

Agenda Item:	5.1
Site:	Proposed Solar Farm, North of Bramble Cottage, Greensmiths Lane, Upper Leigh, Staffordshire, ST10 4NY
Proposal:	Installation of a 49.9MW solar photovoltaic array/solar farm with associated infrastructure (Cross boundary site with Staffordshire Moorlands District Council).

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by John Teasdale

[Hyperlink to Application Details](#)

Application Number:	P/2023/00217
Planning Officer:	Lisa Bird
Type of Application:	Detailed Planning Application
Applicant:	Lightrack Power
Ward:	Abbey
Ward Member (s):	Cllr C Whittaker
Date Registered:	06/03/2023
Date Expires:	24/05/2023 – extension of time agreed until 29/02/2024
Reason for being on Agenda	The scheme has generated significant numbers of objections from local residents.
Recommendation	Grant planning permission , subject to conditions.

1. Executive Summary

- 1.1 The application site comprises a gently undulating series of pasture and arable fields alongside Leigh Lane to the west of the village of Upper Leigh; the majority of the site falls within East Staffordshire Borough Council's area, with part of the site falling within Staffordshire Moorlands District Council area. The A50 is located to the north of the site, the River Blithe and a railway line is situated to the south of the site. There are public rights of way which cross the site and listed buildings situated to the south of the site.
- 1.2 The scheme is a full planning application for the development of the site by the installation of a 49.9MW solar farm, including associated infrastructure; it is proposed to be operational for 40 years. The infrastructure includes photovoltaic panels, inverters and transformers, substations and grid

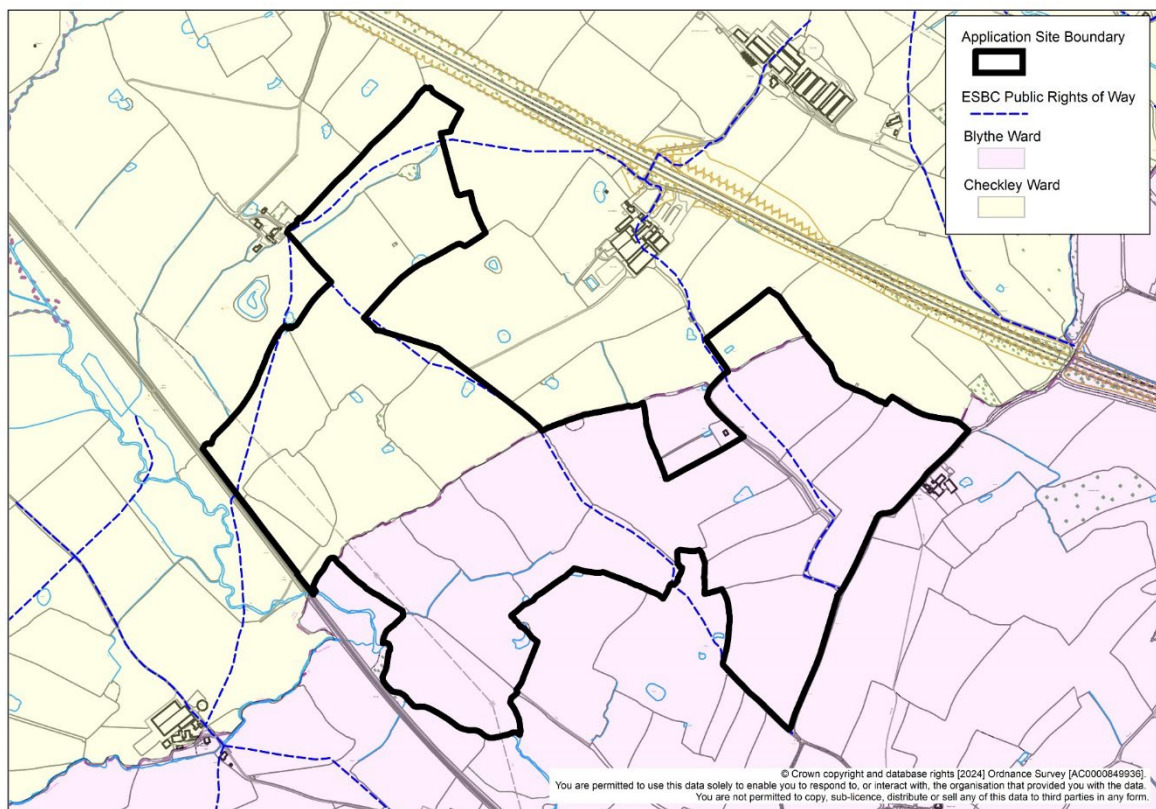
connection, battery storage area, fencing gates and CCTV, cabling, access tracks within the site, connection to the grid and a scheme of landscaping and biodiversity enhancements.

- 1.3 Leigh Parish Council have objected to the proposals on the grounds of visual impact, health and safety impacts from the positioning of the battery storage area, the site access, and traffic management. Concerns were also raised in relation to the lack of consultation with local residents prior to the submission of the application.
- 1.4 The proposed solar farm would be situated outside of a settlement boundary in open countryside, however, it is considered to be appropriate in this location being situated on moderate and poor quality agricultural land, and providing a source of sustainable renewable energy, whilst also allowing the land to remain in agricultural use for the grazing of sheep.
- 1.5 The visual impacts of the scheme are considered to be acceptable given the level of landscape mitigation proposed and that the proposals will be reversible after the 40 year period of operation. Visual impacts would improve over time as the landscaping matures.
- 1.6 The landscaping proposals, which have been amended during the course of the application, would screen residential receptors, with the greatest impact to nearby occupiers being during construction/decommissioning. There would be no significant increase in background noise in this rural location.
- 1.7 Glint and glare impacts would be limited to two dwellings for 3 months of the year and less than 60 minutes per day, given the intervening terrain and vegetation, which will filter views, it is considered that no mitigation is required. Significant levels of glint and glare are not expected to the A50 to the north or the railway line to the south.
- 1.8 No objections have been received from National Highways or the County Highway Authority subject to conditions, and following the negotiations with the applicant to create passing places along Leigh Lane, and subject to a Construction Transport Management Plan. No objections have been received from Network Rail, subject to conditions, or from the Office for Rail and Road Regulation.
- 1.9 The proposals would result in less than substantial harm to the significance of the setting of the nearby listed buildings, however, this is considered to be outweighed by the wider public benefit of a solar farm. A scheme of archaeological evaluation is to be secured via condition as recommended by the County Archaeologist.
- 1.10 The majority of the site is situated within Flood Zone 1, which Flood Zones 2 and 3 present in close proximity to the River Blithe, however, no development is proposed to take place in Flood Zones 2 and 3. A Rural Sustainable Drainage System is proposed to manage surface water runoff within the site.

- 1.11 In relation to green infrastructure, only three trees are proposed to be removed and four small sections of hedgerow (measuring approx. 5m each). The landscaping proposals would strengthen the green infrastructure within the site.
- 1.12 The proposals would result in a 155.29% net gain in biodiversity across the site and the protected surveys provided identify measures to provide habitat and species protection and enhancement.
- 1.13 Objections from 94 residents and 3 letters of support have been received which are detailed and addressed in the main report.
- 1.14 In light of the above conclusions on the planning merits of the case, the applicant is recommended for approval subject to conditions.

Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

Map of site



2. The site description

- 2.1 The application site comprises a gently undulating series of pasture and arable fields alongside Leigh Lane to the west of the village of Upper Leigh. The lands are situated to the south of the A50 and to the north of the railway line which connects Uttoxeter and Blythe Bridge/Stoke upon Trent. The 'cross-boundary'

site extends to approx. 92.9 hectares in total; with approx. 55.9 hectares being situated within Blythe Ward in East Staffordshire and the remaining approx. 38 hectares being located within Checkley Ward in Staffordshire Moorlands District Council (SMDC) area (a concurrent application is also being considered by SMDC). Access to the site is via Leigh Lane where there is an existing agricultural access.

- 2.2 The site is undulating, situated on the north side of the valley formed by the River Blithe and generally slopes downwards in a south-westerly direction, ranging from 130m AOD in the southern corner up to 180m AOD in the north. The site includes several ponds, short sections of water courses, mature field boundary hedgerows and trees.
- 2.3 The site does not immediately abut the A50 dual carriageway, being separated from it by approx. 120m (narrowing to approx. 60m within the SMDC area). In relation to the railway line, the site is separated from the embankment to the railway line by approx. 10m, however, the area of site within SMDC area directly abuts the embankment. The River Blithe follows the boundary of the application site close to the railway line.
- 2.4 There are Public Rights of Way (PRoW) which lie partially within and in close proximity of the application site, including:
 - PRoW Leigh 77 which crosses the site from the west linking with Leigh Lane;
 - PRoW Leigh 78 which crosses the northern area of the site linking with Leigh Lane
- 2.5 The site is not within a Conservation Area and there are no listed buildings within the application site boundary. There are Grade II listed buildings to the south-east of the application site, as follows:
 - Moor Farm approx. 260m to the south
 - Moor Court House approx. 250m to the southA grade II listed bridge, known as Heybridge in Lower Tean which is located within the SMDC area, situated to the north-east of the application site is on the traffic access route to the site.
- 2.6 Whilst the majority of the surrounding area is rural in character with agricultural uses, there are some residential dwellings nearby, including one dwelling known as 'Shortwoods' situated immediately adjacent to the northern boundary of the site which is within the ownership of the applicant. 'Leigh Lane Farm' is situated on the opposite side of Leigh Lane separated from the site by the road. There are further residential properties to the south separated by fields by approx. 250m, and approx. 210m to the south-west separated by the railway line.
- 2.7 An overhead 132 KV electricity line crosses the south-western part of the site, with the electricity line running parallel with the railway line, an electricity pylon supporting this line is located within the application site.
- 2.8 The majority of the site is situated within Flood Zone 1 which is at the lowest risk of flooding, however, a portion of the site to the south-west boundary is situated within Flood Zone 2 and 3 due to the proximity to the River Blithe.

2.9 The site is situated outside of any settlement boundary as defined in the Local Plan.

3. Planning history

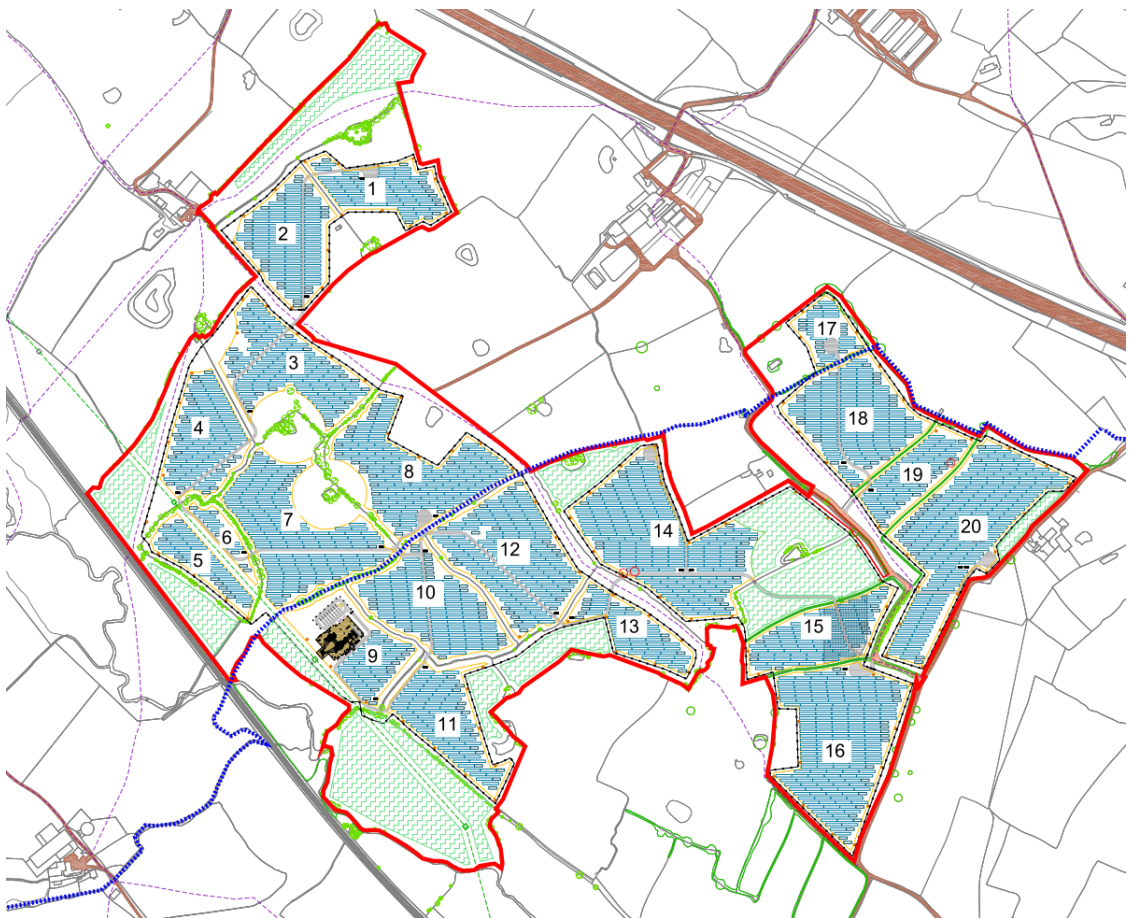
3.1 There is no relevant planning history.

4. The Proposal

4.1 This application for full planning permission proposes to develop the site by the installation of a 49.9MW solar photovoltaic array/solar farm with associated infrastructure. As detailed in the site description above, this is a cross boundary application with Staffordshire Moorlands District Council (SMDC).

4.2 The solar farm would generate an export capacity of approx. 49.9MW and the site is proposed to be operational for 40 years, this is expected to power approximately 11,500 homes each year.

4.3 Twenty areas within the wider site are proposed to contain rows of photovoltaic (PV) solar panels, eleven of which are situated within the East Staffordshire area. Associated infrastructure is also proposed details of which are set out below.



- 4.4 The Field areas 1, 2, 3, 4, 5, 6, 7, 8 and 17 are within the Staffordshire Moorlands District Council area, and Field areas 9, 10, 11, 12, 13, 14, 15, 16, 18, 19 and 20 are within the East Staffordshire Borough Council area. The blue line on the above plan indicates the boundary between the two Authorities
- 4.5 Photovoltaic panels:
- Each panel would measure approx. 1.1m x 2.25m and would be mounted on a galvanised metal frame set into the ground by either screwing or driving into the ground.
 - To achieve optimum solar gain, each frame is proposed to be separated by 2-6m laid out in east-west rows. Each panel will be tilted southwards at between 15-25 degrees from the horizontal southwards.
 - Height – 2.4m from ground level to the top of the back of the panel frame. The lowest edge of the panels will be raised above the ground by approx. 0.8m.
 - Each row of panels would be connected to an inverter located at the end of the rows for access. Underground cables would connect the inverters to the switching station in the substation compound.
- 4.6 Inverters and Transformers
- Up to 19 inverters/transformers are to be located around the site (12 of which are within the ESBC area), these convert the direct current (DC) electricity output from the solar panel arrays into useable alternating current (AC) power for the electricity distribution network.
 - Each inverter/transformer will be located within a kiosk measuring approx. 6.1m x 2.5m x 2.6m high.
- 4.7 Substations and grid connection
- A substation compound is proposed to the western side of the site (within the ESBC area immediately adjacent to the boundary with SMDC), measuring approx. 63.3m x 45m, which is to include a Distribution Operator (DNO) and Client switch room. This provides the connection from the development to the electricity grid and is mostly operated by the DNO. Dimensions of the DNO substation are approx. 7.5m x 5m x 3.4m high.
 - A 15m high communication tower is proposed within the substation compound which is to be surrounded by a 2.5m high fence.
 - The compound would be situated adjacent to the existing electricity pylon within the site and a 23m high 132kV substation connection tower is proposed adjacent to this along with a 132kV transformer.
 - The substation compound would be situated on a concrete foundation and with transformers and substation within a 1m high bund.
- 4.8 Battery storage area
- A battery storage area is proposed to the north of the substation (within the ESBC area immediately adjacent to the boundary with SMDC). This would include:
 - up to 8 No. Battery Storage Containers measuring 9.3m x 2.5m x 1.7m
 - 8 No. PCS Inverter Units measuring 6.1m x 2.9m x 2.4m high
 - Switchgear measuring 7.5m x 2.9m x 3.2m high
 - DNO Switchroom measuring 6.0m x 3.5m x 3.4m high
 - 2 No. Battery Spares Containers measuring 6.1m x 2.4m x 2.6m high

- Welfare Cabin measuring 12.2m x 2.4m x 2.6m high
- The battery storage area would be situated on a concrete foundation.

4.9 Fencing, gates and security CCTV

- An approx. 2.4m high post and wire deer fence to the perimeter of the site is proposed, small mammal openings are proposed within the fence (approx. 150mm x 150mm) to be fitted at approx. every 180m.
- An approx. 2.35m high and 5m wide security gate to the site on Leigh Lane.
- CCTV cameras locations on 4m high poles within the security fence at intervals; 11 CCTV cameras are proposed in total, 79 of which are within the ESBC area.

4.10 Cabling – On-site cabling is proposed linking the solar panels to the inverters/transformers and from these to the substation compound.

4.11 Access around the site – access tracks approx 4m in width are proposed within the site, including a connection to the public road at Leigh Lane. These tracks are proposed to be constructed from locally sourced crushed stone on a geotextile membrane, where possible some existing tracks are proposed to be used.

4.12 Connection to the grid – there is a 132kV line that crosses the application site and it is proposed that the solar farm will be connected to this via the substation compound which is immediately adjacent to the line and supporting pylon. Connecting to this existing line negates the need for lengthy underground transmission cables.

4.13 Landscaping proposals and biodiversity proposals – The application is supported by a biodiversity metric and the application proposes the following planting and habitat areas:

- Retention and protection of existing trees and hedgerows, except for the removal of 3 trees and 4 sections of hedgerow measuring approx. 5m each.
- New hedge, tree and scrub planting to field boundaries
- Planting to plug gaps in existing field boundaries to strengthen screening
- Creation of wildflower grassland strips
- Creation of wildflower meadow areas and bird cover crop adjacent to the River Blithe
- Newt Habitat Management Areas across the development to create a variety of habitats to benefit a range of species.

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4.14 Construction

- A temporary construction compound is proposed to be located in development area 15 indicated on the proposed site layout. The compound is proposed to be located within close proximity of the site access and once construction has been carried out on the wider site would be developed to site solar panels.
- The construction compound is proposed to include four site offices two of which have kitchens, two areas of private vehicle parking, three container storage units, a covered skip and a chemical toilet with bund wall surrounding it.

- It is proposed that the temporary construction compound will be enclosed by approx. 3m high chain link fencing on timber posts with barbed wire above.
- Construction is expected to take approx. 6 months
- The construction compound is proposed to be made up of aggregate (and therefore a concrete base is not required).

- 4.15 Temporary Traffic Lights are also proposed on Leigh Lane during the construction works.
- 4.16 Negotiations have been entered into with the applicants by officers during the course of the application and revised information has been received in the form of an amended landscaping scheme and site layout, amended Agricultural Land Classification Report, Topographical Surveys and additional Highways Technical Notes.
- 4.17 Joint discussions with the Highway Authority, SMDC and the applicant have secured amendments to the access route for construction and decommissioning traffic by way of the formation of passing bays which are entirely within the adopted highway.
- 4.18 In respect of Environmental Impact Assessments, Screening Opinions have been issued in relation to the proposals, one prior to the application being submitted and one following submission of the application, concluding that the proposals are not EIA development.

List of supporting documentation

- 4.19 The following documents have been provided as part of the application:

DRAWINGS:

- Site Location Plan
- Indicative Site Layout Plan
- Public Rights of Way Plan
- Access Track Cross Section
- Battery Storage Compound
- Container Storage Unit Details
- Inverter/Transformer Details
- Landscape Mitigation Plan
- Photovoltaic Panel Details
- Security Fencing and CCTV Details
- Security Gate Details
- Substation Compound Details
- Temporary Construction Compound Details
- Topographical Survey (Sheets 1-11)

REPORTS

- Agricultural Land Classification Report
- Biodiversity Metric Assessment
- Ecological Impact Assessment
- Flood Risk Assessment
- Geophysical Survey Report

- Glint and Glare Study
- Heritage Impact Assessment
- Landscape and Visual Impact Assessment
- Noise Impact Assessment
- Photomontages
- Planning, Design and Access Statement
- Transport Statement and Outline Transport Management Plan
- Highways Technical Note

4.20 The relevant findings of the application submissions, along with an Independent Landscape Assessment (commissioned by the Council during the application process), are dealt with in section 8 onwards below.

5. Consultation responses and representations

5.1 A summary of the consultation responses is set out below:

Statutory and non statutory consultee		Response
5.2	Leigh Parish Council	<p>Request the following issues are subject to further investigation prior to any decision being issued:</p> <p>1. Potential Development Areas 16 & 20</p> <p>These two areas have the biggest visual impact on all the parishioners within Leigh, due to their close proximity to Leigh Lane, one of the three main routes in and out of the village. They also have high impact on adjacent and contained neighbours at Leigh Lane Farm and Shortwoods. There are a number of fields within the PDA as a whole that should be considered as an alternative option to 16 & 20 which will be far less impactful on the village.</p> <p>It should be noted that Lightrock Power stated that they would be prepared to modify their plans to address this concern.</p> <p>2. Proposed Substation Compound & Battery Storage Container</p> <p>The proposed location for the housing of the batteries and transformers is located at the lowest level of the site, both on a floodplain, and adjacent to the River Blithe. There was a lot of concern from the parishioners about the health and safety aspects of both the location and the safety record of battery storage and effects of a fire on the local ecology, including the contamination of the water basin. This location has the potential to have high impact on the residents of Dairy House Farm and their adjacent land.</p>

		<p>3. Site Access Junction</p> <p>The planning application states “Access to the Site will be via the existing access junction into the Lower Tean Leys Farm off Leigh Lane. Site visits have determined that the access junction is well formed and currently used by large agricultural vehicles to access the farm site”.</p> <p>This statement is factually incorrect as the existing access to Lower Tean Leys Farm is situated further north on Leigh Lane alongside where the road goes under the A50. The access mentioned above is not used for access to the farm.</p> <p>Using the current existing access to the farm as an alternative for access to the site would also overcome the concerns from SCC about the disruption to the PRow being coincident with the proposed access.</p> <p>It should be noted that Lightrock Power stated that they would revisit the proposed access and look at the access that is actually currently used by Lower Tean Leys Farm as an alternative access to the PDA.</p> <p>4. Traffic Management Plan</p> <p>The traffic management plan needs completely revisiting as the proposed route plan from the A522 via Leigh Lane is completely unworkable in its current format.</p> <p>The planning application states “Leigh Lane is a rural, single carriageway road which runs in a north – south direction and connects nearby properties and farms to the A522. Leigh Lane operates at the national speed limit, has no centre line markings, and appears wide enough for HGVs and a car to pass each other. However, sections of the road have restricted carriageway width due to the presence of tight bends, although the carriageway is not restrained by kerbed edges and does allow for verge overrun. As Leigh Lane provides access to nearby local farms, it will not be uncommon for large vehicles to pass through; however, it may require additional mitigation to be put in place in order to manage HGV traffic.”</p> <p>Leigh Lane is not used by large vehicles to the farms as the majority of the road from the A522 junction to where Leigh Lane passes under the A50 is actually single track and, additionally, has a stone bridge at the bottom of the lane which presumably would require a survey before any transport movement took place to determine its ability to</p>
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		<p>take between 888 and 1,142 HGV's per month during the peak 3 months of the build.</p> <p>Further comments</p> <p>The Parish Council would like to highlight the amount of strong feeling regarding the environmental, ecological and financial impact on the community and the fact that the parishioners do not see any direct benefit to the village from this proposed planning application or feel that there has been a satisfactory, if any, consultation period with the parish.</p> <p>The home page on www.upperleighsolarfarm.com talks about the importance of engaging with the local community and taking on board their suggestions and concerns in the year-long consultation period from March 2022.</p> <p>However, the Statement of Community Involvement section from the planning application actually highlights the lack of attempt to engage with the local community both via the Parish Council and directly to households.</p> <p>Therefore the Parish Council would like to suggest that the "consultation period" to which they refer has actually ended up being 9 days, ie 21 - 30 March (the latest date to comment on the planning application) and therefore would ESBC kindly consider delaying the application so a satisfactory and transparent consultancy period can take place, especially in view of the fact that it is highly unlikely that the Grid will have the capacity for this solar farm for at least 5+ years.</p> <p>It has come to the attention of the Parish Council that the pylon route 132 that Lightrock Power would want to connect to, which is the Rugeley to Cellarhead interconnector, is unable to receive the rated output from this proposed solar farm. It cannot feed into Cellarhead as this substation has no further capacity and Rugeley cannot accept any further output until major works have been completed which would be 2029 at best.</p> <p>Additionally, Lightrock Power stated that whilst they have agreed capacity with Western Power Distribution (now known as National Grid), there is, however, substantial work that needs to be undertaken at Rugeley that will not be finished until latest 2029 and only once this work has been completed could the solar farm be operational.</p> <p>Finally, in view of the local elections taking place on 4th May 2023, the parish council is currently underway with an</p>
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		election process and new councillors will not be in place until 9 th May 2023 and therefore it would seem reasonable, and prudent, to wait until after these elections have taken place to reinstate a further consultation period between Lightrock Power and Leigh Parish Council and its parishioners.
5.3	SCC Archaeology	No objection subject to a condition requiring archaeological trial trenching to determine if excavation or a watching brief is required.
5.4	SCC Highways	No objection subject to conditions in respect of: <ul style="list-style-type: none"> - Construction of the passing bays prior to commencement - The submission of a Construction Transport Management Plan prior to commencement - The surfacing of the access off Leigh Lane to be finished in a bound material prior to commencement. - The submission of visibility splays for approval.
5.5	SCC Ecology	No objection subject to conditions in respect of: <ul style="list-style-type: none"> - The submission of a Construction Environmental Management Plan - The submission of a Landscape and Biodiversity Management Plan - Any external lighting to be approved prior to commencement.
5.6	SCC Flood Risk Team	No objection subject to a condition in relation to the mitigation measures set out in the Flood Risk Assessment being provided prior to operation.
5.7	SCC Public Rights of Way	No objection
5.8	Environment Agency	No objection, all development is located outside areas at risk of flooding.
5.9	Severn Trent Water	No objection
5.10	Natural England	No objection subject to a condition to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans to return the land to its former land quality (ALC grade).

5.11	Ramblers Association	No comments received during the statutory consultation period.
5.12	Staffordshire Wildlife Trust	No comments received during the statutory consultation period.
5.13	Architectural Liaison Officer Staffordshire Police	No objection
5.14	Historic England	No comments – please seek the advice of your Conservation Specialist.
5.15	Forestry Commission	No comments – there are no Ancient Woodlands within or adjacent to the application site.
5.16	National Highways	No objection
5.17	Nature Space (GCN)	Requested further information, however, following confirmation that the applicants will apply for a licence from Natural England, no further information is required.
5.18	Network Rail	No objection subject to conditions in respect of: <ul style="list-style-type: none"> - Restricting the use of the railway crossings for any construction purposes - Submission of a scheme of construction methodology including haulage routes that may cross railway assets such as level crossings and bridges, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. - Remediation measures in the event of complaints relating to signal sighting safely and driver distraction from glint and glare.
5.19	Office of Rail and Road Regulation	Confirmed that they have no comments to make.

Internal Consultees		Response
5.20	Conservation Officer	The proposal is considered to result in less than substantial harm to the setting of the Grade II Moor House Farmhouse. On balance the harm is justifiable given the public benefit of a solar farm, however, assurances are requested in respect of the height and density of the tree cover to the south-eastern boundary to ensure no inter-visibility between the solar farm and the farmhouse.

5.21	Environmental Health	<p>No objections subject to conditions in respect of:</p> <ul style="list-style-type: none"> - The development shall not exceed background sound levels by more than 5dB(A) in the daytime and shall not exceed the background sound levels at night at any noise sensitive receptor. - The submission of a scheme of noise mitigation for construction works - The submission of a scheme of dust mitigation during the construction and decommissioning phases. - Precautionary condition in the event that contamination is found - Construction operating times (including deliveries) shall be limited to Monday – Friday 07:30 – 19:00 with no noisy activity before 08:00 Saturdays 08:00 – 14:00 Sundays and Bank Holidays – No working
5.22	Tree Officer	<p>No objection subject to the tree protection plan being incorporated into the approved plans list.</p>
5.23	Independent Landscape Architect	<p>During the course of the application an independent Landscape Assessment was commissioned by the Council. This concluded:</p> <ul style="list-style-type: none"> - The assessment set out in the LVIA is appropriate and recognised methodology - The methodology has been applied in a generally consistent and fair manner – if anything some of the landscape and visual effects may have been assessed at slightly too high a level. - The coverage and content of the LVIA is generally balanced and comprehensive. - The LVIA does not contain any significant errors or omissions. - The findings of the assessment in respect of landscape and visual effects appear to be generally balanced and reasonable (noting again that some of the landscape and visual effects may have been assessed at slightly too high a level).

6. Neighbour responses

6.1 Site and press notices were posted and notification letters were sent to properties adjacent to the site. Responses were received from 97 residents, 94

of which were objecting to the proposals and 3 of which were in support of the proposals. The representations are summarised below:

Neighbour responses	
OBJECTIONS:	
Principle	<ul style="list-style-type: none"> • The agricultural classification as Grade 3b is questioned as cereal crops have been grown on this land for in excess of 70 years • The agricultural land classification is misleading, most of the land is arable/mown grassland not dairy cattle grazing as stated. • The land should remain in food production during the current food security crisis. • Land suitable for food production is a finite resource. • Green energy should be commissioned in different ways to avoid the loss of agricultural land, such as retrofitting solar panels on industrial buildings. • The area will be overdeveloped with solar farms. • The proposal brings no employment to the area. • Priority should be given to brownfield sites and lowest quality agricultural land. • The capacity falls below the maximum 50MW permitted by the Planning Act 2008 which would qualify as a Nationally Significant Infrastructure Project requiring Secretary of State approval. Is the LPA confident that the maximum capacity criteria has been met? Would any adjacent projects means that the combined capacity exceeds 50MW? • The proposal would effectively industrialise this rural area. • The site totals 92.98ha but only 49.5ha is required, taking a significant portion of agricultural land out of use for no benefit. • More agricultural land is needed to support existing farms, there not enough available within the area. • There is a recommendation at Government level not to lose good quality versatile land. • The cost and CO2 created in manufacturing the solar panels and shipping them cannot be cancelled out by the 'green' energy they provide.
Impacts on Residential Amenity	<ul style="list-style-type: none"> • Glint and glare to neighbouring properties. • No benefits of the proposal to local residents. • Dust, noise and disturbance during construction. • The Arcus report states that Dairy House Farm is uninhabited, this is not the case. • Safety of neighbouring farmers who could be affected by glint and glare.

	<ul style="list-style-type: none"> • Concerns in relation to construction hours of 7am to 7pm. • Severe detrimental impact to the living conditions of the occupiers of Shortwoods and Leigh Lane Farm is deplorable; and Shortwoods shares the access drive to the development. • The neighbours are closer to the proposed solar farm than the landowner who will benefit from it. • The development will affect residents every day for the rest of or the majority of their lives. • The amended landscaping scheme would result in trees blocking light to neighbouring property.
Impacts on Visual Amenity	<ul style="list-style-type: none"> • The solar farm will be a blot on the landscape. • The rural views of this area of unspoilt agricultural land will be destroyed. • There are several solar farms already in this area, another one will further impact the visual amenity of the area. • The proposal is reliant on the existing hedge to screen the development. • The scheme is effectively a large industrial enterprise which an unjustifiable visual impact on this rural area. • The solar farm would be adjacent to the Upper Newton solar farm and its extension combining to form a solar farm of industrial magnitude covering the majority of the valley side to the north of the River Blithe resulting in a visual impact for a significant distance. • The proposed fencing and security cameras will be at odds with the surrounding countryside appearing like a prison compound. • Fields 15, 16 and 20 should not be used for solar arrays due to the impact on Leigh Lane. • The landscape mitigation fails to assess the site in a wider landscape context.
Heritage Impacts	<ul style="list-style-type: none"> • The village is of historic importance and is recorded in the Domesday book. • The Heritage Assessment is vague and selective and does not include listed sites that are within the same distance as those that are included.
Highways Impacts	<ul style="list-style-type: none"> • The access is along a narrow country lane with a humpback bridge, a number of blind bends and a steep gradient bank. There are no pavements or street lighting. • Sections of the road are in poor condition. • The road infrastructure is inadequate.

	<ul style="list-style-type: none"> • The roads will have to support an extra 94 vehicles a day for 6 months. • Two cars struggle to pass, it would be impossible for 2 HGV's. • Is the bridge over the River Tean capable of withstanding the increase in HGV movements?. • Construction traffic will cause considerable disruption to villagers. • The traffic management plan is inadequate. • The access proposed is a track, the existing farm is serviced by a tarmac road further north. • The road is dangerous and additional traffic will result in further danger to all road users. • The increased height of hedgerows to 3m in places will shade Leigh Lane adding to highway danger. • Impacts to road infrastructure in the event of a battery fire.
Health and Wellbeing	<ul style="list-style-type: none"> • The proposal will have significant impacts on the mental health of those who live within view of it. • Detrimental impact to health due to increased EMF. • Solar farms can reduce life expectancy, cause persistent headaches and be carcinogenic.
Flood and drainage impacts	<ul style="list-style-type: none"> • The Flood Risk Assessment omits to include details of area of highway prone to surface water flooding beyond the development site. • Vegetation is proposed to absorb dripline water on the site, however, it is not clear what would happen after a prolonged dry spell when the ground would be compacted and less permeable. • Part of the site is within a flood plain and it would be likely that this could cause serious problems. • Potential for hazardous substances (contained within the batteries) to enter the watercourse which livestock drink from
Biodiversity and Soil Quality	<ul style="list-style-type: none"> • It is not clear how 10% biodiversity net gain can be achieved given the scale of the farm. • A solar farm will damage and destroy wildlife habitat. • Wetland birds and mammals along the River Bliithe will be disturbed by construction activity and it is unlikely to recover. • The fields are home to Curlews, Lapwings, Red Kites and Skylarks which are both under threat and do not appear to be mentioned within the application.

	<ul style="list-style-type: none"> • The application states that wildlife habitats would be restored – there would be no need to restoration if the land remained as it is. • It is not clear how the established Great Crested Newt population will be protected. • A buffer zone is proposed to the ponds for Great Crested Newts, however, GCN can migrate between ponds and therefore the application fails to consider the impact on GCN adequately. • How will the additional planting be guaranteed?. • The soil classification is incorrect, the fields have been used in crop rotation with good yields and not all of the fields have been tested a second or third time. • There is little scientific evidence of the impact of solar panels on soil quality.
<p>Other Matters</p>	<ul style="list-style-type: none"> • Battery storage area located in close proximity to the River Blithe. • Battery storage areas have been known to catch fire causing a hazard to the welfare of neighbouring properties. • Who is responsible for hazardous substances or fire outbreaks? • No details of emergency plans have been provided in the event of a fire. • The Rugeley to Cellarhead interconnector is unable to take the proposed rated output from the solar farm, and the upgrades to Rugeley will not be carried out until 2029. • If planning permission is granted there is no guarantee that the solar farm will be built as no detailed technical assessment has been undertaken by National Grid on this grid connection point. • Cumulative impacts from other existing and proposed solar farms in the area. • The scheme is only viable due to unused capacity on nearby national grid transmission lines, this creates a disproportionate demand within this area. • The output may be less than envisioned due to the availability of daylight hours and sunlight being limited in this area. • Any approval should require a detailed commitment to the restoration of the land to mitigate all impacts along with a timescale for the restoration. • Consultation with the developer has been inadequate. • Consultation from the LPA has been inadequate. • Concerns in relation to the potential increase in crime in the area.

	<ul style="list-style-type: none"> • Risks posed by hazardous substances so close to the local community. • How will the generated power be served into the grid, it is understood that this would be by trucks which is not at all suitable. • The energy would go directly to the national grid with no benefit to the local community. • There are numerous footpaths and rights of way which would likely be lost as a result of the proposals. • Research indicates that solar panels usually last 25 years and are then obsolete, the solar farm is proposed to operate for 40 years and therefore there will be continuous maintenance issues.
SUPPORT:	
Principle	<ul style="list-style-type: none"> • There is a need for green and sustainable energy sources • Produces a reliable, renewable, clean energy source • This additional source of energy is needed given the current energy crisis
Visual Impacts	<ul style="list-style-type: none"> • Solar energy is less intrusive than wind farms.
Pollution and Contamination	<ul style="list-style-type: none"> • Produces no further pollution after construction
Biodiversity	<ul style="list-style-type: none"> • The surrounding farm land left to 'go wild' which is good for the environment • This application can provide green energy without jeopardising the local area.
Member of Parliament – Kate Kniveton MP	Objects to the application on the grounds of the location the site and battery housing, the position of the site on a flood plain and the access to the site being situated on a dangerous bend.
Ward Member	No comment received.

7. Policy Framework

National Policy

National Planning Policy Framework
National Planning Policy Guidance

Local Plan

Principle 1: Presumption in Favour of Sustainable Development

SP1: East Staffordshire Approach to Sustainable Development
 SP2 Settlement Hierarchy
 SP8 Development Outside Settlement Boundaries
 SP9 Infrastructure Delivery and Implementation
 SP14 Rural Economy
 SP23 Green Infrastructure
 SP24 High Quality Design
 SP25 Historic Environment
 SP27 Climate Change, Water Body Management and Flooding
 SP28 Renewable and Low Carbon Energy Generation
 SP29 Biodiversity and Geodiversity
 SP30 Locally Significant Landscape
 SP34 Health and Wellbeing
 SP35 Accessibility and Sustainable Transport
 DP1 Design of New Development
 DP2 Designing in Sustainable Construction
 DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
 DP6 Protecting the Historic Environment: Other Heritage Assets
 DP7 Pollution and Contamination
 DP8 Tree Protection

Supplementary Planning Documents

East Staffordshire Design Guide
 Climate Change and Sustainable Development Supplementary Planning Document (SPD)

8. Principle of Development

- 8.1 The application site lies within the open countryside outside of any settlement boundary on land that is categorised as greenfield land.
- 8.2 Strategic Policy SP8 provides criteria for development situated outside of settlement boundaries, including that development will not be permitted unless it is: *‘provision for renewable energy generation, of a scale and design appropriate to its location’* or *‘infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated’*. Developments which comply with the first part of Policy SP8 are then subject to further criteria including *‘the need to maintain land of high agricultural value for food production’*.
- 8.3 The proposal is considered to comply with the first set of criteria in Policy SP8, the proposal being a solar farm for renewable energy generation i.e. infrastructure development, the scale and design of which is assessed further in other sections of this report. In terms of the location of the proposed solar farm within the countryside, the applicant did review other brownfield sites within the area, however, none were large enough to accommodate the scale of the solar farm proposed. Given the scale of the proposed solar farm it is unlikely that it would be possible to position solar panels on existing buildings within the Borough, there are no vacant brownfield sites within the Borough suitably large

enough to accommodate the proposal that are not allocated within the adopted Local Plan for alternative redevelopment and the land intensive nature of the proposal, together with the requirement for the panels to be free from shade, leads towards a rural rather than urban location for such schemes.

- 8.4 In terms of the second set of criteria within Policy SP8, particularly the need to maintain land of high agricultural value for food production, the applicant has provided an Agricultural Land Classification document which indicates that the site is Grade 3b and 4, moderate quality and poor quality respectively. The proposal will not therefore result in the loss of any excellent or very good quality agricultural land (further discussed in the Loss of Agricultural Land section of this report), which falls into grades 1 and 2 and agricultural use of the site will be retained through sheep grazing simultaneously with solar energy generation. The proposals are therefore not considered to affect *'Best and Most Versatile Agricultural Land'* as required by the NPPF.
- 8.5 There is strong national support for renewable energy schemes set out in the NPPF, and a wealth of other national guidance and policy documents such as the National Policy Statement (NPS) for Energy, NPD for Renewable Energy Infrastructure, the UK Government Solar Strategy (2014) and the Written Ministerial Statement on Solar Energy: Protecting the Local and Global Environment (2015). Without exception these all recognise the importance of renewable energy including solar energy and the contribution of battery storage in addressing the impacts of climate change.
- 8.6 Strategic Policy SP28 of the Local Plan is generally supportive of renewable and low-carbon energy generations, appropriate to the location within the Borough. The proposal would deliver the benefit of generating electricity from a renewable source and will contribute towards government and regional targets for the generation of renewable energy and the reduction of CO2 emissions. The NPPF makes it clear that the wider environmental and economic benefits of renewable energy proposals of any scale should be given significant weight in determining whether planning permission should be granted.
- 8.7 The comments of Leigh Parish Council and local residents are noted in respect of the connections to the national grid, and it is noted that the submissions indicate that the Rugeley to Cellarhead interconnector is currently unable to receive the rated output from the proposed solar farm, and will not be able to until works have been carried out which are expected to be in 2029. The technical details of the connection to the National Grid is not a material planning consideration, however, the applicant has requested an implementation period of 5 years (rather than the standard 3 years) should the application be accepted.
- 8.8 Having regard to the above assessment, the proposal is considered to be acceptable in principle subject to the impacts (highways matters, landscape and visual impact, heritage impacts, impact on biodiversity, loss of agricultural land, impact on neighbouring amenity and noise) being acceptable. These matters are considered under the relevant subheadings in the remainder of this report.

9. Loss of Agricultural Land

- 9.1 As set out in the Principle of Development section above the proposal would be sited on land with an Agricultural Land Classification (ALC) of grade 3b and 4
- 9.2 The applicant has provided an Agricultural Land Classification document which indicates that the site indicating that the land is Grade 3b and 4, moderate quality and poor quality respectively. The Ministry of Agricultural, Fisheries and Food (MAFF) developed a method of classifying agricultural land quality in the 1960s which was revised in 1988. The system classifies land into five grades numbered 1 to 5, with grade 3 subdivided into sub-grades 3a and 3b. Grade 1 is the highest quality land and Grade 5 is the lowest, the information available on Natural England's website supported by the Department for the Environment, Food and Rural Affairs (DEFRA) also states that the land is Grade 3b and 4.
- 9.3 As stated above the site comprises a mixture of Grade 3b and 4 quality land. The proposal will not therefore result in the loss of any excellent or very good quality agricultural land, which falls into grades 1 and 2. Whilst the grade 3b and 4 land subject of this application would be temporarily unavailable for arable farming, it would be capable of restoration to agricultural use at the end of the project lifespan and would not be lost indefinitely. Furthermore, agricultural use of the site will be retained through sheep grazing simultaneously with solar energy generation. The proposals are therefore not considered to affect '*Best and Most Versatile Agricultural Land*' as required by the NPPF, this has been confirmed by Natural England.
- 9.4 Natural England have raised no objections to the proposal subject to conditions to safeguard soil resources and agricultural land including a required commitment for the preparation or reinstatement, restoration and aftercare plans following decommissioning, including returning the land to its form quality (ALC).
- 9.5 The proposal is therefore considered to comply with Policies SP1 and SP14 of the Local Plan and the NPPF.

10. Landscape and Visual Impact

- 10.1 The application site lies in the open countryside and comprises a collection of agricultural fields. It is not a nationally designated site and is not considered to be a '*valued landscape*' in terms of the NPPF. Having said this, its hedgerow pattern is of value and its long term preservation as hedgerow is critical to sustaining landscape character in the area (see further discussion below).
- 10.2 In the Landscape Character Assessment for Staffordshire, the site is identified as being with the Needwood Claylands character area as a '*settled plateau farmland slopes*' character type. The key characteristics of this area are:
- Hedgerow oak and ash trees
 - Broadleaved and conifer woodlands
 - Irregular hedged field pattern
 - Narrow lanes and hedge-banks
 - Old villages and hamlets
 - Small streams and field ponds
 - Manors and parkland

- Undulating, sloping landform
- Small ponds located in fields, often with trees and scrub

10.3 It is noted that the assessment identifies hedgerows in the area which ‘to a large extent control and limit views across the landscape, with the rolling landform and steeper slopes often allowing longer views’. It is also important to acknowledge that when viewed alongside the scale of the Needwood Claylands character area the proposals would be small in scale and unlikely to impact upon the key characteristics identified across the character area.

10.4 The application is accompanied by a Landscape and Visual Appraisal Assessment (LVA) which assesses the potential effects of the proposed development on the landscape character and visual amenity of the site and the local area. The LVA includes an assessment of 8 representative viewpoints and details of landscape mitigation and enhancement measures. An additional 4 viewpoints have been provided as photomontages during the course of the application to demonstrate the existing, year 1 and year 15 views.

10.5 The LVA is supplemented by a Landscape Mitigation Plan (LMP). The main landscape mitigation measures proposed include the selective siting of solar panels with some of the fields areas within the application site being given over to ecological enhancements, additional planting to reinforce the existing boundary screening and additional planting to create new boundary screening. It is proposed that existing trees and hedges within the site would be retained with openings kept to a minimum, areas of native woodland are proposed and existing hedge boundaries would be maintained at a height of 3m to provide maximum screening. The LMP includes the following measures:

- Hedgerow and tree planting and protection of existing vegetation
- Timing construction around bird breeding season
- Creation of grassland beneath panels
- Creation of wildflower grassland strips
- Creation of wet grassland
- Creation of native species grass and wildflower meadow mix, native species small tree mix, native species hedgerows with trees
- Hedgerow, tree, grassland and wildflower maintenance
- Use of lighting during construction and operation to be restricted
- Wildlife protection and enhancement measures

10.6 The LVA concludes that there is predicted to be ‘major’ impacts in terms of landscape character at the immediate site level, with impacts to the wider landscape being ‘moderate’, particularly when the cumulative impact with the existing Lower Newton solar farm is considered. The effects during the construction phase would be temporary, with the effects from the works be long-term, however, the mitigation proposed will aid in reducing the overall landscape character impacts, within the immediate vicinity of the site and the wider area. The reversibility of the proposals in the long term is also noted.

10.7 The LVA also discusses visual effects and states that there would be impacts to the public rights of way within or immediately adjacent to the site from the proposed development. There are views from a small number of nearby residential properties (particularly two properties, which are identified within the

Residential Amenity section of this report) with the remaining properties not considered to experience significant adverse effects. The landscape mitigation proposals have been amended during the course of the application to provide further screening for these residential receptors, and the mitigation proposals for the wider site would significantly reduce or in some cases eliminate the adverse impacts over a period of time.

- 10.8 The LVA identifies visual effects from the villages of Upper Leigh, Lower Leigh and Church Leigh as being ‘minor to moderate’ and the village of Middleton Green as being ‘negligible’.
- 10.9 The Council commissioned an independent Landscape Consultant (Jon Etchells Consulting) to review the application and in particular the LVA. The Landscape Consultant largely accepts the conclusions of the LVA and the methodology, content and reasonableness of the document. The Landscape Consultant responds to the ‘temporary’ nature of the proposals stating that 40 years *‘in everyday terms of how people experience the landscape they (the solar panels and associated equipment) are effectively permanent’* and that the applicant has reasonably concluded that the effects would be *‘long term but reversible’*. In respect of the findings of the LVA the Landscape Consultant largely agrees with the conclusions drawn and advises that if anything some of the impacts are overstated. The LVA concludes that there would be ‘major’ adverse landscape effects remaining until year 15, however, ‘major is the highest level of effect and the landscape is considered to be of medium sensitivity, the Landscape Consultant has therefore advised that it would be reasonable to conclude that there would be ‘moderate-major’ effects.
- 10.10 The Landscape Consultant also notes that the mitigation set out within the LVA includes letting the established, dense hedgerows grow to a height of 3m (they are currently 1-1.5m in height) could be achieved within a few years, although new planting (which will take longer to establish) will be required in some areas. The Consultant also acknowledged that the mitigation would help to create a *‘cellular structure to the landscape, with the solar panels within the cells and enclosed by tall hedges, which would help to screen them in short distance views and to break up the apparent mass of the panels in longer distances views from the south’*.
- 10.11 The LVA states that the impacts and effects likely will be present from construction to year 15, however the Landscape Consultant has commented that given the relatively low height of the majority of the proposals and ability to provide screening, the presence of the solar equipment would be reduced over time as the planting grows and therefore the effects to the landscape would also reduce.
- 10.12 The Landscape Consultant also refers to the way in which potential cumulative impacts have been assessed in the LVA, due to the presence of an existing solar farm adjacent to the application site, and applications/screening opinions for additional solar farms within the SMDC area, agreeing with the assessment in the LVA.
- 10.13 Strategic Policy SP8 of the East Staffordshire Local Plan requires the development to be of a scale and design appropriate to its location. Policy

SP24 relates to high quality design and requires development proposals to enhance the landscape and protect and enhance biodiversity, and present an appropriate layout for new development that integrates with the existing environment and context, among other things. Policy SP30 relates to locally significant landscape and requires developments to reflect the existing landscape character and have regard to the Landscape Character Assessment for Staffordshire.

- 10.14 The large scale solar farm proposed, will cause a degree of landscape harm as set out in the LVA and assessment by the Landscape Consultant, by introducing solar equipment into a rural setting. However, the proposal does take account of the existing landscape and context and would enable the field pattern within the site to remain intact and be strengthened by further planting, helping the proposal to integrate into the landscape. The mitigation works proposed to the hedgerows and further planting within the wider site (including ecological enhancements to fields and field areas which would not contain any solar equipment) would aid in the reversibility of the proposals after 40 years, and enable the rural landscape to be returned to the same, if not an improved, character.
- 10.15 There would be a level of visual intrusion into the wider visual amenities of the area given the introduction of solar equipment in this rural area, however, the Landscape Consultant does not consider this to be significantly intrusive due to the low height of the panels and other equipment, which would be lower than a typical agricultural building, and would occupy a small percentage of the site, and due to its static nature.
- 10.16 In terms of boundaries the agent has confirmed that stock proof fencing is proposed to all areas where solar equipment is proposed which will aid in retaining the rural character of the area. The use of palisade fencing is limited to the perimeter of the substation compound, this is proposed to be 2.4m in height. The fencing to the compound would be screened outside of the site by the proposed landscape mitigation planting.
- 10.17 It is therefore considered that a solar farm of this size will have a level of adverse landscape and visual impact, however, the proposal would integrate with the existing landscape structure, utilising existing field boundaries and the proposed mitigation would reduce that impact over time and limit the extent of the impact to the local area. Ultimately the proposal would be temporary (albeit over 40 years) and fully reversible and following the decommissioning of the proposal there would be landscape improvements from the additional planting and mitigation. The mitigation set out above would be secured via condition. The substation area is perhaps the element of the scheme which would be the most difficult to reverse, however, conditions are recommended to secure details of the decommissioning of the proposal and ensure that the landscape would revert back to its former condition.
- 10.18 The proposal is therefore considered to comply with Policies SP1, SP8, SP24 and SP30 of the Local Plan, the East Staffordshire Design Guide and the NPPF.

11. Residential Amenity

- 11.1 East Staffordshire Local Plan Policy SP1 lists principles in determining whether proposals constitute sustainable development. One principle is that proposals are designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping.
- 11.2 The National Planning Policy also seeks to ensure new development will not have an adverse impact on the amenities of occupiers of nearby residential properties.
- 11.3 There are a number of residential properties nearby whose amenity is a material consideration in this application. These include the dwellings at Shortwoods, Leigh Lane Farm, Blythe House, Blythe Gate Farm, and Dairy House Farm and Brooklea within the ESBC area. These noise sensitive receptors are identified and assessed in the applicants submitted Noise Impact Assessment. These properties, amongst others, are also assessed within the Landscape and Visual Appraisal (LVA) and the Glint and Glare Study (GGS).
- 11.4 Physically the two dwellings closest to the application site are Shortwoods and Leigh Lane House. The LVA notes the impact to these residential properties in visual terms, with the construction period being the greatest period of impact, and impacts reducing over time due to the landscape mitigation measures. The Landscape Mitigation Plan (LMP) has been amended during the course of the application to provide further screening for these residential receptors.
- 11.5 Shortwoods is situated immediately adjacent to the northern side of the application site, however, it is separated from the solar panels to the west by approx. 150m (measured to the boundary of the dwelling). Immediately to the south of Shortwoods the area within the site area is proposed to be a Newt Habitat Management Area made up of rough tussocky grassland, dense scrub and woodland. To the east/north-east the solar panels would be separated from Shortwoods by an existing public right of way and wide strip of land given over to proposed native species grass and wildflower meadow with a separation distance to the field containing solar panels of approx. 65m.
- 11.6 Leigh Lane Farm is located on the opposite side of Leigh Lane to the eastern corner of the site. The field opposite was originally proposed to contain solar panels with the existing hedgerow forming the boundary. During negotiations with the applicant the LMP has been amended to provide a copse of planting consisting of standard size semi-mature native tree mix. This copse would extend for approx. 140m along Leigh Lane and be approx. 20m in depth to provide a significant level of screening from Leigh Lane Farm, and giving a separation distance to the solar panels of approx. 40m.
- 11.7 The dwelling at Blythe House is situated approx. 340m to the south of field 16 and 460m to the south east of field 11 and the adjoining field which would be made up of a native species grass and wildflower meadow. Other properties the south of field 16, including Moor Court House, Bramble Cottage and Moor Farm would be separated from the solar panels by approx. 240m, with two roads in between .

- 11.8 Blythe Gate Farm, Dairy House Farm and Brooklea are all situated on the opposite side of the railway line and would be separated by approx. 180m, 340m and 380m respectively. Furthermore, the closest part of the solar farm to Blythe Gate House comprises the native species grass and wildflower meadow adjacent to field 11; the closest part of the application site to Brooklea would be the substation and battery storage area which would be screened by a strip of native species tree planting; and the closest part to Dairy House Farm would be an area of wild bird crop with a strip of native species tree planting behind it.
- 11.9 In terms of glint and glare impacts to neighbouring occupiers, the GGS states that:
- Solar reflections are possible to 13 dwellings across the wider area, however, these are significantly screened by vegetation, buildings and terrain and no impacts are predicted.
 - For three dwellings, the duration of the effects is not considered to be significant being less than 3 months per year and less than 60 minutes per day, mitigation is not considered to be required.
 - For two dwellings, the effects would be more than 3 months per year and less than 60 minutes per day, however, mitigation is not recommended given that the intervening terrain and vegetation will filter views, the effects would coincide with direct sunlight and therefore be less prominent, and the solar reflections would be limited to upper floors only rather than ground floor living areas.
- 11.10 The GGS identifies Shortwoods as having a low impact classification with the terrain, existing vegetation and additional proposed landscape mitigation providing significant screening. Dairy House and Brooklea are also identified as low impact with most of the reflecting panels being more than 1km away and effects limited to less than 3 months per year and less than 60 minutes per day. Leigh Lane Farm is identified as having a moderate impact classification, however, the ground floor windows are expected to be significantly screened and therefore effects would be limited to the first floor. Other dwellings identified are not given an impact classification as they are not expected to be impacted by glint and glare from the proposals due to the distances involved, intervening buildings/terrain and vegetation.
- 11.11 In relation to noise impacts, the applicant have submitted a Noise Impact Assessment (NIA) to support the application.
- 11.12 The NIA recognises that the development does include various elements of plant equipment which will generate noise, these being the primary transformer, 8 battery storage containers, 8 PCS inverter units and 19 array inverters which are found at the end of the solar arrays (typically 1 inverter per field). The storage containers, switchgear, metering equipment and solar PV panels are considered to emit no/negligible levels of noise.
- 11.13 The NIA assesses the day time and night time impacts of the development. It concludes that the predicted levels of noise (rating level) do not exceed the

night time background noise levels and are not more than 5dB above the background noise levels during day time, when assessed under BS 4142:2014. The Environmental Health Team has considered the NIA and confirm that it will not have a significant adverse impact on receptors, a condition is recommended to ensure compliance with the stated background noise levels. Further conditions are recommended to secure the submission of a noise mitigation scheme for construction works and to restrict construction hours.

- 11.14 In light of the above and subject to conditions to secure a noise mitigation scheme for construction works, compliance with background noise levels prior to operation, control of working hours and landscape mitigation measures, the proposal is considered to comply with Policies SP1, SP8, SP24 and DP1 of the Local Plan and the NPPF.

12. Glint and Glare

- 12.1 Glint and glare in relation to residential receptors has been discussed in the section above, however, the GSS also assesses the impact on the roads and railways, specifically an approx. 170m stretch of the A50 to the north/north-east of the site and approx. 180m stretch of the railway line to the south-west of the site.
- 12.2 The GGS concludes that whilst solar reflections would be geometrically possible towards A50 road users, would be significantly screened by intervening vegetation and terrain, therefore no significant impacts are predicted and no mitigation is required. The conclusion is similar for the railway, and it is noted that there are no railway signals affected. Whilst there are some sections where views of the panels may be visible, any reflections are considered to be outside of a train driver's field of view with the closest reflecting area over 500m from the railway, therefore a low impact is expected and no mitigation is required.
- 12.3 Network Rail have been consulted on the proposals and no objection has been raised in principle subject to a standard monitoring condition to secure remedial measures should complaints be received within 24 months of the commencement of the operation of the development.
- 12.4 Considering the comments in the residential amenity section of this report and the impacts to A50 road users and the railway, it is considered that there would be no significant impact in terms of glint and glare subject to a condition to secure the landscape mitigation measures, in compliance with Local Plan policy SP1 and the NPPF.

13. Highways Impacts

- 13.1 The site is proposed to be accessed via an existing agricultural access located on Leigh Lane which also serves the dwelling known as Shortwoods. Leigh Lane is a single carriageway road which runs in a north-south direction to the east of the application site. Leigh Lane connects the application site and wider area to the A522 to the north, beyond the A50.

- 13.2 Objections have been received in relation to the safety of the access and the surrounding roads, due to their narrow, meandering nature. It is considered that the main traffic impact from the proposal will be during the construction phase. The application is supported by a Transport Statement and Outline Transport Management Plan (TS&TMP), following negotiations during the course of the application Highways Technical Note 03 was submitted which included road widening to create passing places within the public highway, minor widening improvements at the site access, a temporary traffic light system, and a section of the Heybridge in Lower Tean (within the SMDC area) to indicate that larger vehicles will not ground. Three passing places are proposed on Leigh Lane, two to the north of the site beyond the A50, and one adjacent to the eastern boundary of the site. The applicant has confirmed that all of the passing places/road widening will be a permanent feature and will become part of the adopted highway, thus being useable to both the construction and decommissioning phases of the development and providing a benefit to the local community.
- 13.3 The TS&TMP indicates that visibility to the existing access is acceptable, subject to some trimming of the hedgerows to the north, and no changes are proposed to the access. Internal access roads are to be constructed within the site to provide access to the various fields. It is proposed that all construction traffic to the site will use an approved vehicle route from Leigh Lane to the A522 and the A50. The TS&TMP indicates that over the 6 month construction period a total of 9,822 two-way vehicle movements will take place, 3,737 of which would be HGV's with the average daily traffic being 32 two-way movements, 8 of which would be HGV's.
- 13.4 The SCC Highway Authority have been consulted in respect of the application and were involved in negotiations with the applicant. National Highways have also been consulted in respect of the proposals due to the proximity of the development to the A50.
- 13.5 National Highways have confirmed that they have no objections to the proposals in terms of its impact on the A50.
- 13.6 The SCC Highway Authority having reviewed the submitted and additional highways information have commented that road widening to create three passing places along Leigh Lane on the access route to the site and minor widening improvements at the site access is appropriate and would result in an improvement to highway safety. The temporary traffic lights (TTLs) proposed by the applicant are not a highway requirement, however, they are intended to take account of any heavy construction vehicles from meeting at the Leigh Lane/Uttoxeter Road junction, as it would be difficult for one to manoeuvre whilst another vehicle is waiting at the junction. Whilst the TS&TMP indicates that visibility is achievable this is subject to the trimming of hedgerows and therefore is required to be demonstrated via a condition.
- 13.7 A Construction Transport Management Plan is recommended to be secured via condition which will provide specific timings of construction phases and details of the site compound, parking, loading and unloading of plant and materials, storage of plant and materials, wheel wash facilities and mechanical road

sweeper. Such mitigation measures would minimise the impact resulting from construction activities.

13.8 The SCC Highway Authority have confirmed that they have no objections in principle to the proposals subject to ensuring that the passing bays on the public highway along Leigh Lane, are provided in accordance with the applicants Highways Technical Note. These will be secured under the Highways Acts prior to the development commencing on the site by way of a Grampian condition as these relate to off-site works. Conditions will also be attached in line with the County Highway Authority requirements to secure the submission of a Construction Transport Management Plan, requiring the access off Leigh Lane to be hard surfaced and requiring the submission of the maximum achievable visibility splays in both directions at the site access along Leigh Lane.

13.9 Subject to the above mentioned conditions the proposal is not considered to result in any significant adverse impact to highway safety in compliance with Policies SP1 and SP35 of the Local Plan, the Parking Standards SPD and the NPPF.

14. Sustainability (energy efficiency and low carbon), Economic, Social and Environmental Impacts

14.1 The proposed solar farm by its nature would be sustainable, by providing a source of sustainable renewable energy for a period of 40 years.

14.2 The proposal would provide economic benefits during the construction period. Once operational the site will not be permanently staffed, but would be monitored remotely and would result in additional employment through long term maintenance and management of the site. The land surrounding the solar panels will still be used for sheep grazing, and the proposal would support the rural economy by supplementing the income from agriculture.

14.3 The applicant calculates that the proposal would have a maximum export capacity of 49.9MW or 46,000MWh per year which would offset the electricity usage of 11,500 homes per year.

14.4 The applicant indicates, that at a higher level, the proposed solar farm will contribute towards savings (solar energy being a cost-effective source of energy) that will, in time, be realised by the consumer. Currently the cost of buying energy, determined by the price of gas or coal, is the largest part of a householder's energy bill. Solar energy does not rely on fossil fuels and is therefore less costly, and generation of energy is able to be implemented more quickly.

15. Historic Environment and Archaeology

15.1 The application site contains no listed buildings or conservation areas, however, there are areas of potential archaeological interest within the site. The nearest listed buildings within the East Staffordshire Area are the Grade II Moor Court Farmhouse and Grade II Moor Farm situated approx. 250-260m to the south of the application site. The Grade II listed bridge, which forms part of

the transport route to the application site, is situated within SMDC area. The nearest Conservation Area to the site is the Uttoxeter Conservation area which is situated approx. 8km to the south west of the application site.

- 15.2 The application is accompanied by a Heritage Impact Assessment (HIA) and a Geophysical Survey (GS), and Historic England and the Council's Conservation Officer were consulted on the proposals along with the County Archaeologist.
- 15.3 The HIA acknowledges that the site does not contain any designated heritage assets, but identifies several listed buildings, all Grade II within the vicinity of the site, along with a Scheduled Ancient Monument. The Scheduled Ancient Monument is situated with the SMDC area as are the majority of the listed buildings. The HIA also identifies the potential for Medieval Ridge and Furrow (archaeology). The HIA concludes that there would be less than substantial harm to the heritage assets identified.
- 15.4 Historic England has confirmed that they have no comments to make on the application and the matter was referred to the Council's Conservation Officer who confirmed that they agreed with the conclusion of the HIA in that the proposal would result in less than substantial harm to the significance of the setting of the heritage assets, however, this is outweighed by the wider public benefit of a solar farm. The Conservation Officer requested that the height and density of the tree cover to the southern-most boundary is appropriate to ensure that there is no inter-visibility between the solar farm and the farmhouse, this can be secured via condition.
- 15.5 The Conservation Officer also raised concerns in respect of the use of the Grade II listed bridge situated within the SMDC area which could potentially suffer damage from HGV's, however, this would be assessed by the SMDC Conservation Officer and it is noted that the County Council have confirmed that the bridge is strong enough to withstand the number of trips proposed.
- 15.6 In terms of archaeology, the HIA and GS identify the potential for archaeology within the site, and the HIA recommends a programme of trial trenching to identify any archaeology. The County Archaeologist has not raised any objections to the proposals subject to a condition to secure the trial trenching and a scheme of archaeological evaluation to account for any findings of this. The trial trenching, archaeological evaluation and any watching brief which may be found necessary must be carried out by an appropriately experience archaeologist. Subject to a condition securing this, there is no objection on archaeological grounds.
- 15.7 In light of the above it is considered that the proposal, subject to the recommended conditions, would be acceptable, and the less than substantial harm to the significance of heritage assets would be outweighed by the wider public benefits of the scheme, in accordance with Local Plan Policies SP25 and DP5 and the NPPF.

16. Flood Risk and Drainage

- 16.1 The majority of the application site is located within Flood Zone 1 which is at the lowest risk of flooding. There is a small section of the application site,

adjacent to the River Blithe to the south-west of the site, which is situated within Flood Zone 2 and 3a at medium and high risk of flooding respectively.

- 16.2 The application is accompanied by a Flood Risk Assessment including surface water drainage management and the Environment Agency and SCC Lead Local Flood Authority have been consulted in respect of the proposals.
- 16.3 The infrastructure associated with the solar farm will be entirely situated within Flood Zone 1 and the FRA concludes that the risk of the development flooding is negligible. The Environment Agency agree with the findings and have raised no objections to the proposal stating that all development is located outside areas at risk of flooding and any solar panel arrays will be raised 0.8m above ground level and therefore the maximum flood depths of 0.3m within Flood Zone 1.
- 16.4 In terms of the sequential and exception tests, the location of the equipment within Flood Zone 1 satisfies the requirements of the sequential test, and it is also considered that the exception test is met given that the sustainability benefits of the development outweigh any flood risk.
- 16.5 It is acknowledged that representations have been received during the course of the application in respect of battery leakage affecting the nearby River Blithe. The Environment Agency have not flagged this up as a matter of concern during the consultation response, and it is expected that the applicant will have standard procedures set out in accordance with other health and safety legislation to deal with such an event.
- 16.6 The FRA also assesses surface water flooding, and confirms that the development has been designed to ensure that all electrically sensitive equipment does not lie within areas of known surface water flooding. There are limited impermeable areas to be constructed within the site, specifically the substation compound and battery storage area, but these are limited to a small portion of the site and Rural Sustainable Drainage Systems are proposed to manage surface water runoff.
- 16.7 The SCC Lead Local Flood Authority were consulted in respect of surface water and have raised no objections to the proposal subject to a condition to ensure that the development is carried out in accordance with the submitted FRA.
- 16.8 It is therefore considered that the proposal would result in no significant adverse impact to flood risk or surface water flooding including drainage, subject to the abovementioned condition, and the proposal complies with Policies SP1 and SP27 of the Local Plan and the NPPF.

17. Green Infrastructure and Trees

- 17.1 The proposal includes measures that would enhance certain areas of existing green fields within the application site, and the reinstatement of the land proposed for the solar equipment to be returned to its former status, or an enhanced status, following decommissioning of the operation.

- 17.2 The application is supported by a Tree Protection Plan and Outline Arboricultural Method Statement (TPP &OAMS) as well as a Landscape Mitigation Plan (LMP).
- 17.3 It is proposed that existing hedgerows and trees will be retained, maintained and strengthened with additional planting over the majority of the site, with new woodland areas created and areas of grassland, wildflower meadows and wild bird crop created. Three trees are proposed to be removed, all of which are ash trees in the early stages of ash dieback and all of which have low bat roost potential. Two of those trees are situated within field 14 and the other is situated within field 19. Four small sections of hedgerow are also proposed to facilitate access across the site equating to a total of 15m in length, one section of this is within SMDC area in between fields 1 and 2, and the other two sections are adjacent to fields 14 and 15. Tree protection fencing is proposed during construction.
- 17.4 The ESBC Tree Officer has raised no objections to the proposals stating that they are in agreement with the findings and recommendations of the reports, subject to a condition requiring compliance with the tree protection plan.
- 17.5 The Forestry Commission was also consulted on the proposals but declined to comment given that there is no ancient woodland within or adjacent to the application site.
- 17.6 The proposal is therefore considered to strengthen green infrastructure corridors across the site, result in an increase in planting within the site and is therefore considered to comply with Local Plan Policies SP1, SP23 and DP8 of the Local Plan and the NPPF.

18. Biodiversity

- 18.1 The application is supported by an Ecological Impact Assessment (EIA), Ornithological Impact Assessment (OIA) and Biodiversity Metric Assessment (BMA) as well as a Landscape Mitigation Plan (LMP). There are no nationally or locally designated sites within 2km of the site.
- 18.2 The mitigation proposed across the site would provide for the strengthening of hedgerows with native species, the creation of native species grass and wildflower meadow mix, native species grass and meadow mix for sheep grazing (located under and around solar arrays), standard semi-mature and small native tree planting, the creation of newt habitat management areas with rough tussocky grassland, dense scrub and woodland, wild bird crop and native species wet meadow mix.
- 18.3 The EIA has assessed a number of protected species, including Great Crested Newts, bats, birds, otters amongst others, this includes an Extended Phase 1 Habitat Survey, GCN habitat suitability index assessment, GCN eDNA Present/Absence and Population Surveys, Preliminary Bat Roost Assessment, badger surveys, water vole surveys and ornithological surveys for breeding and wintering birds.
- 18.4 The surveys found:

- In terms of habitats within the site the proposal will lead to loss of arable land and poor quality improved grassland which is considered to be of low ecological value, with the higher value habitats, including trees, native species hedgerows and waterbodies, being retained (with the exception of three trees and a total of 15m of hedgerow across the site which are to be removed).
- no evidence of badgers, otters or water voles, however, mammal gates are included within the perimeter fencing of the site, and the retention of trees and hedgerows along with the creation of new grassland areas, hedgerows and woodland will enhance commuting and foraging for mammals.
- The trees within the site were found to be of moderate, low and negligible value for bat roosting, and the three trees to be removed are proposed to be inspected by a qualified ecologist prior to removal. The enhancements proposed across the site as set out in the LMP are expected to significantly increase the habitat available for roosting, foraging and commuting bats.
- Many species of birds were identified in the surveys and the creation of a bird crop area, along with the other habitat enhancements proposed across the site would provide appropriate mitigation, compensation and enhancement for bird species, with the addition of two kestrel boxes also being proposed.
- Several ponds within the site boundary are home to great crested newts (GCN), the proposals will not lead to damage of those ponds or the functional loss of any of the ponds. Suitable buffers are proposed to the core habitat to every pond with other habitat including hedgerows being retained and strengthened to provide connectivity for GCN. Newt habitat management areas are indicated within the LMP which are proposed to be enhanced.
- The proposals will not significantly impact upon invertebrates and no mitigation is required.
- No evidence of reptiles was recorded on the site, however, should any reptiles use the site in future they would benefit from the additional shelter provided by ponds and trees.
- In relation to other species, hare, fox and squirrel were found to commute through the site, the ecological mitigation measures proposed would safeguard these species during construction.

18.5 The LMP draws together the mitigation recommended for each type of species.

18.6 The BMA submitted uses the DEFRA Biodiversity Metric 3.1 to assess if there is a net gain in biodiversity. The metric confirms that the habitat enhancements and creation of new habitat will result in an overall net gain of 155.29% in biodiversity habitat units within the site.

18.7 Natural England have raised no objections to the proposals, recommending appropriate agricultural land management and/or biodiversity enhancement

measures during the lifetime of the development and to require the site to be decommissions and restored to its former condition when any planning permission expires.

- 18.8 Nature Space have also commented on the application in respect of GCN, and the applicant given the opportunity to enter into the District Licensing Scheme. The applicant has confirmed that rather than entering into the scheme a full licence will be obtained from Natural England prior to any works being carried out on the site.
- 18.9 The County Ecologist has confirmed that the surveys provided are satisfactory and identify measures to provide habitat and species protection and enhancement. A pre-commencement condition is recommended in relation to secure the submission of a Construction Environmental Management Plan (CEMP), a prior to operation condition in relation to the submission of a Landscape and Biodiversity Management Plan and a lighting condition is also recommended to ensure any operational lighting is assessed prior to installation.
- 18.10 It is therefore considered that the proposals, including the 155.29% biodiversity net gain within the site, are in compliance with Policies SP1 and SP29 of the Local Plan and the NPPF.

19. Contamination and Pollution including Noise Impacts

- 19.1 The application is accompanied by a Noise Impact Assessment. The noise impacts to residential amenities have been assessed under the Residential Amenity section of this report. No additional noise sensitive receptors, other than the residential properties already assessed, have been identified within the report. The Environmental Health Team have confirmed that there are no objections to the proposals in terms of noise impacts subject to a condition in respect of operational noise levels and conditions in respect of construction noise and construction operating times.
- 19.2 The proposal is not expected to be affected by, or result in any, land contamination issues. The representations received object to the proposal due to the potential for battery leakage, however, this would be a matter dealt with by the Health and Safety Executive under separate legislation and no concerns have been raised by the Environmental Health Team in respect of this, subject to a precautionary condition in the event that contamination is found during the course of the development.
- 19.3 Whilst an Air Quality Assessment was not required to support the application, the Environmental Health Team have requested a condition to protect nearby residents from dust during the construction phase. This is considered to be appropriate given the scale of the development and number of vehicle movements proposed.
- 19.4 In light of the above it is considered that the proposal will not result in any significant impacts in terms of pollution and contamination subject to the recommended conditions, in accordance with Policy DP7 of the Local Plan and the NPPF.

20. Public Rights of Way

- 20.1 There are several public rights of way crossing, or in close proximity to, the site. Those crossing the site within the ESBC area are PRoW Leigh 77 which crosses the site from the west linking to Leigh Lane and PRoW Leigh 78 which crosses the northern area of the site linking with Leigh Lane.
- 20.2 The impacts to users of the public rights of way were assessed in the LVA and within the Landscape and Visual Amenity section of this report.
- 20.3 The SCC Public Rights of Way Team were consulted in respect of the proposals and have raised no objection to the proposals, confirming that the submitted drawings indicate the PRoW in the correct locations. Some clarification was sought, however, in relation to the trees and planting with the County Council requiring them to be more than 3m from the PRoW otherwise the developer is responsible for their maintenance. The applicant has confirmed that the planting will be 3m from all PRoW within or adjacent to the site. An informative is recommended to ensure that the developer is aware of their responsibilities in relation to the PRoW.

21. Railway impacts

- 21.1 Glint and glare impacts to the railway have been discussed in the Glint and Glare section of this report.
- 21.2 Given the proximity of the site to the railway line to the south Network Rail have been consulted in respect of the proposals. It is noted that whilst the site boundary is approx. 10 from the railway embankment, this is separated by the River Blithe and the field closest to the railway is not proposed to contain any solar equipment but would be a biodiversity enhancement and landscape mitigation area with a separation distance of approx. 190m. It is also noted that the site boundary runs parallel with the railway line within the SMDC area, but similarly the nearest areas would be for biodiversity enhancements and landscape mitigation and would not contain any solar equipment.
- 21.3 Network Rail have raised no objections to the proposals but have commented as follows:
- The scheme is close to railway level crossings and a condition is recommended to prevent the use of the railway crossings for any construction purposes.
 - A condition in relation to a construction methodology including haulage routes, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments is recommended to safeguard the safety of the operational railway.
 - A standard monitoring condition is recommended in respect of glint and glare, to allow for remedial measures to be agreed in the event of a complaint within 24 months of the operation of the solar farm.

- Several informatives are recommended to ensure that the development does not adversely impact upon the operational use of the railway.

21.4 It is therefore considered that the proposal would not result in any significant adverse impact to the railway line itself or users of it, subject to the abovementioned conditions, in compliance with Policies SP1 and SP35 of the Local Plan and the NPPF.

22. Conclusions

- 22.1 Whilst the site sits outside of the settlement boundary, it would result in the provision of renewable energy which is infrastructure development where there is an overriding need for it to be located within the countryside in accordance with Policy SP8 of the Local Plan. The land within the site area is moderate and poor quality agricultural land, which will still be used for sheep grazing, and therefore the proposals will not result in the loss of the best and most versatile agricultural land. The proposed solar farm, by its nature, would be sustainable, providing a source of sustainable renewable energy for a period of 40 years.
- 22.2 The visual impacts of the development are predicted to be major at the immediate site level and moderate to the wider landscaping, particularly when viewed cumulatively with the existing Lower Newton solar farm. The mitigation proposed is considered to aid in reducing the overall landscape character impacts, and the proposal would be reversible when the solar farm is no longer required. Landscape mitigation has been amended to provide further screening to residential receptors, and the impacts would reduce over time as the landscape matures. It is considered that the LVIA submitted is accurate and in some instances overstates the impacts of the development.
- 22.3 In terms of residential occupiers it is considered that the greatest impact would be during the construction period. Additional landscaping has been secured during the course of the application in respect of the two nearest dwellings to the application site, and the separation distances to other residential occupiers is such that there is considered to be no significant adverse impact due to the land levels within the site and subject to the landscaping. In terms of noise the proposals are not considered to result in adverse levels of background noise, and a condition is recommended to restrict background levels.
- 22.4 Glint and glare impacts would be limited to two dwellings for 3 months of the year and less than 60 minutes per day, given the intervening terrain and vegetation, which will filter views, it is considered that no mitigation is required. Significant levels of glint and glare are not expected to the A50 to the north or the railway line to the south.
- 22.5 In relation to transport, no objection has been received from National Highways and the Highway Authority have confirmed no objections subject to conditions in relation to a Construction Transport Management Plan and to secure the provision of passing bays along Leigh Lane, which would also represent an improvement for the wider community. Furthermore, no objection has been received in relation to impacts on the railway line from Network Rail and the Office for Rail and Road Regulation.

- 22.6 The proposals would result in less than substantial harm to the significance of the setting of the nearby listed buildings, however, this is considered to be outweighed by the wider public benefit of a solar farm. A scheme of archaeological evaluation is to be secured via condition as recommended by the County Archaeologist.
- 22.7 The majority of the site is situated within Flood Zone 1, which Flood Zones 2 and 3 present in close proximity to the River Blithe, however, no development is proposed to take place in Flood Zones 2 and 3. A Rural Sustainable Drainage System is proposed to manage surface water runoff within the site.
- 22.8 In relation to green infrastructure, only three trees are proposed to be removed and four small sections of hedgerow (measuring approx. 5m each). The landscaping proposals would strengthen the green infrastructure within the site.
- 22.9 The proposals would result in a 155.29% net gain in biodiversity across the site and the protected surveys provided identify measures to provide habitat and species protection and enhancement.
- 22.10 Accordingly, having taken into account the schemes overall environmental, social and economic impacts, it is considered having regard to the material planning merits/considerations, that the scheme should be supported.
- 22.11 It is therefore considered that on balance the scheme would achieve the overall aims of East Staffordshire Local Plan policies SP1, SP2, SP8, SP9, SP14, SP23, SP24, SP25, SP27, SP28, SP29, SP30, SP34, SP35, DP1, DP2, DP5, DP6, DP7 and DP8, the East Staffordshire Design Guide, the Climate Change and Sustainable Development Supplementary Planning Document and the National Planning Policy Framework.

22.12 **RECOMMENDATION**

- 22.13 It is therefore recommended that full planning permission be approved subject to the following conditions and informatives:

Conditions:

1: Passing bays (Grampian)

The development hereby approved shall not be first brought into use until a scheme for the provision of passing spaces on Leigh Lane and Leigh Bank has been completed under the provisions of the Highways Acts in accordance with a technical scheme first submitted to and approved in writing by the Local Planning Authority in conjunction with the County Highway Authority. The passing bay scheme shall be provided generally in accordance with the scheme detailed in highways Technical Note 03 dated 29th September 2023

Reason: As recommended by the County Highway Authority In the interests of highway safety in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

2. Time Limit

The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3: Use cessation after a period of 40 years/Decommissioning scheme

When the land ceases to be used as a solar farm for renewable power production following any consecutive 6 month period of non-operation or at the end of the period of 40 years from the date of first export of electricity (as notified to the Local Planning Authority under condition 3 above, whichever shall first occur, the use hereby permitted shall cease.

Upon the cessation of the use all photovoltaic arrays and associated materials, plant, buildings and equipment brought onto the land in connection with the solar farm shall be removed and the land restored and reinstated to its former condition/land quality (ALC grade) and agricultural use within 6 months of the use ceasing in accordance with a decommissioning plan which shall have been first submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing. The decommissioning scheme shall provide for an aftercare plan(s).

Reason: To safeguard the character and appearance of this rural area/agricultural land quality in accordance with East Staffordshire Local Plan Policies SP1, SP8 and SP24, and the National Planning Policy Framework.

4. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans subject to compliance with other conditions of this permission:

Planning Drawing 1 Ref: 4158-REP-034, 1:15,000 Location Plan dated as received on 15th March 2023

Planning Drawing 2 Ref: LRP007-PL-01 Rev 02, 1:2500 Indicative Site Layout Plan dated as received on 15th September 2023

Planning Drawing 3 Ref: LRP007-LMP-01, 1:2500 Landscape Mitigation Plan dated as received on 26th January 2024

Planning Drawing 4 Ref: 4158_DR_P_0003, 1:50 Typical PV Panel Section dated as received on 22nd February 2023

Planning Drawing 5 Ref: 4158_DR_P_0004, 1:50 Proposed Inverter/Transformer Elevations dated as received on 22nd February 2023

Planning Drawing 6 Ref: 4158_DR_P_0005, 1:50 Proposed Security Fencing and CCTV dated as received on 22nd February 2023

Planning Drawing 7 Ref: 4158_DR_P_0006, 1:50 Proposed Security Gate dated as received on 22nd February 2023

Planning Drawing 8 Ref: 4158_DR_P_0007, 1:10 Proposed Access Track Cross Section dated as received on 22nd February 2023

Planning Drawing 9 Ref: 4158_DR_P_0008, 1:50 Proposed Container Storage Units Elevations dated as received on 22nd February 2023

Planning Drawing 10 Ref: 4158_DR_P_0009, 1:500 Proposed Substation Compound dated as received on 22nd February 2023

Planning Drawing 11 Ref: 4157_DR_P_0010, 1:500 Indicative Temporary Construction Compound Layout dated as received on 22nd February 2023

Planning Drawing 12 Ref: 4158_DR_P_0011, 1:50 Proposed Battery Energy Storage System, including BESS Unit, PCS Unit, Welfare Cabin, DNO Switchgear and DNO Switchroom dated as received on 22nd February 2023

Planning Drawing 13 Ref: 4158-REP-036, 1:15,000 Public Rights of Way Plan dated as received on 22nd February 2023

MBS-5302-TEA 1, 1:500 Topographical Site Plan Sheet 1 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 2 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 3 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 4 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 5 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 6 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 7 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 8 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 9 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 10 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 11 of 11 dated as received on 4th April 2023

Agricultural Land Classification by Soil Environmental Services Ltd dated as received on 15th September 2023

Biodiversity Metric Assessment by Arcus Consultancy Services (June 2022) dated as received on 22nd February 2023

Ecological Impact Assessment by Arcus Consultancy Services (November 2022) dated as received on 22nd February 2023

Flood Risk Assessment by Arcus Consultancy Services (November 2022) dated as received on 22nd February 2023

Geophysical Survey Report by Magnitude Surveys (Ref: MSSK880 March 2021) dated as received on 22nd February 2023

Heritage Impact Assessment by Arcus Consultancy Services (May 2022) dated as received on 22nd February 2023

Highways Technical Note 03 by Motion dated as received on 4th October 2023

Landscape and Visual Appraisal (LVA) by Arcus Consultancy Services (January 2023) dated as received on 22nd February 2023

Noise Impact Assessment by Metrica (Version 2.1 April 2023) dated as received on 12th April 2023

Ornithological Impact Assessment by Arcus Consultancy Services (November 2022) dated as received on 22nd February 2023

Solar Photovoltaic Glint and Glare Study by Arcus Consultancy Services (January 2023) dated as received on 22nd February 2023

Transport Statement and Outline Traffic Management Plan by Arcus Consultancy Services (November 2022) dated as received on 22nd February 2023

Tree Protection Plan and Outline Arboricultural Method Statement by Arcus Consultancy Services dated as received on 22nd February 2023

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality/affect the setting of heritage assets, the amenities of neighbouring properties, flood risk or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP8, SP9, SP14, SP23, SP24, SP25, SP27,

SP28, SP29, SP30, SP34, SP35, DP1, DP2, DP5, DP6, DP7 and DP8, the East Staffordshire Design Guide, Sustainable Development Supplementary Planning Document and the National Planning Policy Framework.

5: Solar Panel Materials

Prior to the commencement of the development hereby approved full details of the materials for the solar panels (to include anti reflective coatings on the panels), frames, all ancillary buildings and equipment including external finish and colour shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out strictly in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area and in the interests of residential amenity in accordance with East Staffordshire Local Plan Policies SP1, SP24 and DP7, the East Staffordshire Design Guide and the National Planning Policy Framework

6: Scheme of landscaping

Prior to the commencement of the development hereby approved a scheme of landscaping together with a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme should take into consideration the requirements of the Landscape Mitigation Plan and the Landscape and Visual Appraisal approved under Condition 2 above, and shall include planting plans, including specifications of species, sizes, planting centres, number and percentage mix and details of seeding or turfing. The landscaping scheme shall provide that there be no planting within 3 metres of a Public Right of Way (PRoW).

Reason: To ensure that a landscaping scheme to screen and enhance the development is provided and in the interest of the users of the Public Right of Way (PRoW) network in accordance with East Staffordshire Local Plan Policies SP1 and SP24 and the National Planning Policy Framework.

7: Boundary Treatments

Prior to the commencement of the development hereby approved a detailed scheme of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment scheme shall be completed prior to the development first being brought into use unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with East Staffordshire Local Plan Policies SP1 and SP24, the East Staffordshire Design Guide and the National Planning Policy Framework

8: Materials Management Plan (MMP)

Prior to the commencement of the development hereby approved (including site stripping and clearance) a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. This Management Plan shall define the excavation and bund formation processes for the transformer and substation area and any other proposed areas of bunding and provide detailed drawings of these proposed raised earthworks.

The development shall be carried out strictly in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with East Staffordshire Local Plan Policies SP1 and SP24, the East Staffordshire Design Guide and the National Planning Policy Framework

9: Access off Leigh Lane

Prior to the commencement of any development/works on site (including construction works) for the development hereby approved, the access off Leigh Lane identified in Planning Drawing 2 Ref: LRP007-PL-01, 1:2500 Indicative Site Layout and listed in Condition 4 above shall be laid out, constructed, and surfaced in a bound material in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved access arrangements shall thereafter be maintained for the lifetime of the development.

Reason: As recommended by the Highway Authority in the interests of the safe and efficient use of the highway network and in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

10: Visibility splays

Prior to the commencement of any works on site for the development hereby approved details of the maximum achievable visibility splays in both directions at the site access onto Leigh Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved visibility splays shall be provided to the site access before any other works in connection with the development first commenced and shall thereafter at all times be kept free of all obstructions to visibility over a height of 900mm above the adjacent carriageway level.

Reason: As recommended by the Highway Authority in the interests of the safe and efficient use of the highway network and in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

11: Construction Transport Management Plan

Prior to the commencement of the development hereby approved a Construction Transport Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) a site compound with associated temporary buildings;
- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) wheel wash facilities including means of dealing with water runoff;
- vi) mechanical road sweeper for existing carriageway.

Reason: As recommended by the Highway Authority in the interests of the safe and efficient use of the highway network and in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

12: Construction Noise

Prior to the commencement of the development hereby approved a noise mitigation scheme for construction works shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be in line with BS 5228-1:2009+A1:2014 *Code of practice for noise and vibration control on construction and open sites – Part 1: Noise*. The agreed scheme shall be adhered to for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the occupiers of surrounding and nearby residential dwellings in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

13: Air Quality

Prior to the commencement of the development hereby approved a scheme of dust mitigation shall be submitted to and agreed by the Local Planning Authority. The scheme shall be in line with the Institute of Air Quality Management's 2014 *Guidance on the assessment of dust from demolition and construction (V1.1)* or any subsequent revised version of that guidance. The agreed scheme shall be adhered to for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the occupiers of surrounding and nearby residential dwellings in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

14: Construction methodology (in relation to Local Railway network)

Prior to the commencement of the development hereby approved a construction methodology in relation to the impact of the scheme on the railway network shall be submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of rail network safety in accordance with East Staffordshire Local Plan Policy SP1 and the National Planning Policy Framework.

15: Manage erosion/Agricultural land management

Prior to the commencement of the development hereby approved a soil erosion/agricultural land management plan (including timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following additional details:-

- Provision of a vegetated solution to mitigate/manage soil erosion which shall include:
 - an enforceable and robust land management and maintenance plan to keep the land in good condition to ensure the land does not become bare.
 - a temporary plan in place before vegetation becomes established to manage erosion.
 - set out a scheme for the agricultural use(s) of the land(s) during the lifetime of the solar farm

The soil erosion/agricultural land management plan shall be implemented and thereafter adhered to for the lifetime of the development in accordance with the approved details (including timetable of implementation) unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity in accordance with Policy SP29 of the East Staffordshire Local Plan and the National Planning Policy Framework.

16: Construction Environmental Management Plan (CEMP) (SCC Ecology)

Prior to the commencement of the development hereby approved (including any site works) a Construction Environmental Management Plan (CEMP) shall be submitted for the approval in writing of the Local Planning Authority. The Construction Environmental Management Plan (CEMP) shall include the measures set out in the Ecological Impact Assessment (Arcus, November 2022) sections 5.3 and 5.4, and the Ornithological Impact Assessment (Arcus, November 2022) sections 6.2 and 6.3.

The Construction Environmental Management Plan (CEMP) shall be strictly adhered to for the whole of the construction period unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the scheme does not impact negatively on protected species and their habitat in accordance with Policy SP29 of the East Staffordshire Local Plan and the National Planning Policy Framework.

17: Archaeology

A. Prior to the commencement of the development hereby approved, a written scheme of archaeological investigation ('the Scheme') shall be submitted for

the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.

B. The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).

C. The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To ensure that no development takes place which may adversely affect any items of archaeological interest without adequate prior investigation in accordance with Policies SP1, SP25 and DP5 of the East Staffordshire Local Plan and the National Planning Policy Framework.

18: Footpaths

Prior to the commencement of development hereby approved including site clearance and stripping a scheme (the 'Scheme') detailing the following shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be carried out strictly in accordance with the approved Scheme

- a) measures to protect the public footpaths which cross the site during construction
- b) measures to improve and promote these public footpaths post construction in conjunction with Staffordshire County Council Rights of Way Officer
- c) timescale for implementation of improvements

Reason: To protect and enhance the local public footpath network in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

19. Notification of First Electricity Export

The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the solar panels to the electricity network (The First Export Date). Written notification of the First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring.

Reason: To define the permission in the interests of proper planning and for the avoidance of doubt in accordance with East Staffordshire Local Plan Policy SP1 and the National Planning Policy Framework.

20: Operational Noise

The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by

more than 5 dB(A) between the hours of 07.00-23.00 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level between 23.00-07.00 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location, which shall first be agreed in writing with the Local Planning Authority, and corrected to establish the noise levels at the nearest sound-sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed upon in writing with the local planning authority.

Reason: In the interests of the amenity of the occupiers of surrounding and nearby residential dwellings in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

21: Construction Operating Times

There shall be no construction site operations (including deliveries) outside of the following times:

Mon-Fri (07:30-19:00) with no noisy activities before 08:00*.

Sat: 08:00-14:00

There shall be no working on Sunday and Bank Holidays

* 'noisy activities' includes, but is not restricted to, building construction, demolition operations, refurbishing and landscaping which generates noise which is audible at the site boundary.

Reason: In the interests of the amenity of the occupiers of surrounding and nearby residential dwellings in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

22: Network Rail Safety monitoring:

Within 24 months of the completion and commencement of operations of the development hereby approved (as per the date notified to the Local Planning Authority under condition 3 above) in the event of any complaint to the Local Planning Authority from Network Rail relating to signal sighting safety or driver distraction, upon notification to the Local Planning Authority, the applicant or operator of the solar farm shall as soon as possible and not later than 28 days, submit for approval to the Local Planning Authority details of a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of rail network safety in accordance with East Staffordshire Local Plan Policy SP1 and the National Planning Policy Framework.

23: Flood Risk Assessment

The development hereby permitted shall not be brought into use until the mitigation measures shown in the following reports have been implemented: Flood Risk Assessment by Arcus Consultancy Services (November 2022) dated as received on 22nd February 2023, including the PV arrays located within 1:100 year pluvial flood depths being raised 0.8m above ground level and therefore above the maximum flood depths (0.3m).

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development in accordance with East Staffordshire Local Plan Policy S27 and the National Planning Policy Framework.

24: Landscape and Biodiversity Management Plan

Prior to the first operation of the solar farm hereby approved a Landscape and Biodiversity Management Plan should be submitted for approval in writing of the Local Planning Authority. The Management Plan shall provide for 30 years of management and maintenance of habitats, for monitoring of habitats and species, and for remediation of any failures during the establishment phase and shall include the following.

- a. Description and evaluation of features to be managed (including landscaping provisions under condition 6 above).
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward).
- g. Details of the body or organization responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures;
- i. details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The approved Landscape and Biodiversity Management Plan shall be implemented in accordance with the approved details and thereafter adhered to for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of biodiversity in accordance with Policy SP29 of the East Staffordshire Local Plan and the National Planning Policy Framework.

25: Lighting

No lighting shall be erected/installed at the site to serve the development hereby permitted unless a Lighting scheme - including details of the types of lights to be installed, their proposed locations and operating parameters - has first been submitted to and approved in writing by the Local Planning Authority. Any lighting scheme shall be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK and shall include a lighting contour plan that demonstrates there will be minimal impact on receptor habitats such as hedges, ponds and created habitats.

The development shall only be implemented in accordance with any approved Lighting scheme and no other lighting shall be installed at the site unless first approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of this rural locality and in the interests of ecology/biodiversity in accordance with East Staffordshire Local Plan Policies SP29 and DP7 and the National Planning Policy Framework.

26: Gate across the access

Any gate to be erected to the approved vehicular access off Leigh Lane shall be a minimum distance of 10 metres back from the carriageway edge.

Reason: in the interests of the safe and efficient use of the highway network and in accordance with Policy SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

27: Arboricultural Impact Assessment

The development permitted by this planning permission shall only be carried out in accordance with BS.3873.2012 (tree work) and the Tree Protection Plan and Outline Arboricultural Method Statement by Arcus Consultancy Services (dated as received on 22nd February 2023).

Reason: To safeguard the appearance and future well-being of the tree(s) in the interests of the visual amenity of the area and in accordance with East Staffordshire Local Plan Policy DP8, the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and the National Planning Policy Framework.

28: Tree protection

Prior to the commencement of any works on the site in relation to the development hereby approved the tree protection scheme shall be implemented as detailed in the Tree Protection Plan and Outline Arboricultural Method Statement by Arcus Consultancy Services (dated as received on 22nd February 2023). The approved tree protection scheme shall be retained in situ throughout the construction phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance and future well-being of the tree(s) in the interests of the visual amenity of the area and in accordance with East Staffordshire Local Plan Policy DP8 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and the National Planning Policy Framework.

29. Landscaping Implementation

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 10 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with East Staffordshire Local Plan Policies SP1 and SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

30: Contaminated Land

In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by a competent person in accordance with the new Land Contamination Risk Management (LCRM) guidance. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and other property and the natural and historic environment, which is subject to the approval in writing of the Local Planning Authority. The scheme must ensure that the site will not qualify as Contaminated Land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to bringing the development into first use.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

Informatives:

1: Prior to Commencement Conditions

The conditions identified below require details to be approved before commencement of the development.

Condition Nos. 1 (Grampian), 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18

The conditions identified below require details to be approved during the development.

Condition No. 24

This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of these conditions have been met.

You are advised that requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. A fee is chargeable by the authority per request and any number of conditions can be included for each request.

Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

2: Protected Species

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

4. Great Crested Newts

The applicants are advised of their obligations to obtain a licence from Natural England in respect of works that will affect ecology, particularly Great Crested Newts.

3: Ecological Responsibilities

The applicant(s) is/are advised that this consent does not override any obligations in respect of protected species under relevant wildlife legislation. In particular, trees can provide a habitat for nesting birds and bats which are

protected species. It is a criminal offence to wilfully cause harm to either. The works should therefore be carried out outside the bird nesting season, and if bats are known to be using the tree(s) as a roost, or are discovered during the carrying out of the works, a competent ecologist should be employed to ensure the bats are safeguarded.

4: Police Architectural Liaison Officer

The applicant(s) is/are advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.

5: Highway Works

Staffordshire County Council as the Highway Authority advise that the highway works comprising passing bays and part of surfacing of the access, shall require a Highway Works Agreement with the County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (road.adoptions@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorksAgreements.aspx>

Highways Agreements - Staffordshire County Council

6: Temporary Traffic Lights

Staffordshire County Council as the Highway Authority advise that should the developer wish to proceed with the temporary traffic signals at Leigh Lane/Uttoxeter Road and Leigh Lane/Site access, these will constitute traffic management on the highway. This will require approval from SCC Travel and Network. Details are available at Permissions and licences overview – Staffordshire County Council and Permission to temporarily manage traffic on the public highway – Staffordshire County Council. The developer should contact Traffic and Network as early as possible to ensure road space can be booked and works programmed on the highway. The developer should allow adequate time for processing of the application.

7: Public Rights of Way

Staffordshire County Council's Public Rights of Way Officer comments as follows:

- The applicants/developers attention is drawn to fact any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network. If the path/s do need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpath/s to

allow the development to commence. The County Council will need to be formally consulted on the proposal to divert the footpath/s.

- The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent). The term obstruction, in this context, also applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority.
- It is important that users of the path/s are still able to exercise their public rights safely and that the path/s are reinstated if any damage to the surface occurs as a result of the proposed development. Where private rights exist that allow the use of vehicles along a public right of way, drivers of vehicles must give way to pedestrians. In the absence of private rights, driving a vehicle on a public right of way is a criminal offence. We would ask that trees/shrubs are not planted within 3 metres of the footpath unless the developer and any subsequent landowners are informed that the maintenance of the trees is their responsibility.
- The County Council has not received any application under Section 53 of the Wildlife and countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

It is advised the proposals are discussed with the County Council Rights of Way Team as early as possible.

8: Level Crossings

With regard to condition 14 above you are advised that Network Rail comment that construction traffic in association with the development should not be routed via highways which require the use of the railway crossings.

Network Rail advise that they welcome the assistance of the applicant/developer in providing level crossing safety information to future employees at the site. Leaflets are available from Network Rail upon request or alternatively information is supplied online at <http://lxresource.co.uk/campaigns/distraction-campaign>

9: Network Rail Assets

Network Rail draw the applicants/developers attention to the following:-

Asset Protection Eastern - For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage

works, or schemes in proximity to railway tunnels (including tunnel shafts) please email assetprotectioneastern@networkrail.co.uk.

Land Information - For enquiries relating to land ownership enquiries, please email landinformation@networkrail.co.uk.

Property Services - For enquiries relating to agreements to use, purchase or rent Network Rail land, please email propertyserviceslneem@networkrail.co.uk.

10: Network Rail Information

Network Rail draw the applicants/developers attention to the following:-

FAIL SAFE USE OF CRANE AND PLANT - All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

EXCAVATIONS/EARTHWORKS - All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

SECURITY OF MUTUAL BOUNDARY - Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

DEMOLITION - Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or

the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

VIBRO-IMPACT MACHINERY – Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

SCAFFOLDING - Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

BRIDGE STRIKES - Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

ABNORMAL LOADS - From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

TWO METRE BOUNDARY - Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

ENCROACHMENT – The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and

structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

ACCESS TO THE RAILWAY - All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

11: Waste Material

During the construction phase it is recommended that the following must be adhered to:

- a) any waste material associated with the construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment;
- b) all waste transfer records shall be retained for inspection by officers of the Local Planning Authority upon request.

12: Engagement

During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraph 38 of the National Planning Policy Framework.

23. Background papers

23.1 The following papers were used in the preparation of this report:

- Local and National Policies as outlined in section 7 above

24. Human Rights Act 1998

24.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

25. Crime and Disorder Implications

25.1 It is considered that the proposal does not raise any crime and disorder implications.

26. Equalities Act 2010

26.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

For further information contact: Lisa Bird

Telephone Number: 01283 508746

Email: lisa.bird@eaststaffsbc.gov.uk