

APPLICATION NUMBER		23/01271/FUL	
SITE ADDRESS:		Land To North East of Manystones Lane, Brassington	
DESCRIPTION OF DEVELOPMENT		Construction of 4.3-megawatt solar farm	
CASE OFFICER	Mr Shaun Robson	APPLICANT	Mr Joe Hancock
PARISH/TOWN	Brassington	AGENT	None
WARD MEMBER(S)	Cllr. N. Walker	DETERMINATION TARGET	6 th March 2024
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	To consider the impact of the development on the environment, including the local landscape and heritage

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Planning policy context; • Compatibility of the scheme with the aims of national policy in relation to locational choices; • Impact on heritage assets; • Landscape character and appearance impacts; • Ecology considerations, and; • Planning balance.

RECOMMENDATION
That the application be approved subject to conditions.

1. THE SITE AND SURROUNDINGS

- 1.1 The application site comprises Hoben International Ltd land to the north of Manystones Lane and immediately to the south of the High Peak Leisure Trail. Beyond the High Peak Trail to the north is Harboro Rocks which is the local high point in the landscape and has a scheduled monument on its south-west facing side. Harboro Rocks also has local wildlife and geological site designations. To the south of Manystones at this point are the scheduled monuments Round Low and Bees Nest and Green Clay Pits SAC and SSSI.
- 1.2 The application relates specifically to a 5.08ha field to the south east of the existing industrial buildings and car park. There is a footpath adjacent to the site to the west, which links Manystones Lane to the High Peak Trail and to Harborough Rocks beyond.
- 1.3 The field is at a high point in the landscape, however comprises undulating land, with a general slope from the highest point to the north east down to the south west. There is a depression within the central part of the sit, identifying signs of previous disturbance. It is surrounded by dry stone walls to the west, south and east. The site wraps around and excludes Harboro Rocks car park to the south, which is identified as being owned by the Council. The remnants of a dry-stone wall intersects the field, lining through with the boundary wall with the Council land along its northern edge.
- 1.4 Whilst the leisure trail to the north is relatively flat, due to the undulations of the proposed development site there are times when the trail runs within a steep cutting and others where it is on a similar level. The boundary is made up of an assortment of brick and dry-stone walls and some fencing.
- 1.5 To the east and south east of the site are 7 no. large wind turbines.



2. THE APPLICATION

- 2.1 This application seeks planning permission to construct a 4.3Mw solar farm on the site. The development will comprise a series of solar panel arrays, fixed to frames that will be laid out in rows 4.5m apart and in an east to west formation, covering the majority of the field. The panels will be finished black.
- 2.2 Solar panels will not be sited on an area covered by dense vegetation mixed (comprising scrub and bramble scrub) to the north of the site or a section of land at the south western corner. The panels will be fixed to frames that will be no higher than 2.56m. They will be set at a 30 degree angle and be 0.5m above ground level.
- 2.3 The applicant explains in their Design and Access Statement that the solar farm will be fenced with a perimeter security fence which is to be agreed with the Council. Any existing vegetation that provides screening (such as the mixed scrub and bramble scrub) will be retained with new hedgerow to be planted along the eastern boundary, western boundary and southern boundary on Manystones Lane.
- 2.4 With regard to maintenance the applicant states that the ground around and beneath the arrays will remain as grass which will be managed by occasional mowing and/or sheep grazing thereby enhancing the biodiversity of otherwise low quality grazing land. They advise that hedgerows can be planted for screening and biodiversity enhancement. It is proposed that a new perimeter hedgerow will be added to the eastern, western and southern boundary.
- 2.5 It is anticipated that the solar farm will be in operation for a minimum of 25-30 years. After 25 years PV panels will still work at 80% of their original capacity and so the solar farm will remain in operation until the end of its viable economic life. Once this occurs the site will be decommissioned and will be restored back to its prior use and condition.
- 2.6 The application is accompanied by a Landscape and Visual Impact Assessment, Ecological Impact Assessment and Heritage Impact Assessment. These documents have been made available for examination and comment and circulated to consultees. They are referred to, where necessary, and pertinent in the officer appraisal section of this report.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Presumption in Favour of Sustainable Development
S4	Development in the Countryside
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
HC19	Accessibility and Transport

3.2 Other:

- National Planning Policy Framework (2023)
- National Planning Practice Guidance

- Written ministerial statement on solar energy: protecting the local and global environment made on 25 March 2015
- The speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013
- Derbyshire Dales District Council Landscape Character Supplementary Planning Document (2018)
- Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)

4. RELEVANT PLANNING HISTORY

0199/0026	CONSTRUCTION OF 3 INDUSTRIAL BUILDINGS, SILOS, AND PIPELINE	A	10/03/1999
02/10/0827	Extension to existing processing facility	A	06/12/2002
03/02/0152	Extension to existing processing facility	A	26/03/2003
06/00559/FUL	Erection of silo storage building and erection of workshop building	PERC	31/08/2006
10/00752/FUL	Change of use of land and engineering operations to facilitate use of land as storage	PERC	16/05/2011
12/00545/FUL	Erection of industrial storage building	PERC	25/10/2012
13/00590/FUL	Erection of open fronted storage structure	PERC	11/10/2013
15/00370/FUL	Erection of wind turbine 77 meters to blade tip (50m to hub), with associated access track, crane hardstanding, electrical cabinets and cable run	REF	30/06/2016
16/00570/FUL	Erection of concrete processing facility and associated works	PERC	21/10/2016
16/00945/FUL	Retention of storage building	PERC	15/03/2017
19/00443/FUL	Creation of new surface drainage system including underground drain, wet retention pond and soakaway to serve concrete processing facility approved under planning permission 16/00570/FUL	PERC	07/06/2019

5. CONSULTATION RESPONSES

5.1 Brassington Parish Council:

Object.

Brassington Parish Council has been in contact with Hoben about this application. While there is support for the work they do and understanding of the need to cut costs, the outcome of discussion at the last meeting was as follows: 2 councillors objected; 3 councillors agreed in principle but would much prefer wind turbines to solar panels.

5.2 Local Highway Authority (DCC):

There are no objections to the proposed development from a traffic and highway point of view subject to a construction management plan condition and informative relating to the nearby public footpaths and bridleway.

5.3 Environment Agency

No objections.

5.4 Natural England

Initial Comments:

As submitted, the application could have potential significant effects on Bee's Nest and Green Clay Pits Special Area of Conservation and Site of Special Scientific Interest. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Clarification as to how the proposed development would connect to the national grid network (should this be required during the lifetime of the proposed development).
- A Construction and Environmental Management Plan to be created and agreed with LPA, prior to works commencing.
- A Habitats Regulation Assessment to be produced which illustrates that any potential impacts on Bee's Nest and Green Clay Pits SAC have been considered.

Additional Comments (XXX)

5.5 Derbyshire Wildlife Trust

Initial Comments:

Natural England have requested that a Habitat Regulations Assessment is produced which illustrates that any potential impacts on Bee's Nest and Green Clay Pits SAC have been considered together with plan for the cable corridor route. We would also advise that further information should be provided to demonstrate that a net gain can be achieved and to see additional benefits for species rich grassland habitats and GCN populations e.g. new ponds. In addition, the treatment of the Mould Yard needs to be clarified to determine if it needs to be removed from the application. We can provide further comments and suggested condition wording once the above issues are addressed.

Additional Comments (30/04/2024):

Further to our previous response, a BNG Statement (Peak Ecology, 19/02/2024) has been submitted. Whilst it describes the proposed habitats post-development, there is no figure to illustrate this and we recommend that one is added to the document.

We have some concerns about classifying the habitat beneath the panels as 'other neutral grassland' even in poor condition. Due to the shading effect of the panels, there is a reasonable degree of risk that the UK Habs criteria for 'other neutral grassland' would not be met. The guidance goes on to say that species-poor swards that would previously have

been considered species-poor semi-neutral grassland (prior to UKHabs) should now fall under 'modified grassland'. Going one step further, a recent article in CIEEM magazine¹ on the post-development type and condition of grassland on solar farms, references the UK Habs guidance (Page 326) which advises surveyors to "Record the strips of panels as u1b6 and the strips of vegetation in between the rows separately". Given that this application is not subject to mandatory 10 % BNG and providing the ground beneath the panels will be sown with an appropriate species-rich seed mix and will be managed, we would accept a classification of 'modified grassland' in poor condition. The metric should therefore be revised, and a copy provided for review.

Peak Ecology have confirmed that the mould yard is no longer required as a receptor site for Calaminarian grassland relating to previous application 16/00570/FUL.

No further information been submitted regarding a HRA, as requested by Natural England.

As per our previous letter, the following conditions are likely:

- Herpetofauna Method Statement for Installation
- Pre-start Badger Survey
- Construction Environmental Management Plan (CEMP)
- Condition to secure net gain and ecological enhancements

5.6 Force Designing Out Crime Officer

There are no objections to the principle of locating a solar farm at this location, but my advice would be to make approval conditional upon a more robust approach to security than presented in the supporting design and access statement.

The justification for this would be the industrial scale of thefts from solar farms nationally, and the methods employed by organised crime groups in the commission of offending.

By their nature solar farms tend to be in isolated locations with minimal physical security because of the rural context and are frequently stripped of panels and/or cabling without detection. There is also a growing trend for violence and weapons to be used in the commission of offending, raising the risk to responders.

The supporting statement makes mention of fencing and hedging for security, which alone will provide inadequate deterrent, bearing in mind the likely acceptable form of fence at this location, and no detection capacity is mentioned.

The renewables industry in general are moving towards an 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.

For this site I would expect a combination of 24 hour monitored perimeter intruder detection devices and CCTV coverage.

Dependent upon capacity at the Hoben site, this may or may not involve off site telemetry. CCTV would need to have infra-red capacity as no lighting is to be provided on site.

I'd expect that all of this could be rolled into a single suitably worded condition relating to physical security and security management.

5.7 Development Control Archaeologist (DCC):

The proposal site of c5.3ha is within the viewshed of Scheduled Monuments at Harboro Cave and Round Hill, with potential for harms to significance through the settings of these monuments – the local planning authority should consult Historic England as the statutory consultee and be guided by their advice.

The applicant has submitted a heritage impact assessment with illustrative photographs and viewpoints to allow visual impacts to these monuments to be understood. The proposed development is only minimally visible from the Round Hill barrow, and I do not feel that these impacts are meaningfully harmful in planning terms.

The more substantive visual impacts are to the scheduled cave at Harboro Rocks. This monument draws its primary significance from the *in situ* deposits within (Palaeolithic to Roman period), although it is likely that the location was chosen and used repeatedly in prehistory not only because of the cave itself but because of its location within the locally prominent landmark of Harboro Rocks, which was marked also by a Neolithic chambered cairn (MDR2800) on its crest and Iron Age settlement on the shelf above the cave (MDR2801). The views from and to the cave and the experience of ‘lofty isolation’ experienced there, are therefore strands of its significance. The cave looks across a landscape where the industrial and the deeply rural sit cheek by jowl – with White Peak limestone grassland and industrial sites – including what is now the Hoben International site – carved out during the 19th century along the line of the Cromford and High Peak Railway. The proposal development is likely to cause a modicum of harm to this aspect of the asset’s significance, by expanding the footprint of the Hoben development and changing the balance of the rural/industrial elements within the landscape. I think however that the overall sense of a patchwork of limestone grassland, rocky outcrops, and industry woven together by the High Peak Trail (former railway) would be retained, and therefore I judge that the setting impacts to Harboro Cave would occasion less than substantial harm *sensu* NPPF chapter 16, towards the lower end of the scale (minor adverse in EIA terms). This should be weighed in the planning balance by the local planning authority against public benefits of the proposals in line with NPPF paras 205 and 208.

In terms of on-site archaeology, the site has no entries on Derbyshire HER, but air photographs and LiDAR show clear evidence for historic lead mining across the southern part of the site. There is also potential for buried prehistoric remains given the evidence for burial monuments at close quarters, the prehistoric activity associated with Harboro Rocks and cave, and lithic finds from a pipeline dig to the south-east (MDR15662). This archaeological interest may be dealt with through a planning condition should the local planning authority judge the application otherwise acceptable, in line with NPPF para 211. This should include:

- Survey of the lead mining features within the site (using e.g. LiDAR, drone survey, on site topo), and recording of these features where they are to be levelled or otherwise impacted to facilitate the proposed solar farm.
- Field evaluation of the site to comprise geophysical survey in the first instance supplemented by trial trenching as necessary, to provide broad assessment of potential for below-ground and in particular prehistoric archaeology. Significant areas could then be mitigated by design (i.e. with no dig construction) or subject to archaeological monitoring or other types of recording.

5.8 Historic England

No response received.

5.9 Environmental Health (DDDC):

No objections.

5.10 Trees and Landscape Officer (DDDC):

The site and its immediate surroundings are not currently subject to DDDC Tree Preservation Order or a Conservation Area. There are no recognised veteran trees or ancient woodland close enough to the site to be adversely affected by the proposals.

Recommends that an Arboricultural Impact Assessment is submitted to assess the impact of the development on any trees to be retained and that a landscape architect be consulted to analyse the submitted Landscape and Visual Impact Assessment to advise whether potential negative impacts to the character and appearance of the landscape resulting from the proposals would be significant.

5.11 Rights of Way (DCC):

I can confirm that Brassington Public Bridleway No. 38 and Brassington Public Footpath No. 14 run adjacent to the proposed development site, as shown in the documents submitted with this application.

The Rights of Way Section has no objection to the proposals, as it appears that the routes will benefit from long term improvements to the local environment through the increase in a variety of vegetation, which will also provide a degree of screening. I should be grateful however if you would advise the applicant as follows: -

- The paths must remain open, unobstructed and on their legal alignments.
- There should be no disturbance to the path surfaces without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the paths during 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 paths, and no fencing should be installed without consulting the Rights of Way Section.

5.12 Derbyshire Dales Group of the Ramblers:

Ramblers Derbyshire Dales Group has no objection to this 4.3 megawatt solar farm providing that:

- i) Brassington BW 38/HPT and Brassington FP 14 remain unaffected at all times, including the path surface, both during and after any development
- ii) We note point 8.1 in the D&AS 'Hedgerow/screen planting'. Hedging to the east, west and south would be necessary to shield users of the RoWs from the solar farm. The north boundary at the BW 38/HPT was not mentioned; appropriate screening and planting may be beneficial
- iii) Point 9.1 in the D&AS: improved pedestrian access from the car park. This would be very welcome
- iv) Consideration should be given to the safety of members of the public using the Right of Way both during and after the proposed works
- v) Any encroachment of the path would need consultation and permission with/from the DCC Rights of Way Team

5.13 Peak and Northern Footpaths Society:

The immediate surroundings of Brassington Bridleway 38 (the High Peak Trail) and Footpath 14 will be affected by this application. I note that native trees/bushes would be planted to help screen the views of the site obtained by users of both rights of way, and it is hoped that such screening would be fast growing and well-maintained and include evergreen species. Since views of the site from both routes, and in particular from Footpath 14, are currently of poor quality, this could be an improvement. I note that it is also proposed that the surface of the route for walkers from the car park to Bridleway 38 using the verge of Manystones Lane and Footpath 14 would be improved. I therefore feel that the benefits of the use of solar energy to mitigate climate change would outweigh the slight or moderate adverse affect of the development on users of the rights of way, so I will not object to the development.

6. REPRESENTATIONS

None.

7. OFFICER APPRAISAL

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017). The National Planning Policy Framework (2023) is a material consideration in respect of this application.

Principle of Development

7.2 The Energy White Paper was published in December 2020 and sets out how the UK will clean up its energy system and reach net zero emissions by 2050. The Energy White Paper lays out a plan that the Government says will 'transform energy', provide people with a 'fair deal' and drive a 'green recovery' while supporting up to 220,000 jobs over the next decade. The White Paper highlights the importance of renewable energy and stipulates that onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. It sets out that sustained growth in the capacity of these sectors in the next decade is required to ensure that the UK is on a pathway that allows us to meet net zero emissions in all demand scenarios.

7.3 The NPPF states at paragraph 7 that the planning system is to contribute to sustainable development. Paragraph 8 (c) states that by moving to a low carbon economy is one of the ways the planning system can contribute towards sustainable development. Paragraph 163 (a) states that applicants for energy development should not have to demonstrate the overall need for renewable or low carbon energy and (b) applications should be approved, unless material considerations indicate otherwise, if their impacts are (or can be made) acceptable.

7.4 Planning Practice Guidance states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors to be considered include:

- encouraging the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;

- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

7.5 The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

7.6 The starting point for determining this application is the Development Plan. In this instance it constitutes the Adopted Derbyshire Dales Local Plan (2017). Legislation requires applications to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise.

7.7 Given that the site is located outside of any defined settlement boundary the principle of the development would be assessed against policy S4 (Development in the Countryside) of the Adopted Derbyshire Dales Local Plan (2017). Criterion (p) of policy S4 is considered to be of most relevance in this case as it states that development will be granted in countryside locations where *"it comprises renewable energy development in accordance with Local Plan Policy PD7"*.

7.8 Policy PD7 (Climate Change) states that the District Council will support *"the generation of energy from renewables or low-carbon sources provided that the installation would not have significant adverse impact (either alone or cumulatively)"* but also seeks to ensure that *"renewable energy installations minimise any adverse impact on the landscape"*.

7.9 The Adopted Climate Change SPD (2021) states that *"The high quality landscape of the region is generally a constraint to renewable energy developments, in particular to large scale wind turbine developments and bioenergy crops. However, there is likely to be some potential for solar thermal and photo voltaic, heat pumps, small scale wind technologies and some medium wind technology in the Derbyshire Dales"*.

7.10 Given the policy context set out above it is considered that the principle of the development acceptable. The land classification is *"very poor"* as identified within Natural England's

Agricultural Land Classification – East Midlands Region and therefore is not the best or most versatile agricultural land as set out in the NPPF (2023).

- 7.11 Therefore, the planning application proposal for the development of a 4.3 MW solar farm would be acceptable in principle.

Impact on heritage assets

- 7.12 The Site is not located within a Conservation Area and there are no listed buildings or Scheduled Ancient Monuments within the Site.
- 7.13 The site is within the view of the Scheduled Monuments at Harboro Cave and Round Hill, with potential of the development infringing on the setting of these monuments.
- 7.14 The application has been accompanied by a heritage impact assessment. The document concludes that the proposal will only be minimally visible from the Round Hill barrow.
- 7.15 In regard to Harboro Rocks, the proposal will have a greater visual impact upon the scheduled cave. The proposal development is likely to cause a modicum of harm to this aspect of the asset's significance, by expanding the footprint of the Hoben development and changing the balance of the rural/industrial elements within the landscape.
- 7.16 The County Council Archaeologist has not objected to the proposal overall identifying that the proposal will have an overall less than substantial harm on heritage assets, subject to the imposition of appropriate condition(s).
- 7.17 Overall the minor impacts are not meaningfully harmful in planning terms.

Landscape, visual character and appearance

- 7.18 The site is located to the north of Manystones Lane and immediately to the south of the High Peak Leisure Trail. Beyond the High Peak Trail to the north is Harboro Rocks which is the local high point in the landscape and has a scheduled monument on its south-west facing side.
- 7.19 Harboro Rocks also has local wildlife and geological site designations. To the south of Manystones at this point are the scheduled monuments Round Low and Bees Nest and Green Clay Pits SAC and SSSI.
- 7.20 There is a footpath adjacent to the site to the west, which links Manystones Lane to the High Peak Trail and to Harborough Rocks beyond.
- 7.21 The site is currently a field which constitutes a high point in the landscape with a general slope from the highest point to the north east down to the south west. There is a depression within the central part of the site, identifying signs of previous disturbance. It is surrounded by dry stone walls to the west, south and east. The site wraps around and excludes Harboro Rocks car park to the south, which is identified as being owned by the Council.
- 7.22 The remnant of a dry-stone wall intersects the field, lining through with the boundary wall with the Council land along its northern edge.
- 7.23 The proposal is accompanied by a Landscape Visual Impact Assessment (LVIA) which breaks down the proposal into distinct topic areas, namely Landscape Impact and Visual Impact.

Landscape Impact

- 7.24 The LVIA establishes the land as semi-improved grassland for sheep grazing. It continues and identifies that on a larger scale, the field forms part of the wider landscape of irregularly shaped fields bounded by dry stone walls.

The sensitivity of this landscape to change is deemed as medium to low (within the LVIA) as the proposed development will create a medium change at close quarters but will be a small part of the wider visible landscape when viewed from, for example, Harborough Rocks.

- 7.25 The magnitude of change is considered to be medium. Visitors to the area passing the proposed development site will notice the change as a significant change, whilst those further away, for example on Harborough Rocks, will see the proposed site within the wider landscape of which it will be a small area. On completion of the proposed development, there will be additional native hedgerow planting to soften its effect and due to the landform of the proposed development site, only a portion of the proposed development site at a time will be seen from most viewpoints. Consequently, the overall, long term landscape effect associated with the proposed development is considered Slight Adverse Effect, as one field within the wider environment.

Visual Impact

- 7.26 The LVIA identifies that during construction, changes to the immediate landscape will be highly visible as supports and panels are installed. Native hedgerow species are to be planted to soften views in the future.
- 7.27 A Moderate Adverse Effect is likely to be experienced during some of the working periods of the construction phase.
- 7.28 On completion, the visual impact will be limited to one field within the wider landscape. Impacts will range from Moderate to Slight Adverse, depending on the position of the receptor. Due to the landform of the proposed development site, from most positions, only a portion of the field will be seen at any one time.
- 7.29 Therefore, whilst the proposed development site, when viewed close by will, for some people, be considered to cause a Moderate Adverse Effect, the wider visible landscape e.g. from Harborough Rocks, and the smaller percentage of view taken up by the proposed development site, is considered to cause a Slight Adverse Effect.
- 7.30 While it is accepted that even fully grown proposed vegetation will not hide the development from view, it will soften the views and provide glimpses in places through the vegetation, rather than wide views of the whole of the proposed development site.
- 7.31 However, the applicant has put forward the following mitigation proposals:
- Retain and enhance all existing landscape features particularly the mature trees and hedgerows;
 - Native hedgerow planting to the eastern, western and southern boundaries;
 - Wildflower seed sowing between and below the panels; and
 - Bird boxes.
- 7.32 On balance, it is acknowledged that whilst the proposal will have an impact on the landscape it is not considered to be that severe to warrant the refusal of the application.

Ecology

- 7.33 The site is low quality grazing land, framed by Hoben International Ltd to the west, Manystones Lane to the south, High Peak Trail to the north and grazing land to the east. The site does not contain any statutory designated sites for nature conservation.
- 7.34 An Ecological Impact Assessment (EclA) and a Biodiversity Net Gain (BNG) Statement prepared by Peak Ecology Limited dated December 2023 and February 2024 respectfully have been submitted accompanying the submission. The reports conclude that the proposed development has an opportunity to provide a positive impact.
- 7.35 Local plan Policy PD3 covers biodiversity and the natural environment and identify that species should be protected from development.
- 7.36 Derbyshire Wildlife Trust (DWT) have noted that *“the application is not subject to mandatory 10 % BNG and providing the ground beneath the panels will be sown with an appropriate species-rich seed mix and will be managed, we would accept a classification of ‘modified grassland’ in poor condition.”*
- 7.37 The applicant has been asked to revised the classification in the metric information accordingly.
- 7.38 Given that DWT have concluded that improved measures proposed with the submission demonstrate a net gain for biodiversity, they have not raised issue with the proposal subject to conditions requiring a Herpetofauna Method Statement for Installation, a Pre-start Badger Survey, Construction Environmental Management Plan (CEMP) and a condition to secure net gain and ecological enhancements.
- 7.39 On balance it is not considered that the proposal will have a detrimental impact on either ecology or biodiversity.

Highway Safety Considerations

- 7.40 The proposed development has been assessed by the County Council in their capacity as the Highway Authority.
- 7.41 The Highway Authority has not objected to the proposal, however, they have requested the imposition of a condition relating the provision of a construction Management Plan and an informative relating to the position of the PROW which runs close to the site.
- 7.42 Having regard to the above it is not considered that the development proposals pose any threat to highway safety or raise any adverse highway issues, as such the development accords with local and national policy in this regard. Further to the above the proposal raises no outstanding concerns in respect of accessibility, walking and highway links and as such the proposal accords with the saved policies of the local plan, DDLP and the NPPF in this regard.

Conclusion

- 7.43 The proposal would generate climate change benefits through the delivery of green energy to the adjacent mineral facility/plant. The facility/plant would in turn reduce its carbon footprint which would help contribute to meeting national carbon reduction targets.
- 7.44 The environmental reports and assessments which accompany the planning application demonstrate that the proposed development will not have an adverse impact on the built environment, surrounding landscape, the natural environment, the historic environment,

environmental or site-specific requirements and there are no technical objections to the proposal from statutory consultees.

7.45 Having regard for all the material considerations which have been set out and considered in this report, on balance, it is concluded that the benefits of the development in so far as the provision of renewable energy and a reduction in carbon emissions it is recommended planning permission be granted. Overall, it is considered that the proposals accord with the provisions of the local plan and national planning policy.

8. RECOMMENDATION

8.1 That planning permission be granted subject to the following conditions:

1. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans and documents, subject to the following conditions:

- Solar Panel Mount Drawing
- Location Pla – 652.23.3 Revision: 2
- Block Plan (as existing) – 657.23.3
- Block Plan (as proposed) – 651.23.3 Revision: 2
- Design and Access statement – November 2023
- Heritage Impact Assessment – September 2022/updated November 2023
- Biodiversity Net Gain Statement – 19th February 2024
- Landscape and Visual Impact Assessment – December 2023
- Flood Risk Assessment report – December 2023
- Ecological Impact Assessment – 5th December 2023

Reason: For clarity and in the interest of the proper planning of the area.

3. Prior to the commencement of the development hereby permitted details of a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:

- 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).
- Advisory routes for construction traffic.
- Any temporary access to the site.
- Locations for loading/unloading and storage of plant, waste and construction materials.
- Method of preventing mud and dust being carried onto the highway.
- Arrangements for turning vehicles.
- Arrangements to receive abnormal loads or unusually large vehicles.
- Highway Condition survey.
- 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.

4. If the development hereby permitted ceases to operate for a continuous period of 12 months (with the exception of for purposes of maintenance, repair or replacement of equipment), then a scheme for the decommissioning and removal of the temporary elements of the development, shall be submitted within 6 months of the end of the cessation period to the Local Planning Authority for its written approval. The scheme shall make provision for the removal of the temporary elements of the development approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures.

Reason: In the interests of visual amenity and in order to comply with Policies PD 1 and PD 5 of the Adopted Derbyshire dales Local Plan and the National Planning Policy Framework.

5. Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the first export date, a Scheme for the decommissioning of the temporary elements of the development, a traffic management plan and how the land is to be restored, to include a programme for the completion of the decommissioning and restoration works, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and in order to comply with Policies PD 1 and PD 5 of the Adopted Derbyshire dales Local Plan and the National Planning Policy Framework.

6. Prior to their installation, details of the colour and finish of the conversion units, substations, control rooms, battery storage containers, CCTV camera poles and fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of of visual amenity and in order to comply with Policies PD 1 and PD 5 of the Adopted Derbyshire dales Local Plan and the National Planning Policy Framework.

7. Prior to their installation, details of the surfacing of the access tracks running through the site and associated drainage details shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in order to comply with Policies PD 1 and PD 5 of the Adopted Derbyshire dales Local Plan and the National Planning Policy Framework.

8. Notwithstanding the submitted details, prior to the commencement of development, details of the cable routes and depths within the site, an Arboricultural Method Statement, Tree Survey and Tree Protection Plan, to BS5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing trees and hedgerows to be retained will be protected during the construction period. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure protection during construction works of trees and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired, having had regard Policies PD 1, PD 5 and PD 6 of the Adopted Derbyshire dales Local Plan and the National Planning Policy Framework.

9. Prior to the commencement of development, a detailed hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed landscape maintenance and management plan, including provisions for periodic review, for the lifetime of the temporary planning permission. The approved landscaping scheme shall be implemented in its entirety within the first available planting season following the construction of the development hereby permitted. All trees, shrubs and bushes shall be maintained for the lifetime of the temporary planning permission and during that period any landscaping that is removed, dies, becomes seriously diseased or damaged, shall be replaced with the same or similar species in the first available planting season. The scheme shall be retained and managed in accordance with the approved landscape maintenance and management plan for the lifetime of the development.

Reason: In the interests of visual amenity and in order to comply with Policies PD 1, PD 5 and PD6 of the Adopted Derbyshire dales Local Plan and the National Planning Policy Framework.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking or re-enacting that Order), no gates, fences, walls or other means of enclosure (other than those granted by this permission) shall be erected within the application site without the appropriate grant of planning permission.

Reason: In the interests of visual amenity and in order to comply with Policies PD 1, PD 5 and PD6 of the Adopted Derbyshire dales Local Plan and the National Planning Policy Framework.

11. No external lighting shall be installed within the application site without the Local Planning Authority having first granted planning permission.

Reason: In the interests of visual amenity and in order to comply with Policies PD 1, PD 5 and PD6 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

12. No development shall take place until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details. The CEMP shall include, but is not limited to:

- No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or National Holidays.
- A scheme to minimise the impact of noise, vibration, dust and dirt on residential properties in close proximity to the site.
- Avoidance measures in relation to grass snake in the event removal of bankside vegetation is required during construction.
- Removal of Himalayan Balsam identified on the site.

- Construction phase drainage and pollution prevention measures.
- Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.
- Details of a construction compound.

Reason: To protect the amenity and minimise highway impacts in pursuance of Policies S 4 and HC 19 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

13. No development shall take place until the measures identified in the Biodiversity Net Gain have been approved in writing by the Local Planning Authority. Biodiversity matters shall be managed and maintained in accordance with the approved details.

Reason: In order to discourage construction staff and materials crossing operational railway land, in the interests of railway safety, and in pursuance of Policy PD 3 of the Adopted Derbyshire Dales Local Plan.

14. 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 scheme 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.

Reason: To safeguard the identification and recording of features of historic and/or archaeological interest associated with the site in accordance with policy PD2 of the Adopted Derbyshire Dales Local Plan and policy contained within the National Planning Policy Framework (2023).

15. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (14).

Reason: To safeguard the identification and recording of features of historic and/or archaeological interest associated with the site in accordance with policy PD2 of the Adopted Derbyshire Dales Local Plan and policy contained within the National Planning Policy Framework (2023).

16. The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (14) and the provision to be made for publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard the identification and recording of features of historic and/or archaeological interest associated with the site in accordance with policy PD2 of the

Adopted Derbyshire Dales Local Plan and policy contained within the National Planning Policy Framework (2023).