultural use. Extensive conditions are sought in relation to highway maintenance in consideration of the impacts of the development on highway access and safety.

Peak and Northern Footpaths Society – Object – 17/08/2024

The Landscape and Visual Impact Assessment concludes that there would be a moderate adverse impact on the users of the public rights of way across the site, (Newton Solney Footpath 2) and those north of the site, not reduced after 5 years by the proposed mitigation measures, These paths, particularly Footpath 2, enable local residents and visitors to enjoy access to the countryside with its recognised health and well-being benefits, and the adverse impact would deter people from using the rights of way. This would be especially detrimental to the residents of the urban areas of Burton upon Trent and Swadlincote, who rely of the use of the rights of way to experience the benefits of access to open spaces. In addition, the use of a section of Footpath 2 as the main vehicular access route to the site would be detrimental to the safety and enjoyment of the users of this path. If the council is minded to approve this application, it should be possible for Footpath 2 to be legally diverted on to a more enjoyable route.

Ramblers Association- No objection subject to conditions

Newton Solney Public Footpath 2 passes through the proposed development site, this is mentioned in the Design and Access Statement. Figure 10 in the Design and Access Statement shows the Public Right of Way ending where it joins the access route to the site from Newton Lane. This is incorrect Newton Solney Public Footpath 2, even if it must be diverted, must end at its current termination point at the junction with Newton Lane.
Should a diversion of the footpath be required the Derbyshire County Council Rights of Way Section should be consulted. The footpath must remain open, unobstructed and on its legal alignment at all times. Consideration should be given to members of the public using the route at all times. A temporary closure of the route may be granted to facilitate public safety subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section. There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way Section.

Members of the public
In response to consultation on the application comments have been received from 53 members of the public or neighbours. 52 of these object to the proposed development and 1 is considered to offer no objection subject to conditions.

The 52 objections are summarised below noting that some members of the public provided comments more than once:

Loss of agricultural land (BMV)

a. Loss of productive arable land (Best and Most Versatile - BMV) – As custodian of the site for the last 38 years as well as being involved with the management of the land all of my life ,I must strongly object to taking these fields out of agricultural production to site a solar farm. This land is predominantly grade 2 and 3a soil which consistently grows above average crops of wheat, barley, oilseed rape, beans, maize, root crops, potatoes and cauliflower as well as producing grass for grazing by sheep and cattle. The crops have been grown in rotation with the soil health and structure being paramount.
b. To change this use of this food producing site to a none producing site will increase the reliance of importing food.
c. By the argument proposed that there are other fields within this locality that can be used so can be said that there are vast amounts of warehousing within this area that could have solar panels applied to all the roof space in construction if requested at the planning stage.
d. This land is farmed by a tenant farmer who would lose a significant amount of income if this was taken from him and the country would lose part of its food supply. Grazing sheep on the land would in no way compensate for the loss potential of the land.
e. The yield from these fields will be lost for over the proposed length of usage of the site as it will probably never be converted back to farmland
f. We need energy security I accept but we also need food security.
g. The impacts of the development on BMV Agricultural Land will be felt by the tenant farmer.
h. a lot of the arable land around us is also being used to grow crops for biomass, so this is yet more land taken out of food production. Why are councils not taking time out of their offices and looking for sites that have no value for crop growing. We will reach a time when we have "net zero electricity in abundance (according to the zealots)" and nothing to eat
i. The applicant suggests that the land can still be used for agriculture (i.e. sheep grazing under solar panels). Experience by local farmers suggest that this is not possible as sheep do cause damage to the infrastructure of the solar panels.
j. The applicant also suggests that the land will revert back to agriculture after the 40+ years. They can have no concept of what the land will be like after 40 years of being left fallow with progressively sparse growth, restricted light and destruction by heavy engineering installations
k. The loss of land for food production would be catastrophic if there was to be further global conflict.
l. Object strongly to this due to prime agricultural land which should be used to feed the nation when poorer quality / brown field sites are available
m. We should have food security for the Nation and this will not achieve it

<u>Flooding</u>
a. concerns that the development would increase flooding in the village of Newton Solney and of adjacent flooding on Newton Lane.
b. the road is regularly flooded as water from surrounding fields flows onto the road, submerging it along large stretches, as described in the response by the Flood Officer.
c. Newton suffers already with flooding coming down from this area and flooding outside the newton park hotel , solar will cause this to become worse and even less soak away.
d. The site of the top end of the proposed solar farm is hilly and prone to flooding

<u>Location, Landscape and design</u>
a. The very large size of the development is totally inappropriate for the location being close to Bretby residential properties and Bretby businesses.
b. The visual impact would fundamentally change the character of the area. The solar farm would turn a pleasant and rural area into an industrialised area protected by high barb wired fences, warning signs and cameras.
c. The correct positioning of such a farm would be already industrialised land and roof tops, not on productive agricultural land, or in an area which will cause significant visual impact to the residents and those further afield who visit the area
d. The developer states that the proposed site is viable because of its proximity to a sub- station. This is not a necessary argument and is merely a way to cut costs. Other Solar sites manage to function several miles from a sub-station e.g. The Great Wilbraham, Cambridge solar site is 11Km from a sub-station.
e. Brown field sites should be explored for this type of business. There is an existing site just a few miles away at Willington which used to be a power supplier and has been derelict for many years. Surely this could be looked at as a viable alternative. Other alternatives to look at are the roofs of

industrial buildings, carparks etc
f. The site of Willington should be used instead.
g. Transformers and batteries are almost ten feet high and 40ft long (and look like shipping containers) and other supporting infrastructure are eyesores
h. Support for solar energy but not in this location
i. Parts of Newton Solney are in a conservation Area and a solar farm is not in keeping with this
j. Overdevelopment
k.. Loss of rural / countryside views from neighbouring dwellings.
l. design of perimeter fencing is also not in keeping with the site and surrounding rural character
m. Willington ex power station has all the infrastructure and is a site looking for a purpose.
n. The government has suggested that Brown Field sites should be given priority over agricultural land for the development of solar farms. The applicant has cited one local Brown Field site, that of the long-ago decommissioned Willington Power Station. There is ample space there for their requirement, but they consider it unsatisfactory for the most bizarre reasons
o. The applicant has not made an adequate investigation into [Willington] and simply dismisses it as unsuitable. This site has been derelict, with no apparent activity since the planning application was granted in 2011 and has become an unwanted eyesore throughout the district. The installation of the solar farm on this land would eliminate a long-standing eyesore and negate the destruction of valuable arable land.

Highways
a. significant transport impacts on the local road network during the development.
b. The delivery of just the materials to build the site down what is a tight country lane will change the character of Newton Lane completely once lorries have tried to pass each other on the verges. The amount of HGV's that will be trying to navigate small country lanes to enter and leave the site will even further deteriorate the road network around the site.
c. The condition of Newton Lane is of concern, it is already a single-track road with numerous potholes and this will further degrade as a result of the construction of the development.
d. There will be further environmental impacts from the traffic re-rerouting in terms of increased emissions due to longer journeys. The proposed route will also mean it takes longer for emergency services to get to destinations.
e. The detour would cost everyone money and put unnecessary miles on our cars. Would there be compensation? How will the farmers cope, what about the emergency services, the bin collection services, the post, parcel deliveries? The list of disruption is massive.
f. The closure of Newton Lane will have wider effects on parking in Newton Solney.
g. Concerns regarding an unsafe access.
h. Lack of pedestrian provision on Newton Lane and increased risk during the construction process.
i. The County Highways Authority suggest that during construction of the solar farm a Traffic Regulation Order should be placed in order to produce a one-way system with construction traffic travelling from Newton Solney via Newton Lane to Knights Lane. This will mean existing road users wishing to travel from Bretby to Newton Solney must divert to travel through Repton and then out again to Newton Solney. This is a lengthy diversion through an area that is already severely congested during peak times. There are also frequent occasions where roads into and out of Repton are affected or closed for road works by utility / telecommunications companies and DCC. If this happens during the construction period, the whole area would become gridlocked and access to main routes such as the A30 and A50 will impossible.
j. There are many residents in Bretby whose children attend school in Newton Solney so they will have to make this journey twice daily. The construction period is proposed to be 38 weeks which with inevitable delays will mean that the TPO will be in place for about a year. Why should local residents be subjected to such inconvenience?
k. The Highways Authority also suggest that the suggested level of HGV traffic can be accommodated on local highway networks. This statement is a joke. Newton Lane is a single-track lane in places and for years the road has been very unstable with the surface completely disintegrated, pot holed and damaged verges.
l. The Highways Department has failed to rectify the damage to this road following numerous requests by the Parish Council and is regularly closed as it is unpassable. Last winter the road was completely closed by order of DCC Highways Department for several weeks in December 23 and January 24.
m. Newton Lane has a weight restriction of 7.5 T so damage to the road surface has been caused by

ordinary passenger cars or vans and occasional tractor. If the road is to be used for the suggested number of HGV vehicles during the construction (between 5,000 and 10,000) the road will be completely destroyed.
n. How can the County Highways Officer come to the conclusion that 'this level of HGV movement can be accommodated on local highway networks'?
o. Newton Lane is a badly maintained single track road which is frequently flooded. Last winter the road was closed completely by DCC for weeks on several occasions and when it reopened parts of the road were barely passable as it had been washed away. It is still in the same condition today. Although the applicant suggests that they will reinforce the road it is doubtful that they will do so to a level which will alleviate this problem and the road in places will be completely destroyed. This is a vital link between Bretby and Newton Solney and any disruption would mean a lengthy diversion via Repton.
p. At the end of Newton Lane, Knights Lane is a 7.5 tonne restricted route and totally unsuited to heavy goods vehicles. It is a popular “rat run” connecting local villages to urban hubs, has the national speed restriction and accidents occur regularly, including overturned cars in ditches. The road is not suitable for use by heavy goods vehicles, even on a short-term basis.
q. The proposed Solar Farm has raised the possibility of making Bretby/ Newton Lane on way. What happens to the residents and farm traffic which uses the lane? The only way of reaching Repton or Burton if this one-way system materialises involves a lengthy detour. Also Bretby/Newton Lane contains public footpaths which are well used by walkers and dog walkers and heavy lorries going along the lane would be a danger.
r. Greenbank Cottage is situated on a blind bend and there is no pavements to walk on making this a danger. I wish to oppose this development on the grounds that it is in the wrong place and to the extreme danger posed by heavy lorries using a narrow country lane with no pavements.
s. Newton Lane is a restricted road which joins Newton Solney with Bretby. This road is narrow. Cars often have to reverse to pass each other. HGV's have great difficulty with Newton Lane. Increased traffic will cause more traffic problems in our area and a big danger to walkers and cyclists that enjoy the countryside.
t. Traffic and routing of trucks - The plan for the routing of trucks shows little care for local residents and absolutely no knowledge of local traffic and road conditions. Making Newton Lane into a 1-way system would leave residents stranded, farmers with little ability to access key fields, divert more traffic through Repton and also further damage the existing unacceptable road conditions of Newton Lane, which is filled with potholes that regularly claim the tyres of cars - let alone the big trucks. Diverting more traffic through Repton, would be catastrophic as it is already an extremely overworked village in terms of traffic due to its close proximity to the A38, especially at rush hour. More specifically, moving trucks down Repton high street would cause complete chaos due to the plethora of parked cars and very narrow pass points along its entirety, which are difficult to navigate in larger cars, let alone in the vast numbers of trucks that would be using this route.
u. I am the Headteacher at the infant school based in Newton Solney village. I have only just been made aware of these proposals and I have concerns. My concerns are based on the information that a 6month one way system will be in place on one of the main routes to and from our school. We are a very small school and are battling with low numbers. We are working hard to market our school and increase our numbers. We feel knowledge of these plans may encourage families to look at and attend other schools.
v. For our current families this will have a huge impact. For some families this is their main access to school. As we are infants only some families have to navigate two schools for drop off and pick up. The diversion may add stress to their commute which directly impacts our children. Repton is always very busy and the main street struggles to cope when diversions are in place. Throughout the year diversions off the A38, due to traffic accidents, happen frequently adding to traffic in this area and a bottle neck is easily formed making children late for school. When children are late for school, they miss important information and feel out of routine for the rest of the day. This will also impact their academic progress.
w) Newton Solney and the surrounding area also struggles when it floods and the roads out of the village can become flooded and therefore, we become trapped. Having one of our access points blocked again would have a huge impact.
x) When considering this plan please think about the impact on the staff and families travelling to and from Newton Solney Infant School. 6 months is a very long time to block one main route into a small village.
y) Newton Lane serves as a main access route to Newton Solney School and Pre School. Diversions

through Winshill or Repton are long and add traffic through already busy routes. If the road could be open for access in school runs this would be very helpful

Environment, ecology and biodiversity
a. The biodiversity will be greatly reduced with the fencing removing the natural habitats and pathways of current wildlife due to the security fencing.
b. The supporting information in respect of protected species is redacted and does not seem to comprehensively cover the site.
c. [Noise] It may also affect certain wildlife species.
d. Other Wildlife and Biodiversity problems in connection to solar farms: Bird and bat deaths are common as they mistake the glass for water. The land will be degraded with little potential for biodiversity as half of it will be in permanent rain shadow and rainwater run-off creates set channels without proper dispersal. Topsoil will be removed, and cleaning materials may contaminate the soil.
e. Plus does this impact on wildlife? For example, bats frequently emerge at dusk on Bretby Lane and are unlikely to show if there is security lighting.
f. The wildlife corridors which we have created by planting wild bird feed strips and pollen and nectar areas under the Countryside Stewardship Scheme and Sustainable Farming Incentive would be decimated and would result in the loss of biodiversity in the area and would take many years to recover. There are badger setts on the site which cannot be avoided in the construction as well as habitats of various species of small mammals and invertebrates.
g. removal of trees and hedges; upset to local wildlife
h. Local Environmental impact - The location selected for this site is more than 70 acres of producing farmland, which has a key function in crop production and the rearing of animals. This country already doesn't produce enough food and reducing that further is very worrying, as prime agricultural land like this should be preserved and protected for food security rather than built upon and completely ruined for famers even in the future. Soil degradation and erosion that would be caused by the site is also a further worry in terms of its impacts to local hydrology and flooding. In the past year, we have seen flooding throughout the local area not only in the proposed fields but also in adjacent fields and further into Newton Solney village. The effects of this solar farm would only worsen existing issues we have seen yearly with flooding. The harm to local wildlife is a cause of further concern - locally we have all sorts of animals including many badgers who make their way through these fields and build dens which would be disturbed by the noise and other impacts of building and use of heavy machinery. Running sheep around the solar farm has been suggested to appease people upset with the plans, but this is still completely unacceptable due to the lack of open space these sheep would have and also the degradation to the land and quality reduction of their grass.

Amenity
a. Although the planned development is in the countryside there can still be an issue with noise where ambient noise levels are lower. This could be of particular concern to the nearby homes. They may not be able to actually see the panels (according to the developers) but they would be subject to an irritating buzz when there is enough solar power to generate electricity.
b. Mistrust of the developers regarding noise impact on the surrounding residents/area's where the solar farm is to be placed. The applications documents suggest its all 'sound proofed'. Online discussions on this subject and in particular, some residents that live nearby such a farm suggest they do make 'quite some noise'
c. Unclear how much lighting may be used on the solar farm site. If it is significant (due to security), then what will the impact be to nearby residents etc.

Other
a. Why is it almost impossible to find out about this application? There have been no notices posted on the lampposts. When you search on the planning website and either enter my post code or search for the word 'solar' nothing comes up! I only managed to get the planning application number by contacting my local planning councillor. This 'hiding' of the details is not good! I’m beginning to fear that this 'pushing things through regardless' strategy is the current reality for such applications.
b. Concerns relating to the removal of the panels should the firm responsible go insolvent in the 40-year lifespan.
c. How will the power from this solar farm be connected to the grid? If overhead pylons are required, then everyone who is within a certain distance of these would need to be contacted as part of the

planning process. There are case studies that show links between overhead power cables and leukaemia.
d. The 'Glint and Glare' analysis makes no reference at all of involvement or input from the substantial airport nearby at East Midlands Airport. The flightpath is over the proposed solar farm. The developer should have been in touch with the airport to discuss, prior to its application. Referring to the article, the following is part of the transcript covering this matter-
'To comply with relevant regulations, a solar farm developer needs to perform a solar glare analysis to understand the potential impacts of the proposed development on operational aviation. In some situations, consultation with aviation stakeholders is necessary to seek feedback on the development and ensure that any potential risks are mitigated'.
e. Lithium-ion battery storage may represent a huge fire risk.
f. This area is a low-risk crime and theft area. I am guessing that expensive transformers, cabling, battery containers, etc, it will attract crime to the area.
g. De-Valuing nearby housing
h. It is requested the Planning Committee undertake a site visit to review the impacts of the development, including the current state and layout of Newton Lane
i. Confusion and questions over the naming of the scheme as Willington Solar Farm
j. lack of publication.
k. 40 years is not temporary, how would the land be classified after this.
l. The Applicant states that the land can be brought back into agricultural production after 40 years of 'industrial farming' but with the drainage and soil structure decimated by track ways and panel supports being piled 1 metre into the ground I would suspect this to be unlikely
m. This development would not be supportive of tourism within the area as the adverse landscape impacts will be visible from Planters and from Knight's lodges
n. Anesco is another company funded by foreign investors. All the solar panels/invertors etc are of Chinese manufacture, so it cannot be claimed these will provide jobs.
o. And on a final note, as I write this it has snowed, so all the panels will be covered by snow and also there is a lack of sunshine as it is also dull and foggy so the power being produced is the square root of nothing, as in maths 10 x nothing is nothing, 100 x nothing is still nothing.
p. I worry about the health risks that these solar panels could pose to my family.
q. uncorroborated claims by the applicant of the amount of power this scheme will generate, my greatest concern is that it will be constructed on 28Ha of prime agricultural land, with a loss of the yield of grain or other crops for 40+ years, if not permanently
r. The applicant also states that the solar panels will ultimately be removed after 40 years. How can this be guaranteed?
s. There have been some alarming decisions by the Energy Secretary recently where he has stated that the need to produce more green energy outweighs the (effectively permanent) loss of food production. He has also overturned previous decisions made by councils in Lincolnshire and Cambridgeshire and given the go-ahead for a solar Farm on 2,700+ acres of prime agricultural land, therefore putting green ideology before due purpose.
t. the manufacture of panels would produce more CO2 than it saves.
w. Willington is 3 miles away, acknowledge this is not far but a more suitable site would be in Willington, nearer to the National Grid
x. We are interested in seeing a solar array, but we feel that this site with its slope to the north is not suitable for a solar panels. The height between the top panels & the lower panels is 50 metres. There must be a better site than this for a solar farm.
y. Bretby & Newton Solney is the wrong place for a solar farm.
z. Alternative sites - The proposed location is very strange overall, when we have so many local brownfield sites and commercial roof spaces that would be much more suitable for such a project. There are hundreds of local businesses (mine included) that would be more than happy to engage in discussion about putting solar panels on our roofs and making use of this effectively dead space, rather than taking useful and productive farmland and ruining it. Brownfield sites such as the old Willington power station are also very good options, many square miles of open space which crucially have the infrastructure to transport the produced electricity where it needs to go and it baffles me that the company have deemed this site "unsuitable". The fields proposed have none of the infrastructure of the commercial and brownfield sites found locally!
aa. Social and Economic Impacts - The site will have a negative impact on property values in the local area due to the visual intrusion, longer term maintenance concerns and increased noise and traffic.

Local walkers and countryside enthusiasts come from Burton and Swadlincote to walk routes close to and within the site and they will be completely deterred due to their routes changing and the visual damage to the local area. There are also local heritage sites with views of the solar farm at both Bretby and Bladon castles and the thought that a supposed mound blocks the view is just false.
ab. Energy production and efficiency concerns - solar panels are inherently inefficient due to their intermittent energy generation and there are many other energy producing options which provide consistent and reliable energy much more efficiently, which is required for a functioning society, especially with the local industry of Burton-On-Trent. Unfortunately, these alternatives are not employed due to the large grants and benefits companies take advantage of to make money for themselves, which are only net negative to the local people who will still pay the same prices or even higher for their energy while being burdened with the other issues mentioned above.

Public requested conditions:
a. If proposed it could be considerably better screened from some proposed vantage points with trees to block the view between the road and the perimeter fence. These would have to be of a suitable size and not small specimens that if neglected would just die. Ensuring that it was stated that quite a dense planting would restrict the view. This would increase the lost biodiversity.
b. The proposed section near Knights Lane could be reduced so the planting of these trees could stretch down Newton Lane so when travelling from Repton to Bretby the high fencing would not be visible.
c. A stipulation that the grazing of sheep on the land should be part of its condition of change of use to reduce the effect of losing food production land. This is to ensure that the construction of the site would be suitable for this use when installing the panels and that any modifications that would have to be made are stipulated at this stage.

The no objection subject to conditions response requested that the closure of Newton Lane be limited and the road be opened to enable school traffic to access the road for drop off and collection from schools in the area.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:
Local Plan Part 1 (2016) : Policy S1: Sustainable Growth Strategy; Policy S2: Presumption in Favour of Sustainable Development; ; Policy S6: Sustainable Access; Policy SD1: Amenity and Environmental Quality; Policy SD2: Flood Risk; Policy SD3: Sustainable Water Supply, Drainage and Sewerage Infrastructure; Policy SD4: Contaminated Land and Mining Legacy Issues; Policy SD6 Sustainable Energy and Power Generation; Policy BNE1: Design Excellence; Policy BNE2: Heritage Assets; Policy BNE3: Biodiversity; Policy BNE4: Landscape Character and Local Distinctiveness; Policy INF1: Infrastructure and Developer Contributions; Policy INF2: Sustainable Transport; Policy INF5: East Midlands Airport.

Local Plan Part 2 (2017) : SDT1 Settlement Boundaries and Development; BNE5 Development in Rural Areas; BNE7 Trees, Woodland and Hedgerows and BNE10 Heritage

The relevant local guidance is:
South Derbyshire Design Guide Supplementary Planning Document (SPD)
Trees and Development SPD

The relevant national planning policy and guidance is:
National Planning Policy Framework
National Planning Practice Guidance

The relevant legislation is:
The Town and Country Planning Act 1990

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the

determination of this application are:

Policy and the principle of the development in this location;
Design and the landscape and visual impacts of the development upon the character of the surrounding area;
Highway safety and access;
Loss of best and most versatile agricultural land;
Flood risk and drainage;
Impact upon residential amenity;
Ecology and biodiversity;
Trees and Landscaping;
Other issues;
Conclusions and planning balance

Planning assessment

Policy and the principle of the development in this location

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the application site comprises the Local Plan, Part 1 (2016) and Part 2 (2017), in this location there is no adopted neighbourhood plan.

Sustainability is placed at the heart of both the plan and decision-making processes within the National Planning Policy Framework. The Framework sets out that the key objectives in achieving sustainable development are achieving economic, social and environmental sustainability. In making decisions the Local Planning Authority must weigh the benefits or harms arising from a development proposal, and in accordance with the three objectives to ensure that sustainable development proposals are allowed, and that other development proposals are refused.

Section 14 of the National Planning Policy Framework provides the framework for meeting the challenge of climate change, flooding and coastal change. It sets out how the planning system should support the transition to net zero by 2050 and take account of all climate impacts. It progresses to set out how the planning system should shape places in ways that contribute to radical reductions in greenhouse gas emissions and support renewable and low carbon energy and associated infrastructure.

Paragraph 168 advises that when determining applications for renewable and low carbon energy developments and their associated energy infrastructure LPA's should:

a) *not require applicants to demonstrate the overall need for renewable or low carbon energy and give significant weight to the benefits associated with renewable and low carbon generation and the proposals contribution to a net zero future.*

The provisions within the NPPF lie within a national and international drive to transition from traditional energy sources to renewable energy sources. In order to ensure that renewable energy fully contributes towards the EU climate ambition and target plan the European Union Renewable Energy Directive (2018/2001/EU) entered into force and moved a legal framework to 2030 setting a binding minimum target of 32% provision for the EU.

In 2019 the UK passed laws to end its contribution to global warming, known as, UK Government Net Zero 2050, to support the required reduction of emissions by 80%. The Energy white paper 'Powering our net zero futures' (DBEIS 2020a) was published, this set a pathway to achieving net zero by greater reliance on solar amongst other energies. The Net Zero 2050 – A Roadmap for the Global Energy Sector (International Energy Agency (IEA), 2021) called for the scaling up of solar and wind provision in the 2020's to 630 gigawatts (GW) of solar production.

Future Energy Scenarios (FES) was produced by National Grid in 2021 and outlines credible pathways for energy in the coming decades, having regard for both demand for electricity that arises from the shift away from high carbon fuels to hit reduced emissions targets and the anticipated increase in

electric vehicles ahead of the ban on petrol and diesel vehicles in 2040. Annual demand is anticipated to double between 2020 and 2050.

Local Plan Policy S2 sets out a high-level policy for the presumption in favour of sustainable development. This sets out that the Council will take a positive approach reflecting the presumption in favour of sustainable development within the NPPF and state the Council will work with applicants to seek solutions to secure development improving the economic, social and environmental conditions in the area.

South Derbyshire District Council declared a Climate Emergency in June 2019 in doing so it committed to:

- *Strive to make all South Derbyshire District Council owned activities carbon neutral by 2030 and achieve carbon neutrality across South Derbyshire before the Government target of 2050.*
- *Call on the UK Government to provide the powers and resources to make the 2030 target realistic.*
- *Work with partners across the District and region to deliver this goal through all relevant strategies*

Derbyshire County Councils Renewable Energy Study provides a spatial assessment of energy opportunities across the County and is intended to support local development planning and contribute towards a collaborative approach to reducing greenhouse gas emissions and achieving net zero by 2050. In order to achieve the referenced national emissions targets the report sets out (amongst other things) the expansion of low carbon energy supplies will be required to meet the clean electricity needs which it states will treble from 2020 to 2050.

The report shows that of all renewable energy sources Solar generates the highest proportion in the district and countywide, amounting in total to 202.2 GWh/ year. The report showed that within a 3-year period (i.e. by 2024 there could be up to an additional 129.69 MW generating capacity within the County if all schemes consented or in planning were approved and built out.

The report identifies that Solar PV is the dominant form of renewable energy deployment in Derbyshire, comprising 76% of the total installed capacity of energy generation in the region. This figure comprises 126.7 MW of large scale, and 143.7 MW of microgeneration, installations. Large scale installations are located predominantly in the south of Derbyshire, with notable clusters around Swadlincote.

The report progresses to set the various considerations for solar development setting out that ground mounted solar PV requires suitable space, with minimal shading which increases the feasibility of various locations. It identifies potential opportunities for ground mounted systems including low value agricultural land, brownfield, contaminated land, industrial land and quarries. In assessing the areas of the county most and least suitable for ground mounted solar the report identifies this as a constrained site (noting there are 3 ratings, more constrained, constrained and less constrained).

Policy SD6 of the Local Plan relates to Sustainable Energy and Power Generation and sets out that the council will support renewable and energy development subject to the environmental impacts having been appropriately considered and schemes not giving rise to unacceptable impacts on landscape, townscape, character, ecology or the historic environment, or cultural heritage assets. Furthermore, proposals should not give rise to unacceptable impacts on amenity or safety concerns as a result of noise, emissions shadow flicker, electro magnetic interference emissions to ground or air, odour or traffic generation or congestion.

Policy BNE5 sets out that development outside of the settlement boundaries as defined in SDT1. SD6 is not one of the exception policies. The other criteria within BNE5, against which the principle of this development is assessed, is iii) which allows for development that is *unavoidable outside the settlement boundaries* and *will not unduly impact on landscape character and quality, biodiversity, best and most versatile agricultural land and heritage assets.*

Policy SD6 gives broad support for renewable energy generation, policy S2 supports sustainable development. The supporting information puts forward that solar projects require land outside the settlement boundaries and on this basis the development complies with BNE5. Both Policy SD6 and BNE5 include matters of principle and matters in relation to the material considerations of a

development. For brevity and to avoid repetition the matters of Principe are within this section and material considerations are set out in the following sections.

The Planning Statement sets out that the Solar Farm will play a significant role in mitigating climate change and supporting the move towards a low carbon future it will deliver 21.09 MW of renewable energy which is stated to be sufficient to power over 7,792 homes per annum. In doing so it will provide carbon savings of upward of 4,354 tonnes of carbon per annum and 174,160 over the lifetime of the development.

The foregoing assessment of the relevant policy context as well as the national requirements for development of renewable energy schemes demonstrate the policy support for renewable energy generation. The principle of the development is therefore considered to be acceptable. The following sections consider the impact of the development in relation to the specific criteria under which the proposed development must be considered.

Design and the landscape and visual impacts of the development upon the character of the surrounding area

The NPPF sets out that decisions are required to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality within the development plan.

Local Plan Policy BNE4 describes how local distinctiveness and quality in the landscapes of South Derbyshire will be protected and enhanced through sensitive implementation of careful design. It sets out that developers will be expected to retain valued components such as mature trees and established hedgerows and topographical features within the development. The policy states that development that will have an unacceptable impact on landscape character, visual amenity and sensitivity and cannot be satisfactorily mitigated will not be permitted. It further requires that developers demonstrate consideration of the landscape character areas and types and have regard to the recommendations within *The Landscape Character of Derbyshire.*

The Derbyshire Spatial Energy Study identified the landscape sensitivity of the site area as being low when it assessed the various levels of landscape sensitivity across the County for the purposes of different types of energy developments. The levels potentially afforded to all areas ranged on a 5 point scale from very low; low; moderate; high to very high. The methodology for characterising the sensitivity of landscapes within the County is set out in Appendix A to the Study. It is considered by officers that though the site doesn't fall within the 'very low' category, the site being within the low category helps to establish the level of sensitivity and officers have considered this in their review of the LVIA submitted in support of the scheme. The Study defining the area as a low level of landscape sensitivity gives support to the findings of the LVIA, which, at a site-specific level assess the sensitivity of the landscape as medium. This reassures Officers that the assessment has robustly assessed the sensitivity of the landscape.

The application is supported by a Landscape and Visual Impact Assessment (LVIA) which has been undertaken by a chartered landscape specialist. The application site lies within the Melbourne Parklands area and Estate Farmlands character type within this area. The information submitted in support of the application sets out that the area and type both have medium sensitivity and the magnitude of change resulting from the development will be low, with minor effects from both construction and on completion. Residual minor adverse impacts are concluded.

In terms of the visual impact of the development this is assessed to vary depending upon the receptor at which the view is assessed. Officers have worked with the applicant to secure photomontages to aid this understanding better. At landscape maturity the residual impacts at the assessed receptors range from no effect to moderate adverse effects.

Viewpoint	Residual Effects after mitigation (all are adverse)
1. View south from Newton Lane	Minor
2. View north west from Entrance to Knights Lodges	Moderate / Minor
3. View north west from Junction of Newton Lane and Knights Lane	Minor
4. View north west from PROW Footpath	Moderate
5. View south west from Willington Bridge	Minor
6. View south west from Hill Top Farm and PROW Footpath	Minor
7. View south west from B5008 Burton Road	Minor
8. View south west from Newton Lane and PROW Footpath	Moderate
9. View east from PROW Footpath	Minor
10. View north east from PROW footpath near Newton Mount	Moderate
11. View north east from PROW by Grafton Smallholding	No effect
12. View south east from PROW Footpath	Moderate
13. View east from PROW footpath	Minor

The LVIA submitted demonstrates that the applicant has had the necessary regard to the landscape types and the relevant documentation. The layout of the site and proposed landscaping retains features such as the hedgerows and trees that offer character to the area.

The proposed development will have an impact upon the character and appearance of the surrounding area. The comments received from residents in respect of the impact on the character of the area and the landscape have been considered throughout the application process. The photomontages sought to supplement the original LVIA were requested in an attempt to better understand the visual impacts of the development. It is considered, based upon these and the LVIA in full that the findings of the LVIA can be agreed in respect of the impact of the development.

The landscape and visual impacts are not considered to be unacceptable, having regard for policy BNE4, similarly as the landscapes are not designated at a national level it is considered that the introduction of development should not be prohibited, nor that the landscape is subject to a higher degree of control. The time limited nature of the scheme, but permanence of the landscaping and field boundary enhancements also serve to mitigate the impacts somewhat, the 40 year period is accepted to be relatively insignificant when compared to the longevity of landscape features such as hedgerows and topography, through noted to be more significant against our own lifetimes.

It is considered the impact should be weighed in the balance as in its own right does not present a policy conflict or robust reason for the refusal of the application.

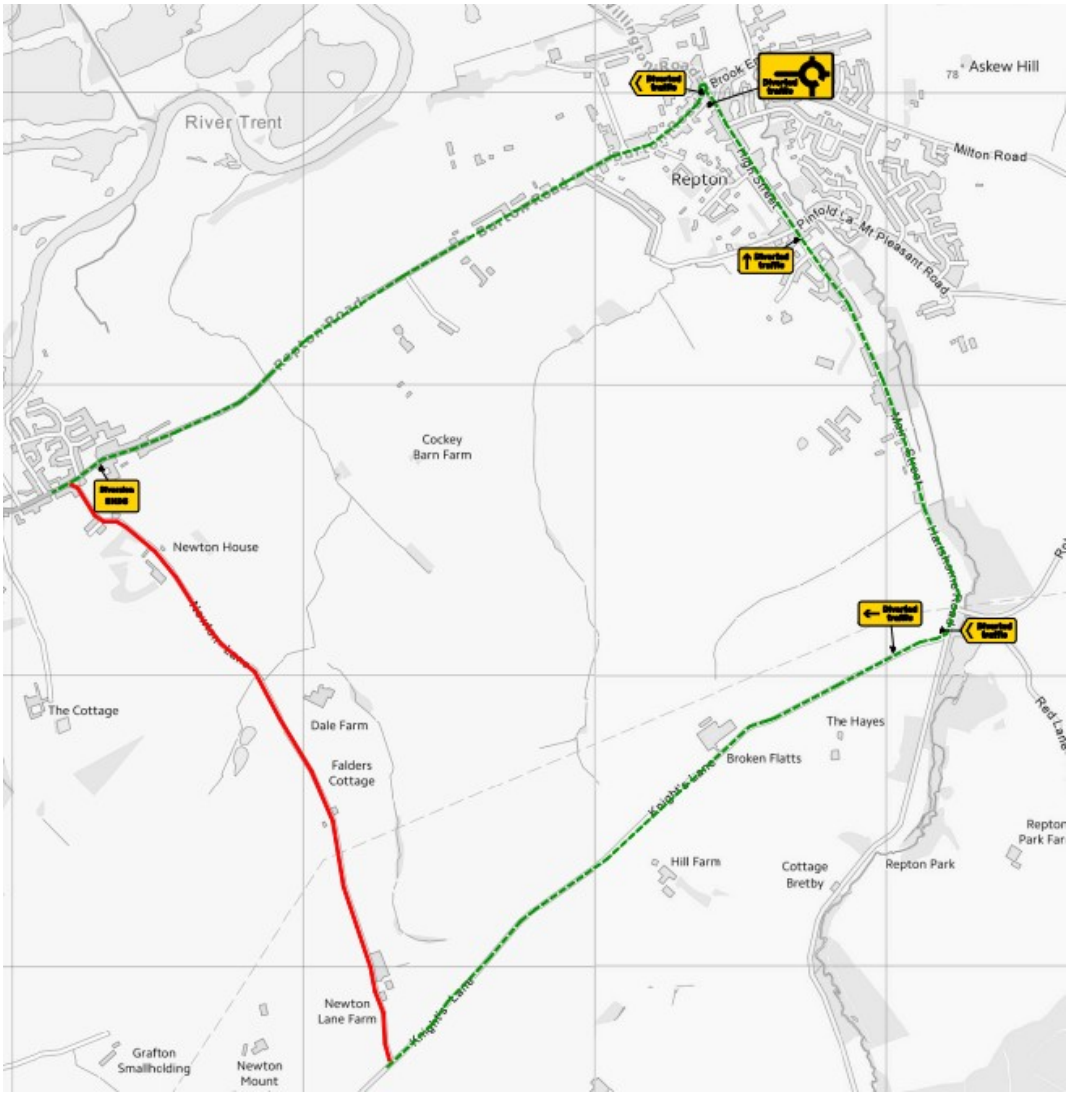
Highway safety and access

The NPPF requires in paragraph 114b that during the consideration of development proposals it should be ensured that safe and suitable access to the site can be achieved. Where this is unachievable the Framework advises that development can be refused.

Local Plan Policy INF2 sets out permission will be granted for development where travel generated,

including goods vehicle movement, has no undue detrimental effect upon local amenity, the environment, highway safety or the efficiency transport infrastructure.
Two rounds of consultation with the Local Highway Authority have been undertaken and Officers have asked questions specifically regarding highway safety reflecting the concerns raised by elected members and members of the public regarding the use of Newton Lane for construction traffic, including Heavy Goods Vehicles. The Highway Authority have reviewed the application and additional visibility splays that they requested following the initial round of consultation. They set out in their response that the construction of the development will only be achievable if a Temporary Traffic Regulation Order, 'TRO' is put in place for the duration of the development period. The TRO process, like other infrastructure and highway requirements is separate to the planning regime.

The TRO would result in Newton Lane being temporarily closed to two-way traffic and traffic being routed on a diversion from via Repton to Newton Solney. The route proposed as shown within the Transport Statement is shown on the map below:



Officers understand the strength of public feeling about the potential for disruption caused by the rerouting of traffic during the construction period from members of the public, the Parish Councils of Newton Solney and Bretby and a local primary school. Officers have to assess the application proposals against planning policy. The TRO process is subject to a separate public consultation process for which the Council is not the determining authority. Planning Policy, in particular the NPPF advises in paragraph 116 that *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.*

The development during construction will result in 7 x two-way journeys by HGV's daily for an estimated period of 38weeks. During the operation phase it is anticipated that there will be 2 x two-way

van trips each month. The supporting information sets out in addition to a temporary TRO the applicant will submit a construction traffic management plan to further seek to minimise any highway safety impacts.

The supporting information sets out that during the construction phase the temporary closure of Newton Lane will serve to ensure that vehicles travel in a single direction and remove concerns regarding the inability of vehicles to pass at certain points and address the lack of visibility to the south of the access, as with vehicles only travelling south, only visibility is needed to the north to enable vehicles to safely leave the site. During the operation period the information sets out the movement frequency would be akin to existing movements to and from the site and as such would not increase highway safety issues or have additional impacts in terms of increased vehicle movements to and from the site.

The Highways Officer in review of the scheme offers no objection subject to conditions in relation to the temporary TRO being approved prior to the construction of the development, a Construction Management Plan and the construction of the access prior to the commencement of other development on the site.

Having regard for the provisions of paragraph 116 of the NPPF and given the temporary nature of the diversion Officers consider that, subject to conditions, the impacts of the development in respect of highway safety and capacity are not such that would present a robust reason for the refusal of the application. And on that basis the application has demonstrated policy compliance.

Loss of best and most versatile agricultural land

The NPPF describes how planning decisions can work to *Conserve and enhance the natural environment*. Paragraph 187b states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including economic and other benefits of best and most versatile agricultural land.

Local Plan Policy BNE4, Landscape and Local Character, states in part E *The Council will seek to protect soils that are 'Best and Most Versatile' .... and wherever possible direct development to areas with lower quality soils.* The relevant explanatory text repeats the NPPF (at the time the policy was written) that The NPPF states that planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land and that local authorities should seek to use areas of poorer quality land in preference to that of higher quality. It is noted in the current version of the NPPF (2024) the latter part of the NPPF's advice is contained within footnote 65, attached to paragraph 188 which seeks to guide plan making processes.

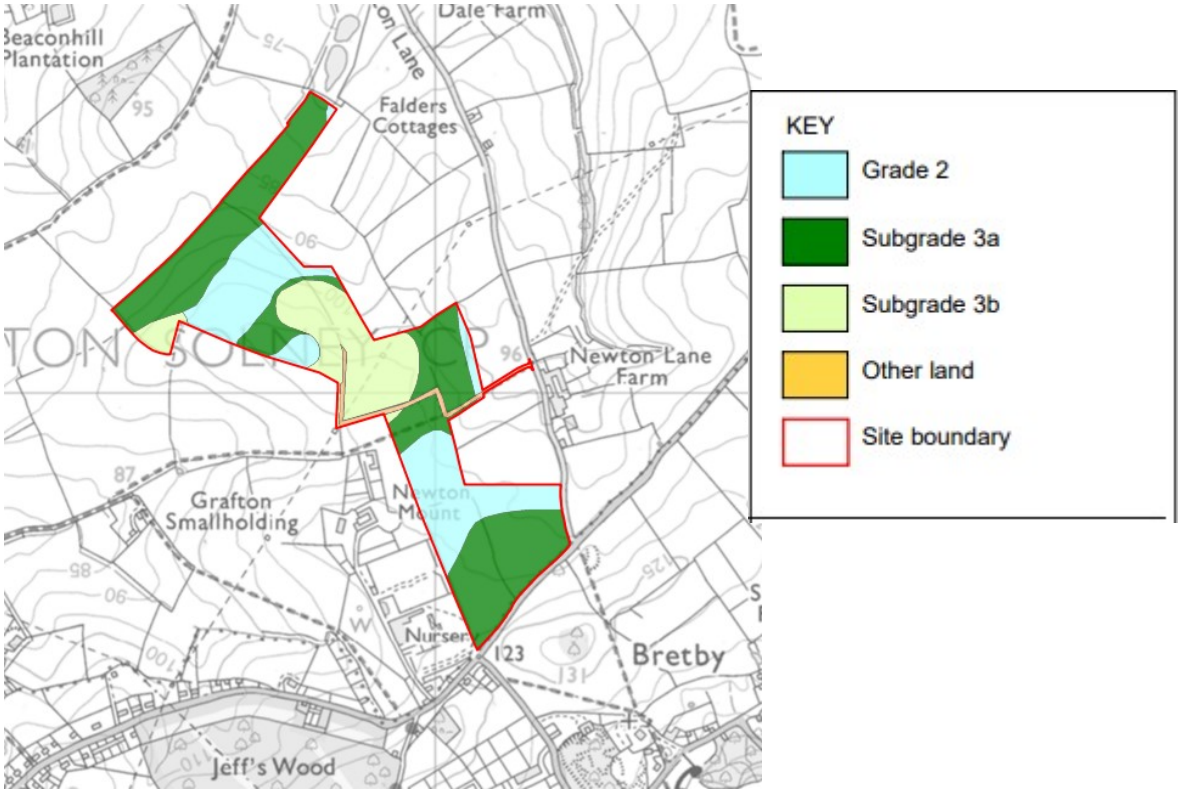
Part v) of policy BNE5, is one of the criteria to be met by development in rural areas, subject to the demonstration that the development complies with one of the exceptions that allow for development within the rural area. The report has set out above that the development is considered to be unavoidable outside the rural area in this instance. Part v) requires the development does not unduly impact on best and most versatile agricultural land.

The Planning Practice Guidance advises LPA's assess proposals using both the maps and detailed site survey reports. In consideration of this application both considerations have been undertaken and Natural England consulted. No objection is offered in relation to the proposed development, this predominantly being based upon the temporary and reversible nature of the proposed development and their consideration that the land can be returned to agricultural use.

Natural England also advised in their comments that the LPA should ensure they have sufficient information available to make a decision on matters in relation to the loss of agricultural land. Officers have made this recommendation based upon the AL study, the alternative sites assessment and having regard for recent appeal decisions and court judgements both in the district and more widely, for renewable energy developments.

The application is supported by an Agricultural Land Survey which classifies the soils within the site and shows that 22.5ha of BMV land will be taken out of use to enable the development. The

application site is noted from the Councils Geographical Information System, at a high level (rather than site specific level), to sit within an area of around 10.57km (1057ha) square of Best and Most Versatile agricultural land. The site, extending to around 28.6ha in total comprises 8.4ha in Grade 2 and 14.1 in Subgrade 3a, thus totalling 22.5 hectares of Best and Most Versatile (BMV) agricultural land. This would equate to around 2% loss within this specific area of South Derbyshire.



The alternate site assessment details the sole other surveyed site to have a lower classification on the ALC grading and also to be close to a point of connection. However, the other site was more heavily constrained and assessed as having only around 15ha of developable area, with large woodland areas that were undevelopable and surrounding woodland that it states would reduce the efficacy and amount of generation. Though not assessed in depth as part of the application. The Alternative Site Assessment shows the impacts of the alternative site on other planning considerations to be greater than at the proposed site.

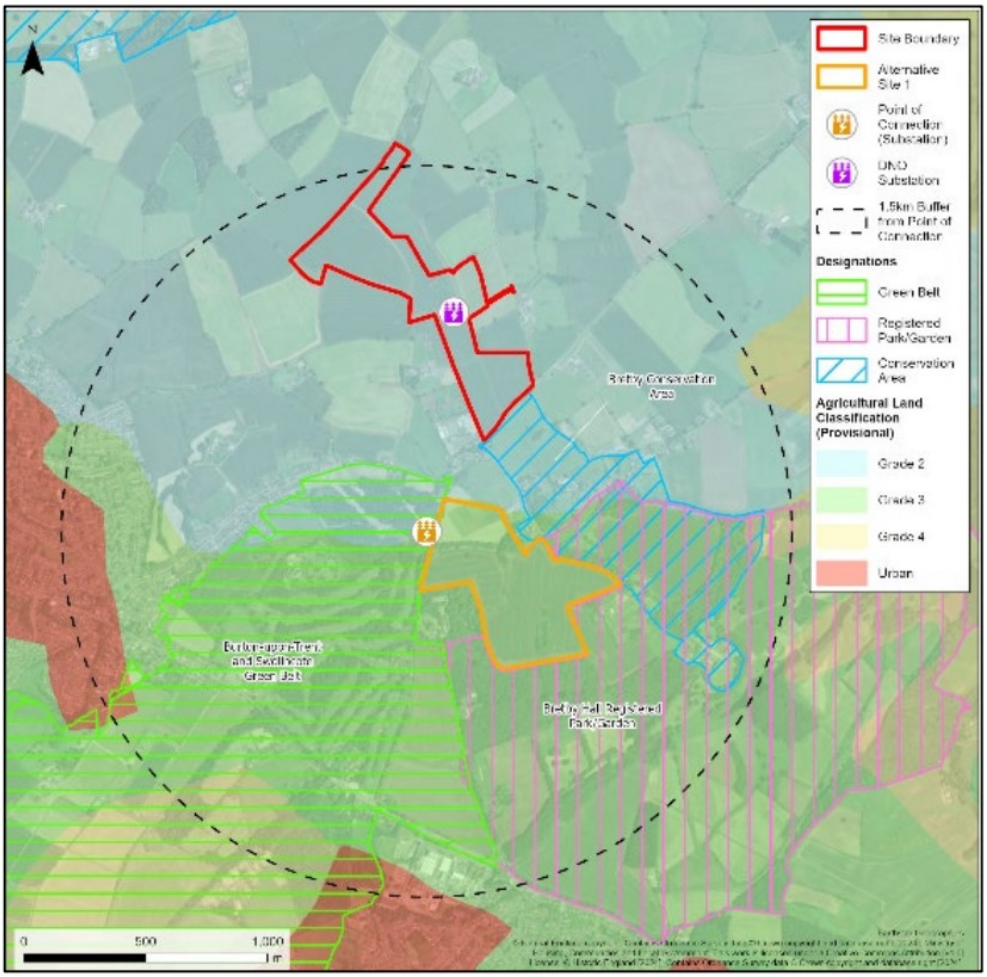


Figure 4.1: Identification of alternative sites

Turning to the limited time period for the development it is noted that the site would be taken out of use for the 40-year operating period together with the construction and decommissioning periods, the construction period is noted to be around 38 weeks from the supporting information. It seems appropriate to assume a period between 41 and 44 years from the point of development commencing to the point of decommissioning.

The above assessment in terms of the quantum of land in the surrounding area is included within the application having regard for recent appeal decision reference APP/V4630/W/24/3347424. The appeal decision highlights in addition that '*significant development'* is not defined in either the development plan or the NPPF and is a matter of planning judgement.

It progresses to establish the scheme would result in 3.19ha potential temporary loss within its context of 2,300ha of surrounding land to be shown within grade 3. The inspector in this recent decision set out within the context given the site extent and the extent of surrounding agricultural land in the same grade it was not reasonable to regard the loss as significant. This would equate to around a 1% loss from the existing area of BMV land. In the case of this application site the loss would be around 2% from the area of Grade 2 land surrounding the development. Officers consider that where an inspector concluded a 1% loss was not significant, they should not consider a 2% loss to be significant either.

The further test within Policy BNE4 is that development will be *directed to areas with lower quality soils wherever possible*, within BNE5 the policy test is that development will not *unduly impact* Best and Most Versatile (B&MV) agricultural land.

Officers consider the alternative site assessed demonstrates that in this instance, it is not possible to direct the development elsewhere, and in reaching this conclusion have regard for other appeal decisions where inspectors have concluded that it is not beholden on the applicant to exhaustively

search for alternative sites. Officers consider the BNE4 test is met on this basis.

In applying the test of Policy BNE5 in terms of whether the development 'unduly' impacts BMV land Officers turn to the definition of unduly, '*more than is necessary, acceptable or reasonable'*. It is in this instance arguable that the loss is only what is necessary to meet the development needs for the size of the site and necessary infrastructure, landscaping and biodiversity enhancements, which are co-located thus making good use of land. Following from the loss being necessary it needs to be assessed to understand whether it is acceptable or reasonable. The temporary loss equates to 22.42ha having regard for the area of hardstanding serving the DNO substation which is around 0.08ha in area. In the context of the surrounding of 1057ha. Furthermore Natural England set out that '*We consider that the proposed development, if temporary, is unlikely to lead to significant <u>permanent</u> loss of BMV agricultural land, as a resource for future generations'.*

The response goes on to state that the *'This is where solar panels are secured to the ground by steel piles with limited soil disturbance and can be removed in the future with no permanent loss of agricultural land quality likely to occur, provided appropriate soil management is employed and the development is undertaken to high standards.'*

The Planning Statement submitted confirms that the solar panels are mounted on poles which are piled into the ground to a depth of approximately 1m. This is stated in the Natural England response to be one of a few contributing factors that help maintain soil quality. The other factors listed are the implementation of appropriate soil management and that the development undertaken to a high standard. the site can be returned to agricultural use.

It is noted that the site is currently used for arable farming and food production and that there are public concerns raised regarding this loss. In order to ensure the concerns are properly explored the assessment of the report and recent appeal decisions has been reviewed and Natural England Consulted. Based upon the assessment Officers consider that temporary use of the site, subject to compliance with necessary and reasonable conditions, does not present a robust reason for the refusal of the application in this instance.

Conditions are proposed within this recommendation for soil management scheme as recommended by Natural England, subject to compliance with this the development is considered consistent with the requirements of the NPPF and the local plan.

<u>Flood risk and drainage</u>

Development is required by the NPPF and local Policy SD2 to be achievable without increasing or exacerbating flooding problems. The detail of policy SD2 further state that the sequential approach to flood risk management will ensure that development me guided to areas at lowest fisk of flooding. The application site lies within Flood Zone 1 where there is the lowest chance of flooding from any waterbody.

In addition to having regard for flood risk as part of the siting of development, the design of development should ensure that drainage is incorporated via sustainable drainage schemes which mimic natural drainage. This is set down with Policy SD3 of the local plan together with the requirement that developers be required to design schemes that reduce pressure on local drainage infrastructure.

In respect of drainage the site has been shown via testing to be unsuitable for infiltration. The drainage hierarchy sets out that following infiltration discharge to an existing water body is considered to be the next best option. The drainage strategy, on this basis proposes to introduce a small swale located north of the DNO substation that will collect runoff from this impermeable area, run off will be filtered for pollutants and the discharged via a hydrobrake into a pipe connecting via an existing culvert to an existing ditch at the north of the site.

The application has been reviewed by the Council's Local Flood Officer who maintains that the site may increase flood risk to Newton Lane. These concerns are also raised from members of the public who have commented on the application and current flooding problems on Newton Lane.

The Lead Local Flood Authority have also reviewed the proposals and sought additional information from the applicant which has been provided. The LLFA offer no objection subject to the inclusion of drainage design, management and maintenance, construction surface water management and soil management plan conditions. Their comments also highlight the culvert pipe at point b is heavily silted and recommend steps are taken to cleans this prior to development.

Concerns in relation to existing flooding problems are given due regard, however, the comments of the LLFA and conditions requested indicate that the development can be progressed without introducing new flooding problems or exacerbating the existing flooding problem. It is not for the applicant to resolve existing flooding issues within the area and on this basis the application is considered to meet the relevant policy requirements.

Impact upon residential amenity

Development is required to be appropriate for the location, and take account of the likely effects of pollution on living conditions and in doing so mitigate and reduce to a minimum potential adverse impacts arising from noise generated from new developments.

The Local Plan sets out in Policy SD1 that development will be supported where it does not lead to adverse impacts on the environment or amenity of existing and future occupiers within or around proposed developments. The latter part of the policy considers the need for a strategic buffer between conflicting land uses in order that they do not disadvantage each other in respect of amenity issues including noise, odours, fumes or dust and other disturbances including from vibration or light.

The application site is located within the rural area and away from densely populated locations. Notwithstanding this there are numerous dwellings within short distances from the site. Concerns have been raised from local residents regarding potential for noise emissions from the panels and associated infrastructure. The applicant has supplied a Noise Technical Note at the request of Officers of the Council. This identified the closest noise sensitive receptors as residential dwellings to the east and west of the site.

It summarises the sound power of the equipment proposed on site. The assessment sets out that the predicted *worst case scenario* sound levels will be 28 LAeq,T dB at dwellings to the west. The average predicted output is shown to be much lower. The conclusions of the report rule out impacts at night and for average operation during the day as the noise levels are likely to be below the threshold for human hearing. The daytime levels are stated to be below the British Standard guidance both internally and externally.

The Councils Environmental Health Officer has been consulted and offers no objection following their review of the submitted Noise Impact Assessment. They request conditions restricting hours and days of construction activity. The condition is included, and the application considered to accord with the policy requirements.

Historic Environment and Archaeology

Section 72 of the Planning Listed Building and Conservation Areas Act 1990 places a duty upon the Local Planning Authority to pay special attention to preserving or enhancing the character or appearance of a Conservation Area. It states that significant weight should be given to any harm found to arise to the character or appearance of the Conservation Area, as a result of development.

Section 66 of the Planning Listed Building and Conservation Areas Act 1990 places a duty upon the Local Planning Authority have special regard for the preservation of the building or its setting. Significant weight should be given to any harm found to arise to a listed building or its setting as a result of development.

The application is supported by a Heritage Assessment in accordance with the requirements of the of NPPF and Policy BNE10 of the Local Plan. The site does not contain any designated heritage assets but is within 1km of 8 Grade II Listed Buildings, 2 Conservation Areas and a Scheduled Monument as well as a Grade II Registered Park at Bretby Hall. The Heritage Assessment concludes that the only asset potentially affected was the Bretby Conservation Area.

Officers have engaged with the County Archaeologist who has provided a conditional response to the application, requesting a Written Scheme of Investigation be completed and submitted to the Local Planning Authority for consideration. This recommendation is in part based upon the findings of independent pre-application advice between the Archaeologist and Applicant which considered the potential for evidence of the Viking Great Army within the area. Officers have included this condition within the recommendation.

Officers have also consulted Historic England on the proposals who defer in their response to archaeology and conservation specialists. Having regard for the proximity of the site to heritage assets and that none are contained within the site itself, Officers have reviewed the guidance within the NPPF. The NPPF advises that harm to a heritage asset or its setting should be weighted against the public benefits of the scheme.

The Listed Buildings in proximity to the site are some distance from the site and any impacts that may arise to the settings of these are considered to be reduced by the surrounding topography that largely forms a visual barrier meaning that intervisibility from and to the site / asset is extremely limited or not present depending upon the asset's location. The development within the setting of the Bretby Conservation Area, is considered within the Heritage Assessment which confirms the defining characteristics of the conservation which contribute to its significance as the *architectural / artistic interest of the Conservation Area is embodied in the visual appearance and architectural style of the buildings situated within the area*. The Heritage Assessment also sets out that *The intervening topography results in no intervisibility between the significant area of the Conservation Area and the Site.* It concludes the development would not result in harm to the Conservation Area.

The proposed development is supported by information assessing its' impact upon the setting of heritage assets. In respect of built heritage, no objections are received, and no conditions are requested. The development is considered to accord with the requirements of policy in this regard.

Archaeological conditions are requested and included as set out above and subject to compliance with these the development can be considered to accord with the requirements of the relevant policies in this regard.

Ecology and biodiversity

Biodiversity and the need to protect the natural environment are contained within the environmental objective of the NPPF, this is expanded upon in Section 15 which advises how decisions should conserve and enhance the natural environment by protecting sites of biodiversity value and minimising impacts on, and providing net gains to, biodiversity

Policy BNE3 of the Local Plan set out the LPA's commitment to supporting development that contributes to the protection, enhancement, management and restoration of biodiversity and delivers net gains to biodiversity though the protection of site of importance from inappropriate development within and adjacent to those sites.

The application is supported by a Biodiversity Metric and an Ecological Impact Assessment. The conclusions of the Ecological Impact Assessment (EcIA) set out that the development can be undertaken successfully suitable to mitigation and pre commencement conditions and surveys for Bager due to the highly mobile nature of the species and to ensure their protection. Enhancements proposed have been designed to provide commuting and foraging opportunities across the site with mammal gaps in the hedgerows and landscaping to include species attractive to local wildlife.

The DWT comments identify the site will achieve more than 200% net gain to habitats and more than 100% gain to hedgerows exceeding the mandatory requirement. The application is considered to accord with policy in this respect and gain above 10% is considered in the balance as a benefit of the scheme.

Trees and Landscaping

The NPPF sets out the importance of trees within development, the contribution made by trees to the quality of the environment is recognised in paragraph 136 of the NPPF

which requires planning decisions seek to incorporate tress into development and include necessary measures to ensure the longevity of newly planted trees.

Policy BNE7 of Local Plan part 2 discusses the requirements for development affecting trees, woodland and, or hedgerows. Of relevance to this application, the policy sets out that where development could affect trees and hedgerows that have amenity, ecological, landscape or historic value development will be expected to demonstrate the development is informed by relevant surveys and that appropriate tree and root protection measures are taken. Part D of the policy sets out that where new planting is proposed consideration should be given to species in keeping with the character of the area.

The application proposes the retention of trees within the site, it is supported by a landscape strategy which shows additional tree planting across the site with large groupings at the southeast and north west corners, seeking to provide landscape screening at visual receptors. Through the planning process officers have sought amendments to include a greater amount of planting around the DNO substation to helps screen this from view.

At present the landscape strategy does not include full specification or size of the proposed species, and it is thought appropriate therefore to condition this to enable a degree of mature planting to be included to aid with screening of the development in the earlier years and support maturity earlier than otherwise might be achieved.

Conclusions and planning balance

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals.

The development proposed will undoubtedly have a visual impact of varying degrees upon the surrounding landscape this is assessed within the LVIA which has been updated to provide additional information during the consideration of the application. However, the landscaping details submitted and secured by condition are considered to mitigate the impacts and the residual impacts are therefore afforded moderate weight in the balance.

The temporary loss of best and most versatile agricultural land is afforded moderate weight against the development in the planning balance. The loss will be a generational loss, however it is nonetheless a temporary loss given that the development can be reversed and the land restored to agricultural use. Conditions secure the management of soil during the construction and operation period to support this. The land and soil in this quality would therefore be available for future generations to bring the site back into agricultural use.

Some economic benefits will be delivered through the construction and operation phases in terms of the jobs generated.

Environmentally the proposed development delivers low carbon and renewable energy, thus helping to reduce emissions from the production and use of non-renewable sources. This is afforded significant weight in the planning balance.

In terms of biodiversity and protected and priority species the development is achievable without having detrimental impact to species and providing a substantial net gain to biodiversity above the mandatory requirement, the substantial gain is afforded significant weight in the planning balance.

The benefits of the scheme are considered to outweigh the harms arising from the development and it is recommended for approval subject to the conditions as set out below.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and

Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

   Reason: To conform with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in complete accordance with the plans referenced below:

   Site Layout Planning, C0002461_01, Rev. L, 13/11/2023
   Typical Section Through Array, C0002461_05, Rev C, Dated 25/07/2024
   Typical Building Plans & Elevations, C0002461_04, Rev. B, 25/07/2024
   Typical Fence Detail, C0002461_06, Rev. B, 25/07/2024

   Visibility Splay at Site Access, 2209013-02, Rev. P03
   Landscape Strategy, 1396_100, Rev I, Newton Solney Solar Farm, dated 24.04.2024

   unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

   Reason: In order to ensure a high quality and sustainable development in accordance with the requirements of Policy BNE1, Policy BNE3, Policy BNE4, Policy SD1, Policy INF2 and Policy BNE7 of the South Derbyshire Local Plan and the National Planning Policy Framework.

3. This is a Temporary Planning Permission and shall expire no later than 40 years from the date of the first generation of electricity from the development ("The Expiry Date"), or within six months of either of the following events whichever is the sooner,

   i. the cessation of electricity generation by the solar PV facility; or
   ii. any permanent cessation of construction works for a period of 6 months or longer, prior to the solar PV facility coming into operational use, and for the purposes of this condition 3 the date of the events in 3.i and 3.ii shall be known as the "Termination Date".

   iii. The solar PV panels, frames, inverter modules, substations, and all associated structures and apparatus and buildings (including but not limited to for any underground apparatus installations and cables) and fencing approved shall be dismantled and removed from the site in accordance with the schemes approved by this Permission and the Site shall be restored to exclusive Agricultural Use.

   The developer shall notify the Local Planning Authority in writing no later than five working days following electricity generation.

   iv. The site shall subsequently be restored in accordance with an appropriate scheme and timescale, the details of which shall be first submitted to and approved in writing by the Local Planning Authority no later than three months before the Expiry Date or within 3 months of the Termination Date. (Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 3 months where no development has been carried out to any substantial extent anywhere on the site).

   Reason: In accordance with the applicants stated intentions and in order to ensure that this is a temporary planning permission and to secure the satisfactory restoration of the site, in accordance with the requirements of Policy S1, Policy S2, Policy BNE1 and Policy BNE4 of the South Derbyshire Local Plan and the National Planning Policy Framework.

4. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
   i. SLR Consulting Limited. (02/08/2024). Flood Risk Assessment and Surface Water Drainage Strategy. Ref: 402.064306.00001. Revision 2.
   ii. Anesco. (07/11/2024). Site Layout Planning. Ref: C0002461_01. Revision L.
   iii. SLR Consulting Limited. (18/12/2024). Planning Application Consultation Response. Ref: 402.064306.00001 including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team"
   iv. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

   have been submitted to and approved in writing by the Local Planning Authority.

   Reason: In order to ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted in accordance with the requirements of Policy SD3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

5. Before the development hereby approved is commenced, including any site clearance or preparatory works, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

   Reason: In order to ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development in accordance with the requirements of Policy SD3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

6. Before the development hereby approved is commenced, including any site clearance or preparatory works, a soil management plan shall be submitted to and approved by the Local Planning Authority. The plan shall demonstrate the following as a minimum:
   i. How damage to soil horizons and ground cover will be mitigated and remediated during and after construction and for future decommissioning. Soil infiltration rates can vary widely depending on ground conditions such as soil compaction and ground cover.
   ii. How soils will be protected and where necessary, stored and managed on the site during construction, and during the life of the development

   The development shall be carried out and maintained for its' lifetime in accordance with the approved details.

   Reason: In order to ensure that the properties of the soil profile remain as close as is reasonably practicable to pre-development conditions, damage is mitigated and remediated and the ability of the soil to infiltrate is not diminished in accordance and to ensure the preservation of the existing soil quality for future agricultural use in accordance with the requirements of Policy S2 and Policy BNE4 with the requirements of Policy SD3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

7. Before the development hereby approved is commenced a security scheme to reflect the comments of the Derbyshire Constabulary Dated 05th September 2024 to include 24 hour monitored intruder detection devices and CCTV coverage shall be submitted to an approved in writing by the Local Planning Authority.

   Reason: In accordance with the requirements of Policy BNE1 of the South Derbyshire Local Plan and the National Planning policy Framework.

8. No works shall commence on the site until a temporary Traffic Regulation Order for the following has been secured:
   • To make Newton Lane one way southbound for the duration of the construction works.
   • Provide temporary parking restrictions at the junction between Newton Lane and Newton Road.
   Any diversion route for traffic required for the temporary Traffic Regulation Order will be approved as part of the TRO.

   Reason: In the interests of Highway Safety in accordance with the requirements of Policy S6 of the South Derbyshire Local Plan and the National Planning Policy Framework.

9. Before the development hereby approved is commenced details of a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the County Highway Authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:
   a) Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
   b) Advisory routes for construction traffic;
   c) Any temporary access to the site;
   d)Locations for loading/unloading and storage of plant, waste and construction materials;
   e) Method of preventing mud and dust being carried onto the highway;
   f) Arrangements for turning vehicles;
   g) Arrangements to receive abnormal loads or unusually large vehicles;
   h) Highway Condition survey
   i) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

   Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development in accordance with the requirements of Policy S6 and Policy INF2 of the South Derbyshire Local Plan and the National Planning Policy Framework.

10. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved Written Scheme of Investigation has been completed to the written satisfaction of the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and
    1. The programme and methodology of site investigation and recording
    2. The programme for post investigation assessment
    3. Provision to be made for analysis of the site investigation and recording
    4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
    5. Provision to be made for archive deposition of the analysis and records of the site investigation
    6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

    b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

    c) The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured.

    Reason: In order to enable potential archaeological remains and features to be adequately recorded, in the interests of the cultural heritage of the District, recognising that initial preparatory works could have unacceptable impacts in accordance with the requirements of Policy BNE2 of the South Derbyshire Local Plan and the National Planning Policy Framework.

11. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following. a) Risk assessment of potentially damaging construction activities. b) Identification of “biodiversity protection zones”. c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. d) The location and timing of sensitive works to avoid harm to biodiversity features. 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. 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 local planning authority.

    Reason: In order to ensure that protected and priority species and habitats are adequately safeguarded in accordance with the requirements of BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

12. A Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. This shall identify the habitats to be retained, created and / or enhanced on the site and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if not. Guidance on producing a HMMP can be found here: https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-forbiodiversity-net-gain

    Reason: For the avoidance of doubt, in accordance with the applicant's stated intentions and in order to deliver a net gain to biodiversity in accordance with the requirements of Policy BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

13. Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
    i. tree-mounted bat and bird boxes along the perimeter of the site (mature trees within hedgerows).
    ii. fencing gaps for mammals and brown hare.
    iii. habitat piles

    Reason: In order to provide species enhancements in accordance with the requirements of Policy BNE3 and the National Planning Policy Framework.

14. Prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary shall be undertaken. The results and any appropriate mitigation/licensing requirements shall be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.

    Reason: In order to safeguard protected species in and around the site in accordance with the requirements of Policy BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

15. Notwithstanding the submitted information and before the development hereby approved is commenced a full specification for Tree Planting shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

    i. Species as included within the Landscape Strategy, Rev I,

ii. Proposed timing of planting to include advance planting no later than the first planting season following the commencement of development
iii. Quantum, size and maturity of species
iv. a comprehensive management and maintenance plan

Reason: In order to provide sufficient planting and landscaping and achieve a high-quality development in accordance with the requirements of Policy BNE1, Policy BNE4 and BNE7 of the South Derbyshire Local Plan, the Trees and Development Supplementary Planning Document and the National Planning Policy Framework.

16. Notwithstanding the submitted details, prior to their incorporation into the development full detailed plans including the proposed dimensions, materials and finish, including colour of the solar panels, frames, inverters, substations, DNO substation, equipment and enclosures, including boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The Development shall be provided in accordance with the approved details and retained as such for the lifetime of the proposed development.

    Reason: In order to ensure a high-quality development and minimise the impact on the character of the surrounding area in accordance with the requirements of Policy BNE1 and policy BNE4 of the South Derbyshire Local Plan and the National Planning Policy Framework

17. Within one month of the commencement of development a public right of way signage plan for the operational period of the development shall be submitted to and approved in writing by the Local Planning Authority. The signage shall thereafter be maintained for the lifetime of the development in the approved locations.

    Reason: In order to prevent conflict between site traffic and users of the public right of way and in the interests of highway safety in accordance with the requirements of Policy S6 and INF2 of the South Derbyshire Local Plan and the National Planning Policy Framework.

18. No removal of trees, hedges or shrubs, shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has first been submitted to and approved in writing by the Local Planning Authority. Thereafter, no trees, hedges or shrubs shall be removed between 1st March and 31st August inclusive other than in accordance with the approved bird nesting protection scheme.

    Reason: In order to safeguard protected and priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain in accordance with the requirements of Policy BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

19. Except in an emergency, no site clearance, construction, or site works shall take place other than from 08:00 to 18:00 Mondays to Fridays, and from 08:00 to 13:00 hours on Saturdays. There shall be no such activities whatsoever on Sundays, public holidays and bank holidays

    Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions and in order to safeguard residential amenity in accordance with the requirements of Policy SD1 of the Local Plan Part 1 and the National Planning Policy Framework.

20. No external lighting shall be provided within the application site, without the prior written permission, on application, of the Local Planning Authority.

    Reason: In order to ensure that protected and priority species and habitats are adequately safeguarded and any disturbance is prevented in accordance with the requirements of BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

21. Within one month of their incorporation into the site a statement of good practice including photographs detailing the installation of species enhancement measures pursuant to condition 13 be submitted to

the local planning authority, demonstrating that the enhancements have been selected and installed in accordance with the requirements of the condition.

Reason: In order to provide species enhancements in accordance with the requirements of Policy BNE3 and the National Planning Policy Framework.

Informatives:

a. You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving advertisement and consultation of the proposals.
You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.
We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Implementation Team at development.implementation@derbyshire.gov.uk.
The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

b. The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see: https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/

c. The applicants attention is drawn to the comments of the Lead Local Flood Authority in their response dated 23rd January 2025 and advised that they should have due regard for these and any timing or additional works that may be required.

d. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Derbyshire District Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

e. The applicants attention is drawn to the legal requirements for Public Rights of Way which are referenced within consultee comments from Derbyshire County Council and the Ramblers Association they are advised to contact the County Council PROW Team should they have any queries in this regard. Of particular importance:

- The footpath must remain open, unobstructed and on its legal alignment.
- There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.

- Consideration should be given to the safety of members of the public using the path during and after the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development.
- There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way section

f. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com.