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**North East
Derbyshire**
District Council

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Date: Monday, 12 May 2025

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 20 May 2025 at 2.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG.

The meeting will also be live streamed from the Council's website on its You Tube Channel. Click on the following link if you want to view the meeting:

[North East Derbyshire District Council - YouTube](#)

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steenberg". The signature is written in a cursive, flowing style.

Assistant Director of Governance and Monitoring Officer

Please notify the Governance Manager, Amy Bryan by 4.00 pm on Friday 16 May of any substitutions made for the meeting.

For further information about this meeting please contact: Amy Bryan 01246 217391

AGENDA

1 Apologies for Absence and Substitutions

To receive any apologies for absence and notices of substitutions from Members.

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

3 Declaration of Predetermination

Any Member who cannot determine an Application solely on the information presented to Committee at the meeting today is asked declare that they are 'Predetermined' on that item on the agenda and to withdraw from the meeting at the appropriate time.

4 Minutes of Last Meeting (Pages 4 - 6)

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 15 April 2025.

5 NED/23/01089/FL - Morton (Pages 7 - 68)

The installation and operation of a renewable energy generating station comprising of ground-mounted photovoltaic solar arrays together with inverter/transformer units, BESS units, control house, substation, onsite grid connection equipment, storage containers, site access, access gates, internal access tracks, security measures, other ancillary infrastructure, and landscaping and biodiversity enhancements (Major Development/Affecting Public Right of Way) (Amended Plans) at land to the north of Stretton Road, Morton.

(Planning Manager – Development Management)

6 NED/24/00781/FL - Ashover (Pages 69 - 107)

Comprehensive redevelopment of the site including retention of the existing 14 days motocross, barn conversion for a manager's dwelling, reinstatement of "Where the Rainbow Ends" Cafe for use as a reception, heritage and information centre (with occasional kiosk/cafe), and erection of three holiday lodges with associated parking and turning and private drainage plant at Butts Quarry, Butts Road, Ashover

(Planning Manager – Development Management)

7 Late Representations - Summary Update Report (To Follow)

(Planning Manager – Development Management)

8 Planning Appeals - Lodged and Determined (Pages 108 - 111)

(Planning Manager – Development Management)

9 Matters of Urgency

To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.

Access for All statement

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PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 15 APRIL 2025

Present:

Councillor Lee Hartshorne (Chair) (in the Chair)

Councillor Tony Lacey (Vice-Chair)

Councillor David Cheetham

Councillor Mark Foster

Councillor William Jones

Councillor Fran Petersen

Councillor Andrew Cooper

Councillor Christine Gare

Councillor Heather Liggett

Councillor Kathy Rouse

Also Present:

D Thompson

G Cooper

A Smith

A Bryan

T Fuller

Assistant Director of Planning

Principal Planning Officer

Legal Services Manager and Deputy Monitoring Officer

Governance Manager

Governance Officer

PLA/ Apologies for Absence and Substitutions

67/2

4-25 No apologies for absence had been received.

PLA/ Declarations of Interest

68/2

4-25 There were no declarations of interests made.

PLA/ Declaration of Predetermination

69/2

4-25 There were no declarations of predetermination made.

PLA/ Minutes of Last Meeting

70/2

4-25 RESOLVED – That the Minutes of the meeting held on 18 March 2025 were approved as a true record.

PLA/ NED/24/00506/MFL - WINGERWORTH

71/2

4-25 The Committee considered an application that had been submitted for the installation of a ground mounted solar photovoltaic array together with associated infrastructure, stock fencing, access gates, CCTV, access tracks, on-site biodiversity net gain and associated works (Major Development) at land to the south of Green Acres, Langer Lane, Wingerworth. The application had been referred to Committee by the Planning Manager due to local interest generated in the scheme.

The recommendation by officers was to approve the application. The report to Committee explained the reasons for this.

The report highlighted that a thorough site assessment had been conducted that had concluded that this was the best site for the development. Officers attributed weight to the development in terms of its socio-economic benefits, environmental benefits and renewable energy generation. Officers accepted that the proposal would represent inappropriate development in the Green Belt. The report concluded that the applicant had demonstrated the very special circumstances had been demonstrated that clearly outweighed the harm to the Green Belt and any other harm arising from the proposed development

Committee heard that a late representation submitted by the Highways Authority which had resulted in the wording of conditions 18, 19 and 20, relating to the gates and access track, being amended. Further late representations were received from a local resident and the applicant.

Officers concluded that the proposed development would represent inappropriate development in the Green Belt, but it was considered that the applicant had provided sufficient information to indicate that there were very special circumstances that clearly outweighed the harm caused to the Green Belt and any other harm arising from the scheme. They recommended, therefore, that the application be approved, subject to conditions.

Before the Committee considered the application it heard from objectors, Ms D Ping and Ms J Brown, and the applicant, Mr J Dummett.

Committee considered the application. It took into account the relevant Local and National Planning Policies. These included Local Plan policy SS9, concerning development in the countryside, Local Plan SS10 concerning development in the Green Belt, Local Plan policy SDC3, concerning landscape character, and Wingerworth Neighbourhood Plan policy W15, concerning important views and vistas. Committee also considered the Governments Clean Power 2030 Action Plan and the provisions in the NPPF for planning systems to support the transition to net zero.

Committee discussed the application. Some Members highlighted the objections that had been raised, including those from Derbyshire County Council and Chesterfield Borough Council. In this context, the site selection process was discussed. Some Members suggested that there were parts of Derbyshire that would be more appropriate for a development of this type. Some Members expressed concern over the impact on the Green Belt and peak fringe landscape character. In this context, Committee discussed whether the special circumstances existed to permit the development. Some Members suggested that the environmental benefits, in line with the push for net zero, represented special circumstances.

At the conclusion of the discussion Councillor M Foster and Councillor H Liggett moved and seconded a Motion to refuse the application. The Motion was put to a vote and lost.

Following this, Councillor L Hartshorne and Councillor K Rouse moved and seconded a Motion to approve the application in line with officer recommendation. The Motion was put to a vote and approved.

RESOLVED - That planning permission be **conditionally approved** subject to the conditions and informatives set out in the report and the late representations update report, with the final wording of the conditions and legal agreement delegated to the Planning Manager (Development Management).

PLA/ Planning Appeals - Lodged and Determined

72/2

4-25

The Committee considered a report which set out planning appeals that had been lodged and determined. The report set out that one appeal had been lodged, one enforcement appeal had been lodged, one appeal had been allowed, one enforcement appeal had been allowed, three appeals had been dismissed, and no appeals had been withdrawn. The relevant applications the appeals were in respect of was set out in the report.

PLA/ Matters of Urgency

73/2

4-25

None.

PLANNING COMMITTEE – 20 MAY 2025

Reference Number: 23/01089/FL

Application expiry: 23/05/25

Application Type: FULL

Proposal Description: The installation and operation of a renewable energy generating station comprising of ground-mounted photovoltaic solar arrays together with inverter/transformer units, BESS units, control house, substation, onsite grid connection equipment, storage containers, site access, access gates, internal access tracks, security measures, other ancillary infrastructure, and landscaping and biodiversity enhancements (Major Development/Affecting Public Right of Way) (Amended Plans)

At: Land To North of Stretton Road, Morton

For: JBM Solar Projects 28

Third Party Reps: 228

Parish: Morton

Ward: Pilsley and Morton

Report Author: Graeme Cooper

Date of Report: May 2025

MAIN RECOMMENDATION: Grant permission subject to conditions and Legal Agreement

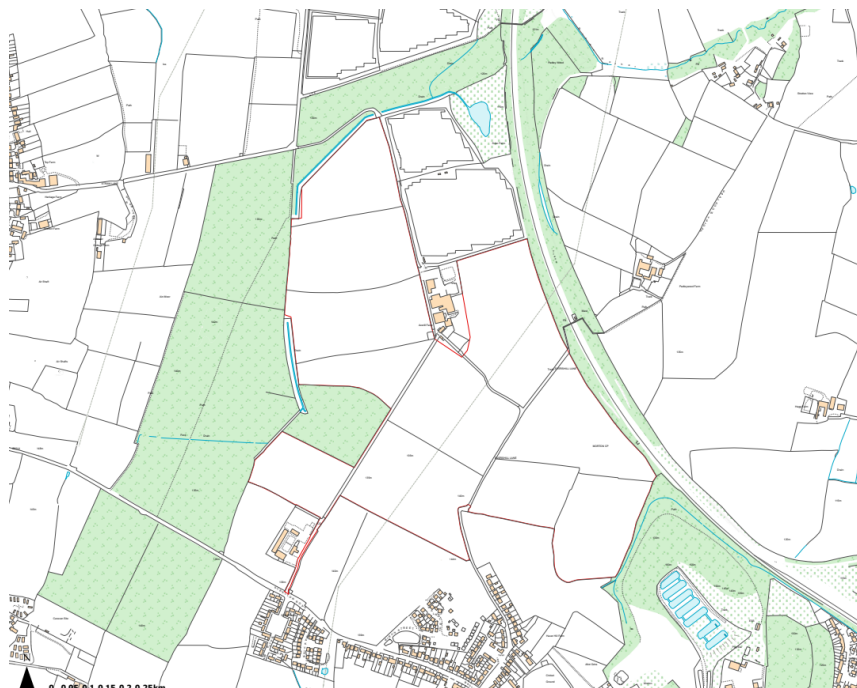


Figure 1: Location plan, with site edged in red

1.0 Reason for Report

1.1 Cllr Gillott has requested that the application be considered at planning committee due to the strong public interest in the proposal. The grounds for calling in the application include:

- the effect on the landscape including the visual impact the development would have.
- the cumulative impact of this type of development in this area of the district (there are a number of other solar array sites nearby).
- the proximity of the site to residential properties.
- whether it is an appropriate use of the agricultural land.
- the impact on highway usage, including access.

1.2 Cllr Cooper also made a request for the application to be considered at planning committee due to impact on the landscape character and neighbouring residents.

2.0 Proposal and Background

Site Description

2.1 The application site is primarily made up of agricultural land, divided up into smaller fields and a small paddock which is part of a farm holding. The farm includes the main farmhouse, barns and yard area.

2.2 The site is located to the north of Morton and measures 66 ha (163 acres) in size. It is framed by mature woodland to the west and partially to the north. Figure 2 below illustrates the proposed solar farm with others previously constructed. These all being 5MW schemes approved under NED/15/00307/FL edged in green, NED/15/00751/FL edged in blue and NED/15/00224/FL edged in purple.

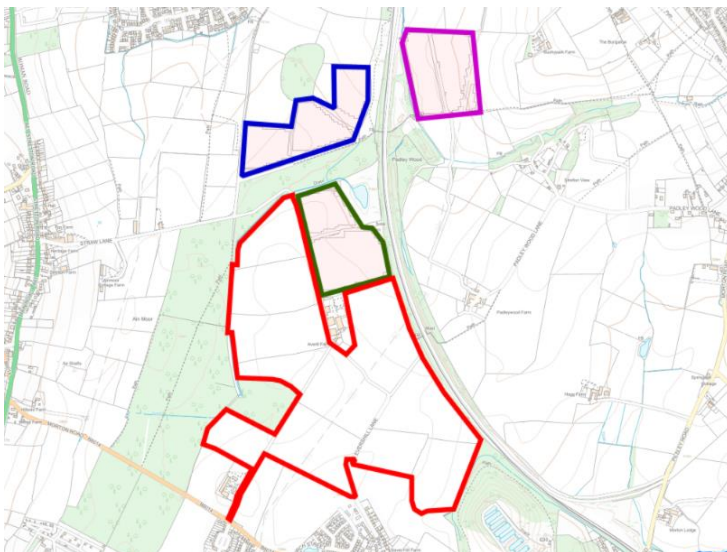


Figure 2: Existing solar farms in relation to the application site

- 2.3 The application site is framed to the east by a railway cutting and an area of woodland to the northern aspect forms a precise northern most boundary to the site. Also looking east from the application site, a raised mound can be seen which is part of the former Morton Colliery which is now owned by Derbyshire County Council and a designated wildlife site (NE365 – Morton Colliery). The site includes a number of footpaths, both formal and informal.
- 2.4 Immediately to the south of the application site is a new housing development for 100 dwellings which is almost built out. Evershill Lane also extends from the village into the application site. Its appearance is of a single-track surfaced road framed with housing, deteriorating into a rough track which also doubles as a public right of way. The lane continues across and through the application site to the north west where it crosses the railway line. Land between properties on Evershill Lane and the application site to the north east is part of the Countryside Stewardship Scheme and appears to be a managed wilding area.
- 2.5 For the purposes of this assessment, the application site is located in open countryside, outside any defined settlement development limits.

Proposal

- 2.6 This application seeks permission for a 49.9MW solar farm with a battery storage (50MW) facility for a period of 40 years, with the exception of a 132kV substation which will remain on site permanently.
- 2.7 The solar farm would consist of solar photovoltaic (PV) panels placed on metal arrays arranged in rows, allowing for boundary landscaping, perimeter fencing and access. The maximum height of the panels would be 3m.
- 2.8 Included in the scheme is plant and other equipment which will be located around the site adjacent to internal access tracks. The tracks will be 4m wide constructed from crushed aggregate. Figure 2 illustrates the position of the ancillary equipment that will be within the site.
- 2.9 Battery storage stations (BESS) would be located throughout the site, these will absorb surplus electricity. Each BESS comprises a containerised battery unit, inverters and DC-DC converter boxes as well as ancillary equipment, with a max height of 3.4m to the Inverter container and other structures being lower than 3m as per Figure 3 below. The batteries will be capable of storing 50MW of power, likely operate for 2-4 hours per day and store excess energy to be released to the grid at peak times. 3m tall acoustic fencing is proposed to frame the BESS units.

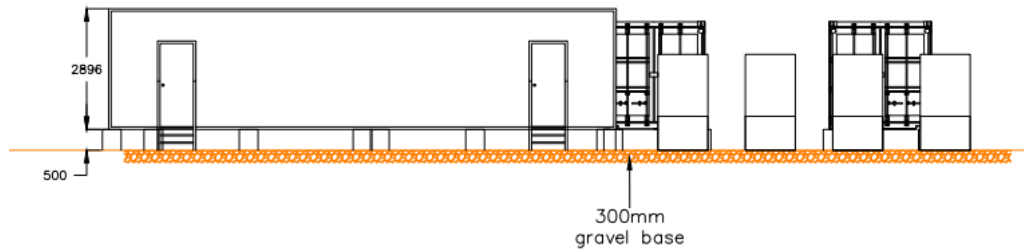


Figure 3: Elevation extract of battery inverter unit and battery containers

- 2.10 2m high security deer fencing would be installed around the extreme edge of the application site, with small mammal access points provided at intervals. CCTV security cameras will also be installed on 3m high poles around the perimeter of the site.
- 2.11 Access into the site will be from an existing farm access off Stretton Road to the south of the application site. Bridleway (NE13/8/1) within the application site will be maintained during the construction and operation of the site. Included in the scheme is opportunities for recreational access into the site by opening up a permissive footpath through the south eastern fields, providing access to a wildflower meadow and create a circular walking loop from Evershill Lane to the existing public right of way which crosses the site.

Amendments

- 2.12 Amended plans have been submitted reducing the number of panels, stepping panels further away from Evershill Lane and introducing hedgerow planting to break up the panels. The proposed substation plans have also been updated, along with the number of battery units. Figure 4 below illustrates the site layout now proposed.
- 2.13 Additional documents relating to Flood Risk, Landscape appraisals, Noise Impact Assessment, Overplanting Statement and Planning Statement Addendum have been submitted.
- 2.14 An updated Biodiversity Net Gain statement, Ecological Impact Appraisal and Metric have also been submitted confirming the achievable hedgerow and habitat gains.



Figure 4: Proposed site plan as amended

3.0 Relevant Planning History

- 3.1 18/00359/FL | Erection of timber drying facility and change of use of agricultural building for associated storage purposes with improvements to access track (Amended Details) (Refused – Allowed at Appeal)
- 3.2 23/00746/EIA | EIA Screening Opinion Request for proposed 49.9MW Solar PV and BESS facility (No EIA Required)

Solar Farms on land to north (see Figure 2 above for location in relation to application site)

- 3.3 15/00307/FL | Installation and operation of a 5MW solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, access tracks, fencing and pole-mounted CCTV cameras (Conditionally Approved)
- 3.4 15/00751/FL | Development comprising ground mounted photovoltaic (PV) solar energy generation system (up to 5.0 MW) with ancillary buildings security fencing CCTV, access tracks and landscaping on land (Major Development) (Conditionally Approved)

- 3.5 18/01123/FL | 5.0 MW solar farm with ancillary buildings security fencing CCTV access tracks and landscaping on land associated without complying with Condition 2 of planning permission 17/00755/FL (to amend security system) (Major Development)(Public Footpath) (Amended Title) (Conditionally Approved)

4.0 Consultation Responses

- 4.1 **Ward Member - Cllr Gillott** requested that the application be considered by planning committee due to the strong public interest for the reasons set out in 1.1 above.
- 4.2 Further comments were received dated 06.05.25 which can be summarised as follows:
- 4.3 Policy SS9 - In addition, the sheer scale of the proposed solar farm is such that it would dominate the landscape thereby failing to respect the scale and character of the landscape. The minor changes to the size of the resubmitted application and the proposed mitigation measures of themselves recognise that by its very nature this application causes harm. However, those mitigation measures will also change the landscape so that it ceases to be the broad undulating landscape associated with a Coalfield Village Farm lands. Indeed, to hide the solar arrays and other structures the proposed hedging would have to be of a height that obscures the view from along the length of the track after the last property on Evershill Lane and Morton bridleway 8 to the railway line and would, potentially, result in a tunnel effect for anyone using that path. That path is well used both by local residents and people from neighbouring communities and it is recognised by the community for its beauty and diversity, adding to the quality of life of the people who live in the locality. The scale and impact of this application would cause serious harm to that quality of life.
- 4.4 As well as being visible from the track and bridleway that runs from Evershill Lane, the proposed development is also visible from the top of Morton tip. The tip is situated in the centre of the village and is a prominent landscape feature. It is well used by the local community as an area for walking and recreation. The Parish Council are in an advanced stage of negotiation with the Coal Authority to take over responsibility for much of the top of the tip area with a view to improving it for community use, including providing additional seating areas for people to use whilst admiring the view of the landscape. The tip offers views across the whole area as far as the eye can see. The existing solar farm can be seen in the distance. The site of this proposal can be seen in the foreground and would join up with the existing solar farm. The view over this area would change from the gently undulating farmland associated with Coalfield Village Farm land to one not just dominated by solar arrays but would become a sea of solar arrays across the length of the Coalfield Village Farm land area south of Clay Cross. So extensive is this proposal that the harm to the landscape could only be described as significant and outweighs

any benefit arising from the development. Morton would become a solar farm with a village attached.

- 4.5 Policy SDC3 - The landscape of this area is identified as Coalfield Village Farm land and for the reasons outlined previously this proposal if granted would cause significant harm to the character, quality, distinctiveness and sensitivity of the landscape, to the view and to the perceptual quality of the area, such as tranquility. The character and distinctiveness of the landscape would be lost. Whilst the perceptual qualities, such as tranquility, would also be lost by any noise or glare caused by the development and the loss of view. This development would also dilute the distinctive character of Morton and, when taken together with the other existing solar farms in this area, become a developed corridor almost to the boundary with Clay Cross parish.
- 4.6 This development is in close proximity to residential housing at the northern end of Evershill Lane and the properties on the new Padley Wood View development, in particular those on Alder Close and Conifer Drive. The first solar arrays are literally only a few minutes' walk from these residential properties. Any noise or glare associated with this development, solar arrays, which will be south facing, or other associated buildings and infrastructure would be visible and audible from these properties. Users of the track and Morton bridleway 8 would lose the view whilst the tranquilly of the countryside would be affected by any noise associated with the solar arrays and associated equipment and ancillary matters. The view from Morton Tip would radically change out of all recognition, becoming one dominated by solar arrays.
- 4.7 Policy SDC10 – this application is not consistent with the permissive element of this Policy. The close proximity of this development to other solar farms means that its impact and harm should be assessed on a cumulative basis with those existing developments. The sheer scale of this proposal, when added to those existing developments, together with its proximity to existing housing, mean that there would be a significant adverse effect on the visual amenity and character of the area, including landscape and visual impact, and on the amenity of local residents, in terms of noise, reflected light, and visual intrusion. The degree of harm caused by the change to the landscape and the adverse impact on the public's enjoyment of the visual amenity, tranquillity, and character of the area is such the application is not in accordance with Policy SDC10.
- 4.8 Cllr Gillott concludes that had the proposal been scaled back further the grounds of objection would have carried less weight, but no such changes have been made so he cannot support the scheme. There is a balance to be struck between supporting developments such as this because of the benefit they may bring and protecting the hosting community and landscape from significant harm. Residents of Morton recognise the need for additional sources of green energy and accept that their village must play a part, but not where the harm caused outweighs the benefit. The

balance in this proposal is wrong, the harm significantly outweighs the benefit, and so the application should be refused.

- 4.9 **Ward member – Cllr Cooper** requested that the application be considered by planning committee due to the potential impact on the landscape character and neighbouring residents.
- 4.10 The **former Local MP Mark Fletcher** sent representations into the Council indicating he had undertaken a local survey to understand the thoughts of residents. The findings of the survey can be found on the Council's public access webpage. In summary, the former MP considers that the findings reflect the views of 20% of households in Morton, with nearly 6 out of 10 people supporting energy generated through solar, but 63% oppose or strongly oppose this proposal. The village already has an existing solar farm and has previously been failed by developers not providing mitigation measures. The former MP suggests that residents are concerned with the size and scale of the proposal which feeds into other concerns such as loss of green space, environmental issues and destruction of countryside and loss of farmland. The former MP is supportive of green and renewable energy projects, this has to be in appropriate places and in consultation with local communities. The full response from the MP and labelled "resident's comments" can be found on the planning application file.
- 4.11 **Morton Parish Council** raised the following comments/objections:
- a. The size and scale of the solar and battery farm in a rural idyll historic farmland, it is totally disproportionate and is inappropriate for the size of our village. It will be approx. 17% of the parish area.
 - b. The loss of farming and agricultural land. It has a major detrimental impact on the bird's bats and other wildlife (Deer population) inhabiting the farm. The livelihood of a livery yard and an arable farm.
 - c. The proximity is too close to residential private properties.

Because of the points raised above Morton Parish Council are unable to support the above application.

- 4.12 The **former Leader of Derbyshire County Council – Cllr Lewis** has written to object to the proposed development for the following reasons:
- 4.13 Unsuitable Scale and Cumulative Landscape Impact – The proposed solar development, spanning approximately 66 hectares, constitutes an industrial-scale energy installation entirely inappropriate for this open countryside setting. Although the site is bordered by some areas of woodland, the cumulative impact of this large proposal - in combination with the three existing solar farms to the north - has been significantly understated. This presents a creeping industrialisation of a rural landscape that, taken cumulatively, risks fundamentally altering its character. Moreover, the dispersion of containerised battery storage units (BESS) throughout the site - as opposed to a single, discretely located compound - further increases

visual and spatial impact and represents poor design practice for large-scale energy schemes.

- 4.14 Use of Agricultural Land – The proposed solar development, spanning approximately 66 hectares, constitutes an industrial-scale energy installation entirely inappropriate for this open countryside setting. Although the site is bordered by some areas of woodland, the cumulative impact of this large proposal - in combination with the three existing solar farms to the north - has been significantly understated. This presents a creeping industrialisation of a rural landscape that, taken cumulatively, risks fundamentally altering its character. Moreover, the dispersion of containerised battery storage units (BESS) throughout the site - as opposed to a single, discretely located compound - further increases visual and spatial impact and represents poor design practice for large-scale energy schemes.
- 4.15 Failure to Align with Derbyshire's Spatial Energy Strategy – Most notably, neither the application documents nor Derbyshire County Council's formal response adequately reference or apply the principles of the Derbyshire Spatial Energy Strategy, which prioritises:
- The use of low-grade or non-agricultural land for renewable developments.
 - The use of industrial rooftops and existing brownfield or built environments before undeveloped land.
 - The co-location of PV systems with existing infrastructure such as car parks or roadways.

This failure is deeply concerning, particularly given the applicant is seeking to develop on an undeveloped greenfield site while other more sustainable and lower-impact alternatives remain underutilised. In line with the Vision Derbyshire Climate Change and Planning Guidance, the spatial siting of renewables is as crucial as the technology itself.

- 4.16 Lack of Meaningful Community Benefit – Despite the significant landscape and public amenity trade-offs involved, this proposal fails to provide any real community benefits. As DCC Officers noted in their response, there is no community fund, educational outreach, or local ownership element offered. In short, this is an externally driven scheme with minimal local engagement and negligible local return.
- 4.17 Inconsistencies with Emerging Biodiversity Net Gain Requirements - Although this application was submitted prior to the BNG requirement becoming mandatory, it does not demonstrate serious commitment to on-site habitat enhancement. The 5.68% hedgerow gain falls well below the now expected 10%, and the opportunity for significant pollinator corridors, wildflower meadows, or community green infrastructure improvements is not adequately seized.
- 4.18 In summary, this proposal is too large, poorly sited, and insufficiently aligned with either Derbyshire's energy spatial priorities or the local landscape and community

context. I urge North East Derbyshire District Council to refuse this application and request that any future proposals give due weight to sustainable siting principles, community benefit, and the preservation of productive land.

- 4.19 **County Highways Authority (HA)** provided comments on 8/2/24 in relation to the site access, highway safety, construction traffic, construction traffic impact and decommissioning. Each point will be summarised in turn below:
- 4.20 Site Access – the site will be served by two access points, one upgraded field access into the eastern portion of the site and a new access will be constructed to access the western portion of the site. Access will be gained from an unnamed road off Stretton Road which serves as an access to Morton Grange and farm. The unnamed road will need to be slightly widened at its junction with Stretton Road to accommodate HGV traffic. The applicant has demonstrated 2.4m x 43m visibility splays at the existing junction and drawing SCP/230940/ATR01 demonstrates a swept path analysis for an Artic lorry turning right/left in/out of the unnamed road too Stretton Road. As such the HA are satisfied with the junction.
- 4.21 However, the HA request a swept path analysis demonstrating an artic lorry can safely negotiate the construction route via the unnamed road from the site accessed to its priority junction with Stretton Road.
- 4.22 Access to the eastern portion of the site will be achieved via an existing field access approx. 540m north of Stretton Road which will be upgraded to accommodate HGV traffic. Access to the western portion of the site will require the construction of a new access which will be located approx. 590m north of Stretton Road. Drawing No. SCP/230940/ATR02 demonstrates a swept path analysis for an Artic lorry turning in/out of the site accesses. Furthermore, the drawings recommended localised widening, which is acceptable.
- 4.23 The HA note that the site access points do not facilitate two-way movements, and it is acknowledged that during construction measures will be implemented to prevent vehicular conflicts between incoming and outgoing vehicles. A just in time approach will be used for delivery by way of HGV to and from the site to ensure even spacing of vehicle movements. However, the HA are concerned that if non-construction traffic were to meet it could lead to vehicles potentially reversing a significant distance and clarity is required as to how this will be addressed.
- 4.24 Highway Safety – the HA note that the applicant has undertaken a review of accident data for a period of 5 years, this is included in the Transport Assessment (TA) assessed the construction route from the site and a total of 6 accidents were reported in the study period. These accidents appear to be from driver behaviour rather than a highway safety issue or cluster of accidents. The HA conclude that the proposed development is not expected to have an adverse impact on highway safety.

- 4.25 Construction Traffic – the HA are satisfied with the evaluation of construction traffic and proposed methodology for determining traffic movements. The TA states that over the six-month construction phase this will generate on average 13 two-way HGV movements, with a max of 21 two way HGV movements per day for that month. Additionally, it is proposed that there will be on average 71 two-way vehicle movements per month, with a max of 87 two way vehicle movements per month inclusive of HGV and workers.
- 4.26 Construction traffic will follow the designated route via the A61 exiting the road at the junction leading to the B6014/Morton Road. Subsequently, the construction traffic will proceed westward for approximately 1 km before making a left turn and continuing in a northward direction, traversing past the Morton Grange Nursing Home.
- 4.27 Construction Traffic Impact – traffic movements expected to peak at 21 two-way HGV movements and 66 two-way LGV movements. It is expected that this will result in a less than 5% increase of HGV movements on the A61. The HA note that this is a temporary short-term impact, but the HA require the applicant to carry out a highway condition survey prior to commencement of development. This can be done by way of condition included with the Construction traffic Management Plan. Any damage will need to be repaired at the applicant's expense.
- 4.28 Post development operational traffic will consist of smaller vehicles and the HA consider this will generate a low number of vehicle movements that are unlikely to lead to any significant impact on the highway network.
- 4.29 Decommissioning – request a condition to deal with a traffic management plan which covers decommissioning phase and reinstatement of site.
- 4.30 In view of the above, the HA requested more information be provided relating to swept path analysis and how the developer will deal with construction traffic.
- 4.31 Following the submission of additional information the HA has confirmed that matters relating to construction can be addressed in a Construction Traffic Management Plan (CTMP). The HA recommend that the CTMP include updated swept path analysis, measures to manage conflict between construction and non construction vehicles, access control, and safety matters. Based on the analysis of the information submitted and a review of Local and National policy the HA concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. As such no objection is raised subject to conditions covering highway improvements, construction of a safe access and submission of a CTMP.
- 4.32 **DCC Landfill Team** confirmed that parts of the proposed development site adjoin or sit within 250m of the former Morton landfill sites which lie under woodland to the

southwest of the proposed development. These landfill sites are the southern portion of the former Rainge Opencast coal site. Given the proximity of the landfill sites there is the possibility for residual landfill gas to be present in the proposed development area. The low sensitivity of the proposed development is noted, however, the applicant should take account of the possibility of risks from landfill gas when considering the design and location of any infrastructure or buildings which may accumulate such gases. Adequate means of ventilation should be included for areas at risk of gas accumulation, given the proposed installation of electrical equipment which may present an ignition source.

- 4.33 Upon reviewing the RSK ADAS Ltd Flood Risk Assessment it is noted that the description of the local drainage system (report section 3.1 and figure 3.1) does not include the ditch that runs south-north from approx. grid reference X: 439887 Y: 360672 by Stretton Road, to the west-east ditch referred to in the report as the 'western watercourse' at approx. grid reference X: 439988 Y: 360946. The south-north ditch is important as it was excavated to relieve road drainage off Stretton Rd, mitigating localised surface water flooding which had periodically occurred on that section of road in the past. The section of drainage ditch along the western side of the development plot that receives this water is in need of maintenance to optimise drainage downstream from the landfill area. The inclusion of an 8m maintenance strip in the design (report section 5.2) is positive and it is recommended that the developer carries out clearance and maintenance of their drainage ditches on the western boundary of their development preparatory to any construction activity.
- 4.34 DCC Landfill Team provided updated comments confirming that ground gas risk should be investigated by way of a geoenvironmental investigation for the site. this will allow for any risk to be categorised accordingly. The landfill team confirm that As the application site lies within 250m of the closed landfill site at (Morton), in accordance with the Building Regulations an assessment of ground gas risks must be performed. Ground gas risks should be assessed in accordance with good practice guidance such as 'CIRIA C665 Assessing risks posed by hazardous ground gases to buildings, Construction Industry Research and Information Association, 2007'. Where any significant risks are identified there may be a need for specific remedial measures in respect of ground gas. These measures should be designed in accordance with good practice guidance such as 'BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings'. The scope and details of the gas assessment and any necessary remedial measures must be agreed with the local authority Contaminated Land Officer as part of the wider geo-environmental assessment of the site.
- 4.35 The Landfill Team do not consider that piling adjacent to the landfill site will represent an unacceptable risk and that any potential risk from ground gas will be established in a ground gas assessment which can be undertaken before development starts on site.

- 4.36 **The Coal Authority** notes the site is in a defined Development High Risk Area and the details submitted with the planning application. No objection is raised subject to the inclusion of conditions. No further observations are made to the amended scheme.
- 4.37 **Environmental Health Officer (EHO)** recommends conditions in relation to coal mining activity and land contamination. With regards to noise impact the EHO accepts the conclusions of the acoustic assessment. The EHO recommends that, prior to permission being granted, the applicant agrees boundary noise limits to ensure that the rating sound levels quoted in sections 5.2.4 and 5.2.5 are achieved post completion of the installation, and we can agree a condition to ensure they are maintained thereafter.
- 4.38 The EHO notes the proposed changes to the proposed development and requested additional information relating to main sources of noise currently affected the site and what the typical background noise levels are at noise sensitive receptor 4 between 2100 and 2300. The applicant provided a detailed response dated 03.04.25. Both parties have agreed that a suitably worded condition should be included in any decision to ensure noise levels do not exceed the agreed levels contained in the Noise Impact Assessment which meet British Standards.
- 4.39 **Derbyshire Wildlife Trust (DWT)** reviewed the submitted Preliminary Ecological Appraisal (PEA) (ADAS, December 2023) and the Biodiversity Net Gain Report (ADAS, December 2023).
- 4.40 Nature conservation designations – Site has no statutory or non statutory nature conservation designations, but it is adjacent to a Local Wildlife Site to the south and to woodland along the northern and western edges. Morton Colliery LWS is immediately adjacent to the south-eastern boundary of the site. There is also direct connectivity to Padley Wood LWS to the north-east along the rail line.
- 4.41 Protected species – bird surveys were incomplete and inadequate data was provided for the two closest ponds to the site. A further badger survey should also be undertaken. As such further surveys are recommended in the PEA. All surveys should be completed and an Ecological Impact Assessment (EclA) be updated prior to determination.
- 4.42 Layout and landscaping – existing arable land and single field of modified grassland will be lost and re-sown with a grazing seed mix. A 5m buffer is proposed around site boundaries which will be sown with a species rich grassland. Existing trees and hedgerows will be retained, apart from approx. 40m to allow for access. Native tree planting will be incorporated and no lighting is proposed. It is suggested that the layout should include a buffer of at least 15m adjacent to all offsite woodland, the eastern offsite railway line and Morton Colliery LWS in the south east corner to avoid impacts on woodland edges and habitat functionality. In addition, 5-10 m should be maintained adjacent all hedgerows. We would encourage the inclusion of

wild bird seed mixes in suitable areas to benefit local farmland bird populations. Proposal should also provide bat, bird and owl boxes. These details should be incorporated into an updated Species Enhancement Plan or as additional information included within a Habitat Management and Monitoring Plan secured via condition.

- 4.43 Biodiversity Net Gain – survey undertaken was done in November outside the optimal survey season. However, it is noted that most of the site is arable land with only one field grassland. DWT advise that the classification of this grassland is confirmed during spring/summer of 2024. The submitted metric predicts a net gain of +228.25 habitat units (+174.21%) and +6.17 hedgerow units (5.68%). The data is heavily reliant on the grassland beneath and around the panels being classed as ‘other neutral grassland’. When comparing the proposed seed mix (Habitat Aid Grazing Meadow Mix) against the definition in the UKHabs guide, DWT consider that it is more consistent with ‘modified grassland’. DWT consider it fails Criteria 1 for ‘other neutral grassland’ and consider it unlikely to meet Criteria 2, given that there are only 14 species in the mix and 90% of this is made up of just seven grass species. Due to limited functionality within the submitted metric, DWT cannot determine exactly how changing the grassland to ‘modified grassland’ would affect the calculations. Alternatively, the grassland seed mix should be changed to a species-rich mix to create ‘other neutral grassland’, as proposed.
- 4.44 **DWT** were reconsulted on the amended plans and updated ecological reports. DWT reviewed the submitted Ecological Impact Assessment (EclA) V2 (ADAS, February 2025) and the Biodiversity Net Gain Report V4 (ADAS, February 2025). Comments were updated as follows:
- 4.45 Protected Species – surveys undertaken confirm varied birds using the site, including skylark. Development will result in the loss of wintering habitat for birds however site margins will be enhanced. Monitoring and potential future mitigation is required for skylarks. No evidence of barn owl found, an updated inspection will be required if existing boxes on site are removed. Due to an inadequate level of existing GCN data and problems gaining access to the two closest ponds, it is proposed that a District Level Licensing approach will be taken to mitigating for GCN. No evidence of badgers found, however badger gaps should be provided.
- 4.46 Layout and Landscaping – proposed landscaping considered acceptable and appropriate. No lighting is proposed. A 15m buffer from woodland should be provided. DWT encourage a wild seed mix in suitable areas and welcome a 5m buffer from all hedgerows. Welcome provision of bird and bat boxes, details of which will need to be controlled by way of condition.
- 4.47 Biodiversity Net Gain – DWT reasonably satisfied in the habitat classifications, but the BNG assessment needs updating to accommodate DWT comments and the fact that the benefit is likely lower than initially reported.

- 4.48 In summary, DWT advise that impacts to protected species and habitats can be mitigated and proposals are generally well-designed. However, we still consider that larger buffers should be given to the offsite woodlands, rail corridor and LWS, and that the BNG calculations require amending to reflect accurate post-development grassland types. Once agreement can be made on these points no objection is raised subject to conditions relating to nesting birds, skylark mitigation and management, great crested newts licensing, Construction Environmental Management Plan (CEMP:Biodiversity), and Landscape and Biodiversity Enhancement and Management Plan (LBEMP).
- 4.49 A further response was received from DWT on 24/04/25 commenting further on the following points:
- 4.50 Buffers – DWT recommend a 15m buffer from all woodland, rail corridors and LWS to maintain corridors around the site. Perimeter fencing will be located 5m from all woodland and the south-eastern LWS and 10 m from the wooded rail corridor. A further 3-7m buffer will be located between the fence line and the panels. DWT recognise that there is no requirement in policy or legislation that requires a standard distance for the woodland buffer (with the exception of ancient woodland) but our intention in this instance is to ensure that development is designed to minimise impacts as far as practicable and go above the minimum required in order to safeguard local wildlife. DWT suggest that 1m between perimeter fencing and all woodland would be a reasonable compromise.
- 4.51 BNG Metric amendments – pleased to see proposed grassland around the panels and updates made to the metric. DWT advise the LPA should require compliance with the UKHabs method, however if the LPA were to accept the target of modified grassland beneath panels, provisions should be included in the LBEMP for remedial action at the expense of the applicant if the target is not met. DWT note that a target of moderate condition is set for the modified grassland, which means at 6-8 species must be recorded per m2 in the grassland beneath the panels. DWT suggest that the ecologists should consider whether a target of poor condition modified grassland would be easier to achieve. Whichever habitat type and condition is agreed must be evidenced during monitoring otherwise remedial measures will be required.
- 4.52 Skylark – no objection raised to on and offsite Skylark mitigation. Full details should be included in a Skylark Mitigation and Management Plan. If offsite mitigation is required this should be secured by way of legal agreement.
- 4.53 The applicant provided a written response dated 29.04.29 seeking to overcome DWT comments above. In response DWT accepted the proposed buffer proposals but note that it is essential for mammal gaps to be provided and two-way badger gates be placed at regular intervals. This can be controlled within the LBEMP. DWT accept that modified grassland is a reasonable proposal, however targets must be met in post development monitoring or remedial action will be required. DWT would

prefer on site Skylark mitigation and if offsite mitigation is required this should be controlled by way of legal agreement.

- 4.54 DWT confirm no objection subject to conditions listed in their response dated 10.04.25 and that any offsite Skylark mitigation is tied in a legal agreement.
- 4.55 **NEDDC Employment and Skills Officer** requested an employment and skills condition be included in any decision.
- 4.56 **Planning Policy & Environment Team – Forward Planning** raised no comments.
- 4.57 **DCC Strategic Planning** has concerns regarding the Morton Landfill tip, south of Stretton Road (UPRN4251-01), which must not be impacted by any drainage, earthworks or right of way creation, to a lesser extent/concern, the Range site (DCC consider this to be land to west of application site) also. Regarding Morton Tip (DCC consider this to be land to the south of Main Road), we suggest no works are carried out that would impact on that site, including any invasive assessment of landfill gas potential. No additional water should be added to the surface water drainage of Morton Tip. The site should not be considered for any new or amended rights of way creation. From a climate change perspective, it is noted that the decision to overplant through additional capacity and battery storage will increase the total amount of renewable energy delivered to the distribution network and therefore lead to greater carbon savings than the original proposal. The concerns of Cllr Gillott are also highlighted.
- 4.58 **DCC Strategic Planning** (comments 19.06.24) can be summarized as follows. Full comments available on the planning file. DCC note that the site measures approx. 66 ha in area and comprises agricultural fields of Grade 4 Agricultural Land Quality, which currently appears to be in arable use. The fields are generally demarcated by existing hedgerows and field drains. Bridleway no. 8 (Morton) runs from the north of the site and links to an unclassified highway to form a public right of way through the site. The site is not located within a Flood Zone on the Environment Agency's indicative flood mapping system. The site does not contain any Listed Buildings, Conservation Areas or Scheduled Ancient Monuments and has no specific international or national environmental designations. 3 other solar farms of 5MW each are also noted to the north.
- 4.59 DCC consider that the scale, extent and nature of the solar array proposal would, on balance and subject to the satisfactory resolution of a number of outstanding matters considered in more detail below, be in broad conformity with national planning policies in the National Planning Policy Framework (NPPF) and the North East Derbyshire Local Plan for sustainable development, climate change and renewable energy, development in the countryside, design and place making, impact on landscape and landscape character, impact on important heritage assets and ecology.

- 4.60 DCC recognises the significant positive merits of the planning application proposal, which would generate 49.9 MW of renewable energy, therefore helping to reduce greenhouse gas emissions. This would positively contribute to the UK's target to become net zero by 2050 – a target which Derbyshire County Council fully supports.
- 4.61 DCC considers that the proposed planning application could, with appropriate mitigation and satisfactory resolution of the outstanding matters summarised below, be made acceptable and be in conformity with national policies in the NPPF and the NEDDC Local Plan:
- Potential visual impact could be reduced by centralising the battery storage into a single compound;
 - The cumulative impact of the already existing solar arrays should be considered along with this application;
 - Awareness of the surrounding landfill sites and LNR with regards to potential ground gas risk and possible remedial work, as well as leaving sufficient space for the drains along the western boundary and the need for planned inspection and a maintenance programme;
 - Increasing biodiversity net gain through hedgerow improvements;
 - An awareness of the existing PROW and the potential for further green infrastructure;
 - DCC Archaeology concerns and the need for a written scheme of investigation;
 - DCC Highway comments and requested information (regarding site access width, highways condition survey and traffic management plan);
 - DCC Flood team comments regarding ground investigation testing; and
 - The possibilities of direct community benefit.
- 4.62 Need and Principle of Development – NPPF supports renewable schemes and the PPG offers supporting advice. Net zero goal of 2050. Derbyshire's carbon budgets are reducing over time leading up to 2100. Derbyshire Environment and Climate Change Framework (DECCF) was produced in October 2019, which committed all the local authority partners to seek to achieve these targets. Increasing renewable energy projects across the County plays an important role in this to achieve net zero by 2050. Vision Derbyshire was published in 2023 to assist in planning policy. Local plan policy SDC10 is also supportive of renewable projects.
- 4.63 In principle, therefore, the planning application proposal for the development of a large scale solar farm, which would generate 49.9 MW of electricity which would be sufficient to generate enough power to supply 18,600 homes, would accord with the broad supportive policy principles on a national, county and local scale. DCC welcomes such renewable projects.
- 4.64 Environmental Impact Considerations – highlights proximity of the landfill site 'Morton Tip' to the south of Stretton Road. This is a no dig site. No additional surface water into this area should be allowed. A ground gas assessment must be

performed. The site also lies adjacent to the former Morton landfill site (known as The Range) which is now established woodland. The developer must ensure that sufficient space is provided for excavator access to maintain the surface water ditch system and should ensure that the ditches are cleared and fully functional prior to commencing construction of the development. The site also abuts a local nature reserve (Morton Colliery). Figure 5 below illustrates the position of these features.

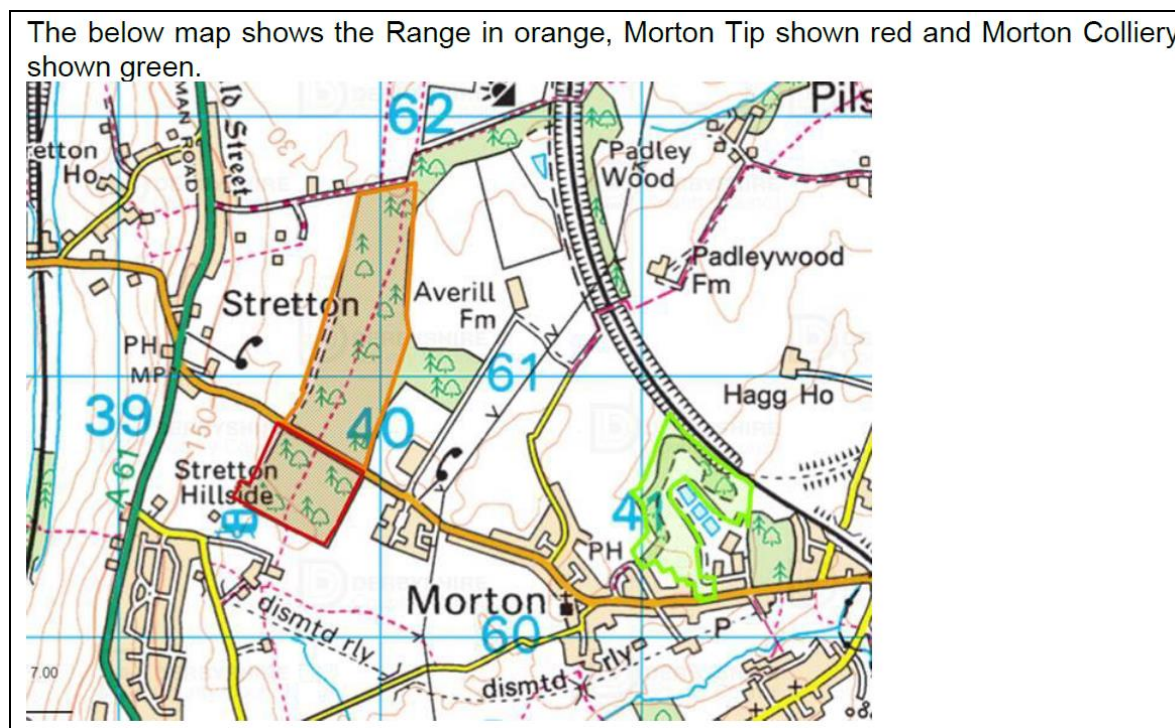


Figure 5: Extract from DCC comments

- 4.65 Scale of Proposed Development and Impact on Settlements – The site is 66ha in size but relatively well contained in a low lying position. The land is poorer quality agricultural land, Grade 4. The effect of the proposal is not considered to be significant. None of the land is BMV land.
- 4.66 Landscape and Visual Impact - The landscape here is of a broad, open (formerly industrial) gently undulating appearance characterised by improved grassland, pasture and localised arable farming interspersed with areas of ancient semi-natural woodland, copses, linear tree belts and species rich hedgerows. The site is framed by woodland and railway cutting. Pylons cross the site and housing lies to the south. The site is not located in the Green Belt and there are no national or local landscape designations coincident with the site or the surrounding area.
- 4.67 Landscape Assessment – The land is largely arable and framed by reclaimed land which is now woodland. This reduces the overall sensitivity to development of this type. The Derbyshire Renewable Energy Study rates the area as Low landscape sensitivity. It is considered that although the development is large in size, the general lie of the land and the surrounding vegetation is such that the development

would be surprisingly contained visually, so that only those people living closest to the site and those using footpaths adjacent to or crossing it might experience any significant adverse effects, which could reduce over time as landscape mitigation proposals take effect. Independent advice should be sought.

- 4.68 Visual Assessment – Sizeable scheme, but visually well contained. Main views from within the site from Evershill Lane. A single compound for the BESS element is suggested rather than dispersed around the site.
- 4.69 Community Benefits – DCC considers that the application proposals include few, if any, direct benefits to the local community. A community fund is not mentioned in the submission documents. Habitat enhancement opportunities.
- 4.70 Archaeological, Highways, Flood Team and Rights of Way comments as per those already included in this assessment.
- 4.71 **DCC Rights of Way Officer** raised no objection to the proposal, but there are concerns the proposal will have a negative impact on the amenity of footpath users. It is requested that a note be included in any decision to protect the public rights of way.
- 4.72 **Ramblers Association** note that Morton BW 8, part, runs south west north east from Evershill Lane to the railway line, approximately 220m. From the information provided it would appear that the RoW Morton BW 6 (part) will be preserved and unaffected with respect to access. No objection is raised.
- 4.73 However, by way of comment, two key factors should be considered when dealing with the potential effect of development on a RoW. Convenience; in this case the development will not affect the length or direction of the path thus convenience with respect to walking will not be adversely affected. The second aspect to be considered is enjoyment of the RoW. In this case the development will have a considerable deleterious effect in that the pleasant views, over open farmland, interspersed with wildlife inducing hedgerows will be completely lost to be replaced by row after row of what can only be considered grey unsightly panels, high fencing and associated support buildings.
- 4.74 The Ramblers Association were reconsulted on amended plans and whilst their original comments stand they add the following comments. “Whilst we applaud the creation of additional permissive paths this does not detract from the fact that this development will visually devastate the area. The aesthetic aspect of the development has greater import due to the fact that the area is in the final stages of recovering from the devastation left by deep mining activities. It is considered that the submission by Natural England adequately expresses the relevance of aesthetic consideration in relation to our concerns. Considering that the route and condition of Morton FP 8, (part), should not be compromised we would offer no formal objection

to the amended proposal. We would request that the information provided by Natural England be given greater consideration and import.”

- 4.75 **British Horse Society (BHS)** note that the proposal will mostly impact Morton Bridleway 8. It has been shown nationally that horses cope quite well to the installation of solar farms but my greater concern is for riders and other users of the bridleway in that their enjoyment of green space will be spoiled by acres of grey/black panels surrounded by industrial style fencing and other associated infrastructure. Reading through some of the 125 letters of objection, there is a great strength of feeling that the 163 acres of proposed solar array is disproportionate to the size of the parish – 17% as is pointed out by the parish council. Locals make mention of the large solar farms already existing just to the north of the site.
- 4.76 A substantial housing development is nearing completion just 70 metres to the south east of the site with many of the residents potentially using the tranquil Evershill Lane and bridleway to access the pretty countryside, together with longstanding residents in the area. A permissive path has been proposed to form a loop around the solar farm which is supposed to be some compensation for losing the natural look of the countryside! Having walked along Pilsley FP 7 which passes the solar farm to the north of the site, there has been no attempt to improve the surface of this very wet path, or to erect a better bridge crossing of the river Rother.
- 4.77 Derbyshire County Council owns the woodland to the east of the site, where Stretton FP 32 eventually joins Pilsley FP 1 to Danesmoor. It is disappointing that there has been no input from the Active Travel team to propose upgrading these paths to bridleways to create multiuser routes, linking the Averill Farm tracks to Evershill Lane bridleway. The disused Mickley branch line has long been promoted as a Key Cycle Network route, part of the A61 Corridor Route, yet it remains derelict and suffers from fly tipping.
- 4.78 When reconsulted the BHS commented that their original comments stand. In addition, the BHS point to the disparity between the developers door to door survey and that undertaken by Mark Fletcher MP. The BHS question why brownfield and industrial rooftops are not used instead of agricultural fields. Consideration should also be given to upgrading paths towards Averill Farm which would give fantastic off-road links to Stretton, Clay Cross and Danesmoor, avoiding some very busy roads in the area and encouraging people to walk, wheel, cycle and ride to benefit their health, mental well-being as well as helping to de-carbonise their journeys.
- 4.79 In addition to comments about the impact on the bridleway/footpath network the representative from the BHS considers that the proposal will have a negative visual impact on the landscape, there could be issues of noise, dust, odour, reflective light or visual intrusion, whilst increasing biodiversity the proposal will limit the access for deer to hunt prey, and the site is of heritage importance.

- 4.80 We live on a congested island with ever increasing demands being made on it for housing, commercial buildings, transport, energy production as well as food production. Nature depletion is a major concern and increasing urbanisation of our countryside will only make matters worse. The Campaign for Rural England has published new research providing compelling evidence that 60% of the solar energy we require could come from putting solar panels on rooftops of both domestic and commercial buildings. There is even more untapped potential if car parks and other brownfield sites were utilised. There needs to be a fundamental change in government policy on solar power provision.
- 4.81 Looking at the wider picture around Morton; there are over 2,260 equines registered within a 5 mile radius of the site (Defra Equine Passport Data 2021) worth around £15m to the local economy per annum. (British Equine Trade Association 2022). With thousands of residents needing to be able to access the countryside and amenities safely, avoiding the many busy roads, the authorities must prioritise the upgrading of footpaths, disused railway lines, etc, to create a network of traffic free, multiuser routes for everyone. As one resident stated in her letter of objection to the solar farm, Evershill Lane and the farm track are the only access to the countryside where you are able to push a buggy or wheelchair. Isn't this a wake-up call for the powers that be to protect and nurture the most vulnerable in our society?
- 4.82 **Chesterfield Cycle Campaign** raised no comments.
- 4.83 **DCC Archaeology** considered the submitted Desk Based Archaeological Assessment and Geophysical survey and considers that further archaeological investigation works will be required and as such no objection is raised subject to the inclusion of conditions to this effect. Amended plans do not alter these comments.
- 4.84 **Lead Local Flood Authority (LLFA)** reviewed the Flood Risk Assessment and Drainage Strategy for this planning application, the applicant is proposing infiltration trenches for the disposal of surface water for the impermeable parts of the development including access track, no ground investigation or infiltration testing has been provided to justify the suitability of the ground for infiltration, we require the following information.
- Ground percolation tests to BRE 365.
 - Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
 - Soil/rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
 - Volume design calculations to 1% probability annual rainfall event +40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.

- 4.85 The LLFA has reviewed the information submitted for this application, which was received on 04/01/2024, with additional information on 06/03/2025. The LLFA has no objection subject to conditions.
- 4.86 **Yorkshire Water (YWA)** confirmed this site is within Severn Trent Waters jurisdiction.
- 4.87 **Severn Trent Water** raised no comments.
- 4.88 **Environment Agency (EA)** raised no objections to the proposal, but requested that an informative note be included in any decision.
- 4.89 **Natural England (NE)** considers that the proposed development will not have significant adverse impacts on designated sites and has no objection to the proposed development. NE also provided the following comments:
- 4.90 Best and Most Versatile Agricultural Land (BMV) – proposal falls outside scope of DMPO as the proposal would not lead to the loss of over 20ha of the BMV. NE advise that any grant of planning permission should be made subject to conditions to safeguard soil resources.
- 4.91 Biodiversity Net Gain – NE note the BNG assessment includes habitat gains of 174.21% and hedgerow gains of 5.68%. NE note that trading rules have not been met and these rules only need to be satisfied on new applications from 12th February 2024 [*officer note: this application was submitted prior to 12th February and is as such exempt from the 10% BNG requirement*].
- 4.92 NE were reconsulted on the amended plans and confirm that previous advice stands.
- 4.93 **National Grid** raised no comments.
- 4.94 **Cadent Gas** raised no objection subject to the inclusion of an informative note.
- 4.95 **HS2** note that part of the site is contained within a safeguarding area for Phase 2b of HS2. However this section has been cancelled by Government, but it is unclear whether this land will remain safeguarded moving forward. As such HS2 has no objection subject to the inclusion of a note on any decision.
- 4.96 **Derbyshire Fire and Rescue Service (DFRS)** raised no objection to both the original and amended schemes. In their comments it is noted that the scheme falls outside the scope of Building regulations and would instead fall under the Regulatory Reform (Fire Safety) Order 2005. This places duties on the person responsible for the site. A guidance document has been recommended and can be included as a note on any decision that might be issued by the LPA. Near

completion the developer must notify the DFRS, a further note could be included in any decision to this effect.

4.97 **Health and Safety Executive (HSE)** raised no comments.

4.98 **Derbyshire Police (Designing Out Crime Officer)** comments that the site will require a security schedule commensurate to the risk of organised criminality which is connected to solar farms and other renewable energy installations. This will need to dovetail with the security provisions of existing adjacent solar sites. Whilst fencing is not in itself a form of security provision, it does form a barrier against casual intrusion and would be seen as appropriate if accompanied by a robust electronic security provision. Details of CCTV column appearance and the siting of such structures is not clear, it just states that such equipment will be 80-120m apart. There is no indication of detection and monitoring of the site either. As such details of the CCTV column position, heights, technical specification, detection provision and specification, along with monitoring arrangements will be required by way of condition.

5.0 Representations

5.1 The application was publicised by way of neighbour letters and the display of a site notices. Site notices were placed on Stretton Road at the entrance to Morton Grange Care Home and another on Evershill Lane, these expired on 7th February. The application was also advertised in the local press. Officers were also made aware of site notices having been removed from site, replacement site notices were placed back on site.

5.2 228 objections have been received raising the following material planning comments:

Planning Policy

- Non compliance with NPPF [*officer note: no specific reference to which part of the NPPF the proposal fails to accord with has been raised*]
- Inappropriate site selection [*officer note: Officers can only assess the proposal submitted*]
- Many brownfield site alternatives [*officer note: as above, Officers can only consider the proposal submitted*]
- Contrary to sections 11 (Making effective use of land), 12 (achieving well design and beautiful places) and 15 (conserving and enhancing the natural environment) of the NPPF
- The Town and Country Planning (Development Management Procedure) (England) Order 2015 Schedule 4 section (Y) and (Za) and (Zb) should be taken into account [*Officer note: all the necessary consultations have taken place prior to the determination of this application in line with the DMPO.*]
- Proposal will fail to meet the tests of local plan policy SDC10

- Government suggest that 10)% of the UK's energy will be provided from offshore generation by 2030 [*officer note: this statement is not evidenced from any specific source and is not considered to be accurate*]
- NPPF aims to guide such development to poorer quality land rather than higher quality [*officer note: this is confirmed in the latest version of the NPPF which is assessed below*]
- More suitable sites for such development

Landscape Impact

- Land is Green Belt [*officer note: this is not the case and it is allocated as open countryside for planning purposes*]
- Cumulative effect of this proposal with other solar schemes in locality
- Detrimental impact on landscape character
- Blot on landscape
- Size of scheme disproportionate to site location
- Proposal is eyesore to landscape setting
- Loss of valued landscape [*officer note: the site whilst valued to local residents is not classed as a valued landscape in planning terms.*]
- Beautiful natural landscape setting
- Negative impact on enjoyment of rights of way and bridleway
- Proposed panels have an industrial appearance
- Visible from far and wide viewpoints
- Detrimental fencing design will hem in users of bridleway
- Out of keeping CCTV masts around the site
- Detrimental effect on rural community
- Detrimental to the enjoyment of Evershill Lane
- Disproportionate in scale to the village and landscape character
- Visual intrusion into the wider countryside
- Scheme will destroy the fabric of Evershill Lane harming its character
- Visibility of site is from far and wide
- Proposal will destroy tranquil enjoyment of this part of the local landscape
- Harmful to views from pit tip site to the east
- Shipping containers stored on site are wholly unacceptable
- Renewable development does not automatically override environmental protections
- Substation will remain on site after solar farm is decommissioned [*officer note: the infrastructure identified on the site plan as NGED operational land will be adopted by National Grid and likely retained once the site is decommissioned*]
- Housing will follow after the solar farm [*officer note: each case is taken on its merit and the proposal before Officers is for a solar farm, not housing*]
- 10-20m separation from PRoW still not enough to not impact views
- Hedgerows at 6-7m in height totally inappropriate
- Reduce scenic value of landscape
- Negative impact on views from the top of the tip
- Proposal would fail to enhance and protect the rural landscape

- View from tip bench will be eradicated

Impact on Neighbouring Residents

- Too close to residential properties
- Noise impact from resulting additional vehicular movements
- Constant humming noise from inverters
- Operational noise (piling) impact on neighbouring residents
- Glare from panels
- Risk of fire from battery storage has potential to harm community (run off and air quality impact)
- Fires hard to put out on this type of development
- Light pollution from development
- Mental health and wellbeing implications on local residents
- Too close to nursing home – increase vehicle movements and noise
- Electromagnetic radiation from proposal increasing risk to local residents
- Electro Magnetic Frequency (EMF) impact on residents
- Dust from construction harmful to nearby residents
- Construction period could last 50 months [*officer note: the submitted details suggest the build period would be 9 months*]
- Negatively impact walking routes
- Construction noise from knocking in excess of 75000 posts would be harmful to residents
- Intensive construction phase harmful to residents
- Vibration from increased HGV movements close to nursing home
- Residents might not want permissive footpaths to be created as it might increase disturbance on residents
- Hum from panels will negatively impact enjoyment of right of way
- Right of way along Evershill Lane is a valuable resource

Highway Safety

- Increased traffic movements around village
- 13 daily HGV movements for 9 months in close proximity to the care home
- Risk of harm to pedestrians
- Queuing traffic on the local road network
- Potential conflict with local bus route (No 55) which has not been considered by the Transport Assessment
- Footpath diversions will be required, closing Evershill Lane [*officer note: Evershill Lane will not be affected by the proposed development*]
- Detrimental to horse riders who use Evershill Lane
- Detrimental impact on public footpath and bridleway
- Harmful to visual amenity of footpath/bridleway
- Widening of access will be harmful and introduce potentially even more development at the farm

Ecological Matters

- Proposal will not provide a BNG
- Ecological impact on wildlife
- Rare species found on and around the site – black grass snake
- Harmful to designated wildlife area
- Reduce land available to roaming deer and other wildlife
- Harmful impact on nearby ancient woodland [*Officer note: nearest ancient woodland is Padley Wood in excess of 300m to the north of the site*]
- Loss of trees [*officer note: Officers are not aware of any trees having to be removed to accommodate the proposed development*]
- Potential detrimental impact on barn owls and buzzards
- Site is vital corridor for wildlife
- Development will destroy hedgerows
- Detrimental impact on nearby badger set
- Piling will cause stress to animals
- The current farm is not intensively managed using chemicals as suggested
- Harmful to birds due to “lake effect” of the panels
- Disruption to wildlife corridors
- Biodiversity enhancements are overstated

Technical Matters

- Loss of very good agricultural land, used for crops and cattle
- Land grading is considered to be mainly grade 3a, classed as the ‘best and most versatile’ [*officer note: no evidence has been provided to this claim and a review of the DEFRA mapping suggests the site is mostly Grade 4 land*]
- Land to north east of railway line is grade 2 agricultural land and likely extends into the application site [*officer note: there is no grade 2 land identified on the DEFRA mapping on or close to the application site. The land in question to the north east is Grade 3 land*]
- Almost 50% of the site is productive land and not former opencast
- Land yielded 15.6tons/ha compared to UK average of 10tons/ha
- Use of heavy machinery on land will damage soil quality and result in compaction and take a long time to recover
- Surface water runoff from panels due to soil compaction is increased
- Shading effect on soil from panels can be harmful to soil quality
- Doubt into accuracy of company that undertook land classification of application site [*officer note: there is no evidence that the report provided by the applicant is not accurate. The statement provided relates to a third party representation on a number of National Infrastructure schemes in Lincolnshire.*]
- Detriment to food supply and harm food security
- Risk of fire and consequential release of toxic fumes and pollution
- Risk of explosion from battery storage
- Increased flood risk elsewhere in village
- Solar panels when decommissioned will not be capable of being recycled and dumped instead

- Neighbouring land was subject to toxic waste dump – risk from piling the site and from water run off
- Toxic waste concerns from previous use of adjacent land
- Discrepancies in water run off from site, in that the site drains to a pond to the north and in turn into the River Rother, this is not included in the drainage assessment
- Drainage ditches missed from drainage assessment
- Farm is subject to regular flooding – remedied by a drain installed by farmer which enters a balancing pond and in turn the River Rother
- Detrimental impact on watercourses from potential pollution
- Detrimental archeological impact
- Severn Trent have not been consulted [*officer note: STWA have been consulted and raised no comments to the proposal.*]
- Harmful to nearby heritage assets
- Decommissioning of site risks
- Harmful to local farming and livery business
- No EIA undertaken [*officer note: 23/00746/EIA was determined on 7th September 2023 and it was determined that an Environmental Statement was not required*]
- Need to consult EA [*Officer note: EA have been consulted and provided no objection subject to a number of informative notes*]
- Panels will be bought from China and inconsistent with Net Zero strategy
- Solar energy is unreliable
- Doubt cast at level of energy produced by scheme [*officer note: para 168 of the NPPF states that LPA's should not require applicants to demonstrate the overall need for renewable or low carbon energy*]
- Battery storage is mentioned, but no information is provided as to how much energy can be stored/discharged [*officer note: 50MW of storage is proposed*]
- Site selection – have brownfield sites been considered and discounted?

Other Matters

- No benefits linked to the village
- Detrimental impact on tourism
- Negative impact on property prices [*officer note: this is not material to the determination of this application.*]
- No wider public environmental and economic benefits of the scheme
- No local benefit resulting from proposal
- Transmission lines should be located below ground
- Loss of views across open farmland [*officer note: a right to a view is not material to the determination of this application.*]
- Panels will not supply the energy that is advertised [*officer note: this is not a matter material to the determination of this application.*]
- Developer going bust meaning they don't have to adhere to planning conditions [*officer note: the planning permission goes with the land not the developer*]
- The batteries used cannot be recycled

- Large quantities of water would be needed in the event of a fire
- It won't reduce energy bills for villagers
- Scheme only benefits the land owner
- House to house survey (Your Shout) a paid for survey which is very selective and not representative with community feelings
- Your Shout comments should not be as valued as those sent in by local residents
- Centre of England should not be blighted by solar panels

5.3 9 supporting comment has been received raising the following material planning comments:

- Add interest to local walks
- Positive to see renewable energy scheme come forward
- Excellent use of land
- Climate change needs addressing
- Alternative to fossil fuels to help heat homes and save environment
- Proposal will help reduce reliance on coal and gas power stations
- Rather see solar panels than more housing

5.4 The **Campaign for the Protection of Rural England (CPRE)** provided an objection to the proposed development which can be summarised as follows:

- Contrary to North East Derbyshire Local Plan Policy SS9. The site is interspersed with wildlife inducing hedgerows will be completely lost.
- Too close to residential properties
- Negative impact on health and wellbeing of residents
- Extra traffic would be detrimental to highway safety, particularly local children attending school
- Size of farm is intrusive in this rural landscape
- Size of farm is disproportionate
- Already 16 operational solar farms in Derbyshire
- Size of solar farm will make the landscape unattractive
- Takes too much land out of food production
- Risk of fire and air pollution due to battery storage and ancillary equipment
- Harmful to wildlife habitats and adj Padley Wood
- Protected birds, reptiles and bats in the locality would be at high risk from development
- Need for renewable energy does not on balance outweigh the negative impacts of this particular development.

5.5 259 representations have been submitted as part of the applicants third party consultation process (Your Shout). These included 252 supporting comments, 5 letters of objection and 2 neutral comments. These comments have been collected from villages surrounding Morton, including North Wingfield, Clay Cross, Holmgate,

Pilsley, Stonebroom, Shirland and Mickley. The full comments of these residents can be found online.

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034

6.1 The following policies of the LP are material to the determination of this application:

- SS1 Sustainable Development
- SS9 Development in Countryside
- SDC2 Trees, Woodland and Hedgerows
- SDC3 Landscape Character
- SDC4 Biodiversity and Geodiversity
- SDC6 Development Affecting Listed Buildings
- SDC7 Scheduled Monuments and Archaeology
- SDC9 Non-designated Local Heritage Assets
- SDC10 Decentralised, Renewable and Low Carbon Energy Generation
- SDC11 Flood Risk and Drainage
- SDC12 High Quality Design and Place Making
- SDC13 Environmental Quality
- SDC14 Land potentially affected by Contamination or Instability
- ID3 Sustainable Travel
- D7 Green Infrastructure
- ID8 Greenways and Public Rights of Way

National Planning Policy Framework (NPPF)

6.2 The overarching aims of the National Planning Policy Framework (NPPF) are material in the assessment of this application and have been taken into account. In particular:

6.3 Para 8(c) states that mitigating and adapting to climate change, including moving to a low carbon economy, is an environmental objective towards achieving sustainable development.

6.4 Para 165 states that to help increase the use and supply of renewable and low carbon energy and heat, plans should:

a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);

b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co- locating potential heat customers and suppliers.

6.5 Para 166 states that in determining planning applications, local planning authorities should expect new development to:

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

6.6 Para 168 goes onto state that when determining planning applications for renewable and low carbon development, LPA's should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions;

b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and

c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.

Other Material Planning Considerations

6.7 **NEDDC Climate Change Action Plan 2019-2030** sets out steps for achieving the vision of "A district that balances economic prosperity with environmental sustainability, improving the lives of our people and our environment today and in the future."

7.0 Planning Issues

Principle of Development

7.1 The starting point for the decision, and for considering whether the development is acceptable in principle, is the development plan. The site is located beyond the

settlement development limits as identified in the Local Plan. It is therefore to be treated as countryside for planning policy purposes.

- 7.2 Local Plan policy SS1 states that proposals will play a positive role in adapting to and mitigating the effects of climate change, including through the use of sustainable drainage systems, to contribute to the health and wellbeing of communities and the environment through the location, design and operation of development.
- 7.3 Local Plan policy SDC10 is generally permissive towards renewable energy proposals subject to landscape, visual, amenity, biodiversity and heritage considerations and does not rule out such development in the countryside.
- 7.4 Whilst the construction of a solar farm in the countryside is not included in one of the listed categories contained in policy SS9, policy SDC10 does not preclude such development, but where development is considered acceptable, it will be required to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.
- 7.5 Solar development requires a degree of openness to make the most efficient use of sunlight and are not an unusual form of development in the countryside. The development, in this case, is of such scale that it could not be easily accommodated anywhere except beyond the settlement development limits. The generally low height of the infrastructure, the passive nature of the use once operational and the fact that the landscape impact is reversible are all relevant to the consideration of the principle of the use.
- 7.6 The NPPF encourages a positive approach to renewable energy proposals. At Paragraph 163, it states that LPA's should not require applicants to demonstrate the overall need for renewable energy. The NPPF does not require renewable developments to be on Brownfield land.
- 7.7 The Derbyshire Spatial Energy Study 2022 and Vision Derbyshire: Climate Change and Planning Guidance 2023 documents seek to assist in the development of planning policy and provide a joint approach to assist decision making and development of planning policy. Due to the direction of travel of national policy, including the Clean Power 2030 Action Plan, this guidance is outdated. Nevertheless, within the Derbyshire Spatial Energy Study it identifies the site as a 'less constrained' and 'low' landscape sensitivity site for ground mounted solar development opportunities. Similarly, this guidance does not require such development to be on Brownfield land.
- 7.8 When considering the policy context as a whole, it is considered that the development is in general accordance with the planning policies insofar as they support renewable energy proposals and thus, is acceptable development in the

countryside in principle, subject to a range of other considerations, including those relating to landscape impact.

Landscape Considerations

- 7.9 The proposed development includes rows of solar panels at a max height of 3m, a substation seen in Figure 6 below (includes a 30m high mast connecting into the existing pylon, 7m max transformer infrastructure, switch rooms and it is framed by 2.4m galvanised palisade security fencing), 13x inverter containers/battery storage units framed by 3m tall acoustic fencing, 2m high timber post and wire fencing around the perimeter of the site, 3m tall CCTV poles at regular intervals, 3x construction compounds and 4m wide tracked constructed from crushed aggregate. Included in the scheme is a temporary permissive public route around the south eastern extent of the site connecting into Evershill Lane. A small area of green space with benches and information boards will also be provided to the southern edge of the site. Included in the latest amended plans it is illustrated that 7 sections of hedgerow will be included between the panels across fields and an additional hedgerow will be formed between the PRow and the substation to the west of a short section of Evershill Lane. As seen in Figure 7 below a 10m stand-off to the panels is proposed from Evershill Lane to the proposed perimeter fencing, with the exception of a 180m section to the north of the route where a 20m stand-off is proposed.

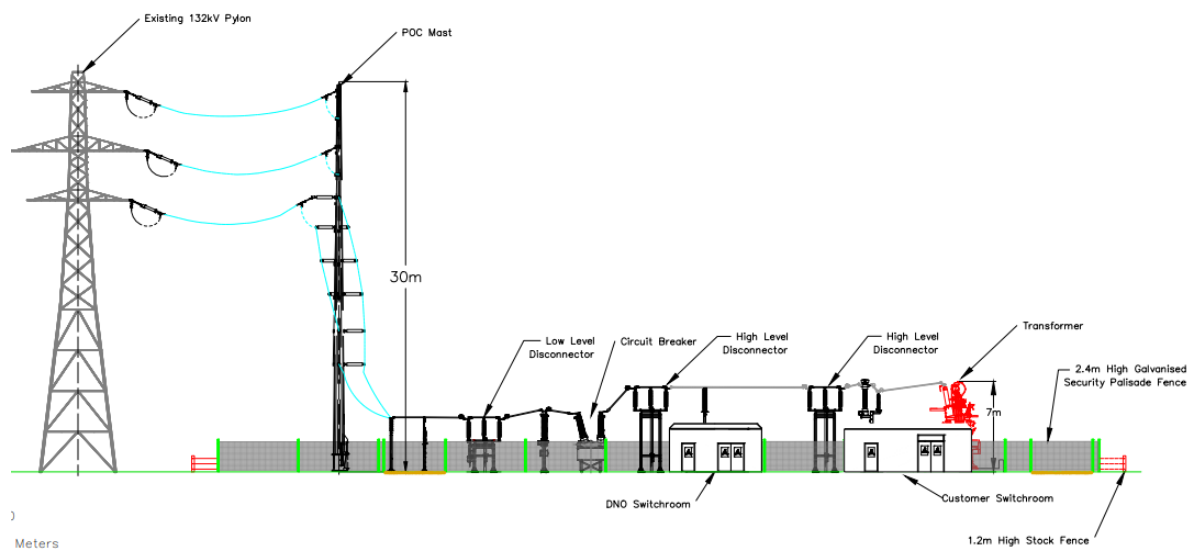


Figure 6: Indicative drawing of substation



Figure 7: Extract of site plan illustrating relationship of development to Evershill Lane

- 7.10 Local Plan policy SDC3 states that “proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity.” Any proposal “should be informed by, and be sympathetic to, the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment...” and “contribute, where appropriate, to the conservation and enhancement, or restoration and re-creation of the local landscape taking into account its wider landscape character type.”
- 7.11 Furthermore, policy SDC10 states that proposals for renewable energy generation will be permitted, specifically where there would be no significant adverse effects on the visual amenity and character of the area including landscape and visual impacts. In determining planning applications for renewable energy generation, significant weight will be given to the achievement of wider environmental and economic benefits.

- 7.12 The landscape within which the site is located is of the Coalfield Village Farmlands character type which is typically characterised by gently undulating landform, pasture and localised arable cropping, relict ancient semi-natural woodland, copses, linear tree belts and dense watercourse trees.
- 7.13 The Derbyshire Historic Landscape Assessment identifies that a large portion of the application site was used for opencast mine workings. Evidence of the surrounding areas mining history is readily apparent when walking the site, Morton village and the surrounding countryside.
- 7.14 The site displays a number of the above characteristics and is currently a pleasant, mainly arable landscape to the north of Morton village with scattered trees, tree blocks and hedgerows. It is crossed by pylons and electricity infrastructure and 3 smaller solar farms already lie to the north. A railway line frames the site to the north east, a historic mining slag heap lies to the south east with further mine workings and historic landfill sites to the west and south west of the application site. Evershill Lane cuts through the application site; it is a well-used, tranquil, hedgerow-lined route connecting Morton to the wider countryside.
- 7.15 This landscape has no special designation and is not a valued landscape within the meaning of NPPF Paragraph 187. It is not identified as an area of sensitivity (primary or secondary) in the AMES study 2013. This means that the condition of the landscape in this location was not found to be of significant ecological, historic and landscape (visual) sensitivity when landscape designations were defined during the AMES study. The landscape scored poorly in comparison to other landscapes and as such is sequentially preferable to developing in locations which are identified as primary and secondary AMES. For the purposes of Local Plan policy SDC3 it is not within an area identified as being most likely to be negatively affected by change. However, it is clear from visiting the site and observing comments by residents that this is a much loved countryside setting.
- 7.16 The proposed development will be focused on 66ha (163 acres) of arable land to the east, south and west of Averill Farm. A smaller existing 5MW solar farm is located to the north of Averill Farm. In visibility terms, the proposed development will be visible from distant views to the north east, south and west. Limited views into parts of the application site will also be achievable from the A61 to the west. The key views into the site which will have the greatest impact on the enjoyment of the countryside are from Evershill Lane, an adopted route and public right of way running from Morton to the south, north through the application site and from the former colliery site and tip to the south east. The latter includes informal footpaths and a bench which overlooking the fields around Averill Farm. The application site is otherwise contained by woodland to the west, Morton village to the south and the railway line to the north east. The relative visibility of the proposed development is illustrated in Figure 8 below.

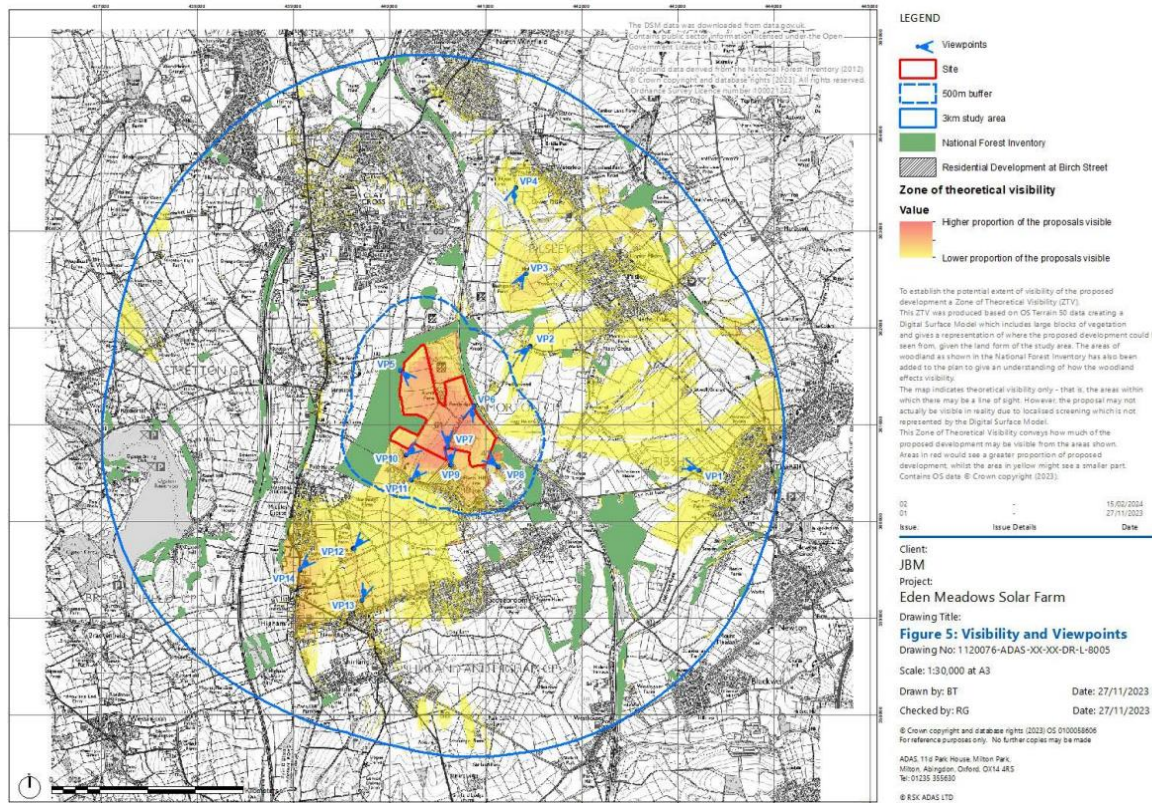


Figure 8: Viewpoints

- 7.17 The County Council Landscape Architect commented that the site was well contained, framed by reclaimed woodland which reduces the overall sensitivity of the site to development of this type. The Derbyshire Renewable Energy Study rates the area as Low landscape sensitivity. It is considered that although the development is large in size, the general lie of the land and the surrounding vegetation is such that the development would be contained visually. The main views into the site are observed as being from Evershill Lane and to the east.
- 7.18 Independent landscape advice was sought and concluded that the site and immediate landscape character has a Medium value. Although the landscape is not recognised as a valued landscape, it is evident from the representations received that it is highly valued by local residents. It was advised that the site is predominantly well contained from distant views, with the most impacted views being localised from along Evershill Lane and from the former colliery site to the south east. The advice is that the proposal would have an overall Major/Moderate effect on what is considered a Medium value landscape.
- 7.19 The PRoW along Evershill Lane is an important local route north out of Morton into the open countryside, which connects into the wider footpath network. Approximately 530m of this route will be impacted by the proposed development and whilst an existing solar farm is seen from this section of the route, it is over 360m away to the north at its closest point. In this local landscape you also experience existing electricity pylons/wires and the farm buildings associated with

Averill Farm. Regardless of this, the route is peaceful, interspersed with the odd passing train and open views across the gently undulating countryside across the application site and beyond. The proposed development will have a major impact on the character and enjoyment of this route, with it having an immediate negative impact on this route. The proposal will result in the loss of open pastoral long-distance views and appreciation of the wider countryside from this route, which will occur regardless of the height of the hedgerows framing it, which, it is acknowledged will evolve over the lifetime of the proposed development. Officers consider that the proposal would have an adverse impact on this part of the Evershill Lane.

- 7.20 In addition to the impact on Evershill Lane, the former colliery tip to the south east of the application site is a high value notably important local viewpoint which has historic links back to the former use of the landscape and includes informal footpaths and a bench to take in views from this raised location. Views from this location are at a high susceptibility to change and the development would have a moderate visual effect on this location. Instead of viewing a pastoral agricultural landscape, the view will be dominated by the proposed solar array and associated infrastructure, which will have an industrial appearance. Officers consider that the proposal would have an adverse impact when seen and experienced from this elevated location.
- 7.21 The proposed landscaping works, including new hedgerow planting will, to some degree, help to break up the panels and provide some screening from Evershill Lane and the colliery view, however these will take time to take effect and once the scheme is decommissioned these rows of planting would remain and be at odds with the current and historic field boundaries.
- 7.22 In terms of the cumulative impact of the proposed development when taken with the 3 smaller 5MW solar schemes constructed to the north, Officers do not consider that the cumulative impact of development together with those schemes already built out would weigh significantly against the scheme in this case as only one abuts the application scheme with the others beyond and broken up by planting.
- 7.23 Whilst the development will be in situ for forty years, which is a considerable period, it will be a temporary use of land eventually removed and the site restored with the exception of the substation. [Officers note that a period of 40 years has been found by Inspectors to be a temporary use of land. In recent appeal decisions Inspectors have found that renewable development can be considered a temporary use of land. In the recent Coal Aston BESS appeal decision (planning ref: 24/00035/FL) the Inspector stated that there is a “broad consensus that the temporary nature of such timescales does act to mitigate any harm caused to varying extents. I am therefore satisfied that the proposal is temporary...”]
- 7.24 Officers therefore conclude that the resulting development would be predominantly well contained from distant views but have an overall Major/Moderate effect on a

landscape of Medium sensitivity value. In these terms it would cause harm to the character and quality of the immediate landscape setting.

Amenity Considerations

- 7.25 Local Plan policy SDC10 states that proposals for the generation of renewable energy will be permitted where either individually or cumulatively with other renewable energy development, there would be no significant adverse effects on the amenity of local residents, in terms of noise, dust, odour, reflected light, traffic or visual intrusion.
- 7.26 Properties most likely to be affected by the proposed development are those to the south of the development off Evershill Lane, those on a new housing development to the north of Stretton Road, residents at Morton Grange Nursing Home and any future occupant of Averill Farm at the centre of the application site. Other properties include Padleywood Farm to the east, properties off Straw Lane to the north west and properties off Stretton Road in Morton itself. Users of Evershill Lane will also be impacted by the proposed development.
- 7.27 The application documents suggest that the construction period will take 6-9 months. It is anticipated to generate an average of 13 two-way daily Heavy Goods Vehicle (HGV) movements, with a maximum of 21 two-way HGV movements per day. Additionally, it is projected that there will be an average of 71 two-way daily vehicle movements per month, with a maximum of 87 two-way vehicle movements per month, inclusive of HGVs and workers. Three construction compounds are proposed across the application site.
- 7.28 No specific hours of construction are proposed in the application documents, but the applicant states that the construction works will take 6-9 months, with an average of 22 working days per month. The Council's EHO has confirmed that they suggest restricting construction works and deliveries to the hours of 0730-1800 Monday to Friday and 0730-1300 on Saturdays, with no working on Sundays or Bank/Public holidays to protect unacceptable impacts on amenity and this can be controlled by way of condition.
- 7.29 The Council's EHO also considers it necessary to minimise the spreads of airborne dust. This can be controlled by way of condition on any decision. A condition can also be included in any decision requiring the submission of a Construction Environmental Management Plan (CEMP) which will seek clarity on the construction methodology.
- 7.30 The applicant has submitted a Solar Photovoltaic Glint and Glare Study, prepared by RWE dated January 2024. The report considers the impact on roads, dwellings, railway and aviation. No negative cumulative impacts are predicted and as such Officers conclude that there would not be a significant adverse effect on the amenity of these receptors from reflected light.

- 7.31 No external lighting is proposed on the development.
- 7.32 The proposed development includes inverter units and a substation which will be the main sources of noise. A Noise Impact Assessment (NIA), prepared by Inacoustic dated 31.01.25 has been submitted and considers these sources of noise and nearby noise receptors. The report concludes that the proposed development would not exceed background sound levels during the day, giving rise to a low impact. However, at night, the proposed development may give rise to rating levels that are 3-5 dB above measured background levels. The report concludes that overall, the proposed development would result in a negligible change in ambient noise levels.
- 7.33 The Council's EHO agrees with the conclusions of the NIA and subject to a suitably worded condition relating to background noise no objection is raised. The EHO also recommends that deliveries and construction occurs at appropriate times of the day and that a scheme of dust mitigation is submitted to and approved by the LPA.
- 7.34 Additionally, following the construction phase, the use will essentially be passive in nature and will be unlikely to give rise to any unreasonable effects (including by way of noise or disturbance) upon living conditions at these and other nearby properties. Impacts during the construction phase can be minimised through a construction management condition.
- 7.35 Overall, whilst there will be some disturbance during the construction period, Officers consider that the overall impacts of the proposed development upon residential amenity would be acceptable in planning terms.

Heritage Considerations

- 7.36 Local Plan policy SDC6 states that proposals for alterations to or changes of use of a listed building will be supported where they preserve the significance of the heritage asset and its setting including impacts on the character, architectural merit or historic interest of the building. Policy SDC9 also states that proposals for development that affect a non-designated local heritage asset will be permitted provided that they positively sustain or enhance the significance of the asset, its features, character and setting.
- 7.37 The NPPF requires Local Planning Authorities to consider the potential direct or indirect impact on heritage assets. Greater weight should also be given to considering the impact of a proposed development where a designated heritage assets are involved. A suitable heritage assessment should be submitted to clearly assess the harm to such assets. Substantial harm or loss of significance to assets of the highest significance (i.e. scheduled monuments) should be 'wholly exceptional'.

- 7.38 Section 66 of the 1990 Act states that '*...in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*'.
- 7.39 There are a number of listed buildings and non designated heritage assets within a short distance of the application site which would be unaffected by the proposed development. However, St Bartholomew's Church at Clay Cross (Grade II listed) and Church of St Lawrence, North Wingfield (Grade I listed) are seen in the distance when approaching the solar farm from the south along Evershill Lane.
- 7.40 Officers are of the view that intervisibility between the application site and these designated assets is limited by distance, topography and to some degree existing landscape planting. It is not considered that the proposal would have a negative effect on the setting or significance of these assets.
- 7.41 The application site is also framed by established hedgerows, with those of particular importance located along the north and west sides of the site. These hedgerows are shown on historic enclosure mapping dating back from the late 18th century and are considered important hedgerows in accordance with the 1997 Hedgerow Regulations. These hedgerows will be unaffected by the proposed development and be retained.
- 7.42 Overall, officers are of the view the proposed development would preserve the setting of these heritage assets and would accord with Local Plan policy SDC6.

Archaeology Considerations

- 7.43 Most of the site is covered by the former Morton Park, a local heritage asset (MDR6055) and identified on the heritage gateway as the possible extent of a medieval park, encompassing Morton and Pilsley Parishes.
- 7.44 Additionally, the former railway cutting to the east of the application site is also a local heritage asset (MDR12415) and identified as the Erewash Valley Line connecting to Chesterfield in 1862.
- 7.45 A Geophysical Survey Report prepared by Headland Archaeology, dated December 2023 has been submitted. The report concludes that it is considered that the archaeological potential across most of the site is low or negligible due to the extent of mining activity. In areas not affected by previous extraction pockets of archaeological activity have been identified and here the archaeological potential is assessed as moderate and locally high.
- 7.46 DCC Archaeologist considered the submitted Desk Based Archaeological Assessment and Geophysical survey and considers that further archaeological

investigation works will be required and as such no objection is raised subject to the inclusion of conditions.

- 7.47 Officers conclude that, subject to conditions, there are no technical reasons relating to archaeology that would preclude development.

Best and Most Versatile (BMV) Agricultural Land

- 7.48 Paragraph 187 states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services including other benefits of the best and most versatile agricultural land. Footnote 65 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 7.49 Local Plan policy SS1 seeks to “protect the productive potential of the District’s best quality agricultural land and avoid sterilisation of mineral resources”. BMV Agricultural Land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification.
- 7.50 The application site includes 66ha of land which is classified (as confirmed by DEFRA mapping) as Grade 3 (good to moderate) and 4 (poor) agricultural land, which can restrict the range of crops or level of yields. Developing on lower grade agricultural land is preferred as it keeps the “best and most versatile” land available for important agricultural use and food production.
- 7.51 An Agricultural Land Classification (ALC) report prepared by Amet Property, dated 21/11/23 has been submitted and concludes that the site consists of 24.4 Ha of Grade 3b land and 41.6 Ha of Grade 4 land. Subgrade 3b is deemed moderate quality agricultural land and Grade 4 land is deemed poor quality agricultural land.
- 7.52 Natural England (NE) have confirmed that consultation with them is only required where over 20ha of BMV land would be lost. Regardless, Officers took the view to consult NE and no objection was raised, subject to conditions to safeguard soil resources.
- 7.53 Officers note the objections raised by local residents to the accuracy of the ALC report prepared by Amet and that the site has historically delivered high yield crops, with the previous tenant winning awards for his farming practices. The quality of crops achieved from this site are noted, but Officers have no evidence before them to dispute the findings of the report and are guided by official mapping prepared by DEFRA which confirms no BMV land would be lost.
- 7.54 As discussed above, Officers note that in recent appeal decisions Inspectors have found that renewable development can be considered a temporary use of land.

- 7.55 Overall, it is concluded that the proposal would be temporary and not lead to significant permanent loss of BMV agricultural land. Furthermore, due to the temporary nature of development the land will, eventually, be restored to agricultural use.

Site Selection Process

- 7.56 The PPG¹ states that “the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.” Where possible such development should utilise previously developed and non-agricultural land. The focus should be on developing sites on poorer quality agricultural land. There is no policy requirement to undertake a sequential site assessment.
- 7.57 A Site Selection Report, dated May 2025, has been submitted which provides an explanation as to how this site was selected over others. The report also considers and discounts available Brownfield land in the District. The report concludes that the site selected is the most suitable for the proposed development.
- 7.58 The Council's latest published Brownfield Land Register (dated September 2024) identifies a total of 25 brownfield sites, comprising a total of 97ha, with no sites exceeding 36.5ha. The three largest sites includes land at Egstow Park (36.46ha), the Avenue (30.97ha) and the Former Coalite site (14.64ha). All three of these sites have extant planning permission on them for alternative uses and could not be utilised for solar development. The next largest site on the register is 5.38ha which is off Mill Lane, and forms part of The Avenue allocation. As such Officers are satisfied that no Brownfield sites in North East Derbyshire could accommodate this development.
- 7.59 An Eden Meadows Grid Connection Statement (April 2025) and Overplanting Statement have been submitted by the applicant confirming that the proposal has secured a grid connection agreement with the District Network Operator (DNO) capable of connecting in 2026. The secured point of connection is within the application site and will connect to existing overhead lines. Having a ready grid connection weighs in favour of development.
- 7.60 Officers conclude that the site avoids more the sensitive landscapes in the District and there is no Brownfield land in the District which could accommodate it. Furthermore, the necessary agreements are in place to deliver renewable energy in a timely manner and as such it is considered the application site is, in these terms, an appropriate site for it.

¹ [Renewable and low carbon energy - GOV.UK](https://www.gov.uk/government/publications/renewable-and-low-carbon-energy)

Highway Safety Considerations

- 7.61 The NPPF at paragraph 116 states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”
- 7.62 Similarly, the Local Plan in policy ID3 states that “In all cases, planning permission will only be refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.”
- 7.63 The main point of access into the application site will be from Stretton Road to the south which currently serves as the main point of access for Averill Farm and Morton Grange Nursing Home. The main point of access onto Stretton Road will be upgraded to accommodate the development. Swept path drawings have been provided indicating the changes required to modify this access point. Two access points will be provided from the main access road into the application site.
- 7.64 The submitted Transport Assessment, prepared by SCP dated December 2023 states that construction works will take between 6-9 months. The report states that traffic volumes are likely to be greater during the access track and compound construction for the first 3 months. the report concludes that there will be a maximum of 33 LGVs arriving and departing from the site at the beginning and end of the 22 working days per month. Along with the maximum of 33 LGVs, there is anticipated to be a maximum daily average of 12 HGVs accessing and egressing the site, which results in a maximum of 2 HGV deliveries per hour. Across the six-month construction period, the proposed development will result in an average of 13 two-way daily HGV movements, and a maximum of 21 two-way HGV movements each day for that month. Additionally, it is envisaged that there will be an average of 71 two-way daily vehicle movements per month, and a maximum of 87 two-way vehicle movements per month (including HGVs and workers). A full breakdown of the expected traffic movements can be seen below in Figure 9 below. Construction traffic will be routed from the A61 to the west along Stretton Road. Once operational, there will be regular LGV maintenance visits to the site.

Activity	Programme month						Total
	1	2	3	4	5	6	
Site mobilisation	12						12
Access tracks & compound	380	380	380				1140
Substation and cabling		18	18				36
Frames and inverters			50	50			100
Solar panels				183	183		366
Site demobilisation						30	30
Staff and visitors	880	1452	1452	1452	1452	880	7568
Fuel deliveries	2	2	2	2	2	2	12
Total All Vehicles per month	1274	1852	1902	1687	1637	912	9264
Daily average (all Veh)	58	85	87	77	75	42	-
Total HGV per month	394	400	450	235	185	32	1696
Daily average (HGV)	18	19	21	11	9	2	-

Figure 9: Anticipated construction traffic movements

- 7.65 The Highways Authority have been consulted and commented upon highway safety, construction traffic impact and decommissioning. Subject to conditions no objection is raised to the proposed development.
- 7.66 Overall, Officers conclude that the proposed development would not lead to an unacceptable impact on highway safety and the residual cumulative impact on the wider road network would not be severe.

Drainage Considerations

- 7.67 Policy SDC11 of the Local Plan states that “All development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development.” Where necessary a Flood Risk Assessment (FRA) should be submitted, and sequential test passed.
- 7.68 The site falls in Flood Zone 1 with the lowest probability of flooding. Sections of the in the south east corner, along part of the western edge, along the extent of the railway cutting to the east and along part of the access track are at risk of surface water flooding.
- 7.69 A Flood Risk Assessment and Drainage Strategy, prepared by LDE dated December 2023 has been submitted and considers multiple sources of flooding. Overall, it is concluded that the site should not be precluded on flood risk grounds.
- 7.70 Residents raised concerns about surface water run off entering a balancing pond to the north of the application site and then in turn entering the River Rother. There were also concerns at the lack of understanding of watercourses at the boundary of the application site. Overall, there is concern that there is a risk of run off from site into the main watercourse.

- 7.71 An addendum flood response was provided in a letter prepared by LDE, dated 4th April 2024. The letter confirms that the balancing pond mentioned by residents was identified and assessed. Flood risk from a watercourse to the north west boundary was also considered. This watercourse is higher than the application site and as such the author confirms that flood risk from this watercourse and the pond to the solar farm scheme are considered to be low. The statement goes on to state that each structure will have its own infiltration trench and be capable of accommodating a 1 in 100 year rainfall event and should be sufficient infiltration capacity for the proposed scale of runoff and attenuation. More detailed ground investigations are required post approval to confirm on site infiltration rates which can be used to update the drainage strategy.
- 7.72 The Lead Local Flood Authority (LLFA) raised no objection to the proposed development, subject to conditions.
- 7.73 Severn Trent Water Authority was consulted and raised no comments to the proposal. Yorkshire Water confirmed the application site was not in their jurisdiction.
- 7.74 Officers conclude that there are no technical reasons relating to drainage that would preclude development.

Land Contamination Considerations

- 7.75 The site lies adjacent to a historic landfill site, see Figure 10 below. A number of objections have been raised by local residents to the toxic materials dumped on this historic site.

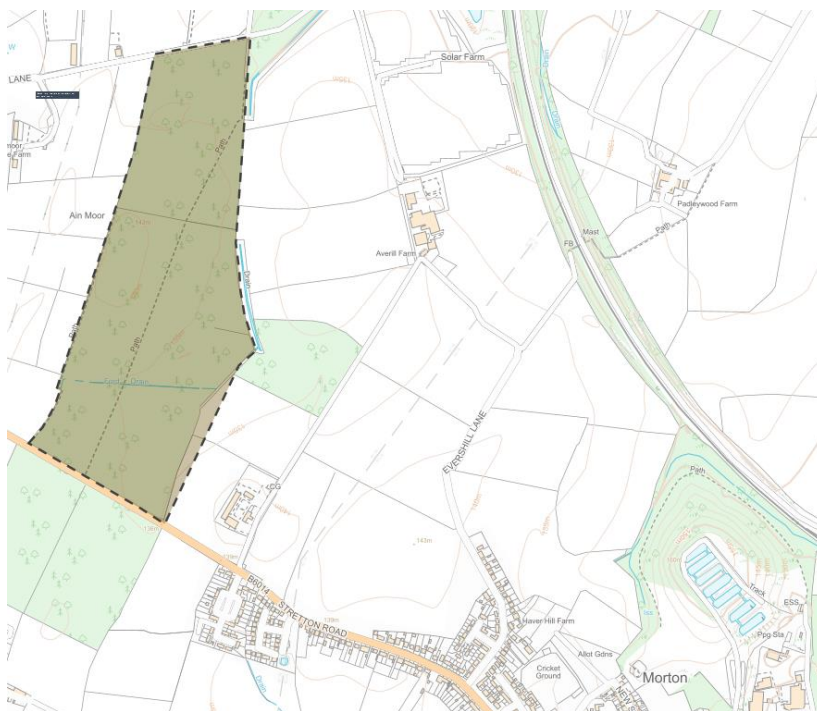


Figure 10: Location of historic landfill site (dashed black line)

- 7.76 The Council's EHO has raised no objection to the proposal subject to normal land contamination conditions.
- 7.77 The DCC Landfill Team confirmed that parts of the proposed development site adjoin or sit within 250m of the former Morton landfill sites which lie under woodland to the southwest of the proposed development. They advise that there is the possibility for residual landfill gas to be present on the application site. The low sensitivity of the proposed development is noted, however, the applicant should take account of the possibility of risks from landfill gas when considering the design and location of any infrastructure or buildings which may accumulate such gases. No objection is raised to the proposed development.
- 7.78 Officers conclude that there are no technical reasons relating to land contamination or in relation to historic landfill matters that would preclude development.

Land Stability Considerations

- 7.79 The site falls within the defined Development High Risk Area which means that, within the application site and surrounding area, there are coal mining features and hazards that need to be considered in the assessment of the application.
- 7.80 A Coal Mining Risk Assessment, prepared by JBM Solar dated November 2023 has been submitted. The report notes the presence of Made Ground and opencast backfill. The entire site was mostly undeveloped until 1961 when opencast coal mining activity is denoted on mapping. Prior to the opencast coal mining, the site mostly comprised undeveloped agricultural fields. Opencast workings were no longer denoted on mapping dated to 1973, after which the land was restored for agricultural use. Further ground investigation works are proposed.
- 7.81 The Coal Authority (CA) notes the site is in a defined Development High Risk Area and the details submitted with the planning application. No objection is raised subject to the inclusion of conditions.
- 7.82 Officers conclude that, subject to conditions, there are no technical reasons relating to land stability that would preclude development.

Ecological/Biodiversity Considerations

- 7.83 Local Plan policy SDC4 states that "the Council will protect and enhance the District's natural environment and seek to increase the quantity and quality of biodiversity and geodiversity." Designated national and local sites of nature conservation importance will be protected. The Council will promote the qualitative enhancement of all sites of biodiversity and geodiversity value by supporting measures that improve wildlife habitat connectivity and create new wildlife habitats.

- 7.84 Local Plan policy SDC2 states that development “proposals for development should provide for the protection and integration of existing trees, woodland and hedgerows for their wildlife, landscape, and/or amenity value.” The unacceptable removal or damage to trees and hedgerows will not be permitted.
- 7.85 The NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity. Development should minimise impacts on and provide net gains in biodiversity.
- 7.86 The application site is not directly affected by any statutory or non-statutory designations for nature conservation although it is within a SSSI Impact Risk Zone. However adjacent to or in close proximity to the site are two designated wildlife sites, in the form of Morton Colliery (NE365) to the south east and Padley Wood (NE106) to the north. Furthermore, approx. 300m to the north is Padley Wood, an ancient woodland.
- 7.87 An Ecological Impact Assessment (EIA) and Biodiversity Net Gain Assessment (BNG), both dated February 2025, have been submitted. The EIA provides an assessment of the site, sets out potential mitigation measures and enhancements that would improve the long term ecological network of the site and the surrounding area. The report concludes that with the recommended mitigation, avoidance measures and enhancements in place, ecology and biodiversity obligations in respect of policy and legislation can be satisfactorily upheld, and therefore do not likely represent a constraint to the planning application. Any adverse impacts will likely be negligible, with effective mitigation in place to achieve positive impacts and a net gain in biodiversity. The BNG report concludes that the proposal would represent an 89.78% net gain in habitat and 17.89% gain in hedgerow.
- 7.88 DWT have been consulted on the proposed development. they have considered nature conservation designations, protected species, layout and landscaping and biodiversity net gain matters. The main points of contention surrounded the lack of a 15m buffer from woodland, the BNG assessment and how Skylarks would be mitigated. Following additional information being submitted by the applicant, DWT have confirmed that they accept the proposed buffer from woodland, the submitted BNG assessment and Skylark mitigation. Therefore, subject to conditions and any necessary legal agreement to protect the Skylark mitigation no objection is raised.
- 7.89 This application was submitted prior to mandatory Biodiversity Net Gain (BNG) coming into force which requires development to deliver a BNG of 10%. As such this mandatory requirement is not relevant to the determination of this application, however it is noted that the proposal would increase the quantity and quality of biodiversity and geodiversity across the application site. As such the proposal would represent an enhancement in biodiversity and geodiversity terms which weighs in favour of development.

Renewable Energy

- 7.90 The NPPF at paragraph 165 states that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. The proposed development would create 49.9MW of renewable power and have capacity to store up to 50MW energy in 13 battery stations. The solar array would generate the equivalent to the electricity consumption of approximately 19,400 homes and represent a carbon saving of approximately 33,581 tonnes CO₂e. The scheme would also have capacity to export stored energy at peak times. As such it would contribute to reducing the UK's reliance on finite resources such as fossil fuels and making an important contribution towards the Government's climate change agenda and Net Zero Target.
- 7.91 The scheme being proposed would be "overplanted" to allow for the maximum efficiency in energy generation to be achieved throughout the year up to the constraints of the available grid connection capacity. Through overplanting, the proposed development could have potential to deliver up to 64.6MW of direct current to the network. Even though the scheme would have potential to deliver nearly 65MW of capacity it would not exceed the threshold of being a nationally significant infrastructure project, due to the capacity exported to the grid never exceeding the inverter capacity.
- 7.92 The NPPF states that the planning system should support the transition to net zero by 2050 and help to shape places in ways that, amongst other things, contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience and support renewable and low carbon energy and associated infrastructure.
- 7.93 More recently the Government have published the 'Clean Power 2030 Action Plan: A new era of clean electricity' which confirms that 2030 targets for an energy system run entirely on clean energy, solar capacity will have to increase from the current 15GW to 45-47GW within just 5 years. This highlights the need for clean energy infrastructure.
- 7.94 In addition to Government aims, North East Derbyshire District Council (NEDDC) declared a climate emergency in July 2019 with the aim of the Council reducing their carbon emissions by 80% by 2030. Since 2019, the NEDDC Climate Change Strategy 2022-2030 was approved on 22nd December 2022. This document sets out how the council plans to reduce carbon emissions. One of the 'main themes' of the document is renewable energy with the key priority of this theme being to support the development of renewable energy sources within the district.
- 7.95 At a County level, the Derbyshire Spatial Energy Study 2022 and Vision Derbyshire: Climate Change and Planning Guidance 2023 highlight the importance of securing

further renewable projects to help secure the energy needs of Derbyshire. The Derbyshire Spatial Energy Study states that “Based on existing and emerging local development plans, the annual projected growth in housing stock across all local authorities is 4,126 – 4,298 per year depending on the methodology used (Table 5.3). Based on current mean electricity and gas meter consumption, an additional 4,212 homes (median growth) would increase the County’s annual electricity demand by 15.4 GWh, and gas demand by 59.3 GWh.” These are 2022 figures using outdated housing targets that are substantially below the housing requirements that will apply to many Council’s across the County in the relatively short term. Officers note that the housing target for North East Derbyshire will go from 330 per year in the current plan to circa 600, with similar large increases applying in other Districts/Boroughs in Derbyshire.

- 7.96 The NPPF at Paragraph 163 recognises that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions. Given the large scale of the proposal under consideration it is considered that if approved this would contribute towards government achieving the 2050 net zero target.
- 7.97 At paragraph 168, the NPPF provides that when determining proposals for all forms of renewable energy developments and their associated infrastructure significant weight should be given to the benefits associated with renewable energy generation and the proposal’s contribution to a net zero future. Paragraph 163 adds that the need to mitigate climate change should be considered in assessing planning applications, taking into account the full range of potential climate change impacts.
- 7.98 Given the benefits of the proposed development to reducing carbon emissions and towards energy security, Officers consider that renewable energy generation/storage from the proposed solar farm over a period of 40 years attracts significant weight.

Other Considerations

- 7.99 The proposal would also lead to direct and indirect socio-economic benefits resulting from the construction and decommissioning of the solar farm. There will also be some modest employment benefits resulting from the 40 years life of the solar farm from maintenance. The Council’s Employment and Skills Officer has requested that an employment and training condition be included in any decision to improve opportunities in North East Derbyshire. Officers give some weight to these benefits.
- 7.100 Officers are aware that the scheme is likely to attract a Community Benefit Fund which will be agreed between the developer and local parish council. No specific details of this agreement have been supplied during the course of this application. Any such fund is, therefore, not material to the determination of this application and would need to be drawn up and agreed with the parish council. It can be given no weight therefore in the planning balance.

- 7.101 A number of objections have raised concern at the fire risk from the proposed development and resulting pollution that might arise. Derbyshire Fire and Rescue Services (DFRS) have been consulted and raised no objection to the proposed development. The proposal falls under the Regulatory Reform (Fire Safety) Order 2005 which places the duty of care on the person responsible for the site. DFRS have provided a guidance note in their comments which can be included in any decision issued by the LPA. Once the development nears completion, the developer will need to notify DFRS. Consequently, Officers are not aware of any technical reasons related to fire risk that would justify a refusal.
- 7.102 With regards to designing out crime Derbyshire Police have been consulted and note that the proposal will require a security schedule commensurate to the risk of organised criminality which is connected to solar farms and other renewable energy installations. This will need to dovetail with the security provisions of existing adjacent solar sites. They do not consider that the proposed fencing will be sufficient to provide adequate security and no specific details as to the number and position of CCTV (other than they will be positioned 80-120m apart) have been provided. However, no objection is raised to the proposed development subject to a condition relating to CCTV details being submitted to and approved by the Local Planning Authority.

Planning Balance

- 7.103 The technical issues relevant to this application have been satisfactorily addressed or can be satisfactorily addressed/mitigated through the imposition of planning conditions. As such, they are neutral considerations in the planning balance. There is, however, visual and landscape harm that weighs against the proposal. This must be balanced against the benefits.
- 7.104 There will be benefits arising from the net biodiversity gain proposed which whilst a policy requirement, far exceeds these policy requirements and as such carries some limited weight in favour of development.
- 7.105 Officers also consider that there will be benefits resulting from the direct and indirect socio-economic benefits resulting from the construction and decommissioning of the solar farm with a condition requiring local employment and skills opportunities to be offered in the District wherever possible. There may also be some modest employment benefits resulting from the 40-year lifespan of the solar farm from maintenance. Officers give some limited weight to these benefits.
- 7.106 In light of the Government's position on increasing solar capacity from 15GW to 45-47GW within just 5 years, weight should be attributed in favour of the development to the ready grid connection the developer has with the Distribution Network Operator (DNO). This means that the scheme, if approved, is capable of connecting to the grid in 2026.

- 7.107 Local Plan policy SDC10 states that in determining applications for renewable energy generation, significant weight will be given to the achievement of wider environmental and economic benefits. Furthermore, the NPPF at Paragraph 168 states that when determining proposals for all forms of renewable energy developments and their associated infrastructure significant weight should be given to the benefits associated with renewable energy generation and the proposal's contribution to a net zero future.
- 7.108 The renewable energy benefit, whilst substantial, must be carefully weighed against the landscape and visual harm. The application site and its immediate setting was not found to be of significant ecological, historic and landscape (visual) sensitivity and so does not form part of either a primary or secondary AMES. The landscape and visual harm is perceived in close and mid to long distance views, and whilst being significant from the Colliery and Evershill Lane, it is relatively localised within a landscape of Medium sensitivity, which has no special designation and is not a valued landscape within the meaning of NPPF Paragraph 187. The site is therefore sequentially more preferable than developing in locations which are more sensitive. This reduces the weight to be given to the overall landscape harm in this instance.
- 7.109 A scheme of this scale and nature inevitably gives rise to some landscape and visual harm. Policy SDC10 of the Local Plan sets out that proposals should have "no significant adverse effects". Similarly, criterion 1 of policy SDC3 of the Local Plan is only permissive towards development that does not cause "significant" harm to the landscape. As discussed above, the proposal would have an overall Major/Moderate effect on a landscape of a Medium sensitivity, and as such would cause harm to the character, quality, distinctiveness and tranquillity of the immediate landscape setting. Significant weight should be attributed to this landscape and visual harm.
- 7.110 In view of the above, Officers are of the view that the benefits associated with renewable energy generation and the proposals contribution to a net zero future carry significant weight in favour of development. This together with the benefits relating to biodiversity gain, direct and indirect socio-economic benefits, employment benefits and ready grid connection tip the balance in the view of Officers and mean that the benefits of the development, in this case, outweigh the landscape and visual harm caused.

8.0 Summary and Conclusion

- 8.1 The proposed development can be made acceptable in many respects by the imposition of planning conditions and there are no technical reasons to refuse this scheme.
- 8.2 The proposal would cause harm to the character, quality, distinctiveness and tranquillity of the immediate landscape setting and significant weight has to be

attributed to this harm. However, the potential harm would be outweighed by the benefits of the scheme, as outlined in the above assessment.

- 8.3 Whilst the proposed development is not compatible with the landscape policies contained within policies SDC3 and SDC10 of the Local Plan, it does avoid the most sensitive landscapes identified in the AMES study referred to in policy SDC3 and by providing renewable energy would achieve wider environmental, biodiversity and socio-economic benefits. The proposal, subject to conditions, would also comply with other relevant policies contained in the Local Plan.
- 8.4 Officers conclude that when reading the Local Plan as a whole, it is clear that the overarching aim is to deliver sustainable development. Whilst there is clear tension between landscape and sustainability policies contained in the Local Plan, Officers consider that, on balance, the proposal would represent sustainable development and would therefore be in accordance with the Local Plan and NPPF.
- 8.5 It is therefore concluded by Officers that permission should be conditionally approved, subject to any suitably worded legal agreement.

9.0 Recommendation

- 9.1 That planning permission is **CONDITIONALLY APPROVED subject to the following conditions and Legal Agreement**, with the final wording delegated to the Planning Manager (Development Management):-

Conditions

No	Condition	Reason
1.	The development hereby permitted shall be started within three years from the date of this permission.	To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.
2.	<p>The development hereby approved shall be carried out in accordance with the details shown on the drawings below:</p> <ul style="list-style-type: none"> • SLP-A032-2 (Site Location Plan) • 1120076-ADAS-XX-XX-DR-L-2000 (Landscape Strategy Plan) • Typical Fixed Design (Layout Plan) Rev K • 0207 Rev 01 (Substation Plans) • Typical Battery Inverter Station Rev A • Typical Spares Container Rev A • Indicative Construction Compound Rev A • Typical 3 Module in Portrait Fixed Details Rev A (Panels) 	For clarity and avoidance of doubt.

	<ul style="list-style-type: none"> • Typical Inverter Building Details Rev A • Indicative Construction Compound Rev A • Typical Customer Switchgear Details Rev A • Typical Inverter Building Details Rev A • Typical Acoustic Fencing Rev A • Indicative Cable Trench Section Details Rev A • Typical Fence, Track & CCTV Details Rev A • Typical Gate Details Rev A • Typical Comms Mast Details Rev A • Typical Weather Station Details Rev A • SCP/230940/D01 (Access Arrangement & Visibility Splays) 	
	Operation & Decommissioning	
3.	<p>The planning permission hereby granted shall be limited to a period of 40 years commencing from the date electricity generated by the solar panels is first exported to the electricity network. At the end of this 40-year period, the development shall be removed, and the land restored to its previous agricultural use pursuant to the Decommissioning Method Statement approved under Condition 4 of this permission, with the exception of the DNO substation and the internal road between it.</p>	In the interest of clarity and in the interest of public amenity.
4.	<p>No later than six months prior to the expiry of the planning permission, or within six months of the cessation of electricity generation by this solar PV development, whichever is the sooner, a Decommissioning Method Statement setting out a detailed scheme of works for the removal of the development (excluding the approved landscaping, biodiversity works and electrical substation) shall be submitted to and approved in writing by the Local Planning Authority. The scheme of works shall include the following:</p> <ul style="list-style-type: none"> a) A programme of works; b) a method statement for the decommissioning and dismantling of all equipment and surfacing on site; c) details of any items to be retained on site; d) a method statement for restoring the land to agriculture; e) timescales for the decommissioning, removal and reinstatement of the land; f) a method statement for the disposal/recycling of redundant equipment/structures. 	For clarity and avoidance of doubt.

	The decommissioning of the site shall be undertaken in accordance with the approved Decommissioning Method Statement. The operator shall notify the Local Planning Authority in writing within five working days following the cessation of electricity generation.	
5.	The operator shall notify the Local Planning Authority in writing within 10 working days of electricity generated from the development being first exported to the National Grid.	For clarity and avoidance of doubt.
	Land Contamination	
6.	<p>Before the commencement of the development hereby approved:</p> <p>a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.</p> <p>b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:</p> <ul style="list-style-type: none"> • the likely presence of potentially hazardous gas, • their likely nature, extent and scale, • whether or not they originated from the site, • a conceptual model of pollutant-receptor linkages, • an assessment of the potential risks to human health, property (existing or proposed) including buildings, • details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant ground gas sampling/monitoring as identified by the desk-study strategy. <p>The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.</p>	To protect the environment and address any contamination issues.
7.	<p>Before the commencement of the development hereby approved:</p> <p>Where the site investigation identifies unacceptable levels</p>	To protect the environment and address any contamination issues.

	<p>of risk from ground gas, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to LCRM and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall 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.</p> <p>The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.</p>	
8.	<p>No development should commence until:</p> <p>a) The approved remediation works required by Condition 7 above have been carried out in full in compliance with the approved methodology and best practice.</p> <p>b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in Condition 6b to 7 above and satisfy Condition 8a above.</p> <p>c) Upon completion of the remediation works required by Condition 7 and 8a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the</p>	<p>To protect the environment and address any contamination issues.</p>

	necessary waste management documentation shall be included.	
9.	Before the commencement of construction works including any demolition in connection with the development hereby approved, a programme of measures to minimise the spread of airborne dust from the site shall be submitted to and approved in writing by the Local Planning Authority and include a dust risk assessment. The construction shall be undertaken in accordance with the approved scheme.	To protect the environment and address any contamination issues.
10.	No construction or decommissioning works shall take place except between the following hours: 07:30 to 18:00 Monday to Friday, and 07:30 to 13:00 Saturday. No construction or decommissioning works shall take place at any time on Sunday or a Bank/Public Holiday.	In the interests of the amenity of the area.
	CCTV	
11.	Notwithstanding the submitted details, before above groundwork commences details of the CCTV cameras to be installed shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the type, design and position of CCTV. The approved CCTV shall be installed in accordance with the approved details and retained as such thereafter.	In the interest of the character and appearance of the site and the surrounding countryside setting.
	Noise	
12.	Post completion of the installation, a commissioning sound test should be carried out to show that the rating sound level of any plant and equipment, as part of this development, will not exceed the predicted specific sound level at the receptor locations, as specified in Table 11 and Table 12 of the Noise Impact Report. The results of the test should be submitted to and be approved in writing by the Local Planning Authority. The plant and equipment should be maintained so that the sounds levels are not exceeded at any time.	In order to safeguard the amenities of adjoining residential occupiers.
	Land Stability	
13.	No development shall commence until; a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and; b) any remediation works and/or mitigation measures to	The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground

	<p>address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.</p> <p>The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.</p>	<p>conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.</p>
14.	<p>Prior to the development becoming operational a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.</p>	<p>The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.</p>
	Archaeology	
15.	<p>a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and</p> <ol style="list-style-type: none"> 1. The programme and methodology of site investigation and recording 2. The programme for post investigation assessment 	<p>In the interest of protecting and recording below ground archaeology.</p>

	<p>3. Provision to be made for analysis of the site investigation and recording</p> <p>4. Provision to be made for publication and dissemination of the analysis and records of the site investigation</p> <p>5. Provision to be made for archive deposition of the analysis and records of the site investigation</p> <p>6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation</p> <p>b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).</p> <p>c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.</p>	
	Drainage	
16.	<p>No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within: a. RSK ADAS Ltd. (07/12/2023). Eden Meadows Solar Farm, Flood Risk Assessment and Drainage Strategy, 681161-R1(1)-FRA and RSK LDE Ltd. (04/04/2024). Letter re Eden Meadows Solar Farm, 681161-R3(1)-FRA b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.</p>	<p>To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.</p>
17.	<p>No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 56 Reference ID: 7-056-20220825 of the planning practice guidance.</p>	<p>To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should</p>

		<p>demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:</p> <p>I. into the ground (infiltration);</p> <p>II. to a surface water body;</p> <p>III. to a surface water sewer, highway drain, or another drainage system;</p> <p>IV. to a combined sewer.</p>
18.	<p>Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.</p>	<p>To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.</p>
19.	<p>Prior to the commencement of the development, a soil management plan must be submitted to and approved by the Local Planning Authority. Soil infiltration rates can vary widely depending on ground conditions such as soil compaction and ground cover. A soil management plan must demonstrate how damage to soil horizons and ground cover will be mitigated and remediated during and after construction and for future decommissioning.</p>	<p>To ensure that the properties of the soil profile remain as close as is reasonably practicable to pre-development conditions, damage is mitigated and remediated and the ability of the soil to infiltrate is not diminished.</p>
	Ecology	
20.	<p>No clearance of tree, scrub or hedgerow shall take place between 1st March and 31st August inclusive, nor shall any works take place within the grassland or arable fields, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to works. Special attention shall be paid to nesting skylarks as part of any pre-works survey. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are</p>	<p>In the interest of protecting nesting birds.</p>

	present. A short statement of compliance shall be submitted to the Local Planning Authority to discharge this condition.	
21.	<p>A Skylark Mitigation and Management Plan shall be submitted to, and approved in writing by the Local Planning Authority, prior to the commencement of the development. The aim of the plan is to create and sympathetically manage at least 10No. skylark plots (4m x 4m). It shall be suitable to provide to the management body responsible for the site and shall include the following:</p> <ul style="list-style-type: none"> a) Description and location of skylark plots and how these will benefit the species. b) Description of other habitat creation and enhancement measures within the solar farm, which will benefit skylark and other farmland birds. c) Prescriptions for management. d) Details of the mechanism for long-term funding and management responsibility. e) A monitoring schedule to determine the success of the mitigation and a requirement for remedial actions if skylarks are found to no longer breed on site in similar numbers to the baseline survey. f) Requirement to submit monitoring reports to the LPA at each monitoring interval. 	In the interest of Skylark habitat creation and enhancement.
22.	Prior to the commencement of any works which may affect Great Crested Newts and/or their habitat, a copy of the Impact Assessment and Conservation Payment Certificate (IACPC) signed by all parties shall be submitted to the Local Planning Authority. All works shall then proceed in accordance with the requirements of the signed and issued Natural England licence.	In the interest of protected Great Crested Newts.
23.	<p>No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall be produced by an ecologist and include the measures detailed in Section 5 of the Ecological Impact Assessment (EcIA) V2 (ADAS, February 2025), broadly including.</p> <ul style="list-style-type: none"> a) Risk assessment of potentially damaging construction activities. b) Identification of “biodiversity protection zones”. c) Practical measures (both physical measures and 	In the interest of protecting biodiversity and ecological features during the construction period.

	<p>sensitive working practices) to avoid or reduce impacts during construction, including to safeguard reptiles, amphibians, badgers, hedgehogs and nesting birds, with reference to the separate Skylark Mitigation and Management Plan.</p> <p>d) The location and timing of sensitive works to avoid harm to biodiversity features.</p> <p>e) The times during construction when specialist ecologists need to be present on site to oversee works.</p> <p>f) Responsible persons and lines of communication.</p> <p>g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</p> <p>h) Use of protective fences, exclusion barriers and warning signs.</p> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p>	
24.	<p>A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post-development, in accordance with the proposals set out in the submitted Biodiversity Metric. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-</p> <p>a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.</p> <p>b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric, with reference to the separate Skylark Mitigation and Management Plan.</p> <p>c) Appropriate management methods and practices to achieve aims and objectives.</p> <p>d) Prescriptions for management actions.</p> <p>e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).</p> <p>f) Details of the body or organization responsible for implementation of the plan.</p> <p>g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 5, 10, 20 and 30 years.</p>	In the interests of biodiversity retention and enhancement.

	<p>h) Monitoring reports to be sent to the Council at each of the intervals above</p> <p>i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.</p> <p>j) Details of badger gates or gaps in perimeter fencing.</p> <p>k) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.</p> <p>l) Requirement for a statement of compliance upon completion of planting and enhancement works.</p> <p>The LBEMP shall also include 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 plan will be implemented in accordance with the approved details.</p>	
	Employment and Skills	
25.	No development shall commence until a scheme to enhance and maximise employment and training opportunities during the construction period of the development, including a timetable for implementation, has been submitted to and approved in writing by the local planning authority. Thereafter the scheme shall be operated in accordance with the approved details.	To enhance employment, training and skills within the community in line with the Council's Working Communities Strategy.
	Highways	
26.	The Development hereby approved shall not commence until the highway improvements have been constructed and completed as shown on drawing no. SCP/230940/D01.	To ensure conformity with submitted details.
27.	The development hereby approved shall not commence until the access facilities have been provided as shown on drawing no. SCP/230940/ATR02.	To ensure conformity with submitted details.
28.	<p>Prior to commencement of the development hereby permitted details of a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:</p> <ul style="list-style-type: none"> • Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction); • Advisory routes for construction traffic; 	Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

<ul style="list-style-type: none"> • Any temporary access to the site; • Locations for loading/unloading and storage of plant, waste and construction materials; • Method of preventing mud and dust being carried onto the highway; • Arrangements for turning vehicles; • Arrangements to receive abnormal loads or unusually large vehicles; • Highway Condition survey; • Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses. • Swept path analysis for articulated lorry movements via the unnamed road. • Measures to manage potential conflicts between construction and non-construction vehicles. • Access control, timing restrictions, and the role of on-site banksmen. • Safety and minimisation of disruption to local highway users. 	
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PLANNING COMMITTEE – 20 May 2025

Reference Number: 24/00781/FL

Application expiry: 23.05.2025

Application Type: Full

Proposal Description: Comprehensive redevelopment of the site including retention of the existing 14 days motocross, barn conversion for a manager's dwelling, reinstatement of "Where the Rainbow Ends" Cafe for use as a reception, heritage and information centre (with occasional kiosk/cafe), and erection of three holiday lodges with associated parking and turning and private drainage plant.

At: Butts Quarry, Butts Road, Ashover

For: Mr. and Mrs. Dring

Third Party Reps: 15(14) (12 objections and 3(2) supporting)

Parish: Ashover

Ward: Ashover

Report Author: Adrian Kirkham

Date of Report: 06.05.2025

MAIN RECOMMENDATION: Refuse permission.

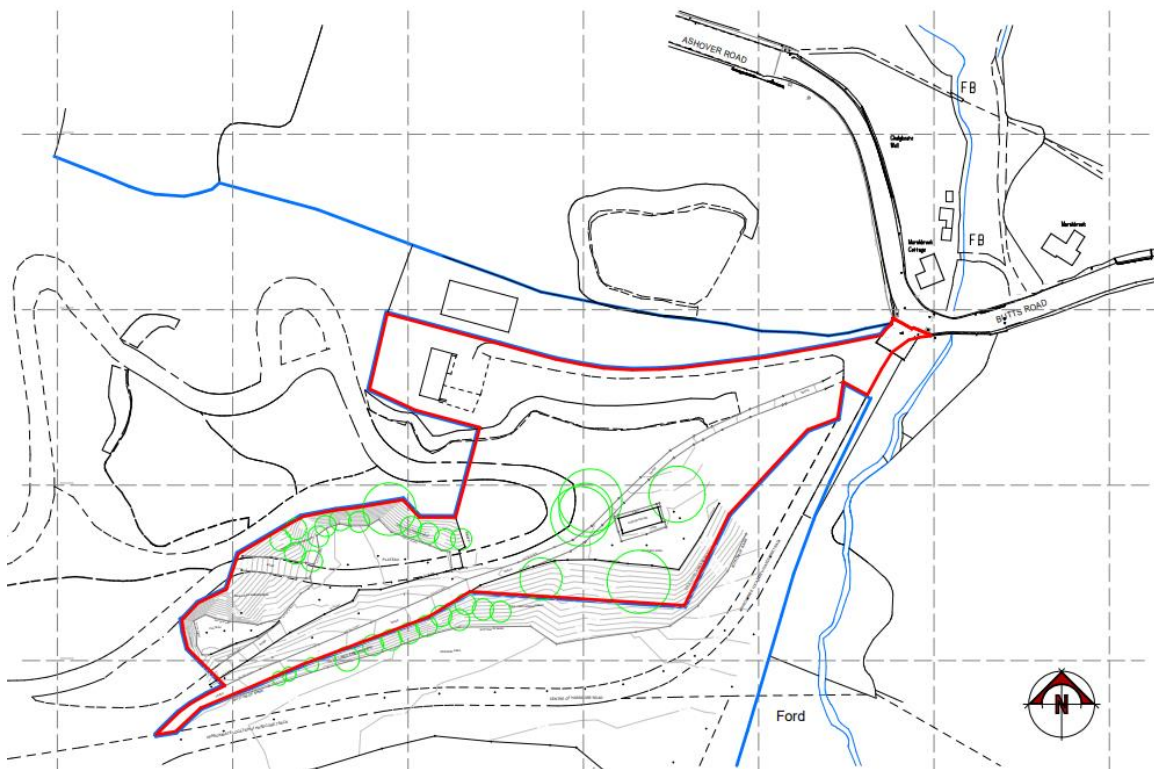


Figure 1: Site Location Plan, with site edged in red (other applicant owned/controlled land in blue)

1.0 Reason for Report

- 1.1 Cllr Wetherall has asked that the application is decided by Planning Committee due to its potential implications for highways and access, the location of the three holiday dwellings and whether the location is ideal for the topography of the site.

2.0 Proposal and Background

Site Description

- 2.1 The application site comprises an area of just under 1 hectare forming an element of the, former, wider Butts Quarry. It is formed of the most north eastern component of that site and the area adjoining the existing site access off Butts Road south west of the village of Ashover and south east of Kelstedge.
- 2.2 The site currently comprises a number of informal tracks leading to a barn/storage building at the application site's north western edge and a single storey utilitarian style building at the centre of the site.
- 2.3 The site is located in the countryside for planning purposes, within a primary Area of Multiple Environmental Sensitivity (AMES), areas representing the most sensitive in North East Derbyshire, and various public rights of way cross it as set out in Figure 2 below.
- 2.4 Access would be taken, as now, off Butts Road, at the point where the road crosses a brook which runs under the highway and on a bend in the road.
- 2.5 The site operates a motocross facility which carries on for 14 days in each calendar year under the auspices of a Noise Abatement Notice (NAN), issued by the Council, and planning permitted development rights.



Figure 2: The public rights of way crossing the application site.

Proposal

- 2.6 The application comprises a number of distinct elements:
- A. The conversion of an existing building to a dwelling along with the formation of an associated domestic curtilage.
 - B. The provision of 3 holiday lodges and associated amenities and facilities,
 - C. The erection of a café/reception facility adjoining the existing utilitarian style building to provide facilities to support the holiday lodges and to provide refreshments on the days when the motocross facility is in operation,
 - D. The creation/formation of various parking/turning areas within the site, and,
 - E. Formal permission for the site to operate 14 days motocross each year.

A plan showing the various elements is shown at Figure 3 below.

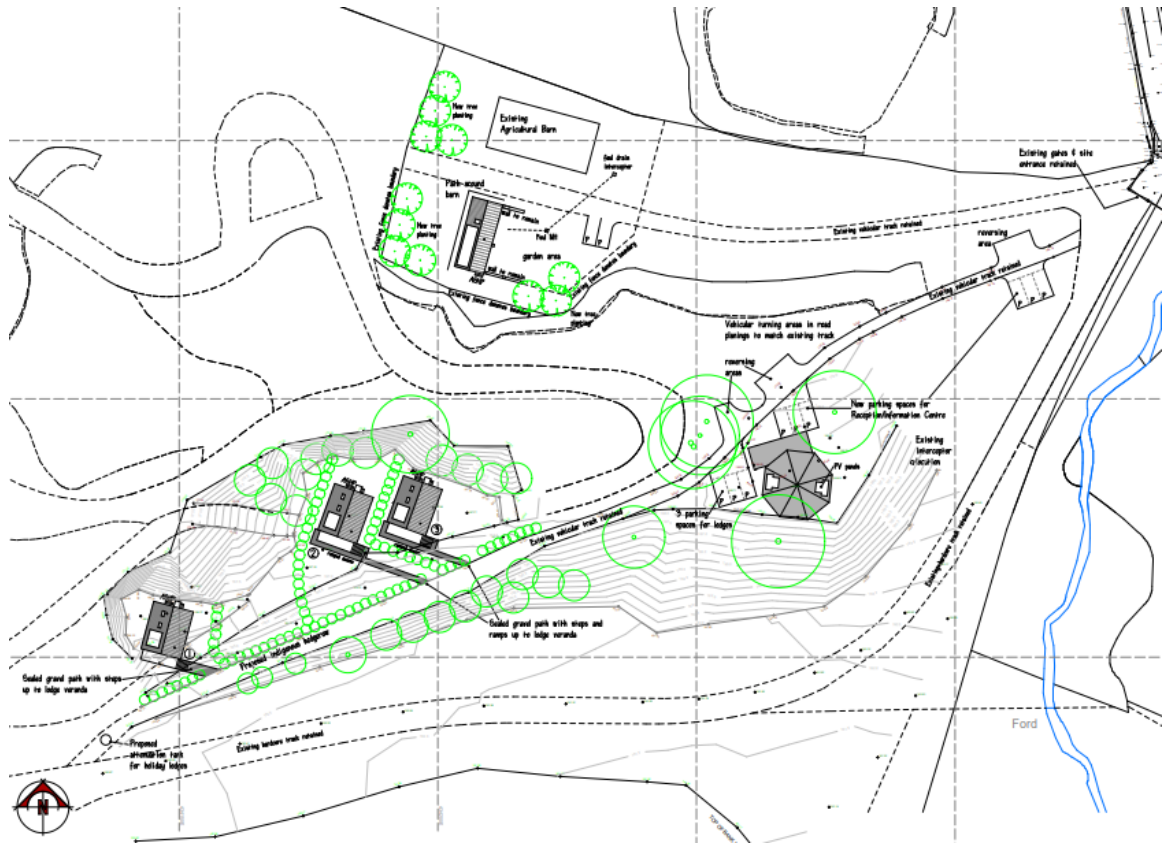


Figure 3: The application detailing showing the building to be converted, the holiday lodges and café/reception building.

Amendments

2.14 Various amendments have been received during the consideration of the application.

Firstly, a revised plan was submitted showing the proposed domestic curtilage (to be associated with the new dwelling), details of the proposed steps/pathways/ramps to be created to serve the holiday lodges, an indication of the finished levels of the newly created parking areas, café building and the site more generally and stating that only “minimal repairs” are proposed to the existing tracks that cross the site.

Subsequently, further to detailed comments from the Case Officer on the application, a package of additional information was submitted on the 21st March 2025. This included a requested change to the application title, an amended site plan showing some site levels and alterations to the parking and turning arrangements and with additional notes, an amended plan for the café building with the solar panels removed, a further Planning Statement (including a response to the points raised by the Case Officer), a response to the issues raised by DWT about the mine entry and bat

Further, on 10 April a further amended plan was received from the agent in response to the comments of the Ramblers Association to ensure the eastern parking area would not obstruct footpath 57. The agent reports that the site owners spend a significant amount of time ensuring the rights of way remain clear and open to use and there is no objection to the erection of rights of way signs. The agent suggests that the three lodges is very unlikely to result in a significant issue with traffic, visibility is good and holiday guests will be made aware of the paths.

[illegible]

The Applicant's Submissions

A. A Biodiversity Statement and BNG metric (revised).

- B. A Design and Access Statement
- C. A Flood Risk Assessment
- D. A Bat Survey
- E. An Ecological Assessment (revised)
- F. A Structural Survey
- G. A Transport Assessment, and,
- H. A Tree Survey

These documents are referred to as necessary during the consideration of the application below but in summary the applicant sets out the following:

“The submitted scheme demonstrates an opportunity to re-use an existing stone barn, construct a small-scale holiday accommodation scheme in an ideal location, and reinstate a building with local social history interest, synonymous with the quarry and surrounding area.

The barn conversion is an excellent re-use of an existing, structurally sound, vernacular building and is clearly large enough to accommodate a modest dwelling.

Given its location on the edge of the Peak District and set within unique, attractive countryside the holiday accommodation is likely to prove very popular and would serve as a welcome source of revenue for the tourist/leisure businesses in Ashover and surrounding villages.

The reinstatement of the original cafe building is an appropriate next step in the timeline of Butts Quarry. This proposal gives the opportunity to bring this building back to the site as well as providing the opportunity to introduce heritage information boards. It will also improve the existing toilet & welfare facilities on motocross days.

The many benefits of the proposed scheme are discussed in the planning statement. If there are any concerns about the design the applicants will be very willing to discuss this with the Council. It is hoped that the Council will be able to support this development and grant permission.”

2.16 Dated March 2025, a further Planning Statement was submitted by the appointed agent (received 21.03.2025). A full transcript of it can be found in the planning file online but in summary it sets out the following issues:

- A. The site extends to 15 hectares and is used currently for motocross activities for 14 days each year.
- B. The site is crossed by a variety of tracks and occupied by a toilet block style building, a storage building and a stone barn. The site is occupied by many trees and much vegetation. There is a single point of access.
- C. The agent’s understanding of the dismissed appeal and its findings is given and the Council is asked to take into account changes that have

- subsequently taken place including the adoption of a new Local Plan and publication of the revised NPPF, that no extensions are now proposed to the barn, a Noise Abatement Order is now in place, discussion with the Council's EHO have taken place on how to reduce bike noise and a comprehensive scheme is now proposed.
- D. The reduction in motocross days from 28 to 14 has resulted in the viability of the applicant's business being marginal and so on-site diversification is now required.
 - E. The proposed lodges are bespoke and designed to accommodate level clearings.
 - F. The barn conversion would be accommodated by the site manager.
 - G. The remainder of the scheme will fund the re-instatement of the café, which included the (a) rectangular shape to its north. The café would be a reception for the holiday lodges with information boards attached to its exterior. On motocross days, the café would provide refreshments for users of the circuit.
 - H. Sections 5 (Delivering a sufficient supply of homes) and 6 (Building a strong, competitive economy) [of the NPPF] are considered especially pertinent to the application.
 - I. The site is in the countryside and the scheme seeks to make a more efficient use of the site. The applicant's agent sets out that the motocross facility is a valuable recreation facility recognised for its mental health benefits, and it has overwhelming local support. The scheme seeks to add value to the site to allow the motocross facility to continue. It would deliver a home for the applicants, holiday lodges for additional income and the reinstatement of the café bringing heritage benefits. It accords with planning policy bringing economic and social benefits, short term investment during construction, allows the motocross facility to continue and bring visitors to the area. There would also be environmental benefits from the re-use of the barn, the construction of the holiday lodges and the improvement of the toilet block. 10% biodiversity net gain would be delivered.
 - J. Notwithstanding the public footpaths that crisscross the site, the site is not considered prominent and any concern about the impact of the development is outweighed by the benefits of a more efficient use of the site, the retention of the motocross facility, the delivery of holiday accommodation, the conversion of the barn and the return of the café building.
 - K. The existing access provides an acceptable point of access into the site.
 - L. The future occupiers of the converted barn would be the site managers. The limited number of days/hours of operation would mean that the future occupiers would not be adversely impacted by the motocross and visitors to the site would be able to choose when they visited.
 - M. The barn conversion is substantially different to that refused on appeal in 2017 and overcomes the Inspector's concerns.

- N. The café is proposed in the form it was originally constructed and the solar panels are removed. The return of the café would be a major benefit of the scheme. The revised scheme demonstrates minimal changes to the onsite levels.
- O. The revised scheme addresses the concerns raised by DWT initially.

3.0 Relevant Planning History

- 3.1 77/00015: Permission **granted** for the toilet block.
- 3.2 81/00026: Permission **refused** for the temporary storage of caravans.
- 3.3 88/00906: Permission **refused** for the temporary siting of mobile home
- 3.4 91/00606; Permission **refused** for the conversion of the barn to a dwelling.
- 3.5 00/01114: Permission **refused** for the conversion of the barn to a dwelling and extension of roof to form first floor accommodation.
- 3.6 16/00946: Permission **granted** for the erection of storage barn in connection with maintenance of the land.
- 3.7 17/00504: Permission **refused** for the alterations and conversion of a stone barn to a manager's dwelling.

4.0 Consultation Responses

- 4.1 **Parish Council** supports the application under policies AP2 and AP7 of the Ashover Neighborhood Plan and considered the proposals complied with sections 70d (identifying land for homes), 84c (rural housing) and 88a, b and c (supporting a prosperous rural economy) of the [former] NPPF. On the amended plans the Parish Council strongly re-enforce its original comments.
- 4.2 **Ward Member Cllr Wetherall** requested that the application be referred to Planning Committee for the reason set out above.
- 4.3 **Cllr Baker** states that in May last year the Applicants, Mr & Mrs Dring, asked me (as one of their local councillors) to get involved in the early days of the pre-application consultation process for the proposed development. I am pleased to see that the application which has now been brought forward contains many of the features which were discussed at that time and am confident that should planning permission be granted the proposed scheme will bring many benefits to both the quarry and the surrounding area. Therefore, I wish to register my support for this planning application.

- 4.4 **Highways Authority (HA)** raise no objection subject to conditions.
- 4.5 **NEDDC Environmental Health (EHO)** raise no objection subject to the removal of permitted development rights to ensure no more than 14 days use for motorsport is undertaken, the prior approval of a noise management plan, the occupation of the dwelling is limited to a person working on site in connection with the motorsport uses, control over foul drainage and approval of any remediation works. On the revised plans the EHO re-iterates the original comments made.
- 4.6 **Derbyshire Wildlife Trust (DWT)** have reviewed the submitted Preliminary Ecological Appraisal (PEA), Bat Survey, the Biodiversity Assessment and Metric and the Tree Survey.

The PEA sets out no woodland or tree loss is anticipated but that records indicate that there is a recently felled area of woodland near the proposed café/reception building and this should be clarified as it should be included in the submitted [BNG] metric. In addition, the impact of the lodges and associated infrastructure is unclear with the tree survey indicating further tree loss will be inevitable. Full details of this impact is required.

Further information on the impacts of the proposal on bats is required also and a proper mitigation package to protect other species would be needed.

The BNG calculation also needs to be updated to take into account all the relevant impacts.

Any further comments on the amended details are awaited.

- 4.7 **Natural England** has no objection as the proposal will not have a significant adverse impact on any statutorily protected nature conservation site or landscape.
- 4.7 **Severn Trent Water** has no comments stating that the site is out of Severn Trent's area for sewerage and comment is only made in respect of the public wastewater network and the representation does not include comment from other areas of the company **Yorkshire Water** offer no comment stating the site is within the operational area of Severn Trent.
- 4.8 **Lead Local Flood Authority (LLFA)** raised no objection subject to conditions.
- 4.9 **Environment Agency** have no objection subject to a condition regarding the treatment of surface water run off during construction.

- 4.10 **DCC Rights of Way Officer (DCC ROW)** advises that Ashover Public Footpath No. 52 is the footpath referred to as the 'vehicular track' in the centre of the proposals, FP 57 joins to FP 52 at the northeast section and FP 53 crosses FP 52 to the south, at the southwest corner of the site but there is no reference to the existence of these PROWs on the application plan whilst there are significant works being proposed on and adjacent to the footpath.

The proposals refer to FP 52 as 'the existing vehicular track (to be) retained'. This is a public footpath not a highway, and a vehicular right of access is only to access property, which is not currently the case. It may have become subsumed for vehicles within the motocross tracks but Ashover FP 52 legally remains a footpath, as are FP 57 and FP 53. The plans would increase vehicle use along the path and this would impact the path surface. Three parking areas are immediately adjacent to the footpath with reversing areas placed on the other side, which would increase manoeuvring across the footpath increasing risk to the public's safety using the path. The planned attenuation tank is also placed directly on the south section of path, this would be something about which further details would be required. There is also a question of whether an event closure for FP 52 is in place for when the motocross events occur.

The DCC ROW therefore objects to the current proposals on the basis of public safety and the impact on the surface of the path, from increased vehicle passes.

In addition, it is requested that the applicant is advised that the footpath must remain open, unobstructed and on its legal alignment, there should be no disturbance to the path surface without prior authorisation from the DCC ROW, consideration should be given to the safety of members of the public using the path during the works [if PP is granted], a temporary closure of paths will be permitted on application to DCC ROW where the path(s) remain unaffected on completion of the development, there should be no encroachment of the path and no fencing should be installed without consulting the DCC ROW section.

On the amended plans, raise concern over the increase in the scale of the parking areas and state the legal lines of the paths (PROWs) must remain open. The amended plans showed parking over a PROW and the revised layout would have increased vehicle maneuvering over the footpaths. On that basis, the application was opposed. The lines of the PROWs must remain open and due to the increase in vehicles on the paths, consideration should be given to safety and any improvements needed to the path surface to address increased use.

Any further comments on the further amended plans area waited.

- 4.11 **Ramblers Association** has no objection subject to adequate signage being erected. In respect of the revised plans, concern is expressed over the increased car parking and turning area at the eastern end of the site and near the information centre and them being over the right of way. The lines of the PROW should be preserved but recommend refusal of the application due to the greater use of the tracks but ask for the definitive lines of footpaths are shown and how any visitors are informed of the shared nature of the tracks.

Any further comments on the further amended plans area waited.

- 4.12 **DCC Archaeology** has no objection.

- 4.13 On the 3rd May 2025 a representation was received made on behalf of the **Ashover Light Railway Society**. It supports the application and would appreciate the café being rebuilt in its original home. The proposal would ensure the original footprint of the café was retained and the size of the structure should be identical to that originally built 100 years ago. It would help the preservation of the locally historically significant monument and preserve it for the future. The railway is celebrating its 100th anniversary and the society would be very excited about the project and the opportunity to enhance the society in the place where it is most important.

Some background information is set out about the railway, stating the terminus of the railway was at the quarry and the part played by it in shaping the local economy. The social aspects of the railway and café are also noted.

It is stated the café will allow groups to come together for meetings and get together or for others who wish to use the building as a small meeting place. It will also help promote the railway.

In conclusion it is set out that that it would be detrimental to the history of the site if any other building was placed on the site of the former café and the whole of the development is supported to ensure the viability of the project.

5.0 Representations

- 5.1 The application was publicised by way of neighbour letters and the display of a site notice.

- 5.2 4 representations have been submitted, 12 in support and 3 (2 from one correspondent) in objection, raising the following comments to the proposed development:

In support:

- The motocross has never had an impact and it is a good thing. It is part of the village's DNA and contribute to the community.
- The quarry needs to be used and the village needs to be alive and developing. Otherwise, the quarry will become overgrown and an eyesore and the village a dormitory. The community and local economy will benefit.
- There is a need for people to visit with pubs and businesses needing footfall and activity. A café will be very popular with locals and walkers
- Any noise is short lived, not a problem and shortly all motorcycles will be electric. The motocross events are run very well.
- There is a high volume of traffic visiting the site and there is no incidents arising.
- If approved the application will allow the quarry to continue as a viable community asset.
- On site living will improve security.
- The holiday lodges will bring tourists to support the local economy and won't take up local housing
- The application is sympathetic to the local heritage and would result in the re-instatement of the cafe.
- The proposal complies with the Development Plan.
- If refused the owners may decide to leave and the site used by trespassers and become overgrown.
- The application will allow people to meet and learn.

In objection:

- The access is inadequate to accommodate a café and holiday accommodation as access is from a single point on a very dangerous bend.
- Additional traffic flow will be unsafe as it is a quiet rural road.
- There will be an impact on local wildlife from more pollution.
- Other applications for similar developments have been refused and nothing material has changed except traffic has got heavier and the holiday units serve only to aggravate the reasons for refusal identified previously.
- There are also many unreported accidents at Butts corner with the latest damaging the bridge parapet which remains unrectified.

6.0 Relevant Policy and Strategic Context

6.1 The Development Plan comprises the **North East Derbyshire Local Plan (LP)** and the **Ashover Neighborhood Plan (NP)**

6.2 The following policies of the LP are material to the determination of this application:

- SS1 Sustainable Development
- SS9 Development in the Countryside
- WC5: Visitor and Tourism Development
- WC6: Camping, Chalets, Caravans and Lodges in the Countryside
- SDC1: Re-use and Conversion of Buildings in the Green Belt and Countryside
- SDC2 Trees, Woodland and Hedgerows
- SDC3 Landscape Character
- SDC4 Biodiversity and Geodiversity
- SDC11 Flood Risk and Drainage
- SDC12 High Quality Design and Place Making
- SDC13 Environmental Quality
- SDC14 Land Potentially affected by Contamination or Instability
- ID3 Sustainable Travel
- ID8 Greenways and Public Rights of Way

6.3 The following policies of the NP are material to the determination of this application:

- AP2: Development Proposals Outside the Limits to Development (P.17)
- AP7: New Small Scale Employment (P.23)
- AP11: Design (P.30)
- AP13: Landscape Character (P.36)
- AP15: Important trees and Hedgerows (P.41)
- AP17: Renewable Energy (P.45)
- AP18: Noisy Sports (P.47)
- AP19: Dark Skies (P.48)
- AP20: Traffic (P.50)
- AP21: Footpaths, Cycleways and Bridleways (P.51)

6.4 The National Planning Policy Framework (2024) is a material consideration insofar as it sets out the government's planning policies and how these should be applied. It continues to put sustainable development at the heart of the planning system and expects it to be achieved through the plan-making process and by the application of the policies in the Framework as a whole.

7.0 Planning Issues

Principle of Development

- 7.1 As set out above the application comprises a number of distinct elements considered as follows below:
- A. The conversion of an existing building to a dwelling along with the creation of an associated domestic curtilage.
 - B. The provision of 3 holiday lodges and associated amenities and facilities,
 - C. The erection of a café/reception facility adjoining the existing utilitarian style building to provide facilities to support the holiday lodges (including a reception area) and to provide refreshments on the days when the motocross facility is in operation,
 - D. The creation/formation of various parking/turning areas within the site, and,
 - E. Formal permission for the site to operate 14 days motocross each year.

The Conversion of the Building

- 7.2 The existing barn style structure that occupies the site appears to have previously been used as a storage building/barn, with the application form in respect of application NED/17/00504 describing it as a stone barn. It appears to be being used now as a storage building as no agriculture, or similar activity, appears to take place on the site. It is shown in Figures 5 and 6 below.



Figure 5: The Barn (Front)



Figure 6: The Barn (Rear)

- 7.2 The building lies in an elevated location close to another building, granted permission under reference NED/16/00946, and which was intended to be used to allow maintenance of the site and the land (see Figure 7 below).



Figure 7: Adjoining Building

- 7.3 The submitted structural survey identifies that the building is good in terms of its structural condition and “in prime condition for conversion” as described in that report. An external inspection of the building does not indicate this is an unreasonable conclusion.
- 7.4 The relevant policy of the LP (SDC1) allows for the conversion of buildings in the countryside providing they are of a permanent and substantial construction, their form is in keeping with its surroundings, the conversion would not be detrimental to it or its setting and the conversion preserves the openness of the countryside. The NP allows for development outside of settlements (as here) provided the proposal protects the character of, and is not intrusive into, the countryside (policy AP2).
- 7.5 As set out above the application, and subsequent appeal, in respect of NED/17/00504/FL, assessed the conversion of this building, albeit at that point, with some proposed additions. The appeal concluded that, under the terms of the Development Plan in force at that time (which included the NP but the former LP – with only moderate weight attached to the now adopted (but at that time emerging) LP) the conversion was not acceptable, that the alterations proposed and the curtilage that would be

created would be detrimental to the character of the area and fail to enhance its immediate setting as set out in the NPPF.

- 7.6 The current scheme does not now propose any extension(s) to the building as set out below in Figure 8 and 9. The appeal scheme is given in Figure 10 for comparison purposes.

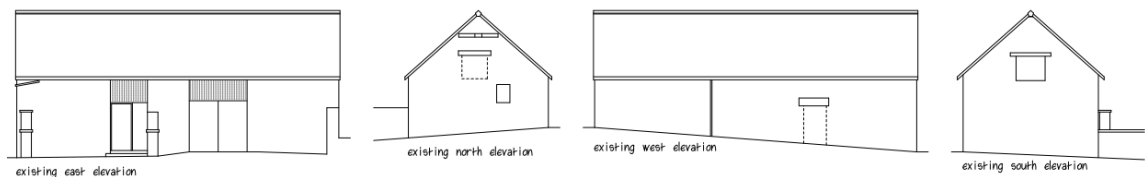


Figure 8: Existing Building

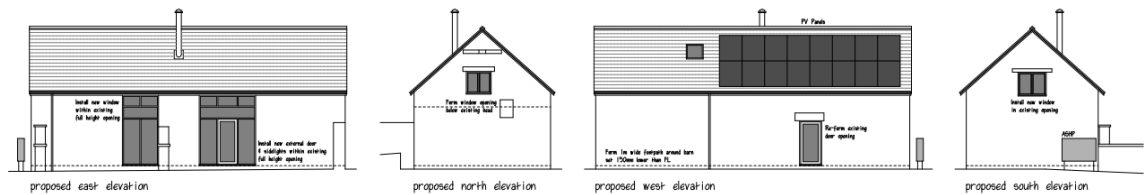


Figure 9: Proposed Building

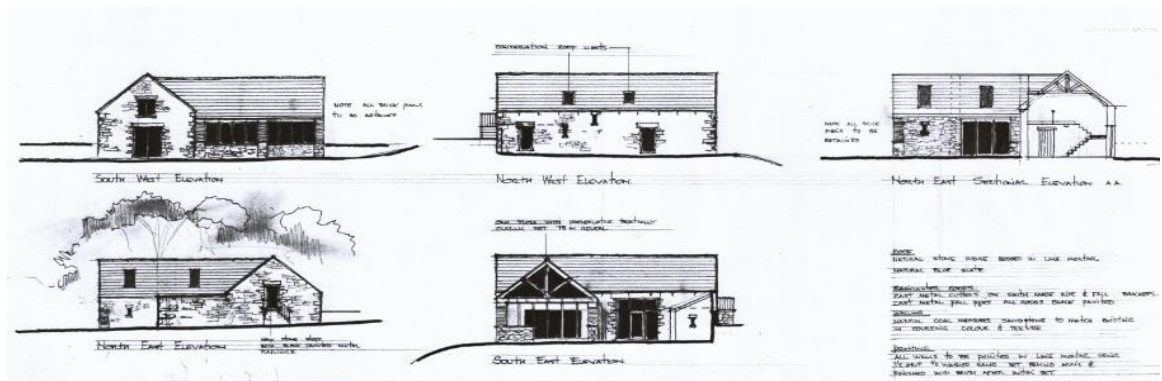


Figure 10: The Appeal Scheme (for comparison purposes)

- 7.7 In addition, the site is located in a primary Area of Multiple Environmental Sensitivity (AMES). These represent the most sensitive landscapes in North East Derbyshire. Within such areas, policy SDC3 of the LP requires new development to be sympathetic to the landscape area in which it is located and contribute, as appropriate, to its conservation and enhancement or its restoration and the recreation of the local landscape.

Policy AP13 of the NP supports and is compatible with this position. A view west from just beyond the building is given in Figure 11 below although it is noted that views from distance back towards the site are largely shielded by existing landform.



Figure 11: View west from the application site.

- 7.8 The site, when considered at appeal in 2017, lay within a Special Landscape Area (a designation now not included in the current LP) but the current designation as a primary AMES recreates the protection afforded to the area. The on site situation appears to have altered little since the consideration of this issue in 2017 and the proposal would still result in the conversion of the building, the introduction of large areas of glazing to the building, solar roof panels and a chimney and the creation of a domestic area (see Figure 12 below) that would detract from the simple rural landscape setting of the building and the character of the surrounding countryside in the same way that the appeal scheme would have done. In that respect there appears little substantive reason to depart from the conclusions of the Inspector in 2017.
- 7.9 The appellant's agent sets out that the fact that the conversion now no longer involves extension(s) is sufficient to defer from the conclusions of the Inspector in 2017. Officers disagree with this conclusion as the Inspector took into account the proposal as a whole, the alterations proposed, the parking and paraphernalia that would follow the conversion

of the building to a residential use, the isolated nature of the site as well as the largely screened nature of the site from public views in his assessment concluding that the proposal would detract from the landscape setting of the building and the character and appearance of the surrounding countryside.



Figure 12: Plan showing extent of domestic curtilage shaded orange

- 7.10 The submitted Design and Access Statement sets out that the thermal efficiency of the building will be increased and that tree planting to the west will enhance biodiversity. However, these are not considered of any weight to be added to the overall planning balance as they are not exceptional to this site and would be expected in any converted building whilst tree planting could take place without planning consent being granted for the conversion proposed.
- 7.11 The use of the site for motocross activities is expected to continue. The tracks and activity would be located in close proximity to and in association with the new dwelling. It is noted that, subject to condition tying the dwelling to occupants controlling the motocross use, the Environmental Health Officer has no objection to the scheme. However, in considering the matter in 2017 the Inspector concluded that a condition limiting the occupation of the dwelling to the operator of Butts Quarry "is not a realistic option given the many unknown variables that could arise in

the future. Not least it cannot be assumed that the motocross activities will always be under the direct control of the occupiers of the dwelling, or that motocross is the only potentially noisy activity that could operate at the site...”

- 7.12 Officers note both the comments of the EHO and the Inspector and also that little of this impact is set out in the submissions made. Such is the proximity of the motocross track to the proposed dwelling, Officers consider that the conclusion of the Inspector in 2017 is overriding in this case and that the continuing motocross activity on the site would result in an unacceptable impact on the amenity of any future occupiers of the dwelling.

Holiday Lodges

- 7.13 The application proposes 3 holiday lodges as shown below in Figures 13 and 14.

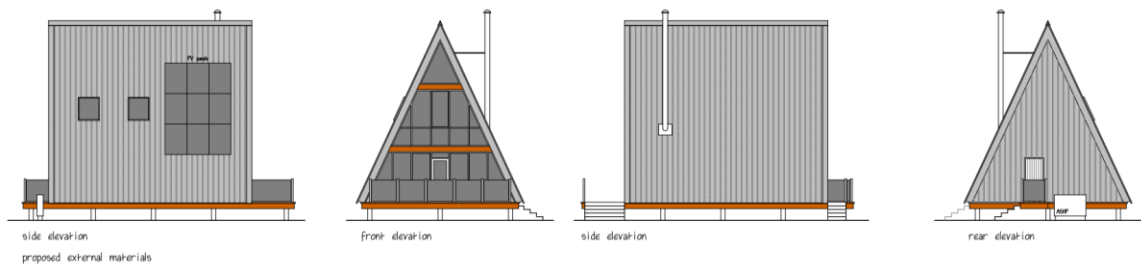


Figure 13: Holiday Lodges

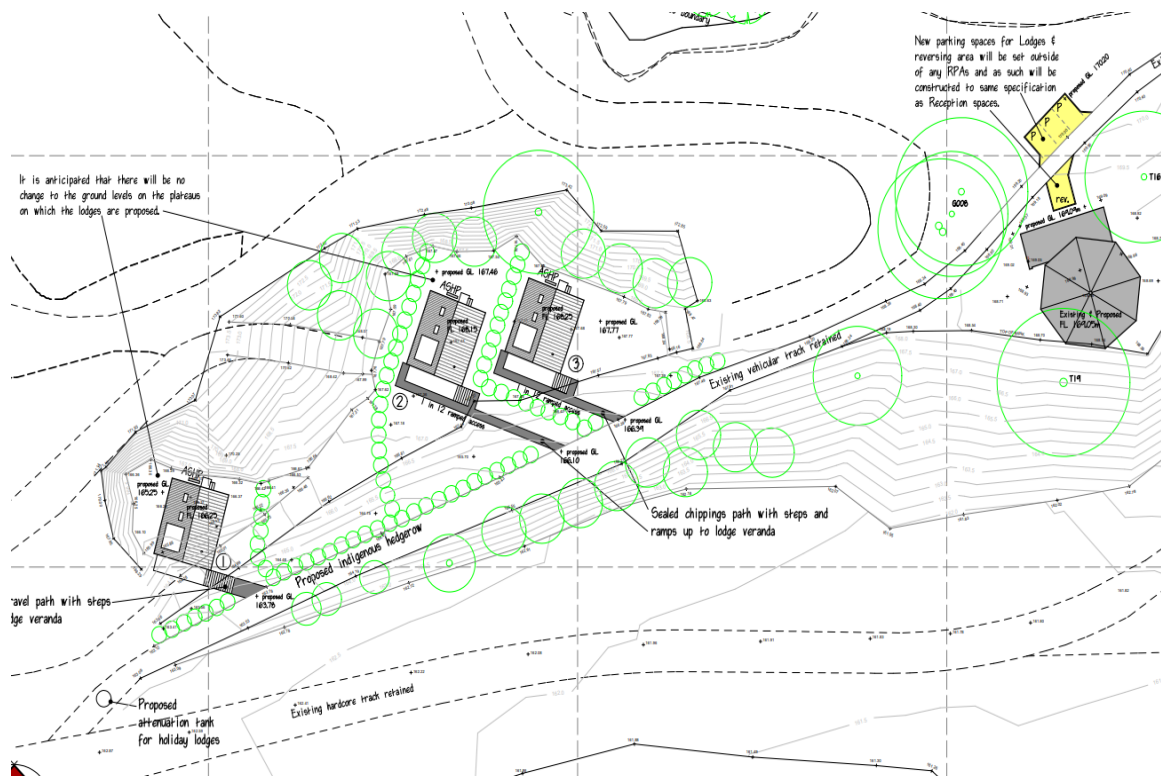


Figure 14: Lodge Location

- 7.14 Officers conclude that the introduction of holiday lodges in this location would generally accord with the policies in the Development Plan that support visitor and tourism development in that the lodges would be generally located in proximity to Ashover and other local attractions and support links to the Peak District.
- 7.15 However, the Development Plan, both LP and NP, seeks to ensure that new development, even for tourism accommodation, is compatible with the character and appearance of the area in which it is located and of an acceptable design (LP policy SC12 and NP policy AP11). Specifically, policy SDC3 of the Local Plan when referring to AMES, which represent the most sensitive areas of landscape in North East Derbyshire, requires new development to be informed by, and be sympathetic to, the distinctive landscape in which they are situated and contribute, where appropriate, to the conservation and enhancement, or restoration and re-creation of the local landscape taking into account its wider landscape character type.
- 7.16 In this case, the lodges would occupy existing flat areas (probably formerly quarried) within the site as shown in Figures 15 and 16 below. They would also be located adjoining and in close proximity to one of the public footpaths that runs through the site and so readily visible to users of the wider site and the footpaths in particular.



Figure 15: Proposed Chalet 2 and 3 Location

- 7.17 The site is characterised by its open appearance flanked by areas of trees and undergrowth and its generally rural nature. The lodges would introduce 3, multi storied structures into this presently undeveloped site. There would also be steps and tracks and formalised areas set out to the front of all three buildings which would further formalise and impact on the rural character of the area introducing a level of formality to a site where there is currently little.
- 7.18 The applicant's set out that the lodges are to supplement the motocross business and make the site viable overall (although no details of how this is needed or will be achieved is provided), they would offer a unique tourist offer and that they are located to reduce their impact. However, despite the trees that occupy the site, in view particularly of a proposed height of approximately 8.5 metres, the design of the lodges incorporating a fully glazed frontage (Figure 17 below) and the formalised areas around them that would be formed, similar to a dwelling's garden and curtilage, Officers consider that they would result in the structures being conspicuous in both close up and longer distance views and impact adversely directly on how the footpaths and the wider site are experienced.
- 7.19 Overall, Officers conclude that the lodges themselves and the wider infrastructure to support them is not characteristic of the area, is not designed in response to the local landscape character and so contrary to the policies of the Development Plan that seeks to protect such areas from harmful

development. Additionally, policies in the NP that seek to protect dark skies (policy AP19) will be impacted by the new structures and so this too weighs against the scheme.

- 7.20 The EHO has requested that if planning consent is granted that a scheme to limit noise emanating from the lodges is required to make the development acceptable. Notwithstanding the Officer conclusion on the principle of the acceptability of the lodges, Officers consider any such condition would be both unreasonable and unenforceable due to the location of the units and their likely use which would be to operate as units with direct access to the open air and use of the associated open amenity space.



Figure 16: Public Footpath and Chalet 1 Location (site of small hut)



Figure 17: Sketches of the lodges taken from the submitted Design and Access Statement

The erection of a café/reception facility adjoining the existing utilitarian style building.

- 7.21 A building is proposed to be constructed to operate as a reception area for the holiday facilities and as a café on motocross days. It's location in relation to the site entrance is shown in Figure 18 below.
- 7.22 The submitted Design and Access statement sets out that this comprises the re-instatement of the "Where the Rainbows End" café which will be used as a reception, heritage and information centre (with occasional use as a kiosk/café on motocross days). It would incorporate heritage information panels on the walls but the originally proposed solar panels have now been removed from the scheme. [N.B. It is noted in representations that further/other uses/activities is/are expected to be provided by the facility. However, the application should be considered on its face and, if permission is granted for it, its use controlled appropriately.]
- 7.23 It would abut an existing, utilitarian style single storey building as shown in Figure 19 below, which would, itself, have a new fiberglass roof installed and be reclad in softwood boarding. The café/reception building is itself 13 metres across, single storey and octagonal as shown in Figure 21 and would look southeast across the site as shown in Figure 22.

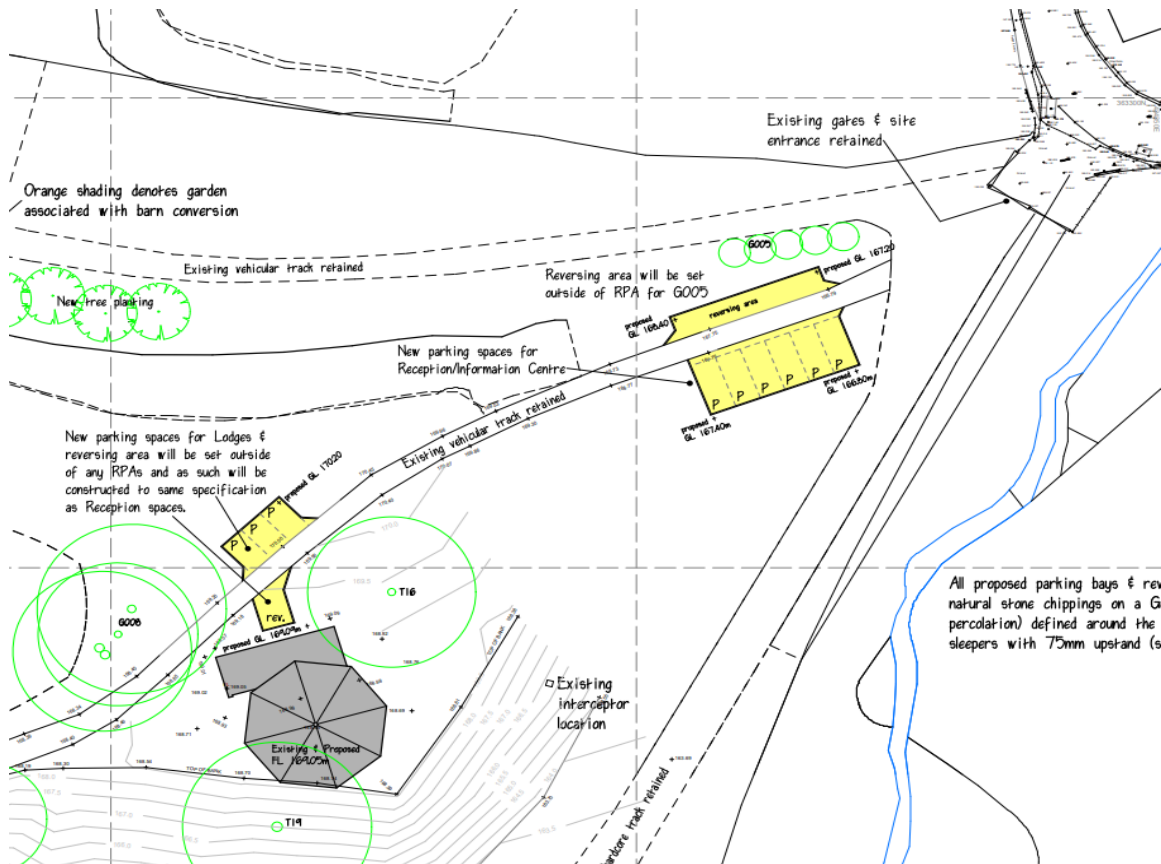


Figure 18: The proposed location of the “Where the Rainbows End” café building

7.24 The submitted information indicates that the “new” building comprises the café originally placed on the site in 1926 at the terminus of the former Ashover Light Railway. The café was dismantled after the railway closed and re-erected at the Clay Cross Company sports ground and then subsequently stored by the Ashover Light Railway Society to the present day. Photos of the former building are shown in the Design and Access Statement and are reproduced in Figure 20 below.



Figure 19: Existing Single Storey building



Figure 20: Photos of the former café building (from the submitted DAS)

- 7.25 There is little policy justification for the provision of such a large structure in the countryside as it does not involve the conversion of a building, it is not related or required to support a rural activity and it is not visitor accommodation. In addition, it is not considered necessary to facilitate any on site tourism provision as a building of this size is not considered reasonably necessary to serve the three lodges. Further, the prominent location of the building occupying a bluff overlooking the river valley would mean it was conspicuous from those vantage points notwithstanding it would sit directly adjacent a right of way and so impact on its users also.
- 7.26 It is accepted that a building formerly occupied the site and it is likely to be as described by the applicant and in representations, although Officers cannot confirm the authenticity as set out, but, in any case, it is not a listed building and has spent much of its existence located elsewhere. In addition, any argument that it has heritage value is diluted by the provision of display boards on its walls and its close proposed association with the existing building which is not part of the original structure.
- 7.27 Officers consider there is only limited weight that can be attached to the overall scheme by the re-introduction of the café building to the site. It could be re-introduced, with planning permission, without the remainder of the scheme taking place in any case, but conversely, there is no mechanism proposed that would ensure its re-introduction, even if planning consent is actually granted for the scheme as a whole.
- 7.28 Additionally, it is not proposed it will have a use other than to support the 14 days of motocross activity and so it would add little to the overall viability of the wider scheme. Providing facilities for the motocross activity does not add weight in favour of the building's construction as those facilities can be provided otherwise without introducing a new structure where one is not currently present.

Ancillary parking/turning areas

- 7.29 Proposed throughout the site are various parking spaces (11) and turning areas (2) to serve the lodges, the café/reception area and the converted building (Figures 4 and 18 above). The parking areas and turning facilities for the two areas serving the lodges and café building are to be surfaced in stone chippings on a geotextile membrane surrounded by railway sleepers (the parking to serve the conversion is unspecified).
- 7.30 It is understood the existing tracks are to remain unaltered. It is also intended that the new parking and turning areas are to be located outside

the tree root protection areas and not make any significant alteration to the current on site levels.

- 7.31 Subject to any final comments being received on these matters, Officers are now of the view that the new formal areas for parking and turning would not adversely affect the trees that occupy the site. However, the impact these areas of surfacing would have on the character and urbanisation of the area, particularly through their prominent location close to the site entrance, and the enjoyment of the public rights of way, adds additional weight against the scheme. It adds further support to the Officers conclusion that the scheme is not reflective of, and led by, its location.

Permission for the site to operate for 14 days motocross each year.

- 7.32 Planning consent is expressly sought, as part of the scheme, for motocross to operate from the site for 14 days each year. This would, in effect, replicate the on site activity that currently takes place in accord with a Noise Abatement Notice (NAN) that has been issued by the Council. Previously, the site operated motocross for 28 days each year in accord with permitted development rights (of which 14 days were not racing but “play and pay” days).
- 7.33 There appears no support for this activity in principle in the LP, and the NP specifically sets out at policy AP18 that proposals for permanent noisy sports will only be supported provided that any noise can be adequately mitigated, there would not be excessive noise levels at the boundaries of noise sensitive development, that any proposal should incorporate and commit to manage the site in a way that minimises the impact of the activity on areas of wildlife importance, there is no disruption to footpaths etc and there is not an unacceptable impact on traffic congestion and flows.
- 7.34 No supporting information has been submitted to address any of these matters and so when set against the Development Plan, it is considered by Officers that the provision of motocross on the site does not address the policy requirements of the Plan.
- 7.35 It is noted and accepted that the site operates as a motocross facility under permitted development rights and so this is a “fallback” position to be taken into account. However, the only matters set out in support of the scheme is that the motocross facility is supported locally, it is a valued facility, offers mental health benefits, is well managed and operates increasingly through the use of electric bikes.

- 7.36 The lack of detailing about how the site will actually operate and its likely impact on the nearby noise receptors and its potential likely adverse impact on other proposed uses of the site, other legitimate users of the site and on the area generally, leads Officers to conclude that the lack of detailing would result in an unacceptable use being granted a permanent planning consent to operate in the countryside contrary to material planning interests.
- 7.37 It is accepted that the site can and does operate the motocross facility under permitted development rights currently. However, in granting planning permission, the LPA would formalise a planning consent for the use and so then, legitimately, would be expected to operate some control over it. Controlling such a use through planning condition(s) would, in the view of Officers, be difficult to monitor and enforce (as necessary) as any conditions would need to be based on moving elements rather than anything fixed.
- 7.38 It is considered that control over the nature of the bikes used, to non-electric for example, would not be possible to control for example. Additionally, the NAN could be withdrawn at any time removing any control it may provide leaving only the planning consent in place as a controlling mechanism. In view of the conflict with the Development Plan and the impact on the area of such a use and the inability to properly control a motorcycle use of the site subsequently, Officers consider the ongoing motocross use unacceptable in strict planning terms.

Trees

- 7.39 The originally submitted tree survey report concluded that the majority of trees on the site hold some visual amenity value, that the full extent of excavation around them is not known and so it is not possible to establish exactly which trees could be significantly affected by the proposals and/or if remedial works or any tree removal would be required. In addition, what and the extent of any tree protection measures was also unknown, and that replacement planting would be required and a detailed tree planting plan should be produced.
- 7.40 Subsequently, further information has been submitted to accompany the revised site layout stating that the parking areas are now outside the Root Protection Areas (RPA) of any trees, the impact of constructing the cafe building would be mitigated by using tree appropriate construction methods and where root damage is necessary it would not be detrimental, no significant excavation/alterations are to be made and so there should be no risk of tree/tree root damage caused to trees and the ground levels around the proposed lodges have been amended so there will be no change within RPAs of any trees. Overall, the applicant's agent states that

any potential to impact adversely on the retained trees has been alleviated.

- 7.41 Officers note that the site is characterised by its heavy tree planting and coverage. It appears inevitable that the implementation of any permission would impact on trees that occupy the site to some extent and it is accepted by the applicant, even in respect of the revised scheme, that trees/shrubs will be impacted to some degree.
- 7.42 However, subject to conditions that would remove any permitted rights to upgrade or improve the existing on site tracks, Officers are now satisfied that the impact on the trees/vegetation occupying the site would be limited to works associated with the café building and the new parking and turning areas, and that generally these occur outside RPAs and the trees can be protected during any construction by appropriate fencing/restricted areas. The café building's erection would inevitably impact on the trees adjoining that site and lead to some works to the canopy and probably affecting the roots too. However, by using appropriate techniques, which could be controlled by planning condition, the impact on these tree(s) would be limited and by requiring landscaping, some additional long term tree cover could be obtained.

Ecology and Biodiversity.

- 7.43 The Council's consultees on these issues, Derbyshire Wildlife Trust (DWT), undertook a full assessment of all the relevant submitted documents and noted that, whilst much of what has been submitted, adequately assesses the impacts of the scheme on ecology and biodiversity, the full impact of the historic woodland loss on the site is not properly taken into account and the impact on bats has not been adequately appraised. This impacts too on the Biodiversity Net Gain [BNG] calculations submitted.
- 7.44 Revised information on these matters has been submitted setting out that the impact on bats has been fully appraised and that any bats using the site are located at such a distance from the operational part of the site that they would be unaffected. A condition restricting lighting is recommended by the applicant to address any such issues. A revised BNG calculation has also been supplied.
- 7.45 The further comments on the revised details is awaited from DWT. These comments will inform the issue of ecology and will be provided to Planning Committee when they are received by the Council.

Rights of Way

- 7.46 The consultees on this issue have provided contrasting advice. However, the DCC PRoW team originally objected to the application due to its impact on rights of way across and through the site. Further information on this matter has been received, and amended plans and further comments from the appropriate consultees is awaited.
- 7.47 Officers note the comments made and concur that the development and its close association with the various PROWs that cross the site will impact adversely on their enjoyment, even if all hard development is located away from them. The character of how the footways will be enjoyed in this rural area would be significantly impacted by the proposal, therefore, and no plan of how that impact would be properly and reasonably mitigated and managed has been provided.
- 7.48 This concern adds further weight to Officer concerns about the proposals and their incompatibility with the area in which they would be located and is contrary to policy ID8 of the LP.

Flood Risk/Water Disposal

- 7.49 A flood risk assessment accompanied the application noting that all and any new buildings would be located outside any area prone to flooding. In agreeing with the comments of the LLFA and the EA Officers consider this matter acceptably addressed
- 7.50 The comments of the waste water body are noted. In general terms it is likely that proper provision to dispose of waste water can be accommodated on site and it is proposed to dispose of such water by package treatment plant. One of the disposal points is still shown as within a PRoW as noted by the consultee and an alternative location may be necessary but Officers do not conclude, without the specific advice of the consultee, that this is matter on which the application should be refused.

Highways

- 7.51 Concern has been raised in representation in respect of access and highway safety. The site would be accessed off the main highway network at Butts Corner in the valley bottom off Butts Road.
- 7.52 Previously, the Highway Authority (HA) had opposed the development of the conversion of the building on the site to a dwelling. However, on appeal, the appointed Inspector had dismissed this argument. In considering its comments on this application the HA has taken into account the Inspector's comments and concluded that the proposal would

not impact adversely on highway safety and so offers no objection to the scheme.

7.53 The visibility at the site access is shown in figures 23 and 24 below.



Figure 23: Site access (in non-critical direction (west))



Figure 24: Site access (in critical direction (east))

- 7.54 Taking into account that all vehicles using the site can be accommodated on site and that visibility in both directions at the site access is generally good, when taking into account that vehicle speeds will be low, Officers agree with the HA that the development, as a whole, would not adversely impact highway safety and demonstrably harm the highway network.

Contamination

- 7.55 The Environmental Health Officer (EHO) has noted the creation of some domestic areas/curtilages. In view of this, a condition to address any contamination found is recommended.

Noise and Lighting

- 7.56 The level of activity from 3 holiday lodges is likely to be limited. However, in view of the location of the lodges and the potential to impact on the quiet area in which they would be located, the prior approval of a noise management plan is considered appropriate by the EHO to mitigate any impact on amenity from the lodges. However, it is not considered by Officers that conditioning the manner in which the lodges are to be used is reasonable or enforceable. Notwithstanding this, the provision of holiday accommodation in the location proposed would create noise and

disturbance to the site and its surroundings and adds to Officer concerns over the wider impact of the development on the character of this area.

- 7.57 Policy AP19 of the NP sets out that “any proposals to install lighting in areas of the Parish that are currently dark at night will be resisted. Dark at night is defined as more than 50m from an existing streetlight. All the elements of the scheme are over 50 metres from the nearest street/highway. All of the three main elements would create additional light, most notably from the lodges which would have large, glazed frontages. This impact does not include any external activity and lighting that may be deemed necessary to light stairs and access points. The additional light would be incompatible with the aims of the Neighbourhood Plan and so this adds weight against the scheme.

Impact on neighbours.

- 7.58 The new uses proposed would be located some way from the nearest other residential properties which are located either close to the site entrance or within Kelstedge itself. Such is the distance from these properties that Officers conclude that there would be no adverse impact on them from the proper and reasonable use of the site for the proposed purposes.

Other Issues

- 7.59 The Parish Council raise policy AP7 (of the NP) as relevant to this application. However, it relates to new small-scale employment uses which it is not considered applicable to this matter.

8.0 Summary and Conclusion

- 8.1 The application site is located within a countryside area defined as a primary AMES, areas of the District comprising its most valued and sensitive landscapes. In such areas, development should be informed by the character of the area and respect it in accord with Local Plan policies SS9 and SDC3 and Neighbourhood Plan policies AP2 and AP13.
- 8.2 In this case, the conversion proposed would introduce an isolated new dwelling and its associated curtilage into an area where residential development is normally strictly controlled. In accord with the conclusion of the Inspector appointed to determine a similar proposal in 2017 it is considered this would be contrary to the spatial strategy of the Council and the character of the area. Additionally, the dwelling would be located close to an ongoing motocross use such that the impact on the future occupiers would be unacceptable and unable to be appropriately controlled (again in accordance with the Inspector’s conclusion) adding further weight to the

conclusion on this issue. The new dwelling would also add light and activity to the area contrary to Development Plan policies seeking to protect this landscape.

- 8.3 Whilst tourism development is generally supported, in this case the scale, design and character of the proposed accommodation and associated facilities is considered to be alien to and not informed by the landscape character of the area. The design of the buildings is considered especially harmful and by reason of the conspicuous location of the facilities the use would impact adversely on the users of the local footpath network. This weighs heavily against the scheme contrary to LP policies SS9, SDC3, SDC12 and policies AP2 and AP13. The large amount of glazing too would create its own impact, and this would be contrary to the Dark Skies policy of the NP policy AP19 and the noise created would add further harm to the location.
- 8.4 The re-instatement of the former café building on the site is noted. However, the authenticity of the building cannot be guaranteed and weight attached to any heritage value of its resiting on the application site is diluted by the manner in which it is located directly abutting another existing structure and by the fact it would have advisory boarding added to it. There is also no mechanism that would guarantee its construction in any case. Overall, it is considered that it would result in the introduction of another large structure into this otherwise largely undeveloped area without overriding justification. This also weighs against the proposal.
- 8.5 The site has a number of public rights of way crossing it. One right of way (PRoW) runs directly alongside the proposed location of the café building and all three lodges whilst the others offer clear views towards the holiday facilities. It is concluded that the manner in which these PRoWs are experienced would be significantly impacted by the proposed development and this is contrary to LP policy ID8 and NP policy AP21. This weighs against the scheme too.
- 8.6 The formalisation of a motocross use is requested. Whilst noting the “fallback” PD position, there is no Development Plan support for the use or activity due to the noise it creates and the impact it has on the area. Whilst it is accepted that it may proceed under permitted rights there is no policy justification in favour of the scheme and so it is considered there is no public interest in formalising an inappropriate countryside use in such close proximity to existing and proposed residential properties, holiday lodges and a network of PRoWs contrary to LP policy SS9 and NP policies AP2 and AP18.
- 8.7 The proposal also looks to introduce formalised parking and turning areas and upgrade the existing tracks. The level of detail supporting this element

of the proposals is limited but the urbanising impact these additional areas are likely to have on the area generally adds further weight against the scheme.

- 8.8 Detail has now been submitted in respect of potential tree works needed to develop the site, the mitigation necessary and of the ecological impact of the scheme. Subject to any final comments being made on this issue these matters are now considered acceptable but neutral in the planning balance as they merely retain the existing status quo.
- 8.9 In favour of the scheme would be the provision of a single additional house and the contribution to the local economy of a small scale tourism facility along with the localised and short term benefits from any construction. However, it is considered these benefits are limited and carry only limited weight in the balance.
- 8.10 The applicant sets out that the motocross facility is a valued local facility and would otherwise be lost unless the development as a whole is allowed. Comments are made in respect of how the site would be managed without the scheme being approved. Much is also made of the health benefits of the facility. However, there is no evidence submitted to support these claims or any connection made between all the various elements of the scheme or any information set out that show that any one aspect cannot be developed alone and without the other elements or that the motocross facility is otherwise unviable. No mechanism is provided to show that the other elements of the scheme, including the conversion of the building to a dwelling, would sustain the motocross facility or that it would then be retained into the future if permission is granted for the scheme, as a whole. In view of that, Officers are unable to place any weight on these issues. All the elements could, if permission is granted, be developed alone as individual elements, or not at all or as a combination, and no substantive evidence has been submitted to support any of the general contentions made. Officers therefore do not place any weight on these issues.
- 8.11 Therefore, when taken as a whole, it is concluded that the proposal does not conform to the provisions of the Development Plan when read as a whole and there are no other material planning matters that outweigh that conclusion. Accordingly, the application is recommended to be **REFUSED**.

9.0 Recommendation

- 9.1 That planning permission is **REFUSED** for the following reasons, with the final wording of the reasons delegated to the Planning Manager (Development Management):-

1. Local Plan Policies seek to ensure that new development in rural areas is appropriate to be located there, would be in keeping with the character of the area and, where it is located in an Area of Multiple Environmental Sensitivity (AMES) be informed by, and be sympathetic to the distinctive landscape areas in which they are located.

By virtue of the scale of the alterations proposed, the design of the scheme and the formation of a large curtilage and parking areas to service the proposed dwelling, the potential for lighting to be introduced to the area as well as the potential for the formalisation of the track leading to the property it is considered the proposed residential conversion would adversely introduce additional development into the countryside, fail to be in keeping with and materially detract from, the character of the area, fail to conserve or enhance the natural environment and represents an inappropriate intrusion into the countryside and the designated primary AMES.

Additionally, the dwelling would be formed in a location close to an area used for motocross activities. This activity would have a significant impact on the amenity of any future residents of the dwelling both inside and outside the structure. It has not been shown that this impact can be appropriately mitigated or addressed to an acceptable level and so the provision of a new dwelling in this location would have an unacceptable impact on the standard of amenity of any future occupiers of the dwelling.

The proposed conversion is therefore unacceptable and fails to comply with the requirements of policies SS1, SS9, SDC3 and SDC12 of the North East Derbyshire Local Plan, policies AP2, AP11 and AP13 of the Ashover Neighbourhood Plan and the policies of the NPPF when read as a whole.

2. Local Plan Policies seek to ensure that new development in rural areas is appropriate to be located there, would be in keeping with the character of the area and, where it is located in an Area of Multiple Environmental Sensitivity (AMES) be informed by, and be sympathetic to the distinctive landscape areas in which they are located.

By virtue of the scale, siting, design and use of materials of the proposed chalets and associated café/reception building and its ancillary and associated features it is considered the proposed development would adversely introduce additional unacceptable development into the countryside, fail to be in keeping with and materially detract from, the character of the area, fail to conserve or enhance the natural environment and would adversely introduce additional development into the countryside, and represents an inappropriate development in the countryside and the designated primary AMES.

The proposed development is therefore unacceptable and fails to comply with the requirements of policies SS1, SS9, WC5, SDC3 and SDC12 of the North East Derbyshire Local Plan, policies AP2, AP11 and AP13 of the Ashover Neighbourhood Plan and the policies of the NPPF when read as a whole.

3. Development Plan Policies seek to ensure that new development in rural areas is appropriate to be located there, would be in keeping with the character of the area and, where it is located in an Area of Multiple Environmental Sensitivity (AMES) be informed by, and be sympathetic to the distinctive landscape areas in which they are located. In addition, noisy sports should only be permitted where their impact can be properly controlled and mitigated.

No details have been submitted to show how the impact of the proposed motocross would be mitigated. The motocross use would impact adversely on both the area generally and the amenity of nearby residential occupiers.

The proposed use is therefore unacceptable and fails to comply with the requirements of policies SS1, SS9 and SDC3 of the North East Derbyshire Local Plan, policies AP2, AP11, AP13 and ASP18 of the Ashover Neighbourhood Plan and the policies of the NPPF when read as a whole.

- 4 The proposed development would be undertaken both on and adjacent to the various Public Rights of Way (PRoW) that cross the site. Sufficient information to assess and as necessary mitigate any impact on the PRoWs has not been submitted. Without this information it is not possible to fully quantify the impact of the development and it is concluded there would be unacceptable impact on the footpath network and its users.

The proposed development is therefore unacceptable and fails to comply with the requirements of policy ID8 of the North East Derbyshire Local Plan and policy AP21 of the Ashover Neighbourhood Plan and the policies of the NPPF when read as a whole..

North East Derbyshire District Council

Planning Committee

20 May 2025

Planning Appeals – Lodged and Determined

Report of the Planning Manager – Development Management

Classification: This report is public

Report By: **Joanne Edwards**

Contact Officer: **Joanne Edwards 01246 217163**

PURPOSE / SUMMARY

To inform the Committee of the appeals lodged and determined.

RECOMMENDATIONS

None.

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

Details:

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Not required as the report is for information only.
Stage 2 full assessment undertaken <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details:

Links to Council Plan priorities, including Climate Change, Economic and Health implications.
A place to live that people value. A place where people enjoy spending time. Continually improve Council services to deliver excellence and value for money.

REPORT DETAILS

1 Background

1.1 To inform the Committee of the appeals lodged and determined.

2. Details of Proposal or Information

2.1 Appeals Lodged

The following appeals have been lodged: -

Mr Tim Shepley - Retention of timber gazebo (Affecting the setting of a Listed Building)(Conservation Area) at Woodthorpe Hall, Fanshaw Gate Lane, Holmesfield, Dronfield (24/00461/FL)

Planning Officer – Kerry Hallam kerry.hallam@ne-derbyshire.gov.uk

Mr Adrian Wright - Erection of a garden building to the front at Knowle House, Crow Lane, Apperknowle, Dronfield (24/01040/FLH)

Planning Officer – Ken Huckle kenneth.huckle@ne-derbyshire.gov.uk

2.2 Appeals Allowed

No appeals have been allowed.

2.3 Appeals Dismissed

The following appeals have been dismissed: -

Ms Amanda Strong - Construction of a Single Storey Rear Extension (Affecting the setting of a Listed Building) (Amended Plans) at Bluebell Woods Cottage, Barlow Lees Lane, Barlow (24/00347/LB)

Planning Officer – Ken Huckle kenneth.huckle@ne-derbyshire.gov.uk

Ms Amanda Strong - Single storey rear extension (Revised scheme of 21/00128/FLH) (Affecting the setting of a Listed Building) (Additional information) (Amended Plans) at Bluebell Woods Cottage, Barlow Lees Lane, Barlow (23/00832/FLH)

Planning Officer – Ken Huckle kenneth.huckle@ne-derbyshire.gov.uk

Mr Brian Cooper - Outline application for residential development of up to 5 dwellings with access off Main Road (Landscaping only reserved matter) (Affecting the Setting of a Listed Building) (Conservation Area)(Amended Title)(Amended Plans) (Further Amended Plans) at Land To Rear Of Hollybush Farm, Main Road, Morton (23/00262/OL)

Planning Officer – Steve Wigglesworth steven.wigglesworth@ne-derbyshire.gov.uk

2.4 **Appeals Withdrawn**

No appeals have been withdrawn.

3 **Reasons for Recommendation**

3.1 The report is to inform the Planning Committee of appeals lodged and determined.

4 **Alternative Options and Reasons for Rejection**

4.1 There are no alternative options as this report is for information only.

DOCUMENT INFORMATION

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	