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**North East
Derbyshire**
District Council

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Date: Monday, 1 December 2025

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on Tuesday, 9 December 2025, at 2.00 pm in Council Chamber at the District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield, S42 6NG.

The meeting will be live streamed from [The Council's YouTube Channel](#).

Yours sincerely

A handwritten signature in cursive script that reads "Sarah Steuberg".

Assistant Director of Governance and Monitoring Officer

<u>Members of The Committee</u>	
Councillor L Hartshorne (Chair) Councillor D Cheetham Councillor P Elliott Councillor C Gare Councillor H Liggett Councillor K Rouse	Councillor T Lacey (Vice-Chair) Councillor A Cooper Councillor M Foster Councillor W Jones Councillor F Petersen

Any substitutions must be notified to the [Governance Manager](#) in advance by midday the working day before the meeting.

A G E N D A

Public Session

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 4 November 2025.

5 NED/25/00703/MFL - PILSLEY & MORTON (Pages 7 - 60)

Proposed Battery Energy Storage System (BESS) with an import/export capacity of up to 50MW and including associated infrastructure, engineering works, drainage, cabling, landscaping and access (Major Development/Affecting Public Rights of Way) (Amended Title) at Hallgate Farm, Hallgate Lane, Pilsley, Chesterfield, S45 8HN.

(Planning Manager – Development Management)

6 NED/25/00039/FL - TUPTON (Pages 61 - 85)

Demolition of the existing dwelling and construction of two new dwellings, and creation of a new vehicular access (Amended Plans/ Amended Title) at Holmfield, Ankerbold Road, Old Tupton, Chesterfield, S42 6BX

(Planning Manager – Development Management)

7 Late Representations - Summary Update Report (To Follow)

(Planning Manager – Development Management)

8 Planning Appeals - Lodged and Determined (Pages 86 - 89)

(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, 4 NOVEMBER 2025

Present:

Councillor Lee Hartshorne (Chair) (in the Chair)

Councillor Tony Lacey (Vice-Chair)

Councillor David Cheetham
Councillor Peter Elliott
Councillor Fran Petersen

Councillor Andrew Cooper
Councillor Christine Gare
Councillor Kathy Rouse

Also Present:

D Thompson	Assistant Director of Planning
A Smith	Legal Services Manager and Deputy Monitoring Officer
G Cooper	Team Leader (Development Management)
S Wigglesworth	Senior Planning Officer
A Bryan	Governance Manager
T Fuller	Senior Governance Officer

PLA/ Apologies for Absence and Substitutions

37/2

5-26 Apologies for absence were received from Councillors M Foster, W Jones and H Liggett.

Councillor N Baker attended as a substitute for Councillor M Foster. Councillor S Clough attended as a substitute for Councillor W Jones.

PLA/ Declarations of Interest

38/2

5-26 There were no declarations of interest.

PLA/ Declaration of Predetermination

39/2

5-26 There were no declarations of predetermination.

PLA/ Minutes of Last Meeting

40/2

5-26 RESOLVED – That the Minutes of the meeting held on 30 September 2025 were approved as a true record.

PLA/ NED/25/00707/FL - SHIRLAND

41/2

5-26 The Committee considered an application that had been submitted for the retention and completion of an existing structure to form a hay, feed and implement store at land approximately 100m west of Yew Tree Farm, Quarry Lane, Woolley Moor. The application had been referred to Committee by Local Ward Member, Councillor C Cupit, on the basis of the complex history of the site. An update report had been circulated which set out late representations regarding the application.

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

The report contended that the proposal was not designed for the purposes of modern agriculture and insufficient evidence had put forward to indicate that the building was required to ensure the viability of an existing agricultural business. The report also contended that the proposal would have an adverse impact on the character and appearance of the landscape, which was within a primary Area of Multiple Environmental Sensitivity (AMES) and sensitive to such change.

Officers concluded that the proposal was contrary to the policies of the development plan. They recommended, therefore, that the application be refused.

Before the Committee considered the application it heard from supporter, Raymond Barlow, and the Agent, Jon Millhouse.

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, and Local Plan policy SDC 12, concerning High Quality Design and Place Making.

Committee discussed the application. Some Members suggested that the form of the building was not consistent with modern agriculture usage. In this context, it was considered that the proposal did not accord with the policies of the Local Plan.

At the conclusion of the discussion Councillor L Hartshorne and Councillor T Lacey moved and seconded a Motion to refuse the application, in line with officer recommendation. The Motion was put to a vote and approved.

RESOLVED –

That planning permission be **refused** for the following reasons.

1. The applicant has no significant agricultural land holding in the locality from which to generate the need for an agricultural building in this location and the proposed building is not considered to be suitable for modern agricultural purposes, this is because of its design, its size, its openings and its traditional stone construction. It is also noted that the site is in an isolated location away from any groups of existing agricultural building. The agricultural justification provided is not accepted because it proposes the building for use by neighbouring farmsteads rather than for the applicant and therefore the building by virtue of its design, siting, and the submitted justification has not been proven to be necessary for the efficient or viable operation of agriculture and is therefore contrary to Local Plan Policies SS2 and SS9 and the NPPF particularly paras 135, 139 and 187.

2. The proposed building is located away from any group of existing agricultural buildings and open to public view, located next to a public right of way and at a site which skylines when viewed from Quarry Lane. By virtue of the buildings design and siting the proposal would result in harm to the character and

appearance of the area including the landscape (primary AMES) and is therefore contrary to Local Plan Policies SS9, SDC3, SDC12 and Brackenfield Neighbourhood Plan Policy CH1 and the NPPF particularly paras 135, 139 and 187.

PLA/ Planning Appeals - Lodged and Determined

42/2

5-26 The Committee considered a report which set out planning appeals that had been lodged and determined. The report set out that no appeals had been lodged, no appeals had been allowed, four 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

43/2

5-26 None.

PLANNING COMMITTEE – 9th DECEMBER 2025

Reference Number: 25/00703/MFL

Application expiry: 12/12/2025

Application Type: FULL

Proposal Description: Proposed Battery Energy Storage System (BESS) with an import/export capacity of up to 50MW and including associated infrastructure, engineering works, drainage, cabling, landscaping and access (Major Development/Affecting Public Rights of Way) (Amended Title)

At: Hallgate Farm, Hallgate Lane, Pilsley, Chesterfield, S45 8HN

For: Enray SPV 23855 Limited

Third Party Reps: 37 comments (13 against and 24 support)

Parish: Pilsley

Ward: Pilsley and Morton

Report Author: Graeme Cooper

Date of Report: November 2025

MAIN RECOMMENDATION: Grant permission, subject to conditions

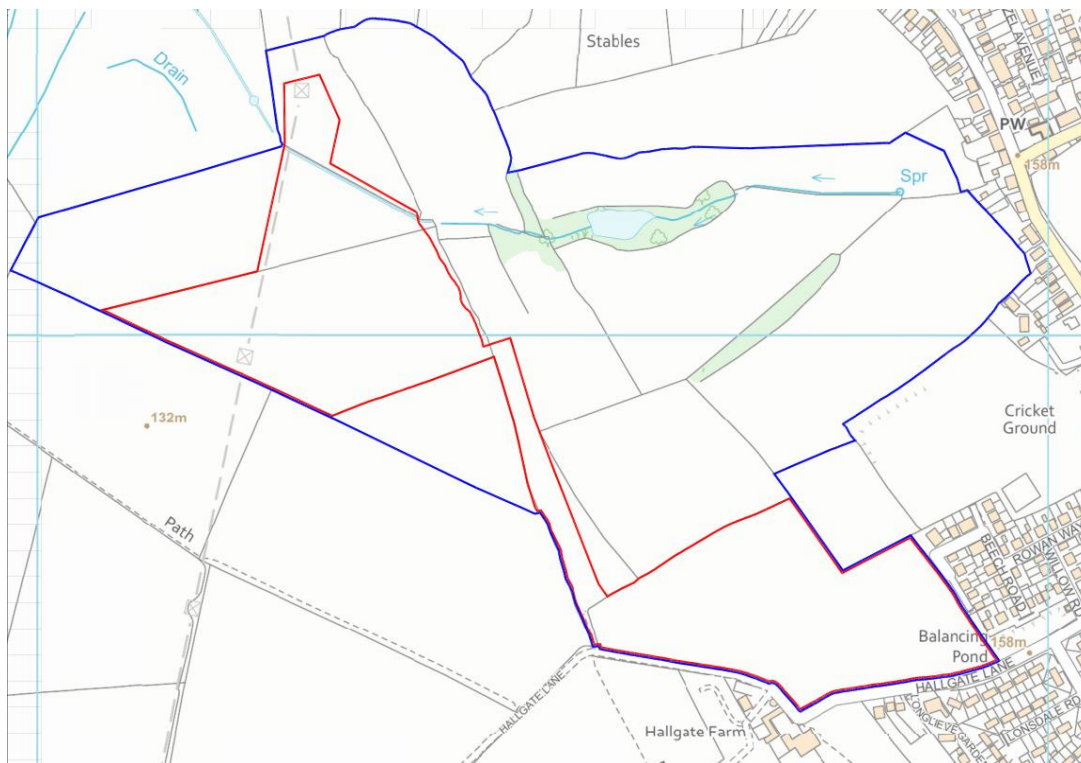


Figure 1: Location plan, with site edged in red

1.0 Reason for Report

1.1 Cllr Gillot requested that the application be considered at committee for the following materials reasons:

- The development involves a substantial intrusion into the countryside and the applicant will need to establish that this proposal is in compliance with policy SS9 Development in the Countryside and, in particular, the requirement in paragraph 2 that states: “In all cases, 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.”
- As an “other renewable energy development” the application may also engage policy SDC10 which states that development should only be permitted where: “there would be no significant adverse effects on the visual amenity and character of the area including landscape and visual impacts.”

2.0 Proposal and Background

Site Description

- 2.1 The application site covers 10.57ha of agricultural land to the north of Hallgate Lane, Pilsley. The land is grassed for grazing and is not used for any crops. The Agricultural Land Classification of the land is part Grade 2 – very good quality, where the access track is proposed and Grade 4 – poor quality, where the BESS is proposed.
- 2.2 Within the field containing the proposed battery energy storage system (BESS) is a 132kV overhead line that runs north to south across the field. A drainage ditch sits to the north of the site.
- 2.3 The field in which the BESS sits is at a lower level than the surrounding landscape. Established mature hedgerows and vegetation sits between the proposed BESS and the public right of way which sits to the east.
- 2.4 Access into the site is taken from Hallgate Lane to the south east. A track will be formed and extend adjacent to the field boundary and be approx. 1100m in length. Properties on Hallgate Lane will be located in close proximity to the proposed access.
- 2.5 The site sits in the South Yorkshire, Notts & Derbyshire Coalfield landscape character area and is on the site of the former Morton Park, which is a non-designated heritage asset.

Proposal

- 2.6 This application seeks permission for a BESS with associated infrastructure, engineering works, drainage, cabling, landscaping and access. Figure 2 below illustrates the extent of development.
- 2.7 The scheme includes 42 battery units, 1 substation, 8 transformers (inc AUX transformer), 14 inverters, 2 control rooms, spare parts container, 2 120,000l water tanks, 2.4m high fencing and access gates, CCTV cameras on 3m columns, and landscape mitigation.
- 2.8 The maximum height of any built structure would be 7.1m which is the 132/33kV transformer within the substation contained in the north west corner of the BESS. The battery units themselves would be 3m in height sat on a 300mm plinth.

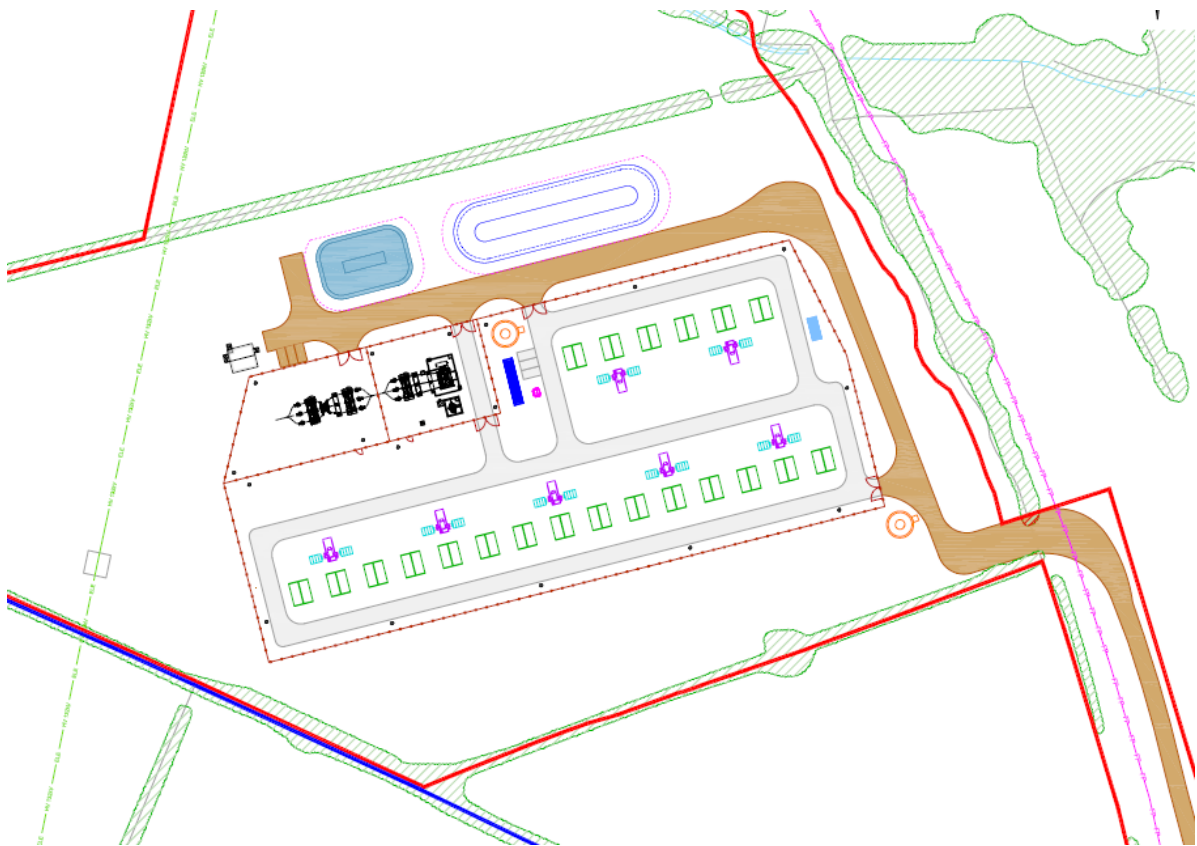


Figure 2: Proposed site layout

Amendments

- 2.9 At the applicant's request, the description of development has been updated to include the capacity of the proposal, which is 50MW. No further consultation is required based on this amendment.

- 2.10 Following comments received by the Councils appointed landscape expert an amended Landscape and Visual Impact Appraisal and Landscape Proposal Plan (drawing 167776/8100 Rev E).
- 2.11 A number of updated plans were also submitted to overcome the comments made by the Highways Authority. These plans included:
- LTP/6456/P2/01/01/B (Proposed Access)
 - LTP/6456/P2/02/01/B (Proposed Access Junction - Visibility Splays)
 - LTP/6456/P2/03/01/B (Proposed Access – Swept Path Analysis)
 - LTP/6456/P2/04/01/B (Proposed Internal Access and PRow Plan)

3.0 Relevant Planning History (not the full site history)

- 3.1 No relevant planning history.

4.0 Consultation Responses

- 4.1 **Ward Member** Cllr Gillott called the application into planning committee for the reasons laid out in section 1.1 of this report.
- 4.2 **Parish Council** carefully considered the above application, alongside the feedback received from residents and local stakeholders, including Park House Primary School. We wish to register our formal objection to the proposed development, on the following grounds:

Public Safety - Fire Risk and Hazardous Materials

- Lithium-ion BESS installations are recognised nationally as posing a potential risk of thermal runaway, fire, and explosion. These risks are heightened by the proximity to residential areas and to Park House Primary School (0.6 miles away).
- The school has formally raised concerns that its primary emergency evacuation route would be directly compromised in the event of an incident at the proposed facility. This presents an unacceptable risk to children, particularly those with respiratory vulnerabilities.
- The proposal lacks a robust and independently verified risk assessment, contrary to material considerations relating to the storage and handling of hazardous materials and public safety.

Noise, Disturbance and Impact on Residential Amenity

- The application does not provide adequate detail regarding noise levels, vibration, or potential disturbance from cooling systems, transformers, or other associated infrastructure.
- Residents have expressed concern about continuous low-frequency noise, which could significantly affect local amenity, contrary to material considerations relating to noise and disturbance

Highway Safety and Access

- The access arrangements are unclear, particularly in relation to heavy construction traffic and future maintenance vehicles.
- Residents have raised concerns regarding the impact on local roads, including safety issues for pedestrians and schoolchildren, which are material considerations under highway issues and traffic generation.

Environmental and Ecological Impact

- The site and surrounding area are known to provide habitat for barn owls and other protected species. Insufficient ecological assessment has been provided, contrary to the requirement to safeguard nature conservation interests and biodiversity opportunities.
- Landscaping proposals are vague and fail to demonstrate meaningful mitigation for ecological disruption or visual impact.

Inadequacy of Consultation and Transparency

- Residents and key stakeholders (including Park House Primary School) were not adequately consulted prior to submission, despite the significant risks involved. Letters were sent only to residents' close to the site, despite this being a development that has impacts for the whole community. Only through the Parish Council's intervention was a public meeting called.
- Plans provided were poorly labelled, and consultation questions were viewed as biased, undermining trust in the applicant's process. While consultation quality itself may not be a material planning ground, it does affect whether the application can be judged as sufficiently evidenced against local and national policy requirements for meaningful community engagement.

Lack of Demonstrated Local Benefit

- No clear or proportionate local benefits to the community have been identified to outweigh the risks. This falls short of the principle of sustainable development as set out in the National Planning Policy Framework (NPPF), which requires developments to deliver economic, social, and environmental benefits.
Conclusion In summary, the proposed development:
- Poses unacceptable risks to public safety, particularly in relation to fire hazards, emergency evacuation routes for the local school, and hazardous materials;
- Fails to adequately assess or mitigate noise, traffic, and ecological impacts;
- Provides insufficient transparency or community benefit to justify the scale and risk of the proposal.

4.3 **Highways Authority** provided detailed comments regarding the proposal, these being:

4.4 Site Access – Access is taken from Hallgate Lane, with the track running parallel with the road. A visibility splay drawing has been submitted but clarity is requested in relation to the illustrated dimensions.

- 4.5 Gates to the access will be set back from the road, but no details of these are shown on a drawing.
- 4.6 The Transport Statement (TS) also states “Temporary parking restrictions may be required during the construction period in the vicinity of the access to keep the carriageway clear for large construction vehicles entering and exiting the site”. These details are required.
- 4.7 Swept path analysis has been undertaken via the site access. These are considered acceptable. However, banksmen should be provided at the site access and also considered along Hallgate Lane.
- 4.8 Highway Safety – A Personal Injury Collision analysis has been undertaken. The assessment undertaken and conclusion is considered acceptable.
- 4.9 Internal Layout – Layout considered acceptable; however, the internal layout may need adapting to accommodate construction.
- 4.10 Trip Generation – A TS has been submitted and states that 894 two-way HGV movements will be required for phase 1 construction works which will take approx. 6 months. This equates to 8 two-way daily movements.
- 4.11 149 two-way HGV movements are required, with 4 abnormal load movements, this relates to phase 2 and averages 3 two-way HGV movements per day over a period of approx. 3 months.
- 4.12 During the operational phase 2 to 5 visits per month will be needed, this will be by car or light goods vehicle.
- 4.13 Vehicle routing has been provided from the M1, A6175, Little Morton Road, Parkhouse Road, Rupert Street and along Hallgate Lane is considered acceptable. However, the CEMP needs updating to take into account road widths and restrictions.
- 4.14 The level of traffic generation is considered acceptable. However, a Highways Dilapidation Survey will be required before final comments are provided.
- 4.15 The TS also states there will be an opportunity to remove the development at the end of its operation after which the site will be subsequently returned to agricultural land use. Therefore, if required details of traffic generation for the decommissioning of the site should be provided within the CEMP.
- 4.16 Sustainable Travel - The TS states “The nature of a BESS development means that trips by construction staff via sustainable modes are unlikely to be feasible, with the exception of car sharing. The potential to maximise car sharing at the site can be

controlled through suitable measures detailed within the CTMP and/or Construction Management Plan (CMP) to help minimise single-occupancy vehicle trips”. This is considered acceptable and can be conditioned.

- 4.17 Public Right of Way – The TS acknowledges the location of several PROW that will be impacted from the development proposal. The TS states “3.2.1 There is a public footpath (ref: NE15/26/1) (PROW) running along the eastern boundary of the Site utilising the existing field access. The footpath connects Hallgate Lane and Pilsley Road and crosses the proposed access. 3.2.4 There is a second footpath (ref: NE15/2/1) in the vicinity of the site providing a connection between Hallgate Lane and Danesmoor Industrial Estate”.
- 4.18 The Pilsley Public Footpath No 26 runs adjacent to the east of the site whilst the Pilsley FP No 2 also runs northwest to southeast to the west of the proposals.
- 4.19 The proposed access road also crosses FP 26 at the entrance to the site. Subject to permission being granted, at minimum, the path at this section would require improvement to allow for an increase in vehicles, the change of surface would also create a visual alert to the public as they cross the access track.
- 4.20 No objection is raised by the Rights of Way Team, subject to advisory notes relating to protecting the right of way network.
- 4.21 Any changes to the path surface must be agreed with the Right of Way section. Clear signage may also be required to alert drivers to the existence of the PROW.
- 4.22 Whilst no objection is made to the proposed development, further information is requested to allow comments to be provided.
- 4.23 Amended information has been provided relating to the site access, track details and visibility onto Hallgate Lane. The Highways Authority have no objection to the proposal subject to conditions relating to visibility onto Hallgate lane, works being undertaken on and off site, a replacement battery delivery management plan, condition survey being undertaken and submission of construction management plan.
- 4.24 **Coal Authority** raised no objection subject to conditions. A number of informative notes relating to ground investigations, shallow coal mining risk, requirement for having a coal agreement, mine gas and SuDS should be included in any decision.
- 4.25 **Environmental Health Officer (EHO)** raised no objection to the proposals subject to conditions relating to land contamination and the control of airborne dust.
- 4.26 **Derbyshire Fire and Rescue (DFR)** raised no objection to the proposed development.

- 4.27 DFR recommend that the developer and operator apply relevant sector specific guidance to ensure safe practice is employed in the construction, operation and decommissioning of the site.
- 4.28 Once operational the site would fall into the scope of the Regulatory Reform (Fire Safety) Order 2005. This places certain fire safety duties on the person responsible for the site which includes carrying out and regularly reviewing the fire safety management plan and the fire risk assessment to protect relevant persons by identifying fire risks and removing or reducing them to as low as is reasonably practicable.
- 4.29 The comments refer to a guidance document which can be appended to any decision as an informative note. The document provides guidance on how developers must ensure the risk of fire is minimised on such sites.
- 4.30 DFR note that once the site is nearing completion the DFR must be notified and arrangements made with us, so that fire crews may visit the site to familiarise themselves with the location, site access, site layout, available water supplies and access information. Again a note to this effect can be included in any decision.
- 4.31 **Environment Agency** note that the site falls within Flood Zone 1 and no fluvial flood risk concerns are raised. Informative notes relating to emergency response and contingency planning for BESS development and management of end of life industrial batteries is recommended for inclusion on any decision.
- 4.32 **Derbyshire Wildlife Trust (DWT)** have reviewed the submitted Preliminary Ecological Appraisal (Arbtech, June 2025), BNG Assessment (Arbtech, August 2025) and metric dated 28th July 2025.
- 4.33 Desk Study – DWT note that a consultation with Derbyshire Biological Records Centre was not commissioned by the applicant and no justification is provided for this. The PEA (incorrectly) states that the development could be at high risk for Ogston SSSI and recommends NE consulted.
- 4.34 Habitats and Species – site comprises arable fields, modified and other neutral grassland. Hedgerows are also present which have not been assessed against the Hedgerow Regulations 1997. Whilst hedgerow removal is limited the impact on hedgerows needs to be assessed in line with the Regulations. It should also be acknowledged that all native hedgerows qualify as Habitats of Principal Importance under Section 41 of the NERC Act 2006. Some amendments are required to the Ecological Survey to correct errors. A significant amount of native hedgerow planting is proposed.
- 4.35 The proposal would result in the loss of 4.61 ha of cereal crop, 3.12 ha of other neutral grassland and 0.14 ha of modified grassland. None of which is particularly

species rich. A section of 33m of hedgerow will be removed to accommodate the access and a further 19m removed for the track. No trees will be removed.

- 4.36 The PEA recommends that Great Crested Newt (GCN) eDNA be undertaken. Alternative District Level Licensing options could be considered.
- 4.37 Precautionary works to safeguard reptiles, common amphibians, badgers, riparian mammals and hedgehogs should be set out in a CEMP: Biodiversity. Ground nesting birds may also use the site. Whilst the area of habitat loss is unlikely to have a significant adverse impact on populations, ground nesting species should be considered during site clearance within the CEMP.
- 4.38 No lighting exists in this location so DWT advise against any new lighting. If emergency or security lighting is proposed, this must accord with the ILP Bats and Lighting Guidance² and be operated on an emergency basis only or by motion sensor.
- 4.39 BNG – Net gains of +8.18 habitat units (14.18%) and +3.25 hedgerow units (15.88%) are calculated. DWT query the accuracy of the hedgerow calculations. No watercourse gains are proposed. Further information is requested on this matter.
- 4.40 Conclusion – all outstanding matters should be addressed before determination. Once all matters are resolved DWT can also recommend conditions relating to CEMP: Biodiversity, a HMMP, a Species Enhancement Plan (HMMP) and a lighting strategy (if necessary).
- 4.41 *Comments 19/11/25 - DWT* reviewed the addendum PEA, Biodiversity Impact Assessment and updated metric all prepared by Ramm Sanderson. The PEA has been updated to include consultation with the Derbyshire Biological Records Centre and it has been confirmed that the application site does not require consultation with Natural England in regard to the risk to Ogston Reservoir SSSI.
- 4.42 It is noted that whilst the updated PEA states that the hedgerows on site have been assessed against the Hedgerow Regulations 1997 they have actually been assessed using a different methodology. DWT request that hedgerows 7 and 9 be assessed correctly to understand if these are important under this legislation. DWT note that only 29m of hedgerow will be removed and compensatory, species rich, native hedgerow planted across the site. DWT also note that the site will be registered under District Level Licensing for Great Crested Newts. It is noted that the applicant is currently waiting the impact assessment and conservation payment certificate (IACPC). *[a signed copy of the IACPC will need to be provided by the applicant before the LPA can determine the application. This is expected prior to committee and will be reported to members prior to meeting].*

- 4.43 If any lighting is proposed on site then this must accord with the ILP Bats and Lighting Guidance to avoid detrimental impacts to local wildlife and be secured through a condition for a sensitive lighting plan.
- 4.44 The updated BIA is based on Landscape Proposals plan (rev B) [*now rev E*] which confirms gains of +14.01 habitat units (40.25%) and +2.30 hedgerow units (10.71%). There would be no loss of watercourse units, but to achieve 10% gain 0.05 units are required. These units will be purchased.
- 4.45 No objection is raised to the proposed development, subject to the comments raised being overcome, and subject to conditions relating to the inclusion of a Construction Environmental Management Plan (CEMP: Biodiversity), Habitat Management and Monitoring Plan (HMMP) and Species Enhancement Plan being included in any decision.
- 4.46 Clarity has been provided that hedgerows H7 and H9 have been assessed against the Hedgerow Regulations 1997. It is confirmed that neither hedgerow meets the legal criteria to be classed as “important” hedgerows under these regulations.
- 4.47 **Lead Local Flood Authority (LLFA)** raised no objection subject to conditions relating to the submission of a detailed surface water drainage scheme, ensuring development accords with the drainage hierarchy, avoiding surface water run off during the construction phase and ensuring soil management.
- 4.48 **Yorkshire Water Authority (YWA)** raised no objection subject to a condition relating to dealing with surface water drainage.
- 4.49 **Severn Trent Water Authority (STW)** confirmed that the application site sits outside STW’s area for sewerage. No comments received to the impact on the impact on drinking water.
- 4.50 **NEDDC Drainage Engineers** raised no comments.
- 4.51 **DCC Archaeologist** notes that the proposed development lies within the suspected borders of the Morton Park, the possible site of the Medieval park mentioned as Parkehaus by Welbeck in the 13th century recorded in the Derbyshire HER (MDR6055). There has been relatively little archaeological work undertaken in the vicinity and this probably explains in part the absence of any recorded evidence within the HER. Under such circumstances, logically, the absence of evidence does not prove evidence of absence. I do note the modern impacts of Clay Cross Colliery at the north-west of the site but also note that the coal mining area was restricted. The remainder of the site has been open agricultural land since at least 1835 and has been undeveloped. As the site is so large and there is as yet little background archaeological information, as such further investigation is required before determination. I recommend that the Desk Based Assessment be accompanied by

additional information in the form of a geophysical survey this in line with Para 207 of NPPF to provide additional appropriate information.

- 4.52 An Archaeological Geophysical Survey, dated 11/05/25 prepared by LGSL has been submitted for consideration. The report concludes that the archaeological likelihood currently being low. DCC Archaeologist has reviewed the information provided and concludes that some areas of interest within the site remain and that no objection is raised subject to a scheme of trial trenching being undertaken. This can be controlled by way of condition.
- 4.53 **NEDDC Tree Officer** has reviewed the Arboricultural Impact Assessment (AIA) which assesses the existing trees in line with the guidance and recommendation within BS5837 (2012). The officer notes that DWT have commenced upon the removal of hedgerows. The Tree Protection Plan (TPP) included in the AIA demonstrates that it should be possible to erect tree protection fencing around the site to protect the sections of hedgerow which bound the field to the north, east and south. The tree protection fencing along the south boundary cuts through the nominal RPAs of T1 and T2. The tree survey has identified the quality of T1 and T2 as category C, which are trees of low quality. In addition, the arboricultural surveyor has identified both trees as being infected with Ash Dieback. The officer understands that there may be some requirement to alter the levels within the RPAs of T1 and T2, and this is predominantly why the line of protection fencing cannot wholly protect the RPAs of T1 and T2. No objection is raised to this.
- 4.54 The TPP demonstrates it should be relatively straight forward to protect the hedgerow and trees along the east boundary of the field by erecting tree protection fencing between the access track which wraps around the facility and the march of the hedgerow. It also looks relatively straightforward to protect the hedgerow along the north boundary of the field by erecting tree protection fencing alongside it.
- 4.55 Overall, no objection is raised but it is recommended that a more detailed and dimensioned TPP to account for any changes or clarifications encountered during the technical design stage be required. It could be that a location is identified for the position of a laydown area to facilitate the construction, and we may need to protect additional trees from ancillary works. As such a Tree Protection condition is proposed on any decision.
- 4.56 **Ramblers Association** raise concern that the proposal will adversely affect the aesthetics of the adjacent Pilsley (NE) FP 26, (part), which runs approximately north south along the eastern boundary of the development. Currently, Pilsley (NE) FP 26 runs in its entirety through open farmland, predominantly grass land, lying between the villages of Pilsley and Danesmoor.
- 4.57 The creation of the less than aesthetic BESS in the approximate centre of the area will significantly detract from the enjoyment of this well used PRow. As a

consequence of the points made above, we would be minded to offer objection to this development.

4.58 **Peak and Northern Footpaths Society** raised no comments.

4.59 **Chesterfield Cycle Campaign** raised no comments.

4.60 **British Horse Society** raised no comments.

4.61 **NEDDC Employment And Skills Officer** raised no objection to the proposal subject to a condition relating to enhancing and maximising employment and training opportunities.

4.62 **Derbyshire Police** raised no comments.

4.63 **National Grid** raised no comments.

4.64 **Western Power Distribution** raised no comments.

5.0 Representations

5.1 The application was publicised by way of neighbour letters and the display of 3 site notices. Site notices were placed on Hallgate Lane close to the proposed access point, on a public right of way sign off Pilsley Road and one adjacent to the site of the proposed BESS on a gate post. These site notices expire on 19th September 2025.

5.2 The application was also publicised in the local press with the advert expiring on 25th September 2025.

5.3 An independent consultation process and public meeting has been undertaken by the applicant to engage with the local community. This sits outside the planning process and there is no legal requirement to undertake such consultation process.

5.4 13 local residents have made representations raising the following comments objecting to the proposed development:

- Concerns about fire safety, thermal runaway, toxic fumes, and inadequate mitigation measures for contamination and plume risk
- Lithium ion batteries are high risk – 5 reported events in last 12 months [*officer note: No citation of these 5 events*]
- Container spacing concerns – guidance requires 6m separation, but this proposes 3m separation increasing fire risk [*officer note: this is covered in the assessment below.*]
- Vertical stacking is contrary to fire guidance [*officer note: the applicant has confirmed no vertical stacking is proposed*]

- Cyber security risk from remote operation
- Potential harm to assistance dogs from high frequency noise [*officer note: no evidence has been submitted that this is a known issue from BESS*]
- Potential harm to protected species and habitats, insufficient biodiversity net gain, and lighting impacts
- Highway safety concerns, including HGV suitability, congestion, pedestrian risks, and cumulative traffic impacts near schools
- Visual harm to countryside and landscape character, inadequate screening and landscaping
- Insufficient or unclear information on noise, fire mitigation, water cooling, health impacts, and recycling
- Loss of Green Belt land [*officer note: this is not green belt land*]
- Loss of Grade 2 agricultural land
- Risks from decommissioning phase
- No demonstrable local benefits
- Cumulative impact of this and other developments
- Land currently used for crop and is productive
- Electricity stored may not be from renewable sources
- Risk from development to local children
- No EIA has been submitted [*officer note: The LPA have undertaken an EIA screening has taken place and Environmental Statement is not required*]
- Inadequate consultation with residents [*officer note: The LPA has undertaken direct consultation with adjoining residents and placed 3 site notices adjacent to the application site. The Council has no control over the applicants consultation process*]
- Mining of battery components undermining renewable argument
- Lack of national safety standards
- Too close to village
- Harmful to wellbeing of residents
- Proposal may negatively impact the local schools evacuation route [*officer note: the proposal will not impact Rupert Street or Bridge Street*]

5.4 24 local residents have made representations supporting the proposal for the following reasons:

- Located away from homes/residential properties and sensitive receptors
- Development is temporary and reversible
- Supports grid stability and energy storage for peak demand
- Scheme includes biodiversity enhancements and habitat improvements
- Makes productive use of former industrial/opencast land
- Proposal supports clean energy and net zero goals
- Help Council achieve climate targets
- Right balance between meeting national targets and protecting environment
- Without this form of development how will we meet our energy needs for growing population

- Located in dip
- Proposal would support farm diversification
- Proposal has opportunity to enhance habitats
- Purpose built track is better than current access
- Quiet when operating
- Well screened by existing vegetation
- Insignificant fire risk – 1600 sites in UK - only 4 incidents last year – 0.25% incident rate [*officer note: These numbers are not cited*]
- Short term disruption
- Local benefits
- Poor agricultural land
- Tallest structure is 7m next to a 30m pylon so compatible with site
- Unobtrusive compared to other forms of development
- Will deliver business rates to Council and economic benefits to the area

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034 (LP)

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

SS1	Sustainable Development
SS2	Spatial Strategy and the Distribution of Development
SS9	Development in the Countryside
SDC2	Trees, Woodlands and Hedgerows
SDC3	Landscape Character
SDC4	Biodiversity and Geodiversity
SDC6	Development Affecting Listed Buildings
SDC7	Scheduled Monuments and Archaeology
SDC9	Non Designated 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
ID8	Greenways and Public Rights of Way

National Planning Policy Framework (NPPF)

6.2 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application. 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 116 states: 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.
- 6.5 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.
- 6.6 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.
- 6.7 Para 168 goes on to 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.

- 6.8 Para 187 seeks to ensure that decisions contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 6.9 Para 207 states that “in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of information provided should be proportionate to the assets importance.”
- 6.10 Para 208 goes onto state that “LPA’s should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”
- 6.11 Para 212 states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para 213 goes onto state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”
- 6.12 Para 215 of the NPPF states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

Other Material Planning Considerations

- 6.13 **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.”
- 6.14 **Derbyshire Spatial Energy Study (2022)** is a County Council document which seeks to gain an understanding of the current situation and future of Derbyshire’s energy system, assessment was undertaken across electricity and heat demand, generation and supply. The study at Figure 6.1 sets out landscape sensitivity across Derbyshire.

- 6.15 **Vision Derbyshire: Climate Change and Planning Guidance (2023)** is a shared commitment across Derbyshire's county, district and borough councils, to strategically collaborate to improve outcomes for people and places, speak with one voice as a county, and coordinate our resources better and more sustainably.

7.0 Planning Issues

Principle of Development

- 7.1 The starting point for determining whether the development is acceptable in principle is the development plan. The site lies beyond the settlement development limits identified in the Local Plan and is therefore treated as countryside for planning policy purposes.
- 7.2 Local Plan policy SS1 states that proposals should 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. SS1 goes on to state that development proposals will "Protect the productive potential of the District's best quality agricultural land, and avoid sterilisation of mineral resources."
- 7.3 Local Plan Policy SDC10 is generally supportive of renewable energy proposals, subject to landscape, visual, amenity, biodiversity, and heritage considerations. It does not preclude such development in the countryside.
- 7.4 While the construction of a BESS in the countryside is not listed under Policy SS9, policy SDC10 does not exclude such development. Where development is considered acceptable, it must respect the form, scale, and character of the landscape through careful siting, design, and use of materials.
- 7.5 BESS development is typically required to be located close to existing overhead line infrastructure, which is of a scale and type not easily accommodated within settlement development limits. Furthermore, the infrastructure is temporary and reversible.
- 7.6 The NPPF encourages a positive approach to renewable energy proposals. Paragraph 163 states that local planning authorities should not require applicants to demonstrate the overall need for renewable energy infrastructure. The NPPF also does not require such developments to be located on brownfield land.
- 7.7 The Derbyshire Spatial Energy Study (2022) and Vision Derbyshire: Climate Change and Planning Guidance (2023) aim to support planning policy development and provide a joint approach to decision-making. Given the passage of time and the evolution of national policy, including the publication of the Clean Power 2030 Action Plan, these documents are worthy of less weight in the decision-making

process. Nevertheless, the Derbyshire Spatial Energy Study identifies the site as being a 'less constrained' and of 'low' landscape sensitivity for renewable development.

- 7.8 Overall, 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 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.”
- 7.10 Furthermore, Policy SDC10 of the Local Plan states that proposals for renewable energy generation will be permitted where there are no significant adverse effects on the visual amenity and character of the area, including landscape and visual impacts. In determining such applications, significant weight will be given to the achievement of wider environmental and economic benefits.
- 7.11 The landscape forming the application site is part of the South Yorkshire, Notts & Derbyshire Coalfield Estate Farmlands character type. Evidence of the surrounding areas mining history is readily apparent in the local context.
- 7.12 The application site sits to the west of Lower Pilsley in a pocket of gently undulating farm/pastureland which is characterised by irregular field patterns intersected by mixed species hedgerows and mature trees. A watercourse runs east to west immediately to the north of the application site. Within the setting of the site are electricity pylons which run close to the site on its western flank. Clay Cross, with its industrial edge is seen to the west. Likewise views north towards North Wingfield are achievable. A well-used public right of way network criss crosses close to the application site to the east and south.
- 7.13 The proposed BESS will sit in the eastern portion of a larger field. This field is framed by mature hedgerow planting, with its eastern edge containing mature tree planting. The site is not level with the southern part of the site higher than the northern section. At the time of the officer visit to the site, the field contained cattle.
- 7.14 The landscape has no special designation and is not considered a valued landscape under Paragraph 187 of the NPPF. It is not identified as an area of

primary or secondary sensitivity in the 2013 AMES study. This indicates that the landscape in this location was not found to have significant ecological, historic, or visual sensitivity when designations were defined. In addition, the site assessed as having low sensitivity in the Derbyshire Spatial Energy Study. For the purposes of Policy SDC3, it is not within an area most likely to be negatively affected by change.

- 7.15 The proposal (as seen in Figure 2 above) includes the formation of BESS which will be framed by a perimeter fence measuring approx. 166m by 73m wide. The fence line will be made up of a 2.4m high palisade fence with gated access. A track will extend from Hallgate Lane across fields and frame the east and north edges of the BESS. To create the access into the site from Hallgate Lane a section of hedgerow will be removed. A SuDS basin and fire water containment pond are included to the north. An external control room and 120,000l water tank sit outside the fence line. Within the site is a substation, which is the largest feature within the compound. This will have a max height of 7.1m. 42 battery units (3.3m tall), 8 transformers and 14 inverters are illustrated. Additional structures including control rooms, containers, a second 120,000l water tank and internal access track are proposed. 17 3m CCTV poles are proposed within the compound area.
- 7.16 Contextualised elevation and cut and fill drawings have been supplied by the applicant and give an indication of how the site will be visually contained and how the site will be levelled out to accommodate the proposed BESS. Members should note that these are indicative, and any levels details would need to be approved and controlled by way of a condition on any decision.

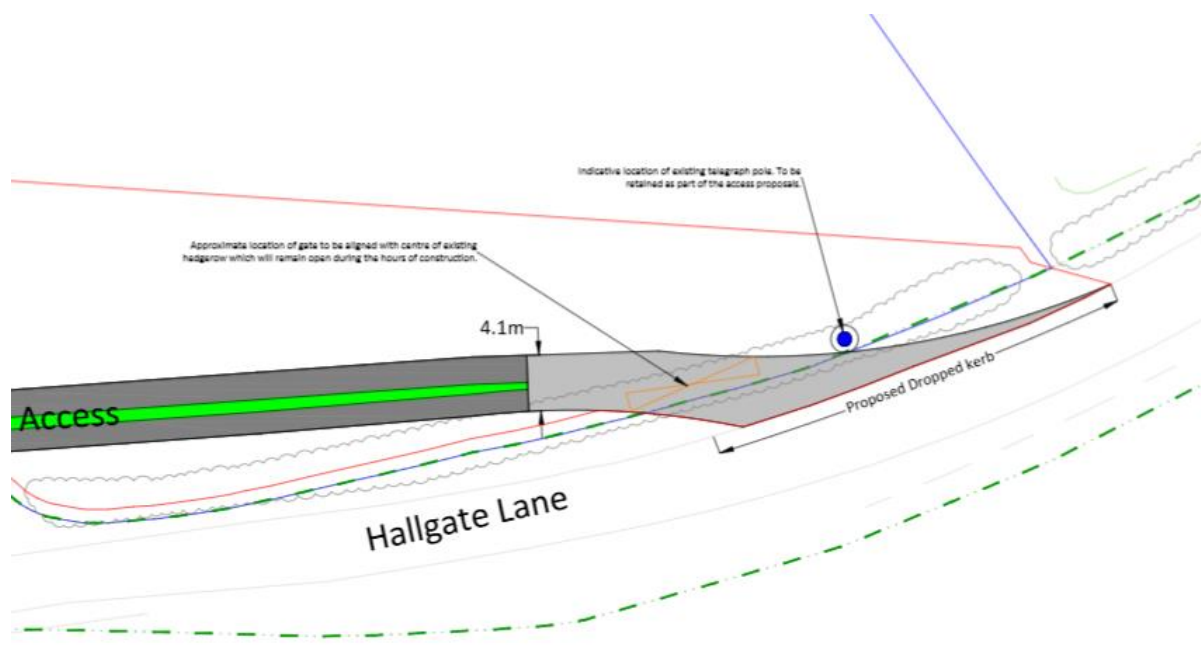


Figure 3: Extract of proposed site access onto Hallgate Lane

- 7.17 Landscape mitigation (landscape proposals plan 8100 Rev E) is proposed in the form of groups of tree planting to the west and new hedgerow planting around the south and western edges of the BESS compound. Gaps in hedgerows along the right of way and access track will be filled.
- 7.18 The applicant has submitted a Landscape and Visual Appraisal (LVA), prepared by Fairhurst dated August 2025. The appraisal assesses the landscape and visual effects of the proposal from several viewpoints. An assessment of the proposals impact on the local landscape and site character is undertaken. The assessment considers visual effects of the proposal from residential receptors, recreational routes and areas, along with the local road network. The cumulative impact of other development is also assessed. Overall, it is concluded that the site and its context have a low landscape value and a medium/low landscape sensitivity.
- 7.19 Overall, the LVA concludes that the proposal can be assimilated into the wider landscape without detriment to the local landscape character or to the surrounding visual receptors. Furthermore, due to the surrounding existing landscape characteristics and lack of intervisibility there would be no significant cumulative effect on landscape and visual receptors. No value is however attributed to susceptibility. This is about how tolerant the landscape is to the proposed development.
- 7.20 The Ramblers Association object to the adverse impact of the proposed development on the aesthetic of the footpath 26 adjacent to the site. They are concerned that the proposal would detract from the enjoyment of this well used route. Residents also raise concern at the visual harm to the countryside and landscape character. They are concerned that the scheme won't be screened. However other representations support the proposal and point out the temporary nature of development and that it would be well screened.
- 7.21 To assist officers in assessing the impact of the proposed development on the landscaper character external landscape experts were engaged. They have assessed the submitted LVA and submitted plans, including the latest landscape proposals and key viewpoints of the site have been agreed and assessed accordingly. There are several distant viewpoints from North Wingfield and from Stretton Road. Localised views will be from the right of way to the north and south. Views immediately from the east into the site will also be obvious.
- 7.22 Overall, it is considered that the general conclusions of the LVA are accurate and appropriately evidenced and that, with a scheme of considered mitigation, the development will, over time, assimilate into the landscape. There are no cumulative impacts that would result from this proposal.
- 7.23 In terms of mitigation, officers are of the view that the final scheme of landscaping, details of the finished design and appearance of the access track, and exterior colour of the compound fencing and equipment should be submitted to and

approved in writing by the Local Planning Authority. These matters will ensure that the proposed development does not have a significant determinant impact on the landscape character.

- 7.24 The proposed BESS will remain in situ for up to 40 years. While this is a considerable period, it is a temporary use of land, after which the site will be restored.
- 7.25 Overall, officers consider that the proposed BESS would have a localised impact on users of the footpath to the east and when approaching from the north and south along this route. There would also be some distant views from the north and west. However, over time these impacts will be reduced with the implementation of the mitigation measures mentioned above. Officers consider that the effects of the BESS would be temporary and with mitigation would, in the lifetime of the development, be materially reduced. In the long term, once the site has been restored, the mitigating planting would have a beneficial landscape and visual effect. Overall officers are of the view that the proposal would not result in a significant adverse effect on the visual amenity and character of the area.

Impact on Amenity

- 7.26 The 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 developments, 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.
- 7.27 The nearest residential properties are those to the north and north west on Pilsley Road, properties to the east on Rupert Street, and properties to the south and south east, off Hallgate Lane. Users of the local footpath network will also be impacted by the proposed development. Footpath 26 runs north to south immediately adjacent to the application site and footpath 2 runs along Hallgate Lane to the north west. The application site is also seen within the context of the railway line and nearby industrial uses on Coney Green to the west.
- 7.28 Given the nature of the proposed development away from any residential property, officers consider that there is unlikely to be any harmful direct views of the application site from the identified properties. There will be some localised impact on the enjoyment upon users of the footpath network, but this has to be balanced against the policy support for the principle of renewable energy development in less sensitive landscapes.
- 7.29 Fire risk has been raised as a concern by local residents, parish council and the local school. Specific concerns include the risk of a thermal runaway, toxic fumes, inadequate measures being in place, concern at the design of the scheme and the scheme impacting the local school's evacuation route.

- 7.30 The applicant has submitted a Smoke Plume Analysis Report dated August 2025. The report outlines the fire risk, likely impact on the locality and probability of a critical event occurring. The report concludes that the risk of a full BESS fire occurring is well below the HSE guidance of broadly acceptable risks to the public. In addition to this report a Verification and Compliance Report, dated August 2025 has also been submitted confirming that the site will be designed and operated in line with the most up to date guidance.
- 7.31 The applicant has provided additional details confirming that there are an estimated 324-329 BESS sites in the UK. Only two documented incidences of fires on operational sites have occurred, these being in Liverpool (2020) and Gloucestershire (2025). Two fire occurrences have occurred on construction sites, these being in Aberdeenshire (2025) and Essex (2025). The operation incidents occurred with older battery technology which won't be used on this site and the construction site incidents occurred due to damage to the actual containers during testing of the sites.
- 7.32 The applicants fire safety adviser has confirmed that the likelihood of a BESS cell fire is around 1 in a billion on current data. In the unlikely event of a fire occurring there will be a time delay between the alarm sounding on site and a thermal runaway. Officers are advised that this is approx. 30 minutes. After that 30 minutes then the affected cell will start to heat other cells in the worst-case scenario where the suppression system has failed. This can then take a number of hours (potentially up to 3 hours) before the fire starts to involve the whole BESS container. It has also been confirmed by the applicant fire safety expert that the risk to the school and road network would be unaffected by a full BESS fire.
- 7.33 The applicant has agreed to the principle of a condition being attached to any planning permission requiring the submission of an Emergency and Tactical Response Plan (ETRP) which will involve arrangements for the school to be alerted. This is considered and acceptable and effective approach to safety.
- 7.34 The applicant has also agreed to the principle of a condition requiring the submission of a Detailed Battery Safety Management Plan (BSMP) which will require consultation and agreement with DFR. This condition will ensure the safe design, operation and management of the BESS to minimise risks to life, property, and the environment. The same approach was deemed acceptable to the Inspector on the recently dismissed appeal at Dyche Lane, Coal Aston.
- 7.35 Derbyshire Fire and Rescue (DFR) have raised no objection to the proposed development and have visited the site with officers from the Council. Officers have also asked DFR directly about the risk to the school. The DFR officer confirmed that they were of the professional opinion that the school is sufficiently far away from the application site to not be significantly affected by a potential incident.

- 7.36 Technical concern raised was the proximity of containers being at 3m rather than the accepted 6m within the DFR guidance and that the containers on site will be stacked. Whilst officers note the DFR guidance, the applicant has confirmed that the proposal will comply with the minimum requirements of National Fire Protection Association (NFPA) and the existing November 2022 National Fire Chiefs Council (NFCC) BESS Guidance. To comply with NFPA 855, fire protection should be provided between the cabinets in the BESS unit to limit thermal runaway and fire spread.
- 7.37 Additionally, the outer steel enclosure of each BESS unit should be designed within a thermal barrier to mitigate fire spread to and from neighbouring BESS units. The applicant also points to updated guidance from 2024 which recommends that the technology to be used on site should be a minimum of 1.5m apart. The applicant has also confirmed that the containers will not be stacked. The recommended separation distances being reduced reflects the evolution of technical guidance and as such Officers are satisfied that this clarifies the risks associated with the proposed development.
- 7.38 Local residents have raised concern about the site only having a single point of access. Whilst guidance for BESS developments states that at least two access points be provided, this is only guidance and not a requirement. The DFR officer has visited the site and has no immediate concerns with the proposed access arrangements.
- 7.39 A Noise Impact Assessment (NIA), prepared by Inacoustic dated 20th August 2025, has been submitted to support this application. The report concludes that the proposal would lead to a low impact and that there would be no significant change in ambient noise level at the identified noise sensitive receptors. These receptors being dwellings closest to the proposed development. As such the report does not recommend any form of mitigation. The report states that the impact from noise emitting from the application site will be reduced at night.
- 7.40 The submitted NIA also considers the impact of low frequency noise which has been raised as a potential concern by the Parish Council and local residents. The NIA identifies that the risk from the transformer on site emitting such noise, however this will be much lower than the cumulative noise of the rest of the site, as such this low frequency noise is not expected to be harmful. All noise frequencies have been assessed in the NIA.
- 7.41 Officers note that no specific assessment of noise impact has been assessed on users of the nearby footpath network. The submitted NIA illustrates that there will be a localised noise impact on users of FP26 when immediately adjacent to and approaching the application site. Likewise, the proposed development may have some modest impact on users of FP2 to the south west.

- 7.42 The submitted NIA illustrates that users of the right of way network will be affected by noise along its route. Officers accept that there will be a negative impact on the enjoyment of footpath users along sections of the existing network close to the application site, however these will be lessened over time as landscaping measures establish. Furthermore, any impact is only for a short stretch of this network and not therefore considered to be so harmful to result in a significant detrimental impact on these users.
- 7.43 The Council's Environmental Health Officer (EHO) considered the submitted details in relation to noise impact and land contamination. No objection was raised, subject to conditions relating to land contamination and the control of airborne dust. The Council's EHO have not provided specific fire safety comments as they don't have this in house technical specialist knowledge.
- 7.44 The applicant states that construction and delivery hours will be 08:00 to 18:00 Monday to Friday, and 08:00 to 13:00 on Saturdays. No working or deliveries will take place on Sundays or Bank/Public Holidays. Officers consider that this should be conditioned accordingly in the interest of residential amenity.
- 7.45 The proposed development is likely to cause some temporary disturbance during the construction phase, including noise, vehicle movements, dust, and light spill. Construction is expected to last approx. 9 months, with working hours controlled by condition. A large number of HGV and vehicle movements will be required to construct the BESS; however this would be for a temporary period of time. Once operational the movements to site will be limited. This level of traffic movement is not so significant as to cause harm, and these impacts can be mitigated through a construction management and hours of construction condition.
- 7.46 Overall, officers are of the view that given the information provided and no objections being received from statutory consultees there is no evidence to suggest that the proposed development would be unsafe. Furthermore, officers are of the view that subject to conditions, the noise, dust, odour, fire risk, light spill, traffic movements, and visual intrusion resulting from the proposed development would not be so significantly adverse as to be detrimental to the amenity of local residents and footpath users.

Heritage and Archaeological Considerations

- 7.47 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.

- 7.48 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’.
- 7.49 The NPPF (paras 207–213) requires applicants to describe the significance of heritage assets, including any contribution made by their setting, and for decision-makers to give great weight to conservation. Any harm must be clearly justified and weighed against public benefits (para 215).
- 7.50 The nearest designated heritage assets include the Church of St Lawrence (Grade I) and associated Grade II structures (railings, gate piers, bollard, urinal), The Manor House, and The Blue Bell Inn, located approx. 1 mile from the site. These assets draw significance primarily from their architectural and historic interest, and their rural setting contributes to their legibility and sense of place. Hardwick Hall (Grade I) lies within 2km, but is visually and physically separated by topography and intervening development; the application site does not in officer opinion form part of its wider setting. The site also lies within the former Morton Park, a non-designated heritage asset recorded on the Derbyshire HER (MDR6055), which contributes to the historic landscape character of the area.
- 7.51 Historic England guidance recognises that setting is not fixed and can include visual, spatial and experiential attributes. Some elements of the proposed BESS would be visible in the context of the Church of St Lawrence from a section of a public right of way to the south of the application site but would be seen in the context of other built form and the existing pylon infrastructure which cross the landscape. Views from the Church of St Lawrence back towards the application site are heavily screened by topography, intervening development and vegetation, limiting intervisibility.
- 7.52 In terms of the experience and character of the assets setting, in officer opinion, the proposal would not interrupt key sightlines or diminish the ability to appreciate the architectural and historic significance of the assets.
- 7.53 The DCC Archaeologist notes that the site lies within the suspected borders of the Morton Park, the possible site of the Medieval Park mentioned as Parkehaus by Welbeck in the 13th century recorded in the Derbyshire HER (MDR6055). Following the submission of an Archaeological Geophysical Survey, dated 11/05/25 prepared by LGSL, the DCC Archaeologist reviewed the submitted survey work and concluded that there are still some potential areas of archaeological interest and as such no objection is raised subject to a condition requiring trench investigation works.
- 7.54 Officers are of the view that the proposed development would result in less than substantial harm to the setting of the identified listed buildings, at the lower end of

the scale, due to limited visibility and contextual factors. Harm to the non-designated asset is considered minor and can be mitigated through an archaeological investigation condition.

- 7.55 In accordance with para 215 of the NPPF, this harm must be weighed against public benefits. Officers consider that the significant benefits of the scheme, including supporting energy security, enabling renewable energy storage and contributing to Net Zero clearly outweigh this identified harm.

Highway Safety Considerations

- 7.56 The proposal includes a new access from Hallgate Lane, as seen in Figure 3 above. To accommodate this access a section of hedgerow will be removed and a solid bound material created to form a safe access. The track itself will be a twin track for most of its length and include passing places.
- 7.57 Pilsley Public Footpath No 26 runs adjacent to the east of the site whilst the Pilsley FP No 2 also runs northwest to southeast to the west of the proposals. The proposed access track will cross FP26.
- 7.58 The application is accompanied by a Transport Statement (TS), prepared by Local Transport Projects dated August 2025. A number of more detailed plans have also been submitted to illustrate the access and track, providing evidence of exit splays onto Hallgate Lane and swept path details to evidence accessibility into the site.
- 7.59 The proposed development will generate construction and operational traffic over its lifetime. The submitted TS confirms that the development phase will be in two phases. Phase 1 will involve earthworks and foundation works which will take approx. 6 months. Phase 2 will involve the installation of the BESS and include equipment deliveries; this will take approx. 3 months.
- 7.60 The TS states that traffic generation over Phase 1 would total 894 two-way HGV movements (circa 447 deliveries). In order to provide a robust assessment a 20% margin has been added which is the equivalent of 1,073 two-way HGV movements (536 deliveries). It should be noted that the 20% margin has only been added for robustness to provide a worst-case assessment. Based on the six-month construction period for Phase 1, this equates to an average of 8 two-way daily HGV movements, assuming average of 4.3 weeks per month and average of 5 working days.
- 7.61 The construction traffic generation over Phase 1 would total 894 two-way HGV movements (circa 447 deliveries). As a worst-case scenario, the applicant states that this could be as high as 1,073 two-way HGV movements (536 deliveries). Based on the six-month construction period for Phase 1, this equates to an average of 8 two-way daily HGV movements.

- 7.62 Phase 2 construction traffic estimates indicate that 149 two-way HGV movements (75 deliveries) are required, four of which are abnormal loads (transformer/substation delivery and 110 Ton crane). A worst-case scenario of 179 two-way HGV movements (90 deliveries). Based on the three-month construction period for Phase 2 this equates to an average of 3 two-way HGV movements per day.
- 7.63 Vehicle routing to the application site is to be via the M1, A6175, Little Morton Road, Parkhouse Road, Rupert Street and along Hallgate Lane.
- 7.64 The Highways Authority (HA) reviewed the submitted details in relation to the site access, highway safety, the internal layout, trip generation, sustainable travel and impact on the public right of way network. Overall, the HA concludes that there would not be an unacceptable impact on highway safety or a severe impact on the wider road network and as such there is no justifiable grounds on which an objection could be maintained. As such no objection is raised subject to conditions relating to ensuring adequate visibility splays from the site, ensuring access and offsite works are completed, a replacement battery delivery management plan is agreed, a highway dilapidation survey be undertaken and a construction management plan submitted.
- 7.65 In addition to the above, the HA note that the proposed access will cross FP26, but it is considered that the change in materials at this point will act as a visual alert to the public and no objection is raised by the Rights of Way Team.
- 7.66 The Peak and Northern Footpaths Society, British Horse Society raised no objection to the proposal. The Ramblers Association raised objection to the aesthetics of this route and potential impact on the enjoyment of this route. These matters are considered in the assessment above. No specific objection has been raised to the safe use of this route.
- 7.67 Staff movements to site will vary across the two phases of development. Vehicle parking will be provided within the application site.
- 7.68 Once operational the TS states that the BESS will generate approx. 2-5 visits per month to support the operations and maintenance of the site. These trips will generally be made by car or van.
- 7.69 Swept path analysis has been provided and adequately illustrates that a HGV and fire tender can access the site safely. Likewise, it has been evidence that these vehicles can safely access the surrounding road network and site.
- 7.70 Concerns have been raised in relation to general highway safety concerns, including suitability of road network to accommodate HGV's, congestion, pedestrian risks, and cumulative traffic impacts near schools.

- 7.71 Whilst officers acknowledge residents' concerns, there is no demonstrable evidence before officers which would lead us to consider that the proposed development would lead to an unacceptable impact on highway safety or lead to a severe cumulative impact on the surrounding road network.

Ecological Considerations

- 7.72 The applicant has submitted a Preliminary Ecological Appraisal (PEA) (Arbtech, June 2025), Biodiversity Impact Assessment (BIA) (Arbtech, August 2025) and metric dated 28th July 2025. An addendum PEA, BIA and updated Biodiversity Net Gain (BNG) Metric were submitted, dated November 2025. An Arboricultural Impact Assessment, prepared by Lakeland dated August 2025 has also been submitted.
- 7.73 DWT have been consulted and following the submission of additional information no objection was raised to the proposed development subject to conditions relating to the inclusion of a Construction Environmental Management Plan (CEMP: Biodiversity), Habitat Management and Monitoring Plan (HMMP) and Species Enhancement Plan being included in any decision.
- 7.74 DWT did however question the quality of the hedgerow sections that would be lost to accommodate the proposed access, clarity on the agreement with Natural England to deal with Great Crested Newts under a District Level Licensing agreement; and a clear mechanism to deal with the on-site BNG gains and monitoring fees.
- 7.75 The applicant has assessed the hedgerows against the Hedgerow Regulations 1997 and it has been confirmed that they do not meet the legal criteria to be classed as 'important' hedgerows under the Regulations. Whilst a short section (29m) of important hedgerow would be lost, compensatory, species rich, native hedgerow would be planted across the site to mitigate this loss. Furthermore, it is noted that the use is temporary, and this short section of hedgerow could be reinstated when the use ceases. As such officers conclude that the proposed loss of hedgerow can be compensated for by the development.
- 7.76 It is noted that the applicant requires to agree an Impact Assessment and Conservation Payment Certificate (IACPC) under Natural England's District Level Licensing Scheme (DLL). Officers are advised that an application for the IACPC has been made and is due to be determined by Natural England prior to planning committee. Officers will report this to members prior to the planning committee meeting.
- 7.77 The submitted BIA states that a gain of +14.01 habitat units (40.25%) and +2.30 hedgerow units (10.71%) would be achievable, however this is based on a superseded landscaping proposal. Nevertheless, an updated landscape plan suggests capability to provide a minimum of 10% BNG. The applicant has confirmed that the scheme will achieve BNG of 10% either by providing on site

gains or purchase off site units. Regardless of the submitted details, the statutory framework for biodiversity net gain requires a Gain Plan to be submitted and approved by the planning authority before development commences. The gain plan and long-term habitat management can be secured by condition to ensure compliance with the NPPF and Local Plan policies.

- 7.78 The Arboricultural Impact Assessment concludes that 3 sections of hedgerow will need to be removed to accommodate the proposed development. This includes approx. 30m at the site entrance, 8m to accommodate the access track and approx. 10m at the entrance to the field containing the BESS. Tree protection measures are proposed around the entire field containing the BESS. No protection measures are proposed where the access track intersects existing hedgerows.
- 7.79 The Council's Tree Officer has raised no objection to the proposed development and suggests that a Tree Protection condition be included in any decision to ensure that any changes in the overall design and inclusion of laydown area to facilitate development are covered in an updated plan. This can be controlled by way of condition on any decision.
- 7.80 Whilst a number of objections have been received concerned at the impact of development on wildlife, supporting comments have been received highlighting the likely benefits the scheme may bring to local biodiversity. It is also the case that there are no specific ecological designations that apply to this site.
- 7.81 Overall, officers consider that the proposed development, subject to conditions, would protect and enhance the District's natural environment and increase both the quantity and quality of biodiversity and geodiversity. The proposal would also achieve the required 10% BNG, this would be controlled by way of the standard BNG conditions.

Drainage Considerations

- 7.82 The site falls in Flood Zone 1 with the lowest probability of flooding. There are pockets of low, medium and high risk from surface water adjacent to northern edge of the BESS site at the location of a brook which flows west away from the site into the River Rother.
- 7.83 A Flood Risk Assessment and Drainage Strategy, prepared by Tetra Tech dated August 2025 has been submitted. The submitted report considers historic flooding, surface water risk, groundwater flooding, sewer flooding and summarises the overall risk to the proposed development. The report addresses how the proposal will deal with these matters and includes details of a site wide drainage scheme.
- 7.84 The report concludes that infiltration testing failed and as such discharge of surface water will need to be attenuated and released to a nearby watercourse. The rate of

discharge will be 5.2l/sec. Agreement with DCC will be required to discharge into this watercourse.

- 7.85 The Environment Agency (EA) note that the site falls within Flood Zone 1 and no fluvial flood risk concerns are raised. Informative notes relating to emergency response and contingency planning for BESS development and management of end-of-life industrial batteries is recommended for inclusion on any decision.
- 7.86 The Lead Local Flood Authority (LLFA) raised no objection subject to conditions relating to the submission of a detailed surface water drainage scheme, ensuring development accords with the drainage hierarchy, avoiding surface water run off during the construction phase and ensuring soil management.
- 7.87 Yorkshire Water Authority (YWA) raised no objection to the proposal, subject to a condition relating to dealing with surface water drainage.
- 7.88 Severn Trent Water (STW) Authority confirmed that the application site falls outside the STW area for sewerage and no comments are made in relation to the impact on drinking water.
- 7.89 The Councils Drainage Engineers raised no comments to the proposal.
- 7.90 Overall, I conclude that an up-to-date FRA has been submitted and the effect of the proposed development on flood risk, both on-site and off-site, would be commensurate with the scale and impact of the development.

Land Contamination/Land Stability Considerations

- 7.91 A Phase 1 Desk Study, Coal Mining Risk Assessment and Preliminary Ground Stability Assessment, prepared by Chevin Geoenviro Associates LTD dated August 2025 has been submitted to support the application.
- 7.92 The submitted reports conclude that the site had a historical use for surface mining. There are considered to be risks from potential contamination, ground gas and vapours, with further investigation considered to be necessary to assess the risks to receptors from contamination. There is also a risk from potential shallow mining and ground stability risk from compressible ground. Further investigation works are recommended.
- 7.93 The Council's Environmental Health Officer (EHO) considered the submitted details and raised no objection subject to conditions relating to land contamination.
- 7.94 The Coal Authority (CA) raised no objection subject to conditions. A number of informative notes relating to ground investigations, shallow coal mining risk, requirement for having a coal agreement, mine gas and SuDS should be included in any decision.

- 7.95 Officers conclude that there are no technical reasons relating to land contamination or land stability that would preclude development.

Renewable Energy Considerations

- 7.96 Paragraph 165 of the NPPF states that, to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility of all communities to contribute to energy generation from these sources. The proposed development would provide up to 50MW of battery storage, storing surplus electricity when supply exceeds demand and releasing it to the national grid during peak periods. This supports the transition to net zero and reduces the need for additional electricity production. As such, it would help reduce the UK's reliance on finite resources such as fossil fuels and make a meaningful contribution to the Government's climate change agenda and Net Zero target.
- 7.97 The NPPF also states that the planning system should support the transition to net zero by 2050 and help shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability, improve resilience, and support renewable and low carbon energy infrastructure. Battery storage plays a big part in that transition and resilience of the grid by storing and releasing energy at peak times.
- 7.98 The Governments 'Clean Power 2030 Action Plan: A new era of clean electricity' 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, such as battery storage facilities.
- 7.99 In addition to national objectives, North East Derbyshire District Council (NEDDC) declared a climate emergency in July 2019, aiming to reduce its carbon emissions by 80% by 2030. The NEDDC Climate Change Strategy 2022–2030, approved on 22 December 2022, outlines how the Council plans to achieve this. One of the strategy's main themes is renewable energy, with a key priority being support for the development of renewable energy sources within the district.
- 7.100 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."

- 7.101 Paragraph 163 of the NPPF recognises that even small-scale projects make a valuable contribution to reducing greenhouse gas emissions. Given the scale of the proposal, it is considered that, if approved, it would make a meaningful contribution to the Government's 2050 net zero target.
- 7.102 Paragraph 168 of the NPPF states that, when determining proposals for renewable energy developments and associated infrastructure, significant weight should be given to the benefits of renewable energy storage and the proposal's contribution to a net zero future. Paragraph 163 also emphasises the need to consider climate change mitigation when assessing planning applications, taking into account the full range of potential impacts.
- 7.103 Given the proposals contribution to enhancing energy security, officers consider that the renewable energy storage provided over the 40-year operational period should be given great weight in the planning balance.

Other Considerations

- 7.104 Council mapping suggests that the application site containing the BESS is on Grade 4 agricultural land, whilst some of the eastern part of site being on Grade 2 agricultural land. The BESS would be sited on land formerly associated with coal mining, in excess of 300m from the Grade 2 land. Nevertheless, part of the site (approx. 5.8ha) is considered to be Best and Most Valued (BMV) agricultural land. The entire application site covers an area of approx. 10.5ha and appears to be currently used for grazing of cattle.
- 7.105 Local Plan policy SS1 seeks to "Protect the productive potential of the District's best quality agricultural land and avoid sterilisation of mineral resources." The NPPF at para 187 also says that decisions should, amongst other things, recognise the economic and other benefits of BMV land.
- 7.106 An Agricultural Land Classification report prepared by ADAS dated July 2025 has been submitted in support of the application. The report confirms that the field containing the access track would be Grade 2 in quality. As such the proposal would result in the loss of some Grade 2 agricultural land, however this is limited to a narrow edge of this field to form an access track.
- 7.107 Natural England does not have to be consulted on proposals on agricultural land of less than 20ha.
- 7.108 Overall officers consider that the loss of a small strip of grade 2 agricultural land at the edge of this field would protect the wider productive potential of the wider land holding for food production. The benefits of the scheme (renewable energy generation in a location not designated for landscape quality) have to be weighed against the modest loss of a small portion of grade 2 agricultural land.

- 7.109 Concerns have been raised in relation to the risks from decommissioning of the proposed development. Officers would seek to include a condition restricting the development to a 40 year lifetime and require a decommissioning method statement be submitted to and agreed in writing by the Local Planning Authority.
- 7.110 The Council's Employment and Skills officer raised no objection to the proposal subject to a condition relating to enhancing and maximising employment and training opportunities. The applicant has no objection to such a condition being imposed on any decision.

8.0 Summary and Conclusion

- 8.1 The proposal for a Battery Energy Storage System (BESS) capable of storing up to 50MW of electricity is supported in principle by both local and national planning policy. The development would also contribute to local and national energy security objectives.
- 8.2 The proposed site is located away from any designated landscape and identified in the Derbyshire Spatial Energy Study as having low sensitivity. The BESS would have a localised impact on the local right of way network and from distant views, however these would be mitigated over time and the overall impact can be controlled with the inclusion of conditions on any decision. The scheme is also temporary and in the long term the site will be restored. Overall officers are of the view that the proposal would not result in a significant adverse effect on the visual amenity and character of the area.
- 8.3 In terms of impact on amenity, no objection has been raised by any statutory consultee. Therefore subject to conditions covering noise, working practices, fire safety (ETRP and BSMP), control of dust, and control of the hours of construction and deliveries, officers conclude that the development would not have a significant adverse effect on the amenity or safety of local residents.
- 8.4 The development would lead to less than substantial harm to the significance of a designated heritage asset. This harm must be weighed against the public benefits. In this case, officers consider that the benefits in terms of energy security and progress toward Net Zero outweigh the less than substantial harm, which is considered at the lower end, due to the wider context within which the site is viewed and the separation distances involved, as discussed in the main body of the report.
- 8.5 In terms of highway safety, the development would take access from the highway network to the east along Hallgate Lane. No objection has been raised by the Highways Authority, and there is no evidence to suggest that the development would result in an unacceptable impact on highway safety or that cumulative impacts on the road network would be severe, as defined by paragraph 116 of the NPPF.

- 8.6 The scheme has an opportunity to exceed the 10% Biodiversity Net Gain (BNG) requirement and would, subject to conditions, protect and enhance the District's natural environment and increase both the quantity and quality of biodiversity and geodiversity.
- 8.7 The proposal would result in the loss of a small trip of grade 2 (BMV) agricultural land at the edge of a field to accommodate an access track to the BESS. The wider productive potential of the field would not be lost, and officers are of the view that the benefits of the scheme would weigh against the moderate loss of the edge of this field.
- 8.8 Technical matters relating to land contamination, land stability, drainage, and employment and skills matters can be addressed through appropriately worded conditions and informative notes.
- 8.9 The public benefits of the proposal must be considered in the planning balance. The scheme would provide 50MW of battery storage, helping to manage energy supply and demand, support the transition to net zero, and reduce reliance on fossil fuels. The ability of this proposal contributing to this transition is a significant public benefit and should attract great weight.
- 8.10 Overall, officers conclude that the benefits of this proposal clearly outweigh the harm to the landscape character and any other harm identified in this report. Subject to the imposition of conditions, the proposal would not conflict with local and national planning policy.

9.0 Recommendation

- 9.1 That planning permission is **CONDITIONALLY APPROVED** subject to the following conditions and subject to the applicant evidencing a signed Impact Assessment and Conservation Payment Certificate (IACPC), with the final wording delegated to the Planning Manager (Development Management):-

Conditions

No	Condition	Reason	Pre-com agreement
1.	The development hereby permitted shall be started before the expiration of 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.	N/A
2.	The development hereby approved shall be carried out in accordance with the following approved plans and documents:	For clarity and avoidance of doubt	N/A

	<ul style="list-style-type: none"> • ENR015-SP-01 REV 03 (Location Plan) • ENR015 PL-01 REV 11 (Proposed Site Plan in Context) • ENR015 PL-02 REV 11 (Proposed Site Layout Plan) • ENR015 PL-01.1 REV 07 (Proposed Site Plan – Topo Overlay) • ENR015 SD-01 REV 02 (132kv Substation – Section) • ENR015 SD-02 REV 02 (132kv Substation - Plan) • ENR015 SD-03 REV 02 (Aux Transformer) • ENR015 SD-04 REV 02 (Inverter) • ENR015 SD-05 REV 01 (CCTV Camera) • ENR015 SD-07 REV 02 (Project Control Room) • ENR015 SD-08 REV 02 (120,000l Water Tank) • ENR015 SD-09 REV 02 (Perimeter Fence and Gate) • ENR015 SD-10 REV 02 (Transformer) • ENR015 SD-11 REV 02 (BESS Battery Unit) • ENR015 SD-12 REV 02 (20ft Spares Container) • ENR015 SD-13 REV 02 (DNO Control Room) • 167776/8100 E (Landscaping Proposals) • LTP 6456 P2 01 01 B (Proposed Access) • LTP 6456 P2 02 01 B (Proposed Access Junction) • LTP 6456 P2 03 01 B (Proposed Access – Swept Path) • LTP 6456 P2 04 01 B (Proposed Internal Access and PRow Plan) • LTP 6456 P2 05 01 B (Proposed Temporary Waiting Restrictions on Hallgate Lane) 		
	Operation & Decommissioning		
3.	The planning permission hereby granted shall be limited to a period of 40 years commencing from the date the battery storage facility becomes operational. At the end of this 40-year period, the development in its entirety shall be removed, and	In the interest of clarity and in the interest of public amenity.	

	the land restored to its previous agricultural use pursuant to the Decommissioning Method Statement approved under Condition 4 of this permission.		
4.	<p>No later than six months prior to the expiry of the planning permission, or within six months of the permanent cessation of electricity being stored by this 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 and biodiversity works) 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 for agricultural use; e) timescales for the decommissioning, removal and reinstatement of the land; f) a method statement for the disposal/recycling of redundant equipment/structures. <p>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 being stored by the development.</p>	For clarity and avoidance of doubt.	
5.	The operator shall notify the Local Planning Authority in writing within 10 working days of electricity stored by the development being first exported to the national grid. The notification shall be in the form of a recorded letter to the Assistant Director of Planning or Planning Manager.	For clarity and avoidance of doubt.	
6.	Prior to operation/energisation of development hereby approved, a Detailed Battery Safety Management Plan (BSMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Derbyshire Fire and Rescue Service. The BSMP shall include, but not	To ensure the safe design, operation, and management of the battery storage facility and to minimise the risk to life, property, and the	

	<p>be limited to:</p> <ul style="list-style-type: none"> • Details of the final battery technology and specification; • The design and layout of the compound, including separation distances and fire containment measures; • Fire detection, suppression, and alarm systems in accordance with the National Fire Chiefs Council (NFCC) guidance; • Access and water supply arrangements for firefighting purposes; • Procedures for emergency response and liaison with the Fire and Rescue Service; • Ongoing operational management, maintenance, and monitoring arrangements. <p>The development shall not be brought into operation until the approved BSMP has been fully implemented, and it shall thereafter be maintained and operated in accordance with the approved details for the lifetime of the development.</p>	<p>environment, in accordance with the National Planning Policy Framework and relevant fire safety guidance.</p>	
7.	<p>Prior to operation/energisation of development hereby approved, an Emergency and Tactical Response Plan (ETRP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the local Fire and Rescue Service. The ETRP shall include:</p> <ul style="list-style-type: none"> • Site-specific emergency procedures for fire, thermal runaway, and hazardous gas release. • Access and egress arrangements for emergency vehicles, including turning circles and water supply points. • Isolation and shutdown protocols for the battery system and associated electrical infrastructure. • Communication and coordination arrangements with emergency services, including 24-hour contact details. • Training and drills schedule for site operators and liaison with emergency responders. <p>The development shall thereafter be operated in full accordance with the approved ETRP for the lifetime</p>	<p>In the interest of public safety.</p>	<p>Yes</p>

	of the installation.		
	Development		
8.	Before installation of the relevant equipment/features hereby approved, details of the RAL colour finish of all structures (including fencing and gates) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.	In the interests of the character and appearance of the area.	
9.	Notwithstanding the submitted details, before development commences details of existing and finished site levels relative to an agreed off-site datum point shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.	In the interests of the character and appearance of the area.	Yes
10.	Notwithstanding the submitted details, before development commences, details of the internal access tracks finished materials (including materials to be used for passing places) shall be submitted to and approved by the Local Planning Authority. The track details shall be of a sympathetic material to its landscape setting. The approved details shall then be implemented in full before the development hereby approved is operational and retained as approved for the lifetime of the development.	In the interests of the character and appearance of the area.	Yes
11.	Notwithstanding the submitted details, before development commences a scheme of hard landscaping has been submitted to and approved in writing by the Local Planning Authority. The hard landscaping details shall include details of the compound surfacing, the internal track details and hard surfaced areas containing buildings. The hard landscaping works shall be implemented in accordance with the approved details prior to operation of the development hereby approved and retained as such for the lifetime of the development.	In the interests of the character and appearance of the area.	Yes
12.	Notwithstanding the submitted details, before development commences, a Landscape Maintenance and Management Plan (LMMP)	In the interests of the character and appearance of the area.	Yes

	<p>including details of soft landscape works and earthworks which follows the principles of the approved Landscape Proposals Plan ref: 167776/8100 Rev E has been submitted to and approved in writing by the Local Planning Authority. The LMMP shall include:</p> <ul style="list-style-type: none"> a) a plant schedule to comprise species, plant sizes, proposed numbers and density, b) planting specifications, c) details of tree pits, d) hedge restoration details and formation methods, e) Tree and hedgerow protection measures to prevent damage from domestic and wild animals, f) bunding details. <p>The soft landscape proposals shall be implemented in the first planting season after notification of first operation as required by condition 5 above. If within a period of 10 years from the date of the planting of any tree, shrub or plant, that tree, shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and/or becomes seriously damaged or diseased in that period, another tree, shrub or plant of the same species and size as that originally planted shall be planted at the same place in accordance with the agreed LMMP.</p>		
13.	<p>Prior to the commencement of the development hereby approved (including all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:</p> <ul style="list-style-type: none"> a) Location and installation of services/ utilities/ drainage. b) Details of construction within the RPA or that may impact on the retained trees. c) A specification for protective fencing to safeguard trees during construction phases and a dimensioned plan indicating the alignment of the 	<p>Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during construction and to protect and enhance the appearance and character of the site and locality, in accordance with SDC2 Trees, Woodland and Hedgerows of the Local Plan and pursuant to section 197 of the Town and Country Planning Act 1990.</p>	Yes

	<p>protective fencing.</p> <p>d) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.</p> <p>e) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires .</p> <p>f) Arboricultural supervision and inspection by a suitably qualified tree specialist.</p> <p>g) Reporting of inspection and supervision.</p> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p>		
	EHO		
14.	<p>Before the commencement of the development hereby approved:</p> <p>a. The site investigation strategy as identified in the Desk Study report Ref 2023-854 submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.</p> <p>b. Where the site investigation identifies unacceptable levels of contamination, 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 relevant current guidance. The submitted 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>To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.</p>	Yes

	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.		
15.	<p>Prior to the first use of the development hereby permitted:</p> <p>a) The approved remediation works required by condition 14 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, 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 the Phase I contaminated land assessment (desk-study) ref 2023-854 submitted with the application and through the process described in condition 14 above.</p> <p>c) Upon completion of the remediation works required by condition 14 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 necessary waste management documentation shall be included.</p>	To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.	
	Amenity		
16.	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	In the interest of air quality.	Yes

	from the site during construction periods, shall be submitted to and approved in writing by the Local Planning Authority and include a dust risk assessment. The development shall be undertaken in accordance with the approved scheme.		
17.	<p>Works on site and deliveries to the site shall be undertaken only between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday. There shall be no work undertaken or deliveries made to the application site on Sundays or public/Bank Holidays.</p> <p>For the avoidance of doubt operatives may arrive and depart from site 30 minutes prior/after the times specified above.</p>	In the interest of the amenity of neighbouring land uses and residential properties.	
	Coal		
18.	<p>No above ground development shall commence until;</p> <p>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 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 made 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>	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 187, 196 and 197 of the National Planning Policy Framework.	Yes
19.	Prior to the operation of the development, 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	The undertaking of intrusive site investigations, prior to the commencement of development, is considered	

	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.	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 187, 196 and 197 of the National Planning Policy Framework.	
	Highways		
20.	The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4m back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43m in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.	In the interests of highway safety.	
21.	<p>The Development hereby approved shall not be brought into use until the site access and offsite works comprising:</p> <ul style="list-style-type: none"> • Provision of visibility splay dimensions as shown on drawing LTP/6456/P2/02.01 Rev B. • Provision of access as shown on drawing LTP/6456/P2/01.01 Rev B • Provision and alignment of access track with upgrading of PRoW as shown on drawing LTP/6456/P2/04.01 Rev B. 	To ensure the safe and free flow of traffic onto the highway and highway safety.	

	<ul style="list-style-type: none"> • Provision of temporary waiting restrictions for a limited period as shown on drawing Ref LTP/6456/P2/05.01 Rev B <p>Have been constructed and completed.</p>		
22.	<p>In the event that replacement battery units are required to be delivered to or removed from the site at any point during the operational lifetime of the development, a Replacement Battery Delivery Management Plan (RBDMP) shall be submitted to and approved in writing by the Local Planning Authority (LPA) prior to such deliveries or removals taking place.</p> <p>The RBDMP shall include, but not be limited to, the following details:</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; • 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 Plan to staff, visitors and neighbouring residents and businesses. • Details of weight and width restrictions along construction vehicle route • Details of traffic generation for the decommissioning of the site • Details of internal layout with regards to parking provision, turning area and impact of construction vehicles • The anticipated number, size, and type of delivery vehicles; • The timing and phasing of deliveries and removals; 	In the interests of highway safety.	

	<ul style="list-style-type: none"> • Traffic management measures to ensure highway safety and to minimise disruption to other road users; • Provisions for the temporary holding, loading, or unloading of vehicles within or adjacent to the site; and • Measures to repair any damage to the public highway arising from such activities. 		
23.	<p>No development shall commence until a Condition Survey has been undertaken in accordance with UKPMS User Manual Volume 2: Visual Data Collection for UKPMS Chapter 7: Coarse Visual Inspection (CVI) to assess the baseline condition of the public highways in the immediate vicinity of the site to be used to access the site. The survey shall be supplemented by a photographic record. A report including photographs shall be submitted to the Local Planning Authority within one month of commencement.</p> <p>Within one month of completion of the construction phase a second Condition Survey shall have been undertaken in accordance with UKPMS User Manual Volume 2: Visual Data Collection for UKPMS Chapter 7: Coarse Visual Inspection (CVI), which shall identify any damage, wear and tear attributable to the construction works, and a report with photographs. This report, along with details of any remedial works and a timetable for implementation shall be submitted to the Local Planning Authority within three months of the completion of construction.</p>	To ensure the safe and free flow of traffic onto the highway and highway safety.	Yes
24.	<p>Prior to commencement of the development hereby permitted, details of a construction management plan 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 	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.	Yes

	<p>neighbouring properties during construction);</p> <ul style="list-style-type: none"> • Advisory routes for construction traffic; • Any temporary access to the site; • Locations for loading/unloading and storage of plant, waste and construction materials; • Method of preventing mud and dust being carried onto the highway; • Arrangements for turning vehicles; • Arrangements to receive abnormal loads or unusually large vehicles; • Highway Condition survey; • Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses. 		
	Ecology		
25.	<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 shall include the following.</p> <p>a) Risk assessment of potentially damaging construction activities.</p> <p>b) Identification of “biodiversity protection zones”.</p> <p>c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction to retained habitats, nesting birds (including ground-nesting species), reptiles, common amphibians, badgers, riparian mammals and hedgehogs.</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>	In the interest of protecting habitats and species during the construction phase.	Yes

	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.		
26.	No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted to and approved in writing by the Local Planning Authority. The Strategy should refer to Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). The development shall be carried out in accordance with the approved details.	In the interest of protecting the visual amenity of the surrounding countryside, nocturnal mammals and neighbouring amenity.	
27.	A Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by the Local Planning Authority prior to the commencement of the development. If the standard HMMP template is not used, the HMMP checklist shall be consulted to ensure all appropriate information is included. The HMMP shall identify the habitats to be retained, created and / or enhanced on the site and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if not. Guidance on producing a HMMP can be found here: https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain	In the interests of biodiversity retention and enhancement.	Yes
28.	<p>The following enhancements shall be installed on site prior to the first operation of the BESS and maintained thereafter for the lifetime of the development. These features shall include:</p> <ul style="list-style-type: none"> • 1No. pole or tree-mounted barn owl box. • 3No. tree-mounted bat boxes. • habitat piles in suitable locations. <p>The models and locations will be chosen by an ecologist and a statement of good practice</p>	In the interest of enhancing biodiversity features within the site.	

	including photographs shall be submitted to the Local Planning Authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above		
	Drainage		
29.	<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:</p> <ul style="list-style-type: none"> a) T Kearsey, Tetra Tech, August 2025, Flood Risk Assessment and Drainage Strategy, Revision 02; and b) DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), <p>have been submitted to and approved in writing by the Local Planning Authority."</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.	Yes
30.	<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 demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:</p> <ul style="list-style-type: none"> I. into the ground (infiltration); II. to a surface water body; III. to a surface water sewer, highway drain, or 	Yes

		<p>another drainage system; IV. to a combined sewer.</p> <p>And to ensure that development will be safe from flood risk including from groundwater and natural springs.</p>	
31.	<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>	Yes
32.	<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>	Yes
	Employment and Skills		
33.	<p>Before the development hereby approved commences, a scheme to enhance and maximise employment and training opportunities during the construction stage (and post construction stage) of the project, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved timetable.</p>	<p>To enhance employment, training and skills within the community in line with the Council's Working Communities Strategy.</p>	Yes

	Archaeology		
34.	<p>No development shall take place until a written scheme of investigation (WSI) for archaeological trial trenching has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:</p> <ul style="list-style-type: none"> • The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works • The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. <p>This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.</p>	In the interest of below ground archaeology.	Yes
	*Pre-commencement		

Informatives:

- a) DISCON
- b) NMA
- c) BNG condition
- d) Environment Agency - General guidance for BESS developments
In line with planning practice guidance:
 - Applicants should engage with Local Fire & Rescue Services issues of siting and location of BESS are dealt with before applications are made. Ideally this should be done before submitting a planning application.
 - Local planning authorities to refer to guidance produced by the National Fire Chiefs Council for consideration when determining applications and consult with local Fire & Rescue Services before issuing decisions.
 - Applicants will also need to comply with relevant Building Regulations in Part B. They require applicants to provide suitable access for the fire service.
- e) Environment Agency - Emergency response and contingency planning for BESS developments

The proposed development includes Battery Energy Storage. Should battery containers become exposed in the event of a fire, highly polluting chemicals in batteries could enter groundwater through firewater or rainfall runoff potentially affecting groundwater quality. This would be contrary to paragraph 187(e) of the National Planning Policy Framework. The local planning authority should ensure appropriate mitigation is in place for the containment of surface water and rainfall runoff in the event of a fire and subsequent disposal of this contained water off-site.

While in the event of a fire at a Battery Energy Storage System (BESS), it is accepted best practice to let the containers on fire burn out, it is likely water will be used to cool neighbouring containers. This water could enter burning containers through surface water run off or directly from spray cooling neighbouring containers. Furthermore, during or following a fire at a BESS development, water could enter exposed containers through rainfall during the period it takes to remove or cover burnt out containers.

Any development proposal utilising BESS should have emergency response/contingency plans which detail how those risks as detailed above will be managed and environmental impacts prevented, reduced, removed or contained. These plans should ensure that no polluted runoff enters groundwater under the site.

The Department for Energy Security and Net Zero: Health and safety in grid scale electrical energy storage systems, provides guidance on emergency planning.

Any plan for each site must include the EA Incident Number 0800 80 70 60 for prompt operator reporting so that the EA can risk assess the incident and risk to the environment.

f) Environment Agency - Management of end of life industrial batteries

Battery energy storage systems (BESS) facilities are not regulated under the Environmental Permitting Regulations regime.

However, battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. This creates additional lifecycle liabilities which must be understood and factored into project costs.

Batteries have the potential to cause harm to the environment if stored inappropriately e.g. subject to a fire as the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate, it will need to be removed from site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place.

Batteries have the potential to cause harm to the environment if stored inappropriately e.g. subject to a fire as the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate, it will need to be removed from site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place. The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of

batteries to landfill and incineration. Batteries must be recycled or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only.

Batteries have the potential to cause harm to the environment if stored inappropriately e.g. subject to a fire as the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate, it will need to be removed from site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place. Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport.

There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency. If, however, the proposal subsequently changes such that you feel that it may pose a significant environmental risk then please do not hesitate to contact us and we will be pleased to review our response.

g) Coal Authority - Ground Investigations

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Mining Remediation Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, the piling of foundations, other ground works and any Ground Investigations Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Mining Remediation Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, the piling of foundations, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Mining Remediation Authority permission and further guidance can be obtained at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

h) Coal Authority - Requirement for Incidental Coal Agreements

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Mining Remediation Authority. Further information regarding Incidental Coal Agreements can be found at: www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements

i) Coal Authority - Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

j) The applicant should note the advisory and informative notes detailed in the formal written response of the Lead Local Flood Authority dated 27th August 2025 as they will be required as an absolute minimum in order to discharge any of the listed drainage conditions contained in the decision notice issued by the Local Planning Authority.

k) Highway Authority notes:

a. Works on the Public Highway The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Implementation team at development.implementation@derbyshire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions: Drafting the Agreement A Monitoring Fee Approving the highway details Inspecting the highway works Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

b. Impact on the highway network during construction The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at www.derbyshire.gov.uk/transport-roads/roads-traffic/roadworks/roadworks.aspx before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to

enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed

- l) The applicant should note the comments made by Derbyshire Fire and Rescue in their letter dated 23rd September 2025. These comments includes up to date guidance on guidance for developers constructing and operating battery energy storage systems.

PLANNING COMMITTEE – 9th December 2025

Reference Number: 25/00039/FL

Application expiry: 12/12/2025

Application Type: FULL

Proposal Description: Demolition of the existing dwelling and construction of two new dwellings, and creation of a new vehicular access (Amended Plans/ Amended Title).

At: Holmfield, Ankerbold Road, Old Tupton, Chesterfield, S42 6BX

For: Mr Kevin Watson

Third Party Reps: 19 Objections

Parish: Tupton

Ward: Tupton

Report Author: Colin Wilson
2025

Date of Report: 20th November

MAIN RECOMMENDATION: Grant permission, subject to conditions

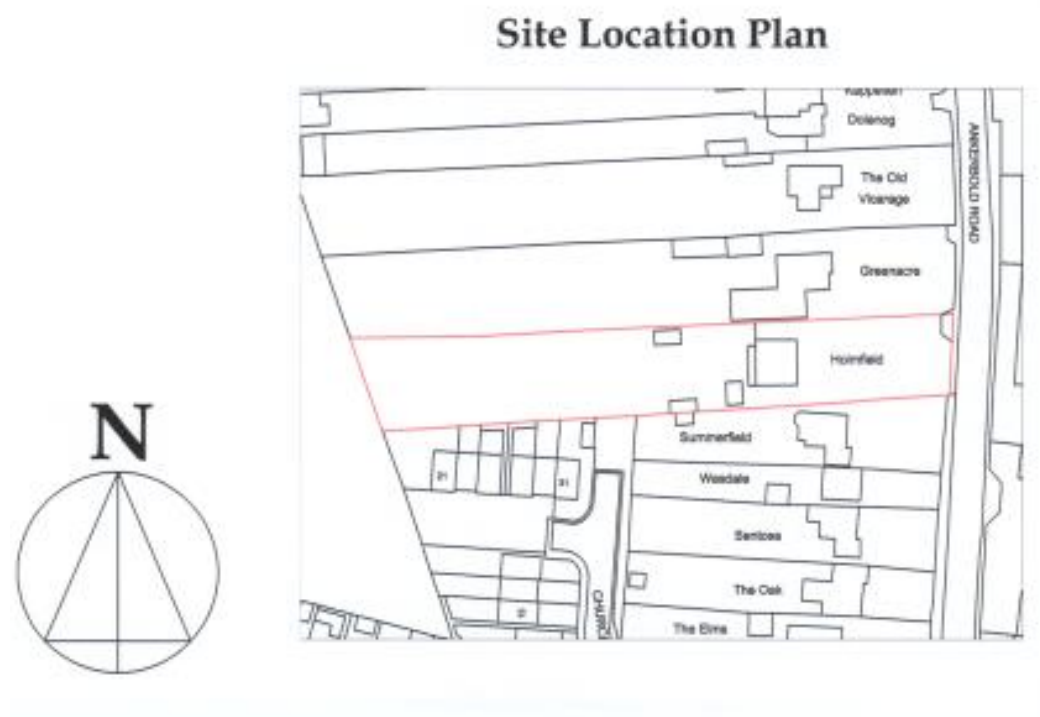


Figure 1: Location Plan, with site edged in red.

1.0 Reason for Report

- 1.1 Cllr Hancock has requested that the application be considered at Planning Committee on the basis that the proposed development would result in unacceptable impacts in residential amenity terms, a harmful impact on the character and appearance of the area, and unacceptable effects in highway safety terms.
- 1.2 In addition, Cllr Windley has raised objections to the proposed development, echoing the concerns of local residents and raising specific concerns regarding the impact of the proposed development in biodiversity terms.
- 1.3 Please note, the Ward Member comments have been summarised for the purposes of this report and can be viewed in full in the online application documents, which can be accessed via the Council's website.

2.0 Proposal and Background

Site Description

- 2.1 The application site comprises a detached bungalow situated within a spacious, linear parcel of land located on the western side of Ankerbold Road, Old Tupton. The site is situated within the defined Settlement Development Limits (SDL) for Tupton.
- 2.2 The site forms part of a ribbon of residential development along the western side of Ankerbold Road and is flanked by detached properties which are situated in substantial parcels of land. The neighbouring properties on Ankerbold Road comprise detached dwellings identified as Greenacre and Summerfield, which are respectively situated to the north and south of the application site. The application site is also adjoined to the south by a row of 6 properties at the northern end of Church View Drive, these properties are identified as numbers 21-31 Church View Drive. To the immediate west of the application site is the site of a major housing development.
- 2.3 The streetscene of Ankerbold Road in the vicinity of the application site is somewhat mixed, comprising a number of properties that vary in their design style. That being said, in terms of property scale, the existing bungalow occupying the application site is something of an outlier, with the majority of the properties in the streetscene comprising more substantially proportioned, 2-storey dwellings.
- 2.4 The site benefits from an existing vehicular access and driveway at the north-eastern corner of the application site.
- 2.5 A young Silver Birch tree (protected by Tree Preservation Order 6) is located in the front garden of the existing property. See Assessment section of this report (paragraphs 7.52 – 7.55) for details of the site's history relating to protected trees.

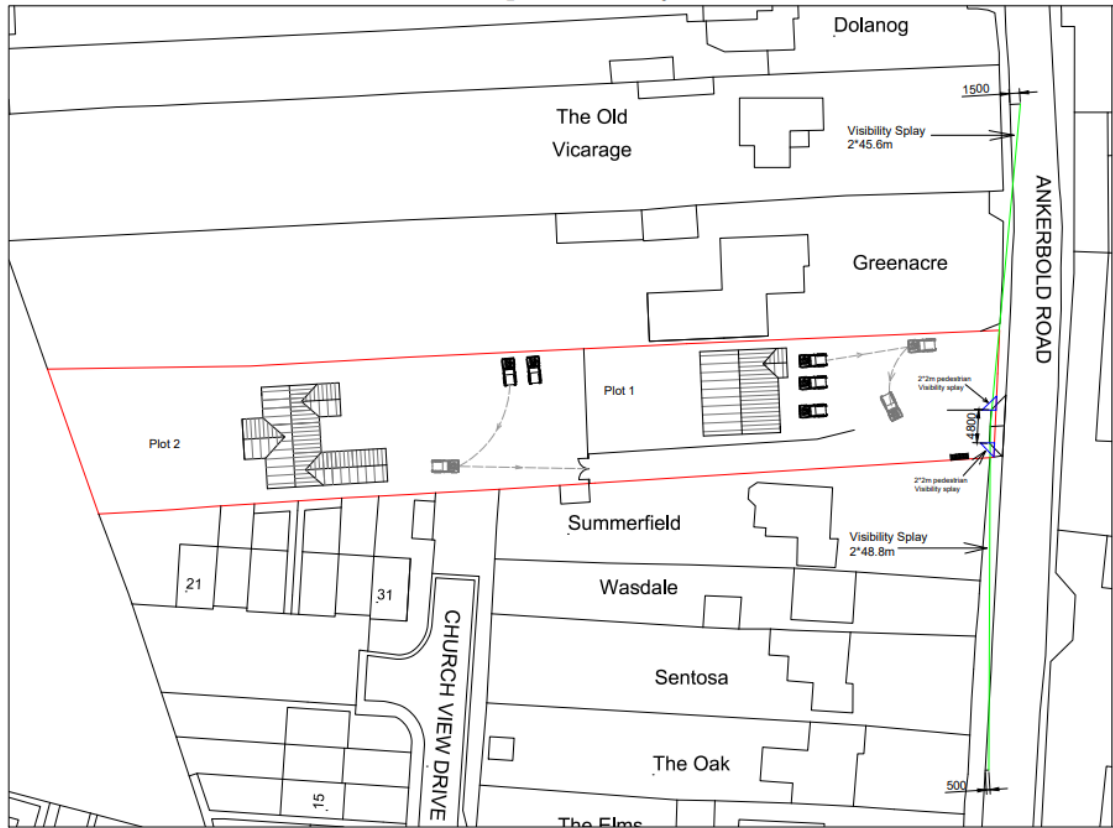
Proposal

- 2.6 Full planning permission is sought for the demolition of the existing dwelling and construction of two new dwellings, and creation of a new vehicular access (Amended Plans/ Amended Title).
- 2.7 The proposed development has been amended throughout the processing of the application. For clarity and the avoidance of doubt, the application has been assessed on the basis of the following drawings, which were uploaded to the Council's website on 30th September 2025, unless stated otherwise:
- Drawing Number DWG1 – Plot 1 Plans and Elevations.
 - DWG3 - Plot 2 Plans and Elevations.
 - Drawing Number DWG4A – Proposed Site Layout
 - Drawing Number DWG5 – Site Section (which was uploaded to the Council's website on 21st November 2025)
- 2.8 As amended, the proposed development seeks planning permission for the demolition of an existing bungalow, which is identified as Holmfield, and construction of two new dwellings on the site. The proposals include the construction of a new two-storey dwelling, which would effectively replace the existing bungalow. The proposed two-storey property would front Ankerbold Road and is identified in the submitted details as Plot 1. In addition, a further dwelling is proposed within the western element of the application site, which currently forms part of the existing bungalow's generous rear garden. This dwelling would comprise a bungalow and is identified in the submission as Plot 2.
- 2.9 The proposals include the creation of a new vehicular access point, to Ankerbold Road, at the south-eastern corner of the site. In addition, a new driveway would be installed adjacent to the southern edge of the application site, allowing for vehicular and pedestrian access to the proposed bungalow, which is identified as Plot 2 in the submitted drawings. It is intended that the existing vehicular access would subsequently be closed.
- 2.10 The proposed site plan is included below and details the position of the proposed dwellings and associated development within the site, such as vehicular access, a proposed driveway, vehicle parking/manoeuvring spaces, and retained garden areas for the respective dwellings:

Continued overleaf

Proposed Site Layout Plan (Drawing Number DWG4A):

Proposed Site Layout



- 2.11 In terms of design and appearance, the proposed two storey dwelling (Plot 1) would comprise a typically proportioned two-storey dwelling, comprising a gable end roof design and a projecting two-storey gable addition at its frontage. In terms of scale, the proposed dwelling would comprise a footprint measuring approximately 12m x 12m and would measure approximately 5.2m and 8.4m to eaves and ridge levels respectively. For information, the proposed elevational drawings are included below (please note, the plans included in this report are for illustrative purposes only and are not to scale):

Proposed Elevations (Plot 1):



- 2.12 The proposed bungalow (Plot 2) would comprise a single storey construction comprising a main element with a ridge axis running north-south, with 3 projecting gable elements (2 projecting from the east facing front elevation of the property, and one extending from the rear elevation of the main body of the proposed dwelling). The main element of the proposed bungalow would

comprise a gable end roof design measuring approximately 2.4m to eaves level and 5.5m to its ridge. The east facing (front) gable projections would be subordinate in scale to the main element of the dwelling, measuring around 2.4m and 4.8m to eaves and ridge levels respectively. The single storey rear projection would measure around 2.4m to eaves level and 5m to the ridge of its pitched roof ridge. For information, the elevations of the proposed bungalow are included below (please note, the plans included in this report are for illustrative purposes only and are not to scale):

Proposed Elevations (Plot 2):



3.0 Relevant Planning History

3.1 The planning history for the site of application can be summarised as follows:

95/00863/FL – Detached garage – Conditionally Approved.

02/00840/FL – Proposed erection of attached garage and conservatory – Conditionally Approved.

22/01126/FL – The demolition of an existing dwelling and the erection of 5 dwellings comprising of x4 2 storey semi-detached and x1 1.5 storey dwellings – Application returned (no decision).

4.0 Consultation Responses

4.1 The **Ward Member** was consulted on the application – objections were raised and a request was made for the application to be determined by NEDDC Planning Committee.

4.2 The **Parish Council** were consulted on the application, raising objections to the proposed development on the grounds that it would ‘create a severe impact on traffic movement on Ankerbold Road, with no footway on that side of the road and positioned opposite a number of businesses.’

4.3 **Derbyshire County Council (DCC) Highways Officers** were consulted on the application, initially requesting additional information pertaining to the proposed access. Subsequent to receipt of amended plans, DCC issued a further, updated consultation response, which raises no objections to the proposed development from a highway safety perspective, subject to the inclusion of conditions. See Assessment below for further details.

4.4 **NEDDC Environmental Health Officers** were consulted on the application, raising no objections to the proposed development, subject to the inclusion of planning conditions relating to measures to minimise the spread of airborne

dust during the construction and demolition works, limitations relating to hours of construction works/deliveries etc, and land contamination mitigation measures.

4.5 **Derbyshire Wildlife Trust (DWT)** were consulted on the application, ultimately raising no objections to the proposed development from a biodiversity perspective, subject to the inclusion of conditions. See Assessment below for details.

4.6 **NEDDC's Principal Arboricultural Officer** was consulted on the application, raising no objections to the proposed development from a tree protection perspective, subject to condition. See Assessment below for details.

5.0 Representations

5.1 The application was publicised by way of neighbour letters and the display of a site notice. A total of 19 representations were received.

5.2 The representations received raise objections to the proposed development. Please note the representations have been summarised below for the purposes of this report and are available to view in full via the Council's website:

- Concerns that the proposed bungalow (Plot 2) would result in unacceptable and harmful impacts on the residential amenity levels currently enjoyed by the occupiers of properties on Church View Drive. These concerns include loss of outlook, dominating impact and loss of light.
- Concerns relating to disturbance during the construction phase. Officer Note: disturbance during the construction phase would not usually represent a material planning consideration and would generally be covered by separate legislation. In this case, NEDDC Environmental Health Officers have recommended conditions that will help minimise the impacts of construction phase of development.
- Concerns that the proposed two-story dwelling (Plot 1) would be too close to the common boundary with the neighbouring Greenacre.
- Plot 1 would comprise windows directly facing the neighbouring properties along Ankerbold Road, negatively impacting on existing levels of privacy.
- Plot 1 and would result in excessive dominance and overshadowing of adjoining properties.
- Risk of subsidence and structural damage. Officer Note: such matters would not usually represent a material planning consideration and would commonly be covered by separate legislation, including building regulations.
- Plot 2 is still of a significant concern in terms of topography, being situated at an elevated level to adjoining properties.
- Disturbance of wildlife.
- Concerns relating the exacerbation of existing parking issues on Ankerbold Road.

- Highway safety concerns relating to visibility splays, with concerns regarding the telegraph pole within the proposed visibility splay.
- Potential light pollution from PIR security lighting and security cameras etc.
- Impact on value of neighbouring properties. Officer note: Officers are of the view that the impact of development on property values does not represent a material planning consideration.
- The proposed development would fail to accord with the aims of the Council's design guide: *Successful Places*.
- Detrimental Impact on mental and physical wellbeing, as a consequence of the increased sense of enclosure, removing natural light and private green space, introducing intrusive levels of noise and movement.
- Concerns regarding the cumulative overdevelopment of the site and wider area.
- Concerns regarding the environmental impact of works already undertaken on the site, including tree felling and fires.
- Biodiversity concerns.
- Concerns relating to the impact of the scheme on local services and infrastructure.
- Concerns regarding the distribution of new housing development within the District.
- Concerns regarding the BNG calculations, given the removal of vast amounts of trees and hedgerows on the site in advance of this application.

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034 (LP)

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

- SS1 Sustainable Development
- SS2 Spatial Strategy and the Distribution of Development
- SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits
- LC4 Type and Mix of Housing
- SDC2 Trees, Woodlands and Hedgerows
- 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

National Planning Policy Framework (NPPF)

6.2 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.

Successful Places

- 6.3 The Council's design guide *Successful Places* is applicable in the assessment of this application.

7.0 Planning Issues

Principle of Development (Policy Context and Main Planning Considerations)

- 7.1 The application site is located within the defined Settlement Development Limits for Tupton.
- 7.2 Policy SS7 of the North East Derbyshire Local Plan states that all development proposals on sites within Settlement Development Limits that are not allocated in the Local Plan or in a Neighbourhood Plan, will be permitted, provided that the proposed development:
- a. Is appropriate in scale, design and location to the character and function of the settlement; and
 - b. Does not result in the loss of a valued facility or service unless it can be demonstrated that it is no longer viable, or is not the subject of a Community Right to Bid; and
 - c. Is compatible with, and does not prejudice any intended use of adjacent sites and land uses; and d. Accords with other policies of the Plan.
- 7.3 Local Plan Policy SDC12 relates to High Quality Design and Place-Making. The Policy states that all new development should be of a high quality design and make a positive contribution to the quality of the local environment. In addition, the policy requires new development to protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts.
- 7.4 Based on the above Policy consideration, Officers are satisfied that the general principle of a residential development of the site is acceptable, subject to all other material considerations (as assessed in this report) being satisfied.
- 7.5 Guided by the above summarised Policy requirements, Officers are of the view that the main considerations for the application can be summarised as follows:
- 1) Impact on the character of the area
 - 2) Residential amenity considerations.
 - 3) Technical Matters, including highway safety, biodiversity mitigation/enhancement, environmental protection considerations, and tree protection measures.
- 7.6 As set out above, Policy SS7 of the Local Plan requires new development within defined SDLs to be appropriate in scale, design and location to the character and function of the settlement. In addition, the overarching aim of Local Plan

Policy SDC12 is that all new development should be of a high-quality design and make a positive contribution to the quality of the local environment.

- 7.7 Policies SS7 and SDC12 of the North East Derbyshire Local Plan do not preclude back land type developments. Moreover, Officers consider that existing back land type development in the vicinity of the site, most notably the development of Church View Drive in the mid-2000s, has established a precedent of back land development in the locality.
- 7.8 In this case, the proposed development has been subject to amendments during the processing of the application. Firstly, the initially proposed application which sought permission for 3 detached dwellings on the site was revised by way of reducing the number of dwellings proposed to 2. In the latest (third) iteration of the scheme, on which this application is now being assessed, amendments have been made to the design of the proposed two-storey dwelling (Plot 1) and bungalow (Plot 2). In addition, revisions to the location of the proposed access and associated driveway have been made.

Visual Considerations

- 7.9 In terms of the visual impact of the proposed scheme, Officers consider that the principal public views of the site of application are from Ankerbold Road, which is situated to the east of the application site. On this basis, the proposed two-storey dwelling identified as Plot 1 will undoubtedly be the more publicly visible of the two proposed properties.
- 7.10 The majority of properties on the western side of Ankerbold Road have seemingly been individually designed, particularly those to the north of the application site. In this regard, the streetscene of Ankerbold Road in the vicinity of the application site is not characterised by one prevailing property design. That being said, there is a degree of uniformity with the design of the 5 properties which front Ankerbold Road to the immediate south of the application site, which are all of a similar design style, comprising two-storey properties with gable end roof designs and projecting front gables.
- 7.11 With the exception of the existing bungalow which occupies the site of application and a dormer bungalow located at the corner of Ankerbold Road and Station New Road, it is apparent that substantially proportioned 2-storey properties make up the prevailing property type/scale in the streetscene.
- 7.12 It is the view of Officers that the proposed dwelling (at Plot 1) would comprise a typically proportioned two-storey dwelling, consistent with the overall scale and proportions of the majority of other properties within the wider streetscene. The dwelling would comprise eaves and ridge levels, and a roof design that would generally be in keeping with other properties in the streetscene.
- 7.13 The proposed property (Plot 1) has been individually designed but seemingly seeks to somewhat reflect the design style of existing properties within the streetscene, comprising a likeness to the properties fronting Ankerbold Road to the south of the site. Officers are of the view that the proposed dwelling would,

by virtue of its scale, design style and materials of construction, assimilate into the existing character and appearance of the streetscene. Therefore, the proposed dwelling is considered to represent an acceptable visual addition to the area, in accordance with the relevant parts of Policies SS7 and SDC12 of the North East Derbyshire Local Plan.

- 7.14 Whilst the visual impact of the proposed Bungalow (Plot 2) would already be somewhat mitigated by virtue of its position to the rear (west) of the proposed two-storey dwelling at Plot 1, Officers nevertheless consider that the visual impact of this element of the scheme is important in the assessment of this application. In particular, the proposed bungalow will form a focal point to the proposed driveway within the site and will be seen, albeit at a distance, from public viewpoints when viewing the site of application square on from Ankerbold Road.
- 7.15 It is the view of Officers that the revised scheme, which is now being assessed, represents a less bulky visual addition to the site than the previously proposed (now superseded) proposals for the bungalow. The introduction of the projecting gables to the main element of the bungalow, is considered to reduce the overall mass of the proposed dwelling and thereby reduce its visual impact. Officers also consider that public views of the bungalow would realistically be limited to views from Ankerbold Road, to the immediate east of the driveway serving the site. Officers consider that the revised scheme would position a gable feature comprising a typically proportioned gable width at the end of the drive. Officers consider that this feature would represent an acceptable termination of the view from Ankerbold Road and from views along the proposed driveway within the site.
- 7.16 The application site is largely inconspicuous from public views from Church View Drive, as it is effectively screened by the existing dwellings at the northern edge of Church View Drive. Equally, there are currently no public views of the site from the west or north of the application site.
- 7.17 Overall, Officers consider that the proposed development the subject of this application would preserve the character and appearance of the site and its surroundings. Officers therefore consider that the proposed development would accord with the relevant parts of Policies SS7 and SDC12 of the North East Derbyshire Local Plan, and the NPPF when read as a whole.

Amenity Considerations

Plot 1

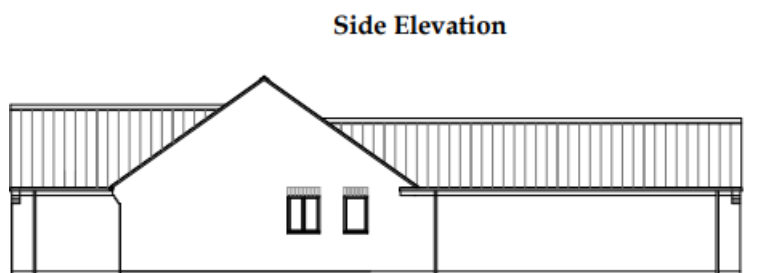
- 7.18 The property at Plot 1 would be positioned within an established ribbon of residential development along the western side of Ankerbold Road. Adjoining the site to the north is a two-storey property which is known as Greenacre. To the south of Plot 1, is a two-storey residential property called Summerfield. The proposed dwelling at Plot 1 would comprise limited side facing openings at first floor level, comprising a single bathroom window in each of its north and south facing elevations.

- 7.19 On the basis that these windows serve non-habitable rooms, Officers are satisfied that no significantly harmful overlooking of the respective adjoining properties would arise. It is the view of Officers that a condition to ensure that the side facing first floor bathroom windows be obscurely glazed and non-opening below 1.7 metres above internal floor level would further protect the privacy levels currently enjoyed by the occupiers of Greenacre to the north and Summerfield to the south.
- 7.20 In terms of loss of outlook/overshadowing, the proposed driveway would provide intervening land between the proposed dwelling (Plot 1) and the common boundary with the adjoining Summerfield to the south. Officers are satisfied that this intervening land between the south facing elevation of the proposed dwelling and the rear elevation/garden area of the adjoining Summerfield would result in an acceptable arrangement between the respective properties, in that the introduction of the proposed dwelling would not result in any significant overshadowing, loss of light or outlook for the occupiers of Summerfield.
- 7.21 Similarly, to the north of Plot 1, a substantial attached garage at Greenacre provides a degree of separation between the north facing elevation of the proposed dwelling and existing openings at the two-storey south facing elevation of Greenacre. Officers are of the view that the proposed arrangement between the proposed property at Plot 1 and Greenacre would be acceptable, in that it would not result in any significant or unacceptable overshadowing or loss of outlook for the occupiers of Greenacre. This matter is expanded on below:
- 7.22 Whilst it is acknowledged that the replacement dwelling (Plot 1) would have some impact on the amenity levels currently enjoyed by the occupiers of the property to the north (Greenacre), it is not considered that this impact would be unduly harmful in this case. Planning history for Greenacre indicates that at its south facing side elevation it comprises 2 first floor bedroom windows and a secondary window serving an open plan lounge/dining room at ground floor level.
- 7.23 Whilst the introduction of the proposed two-storey dwelling in the place of the existing bungalow would have some impact on the windows in question, as a consequence of the intervening garage, a separation distance of approximately 7.7m exists between the north facing elevation of the proposed dwelling and the south facing elevation of Greenacre. Officers consider that this would represent a generous separation distance between side facing elevations of properties in a ribbon type development and would ensure that a satisfactory level of light and outlook for the occupiers of Greenacre would be retained.
- 7.24 Officers consider that the proposed dwelling at Plot 1 would assimilate into the existing ribbon of development along the western side of Ankerbold Road. In this regard, Officers consider that the outlook from the proposed dwelling's front (east) and rear (south) facing first floor openings would represent a typical

relationship between dwellings in a ribbon of properties such as this and would not result in any harmful or unacceptable direct overlooking of adjacent sites.

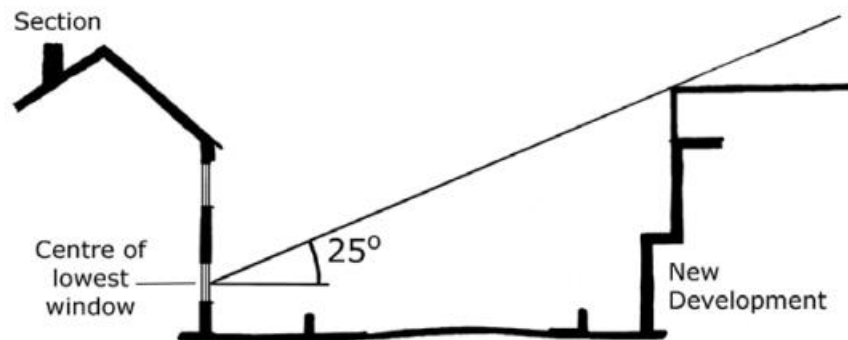
Plot 2

- 7.25 The proposed bungalow identified as Plot 2 would be positioned to the north of a row of 6 properties on Church View Drive (numbers 21-31). As a consequence of the proposed bungalow's design with projecting gables, an elevation of approximately 20m in length would face the southern boundary of the application site and the adjoining properties on Church View Drive. The south facing elevation of the bungalow would be set off the boundary with Church View Drive providing separation distances between the proposed bungalow and the north facing rear elevations of the properties on Church View Drive between 8.5m – 11.5m.
- 7.26 Given that the proposed dwelling would be positioned directly to the north of the rear elevations and gardens of properties on Church View Drive, Officers consider that the proposed development would not result in the loss of any direct sunlight to the rear gardens and rear (north facing) openings at those adjoining properties. Moreover, the proposed dwelling would comprise a maximum ridge height of 5.5m, with the majority of the south facing elevation being of a lower height than the gable end elevation of the main element of the proposed bungalow. To illustrate this point, the proposed south facing elevation of the proposed bungalow is included below:



- 7.27 The highest element of the proposed dwelling facing the north facing elevations and gardens of properties on Church View Drive would be the side facing gable elevation of the proposed building. Officers consider that, as a consequence of its height and proximity, the proposed gable would be seen from the rear elevations and gardens of the affected properties on Church View Drive. In this regard, Officers accept that the introduction of the proposed bungalow would result in some impacts on the outlook from the ground floor windows at the rear (north) of the properties on Church View Drive. Equally, the proposed gable elevation of the main element of the bungalow would be visible from the rear gardens of the properties on Church View Drive.
- 7.28 Officers acknowledge that a number of the representations received express specific concerns regarding the impact of the proposed bungalow on the residential amenity levels currently enjoyed by the occupiers of properties at the north of Church View Drive. As part of the assessment of this application, Officers have applied and estimated the '25 degree rule', which is set out in the

Council's Design Guide *Successful Places*. For information, the 25 degree rule as illustrated in *Successful places* is included below:



New Build in front of a main window to a principal room: The 25° Rule

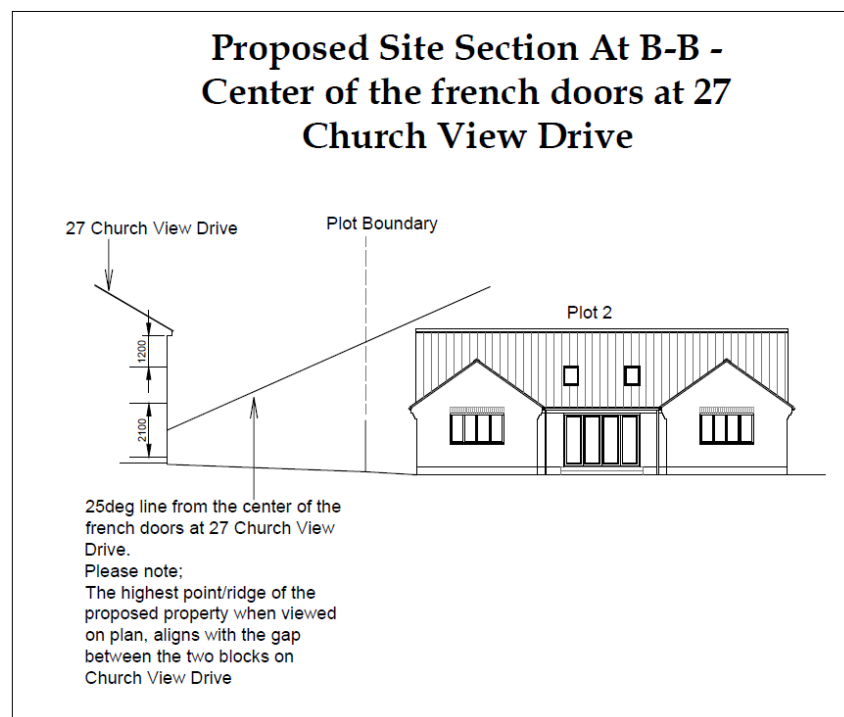
Generally a building should not be situated in front of a main window to a habitable room if it is higher than the 25° line drawn from the centre of the affected window.

- 7.29 Having initially applied the 25 degree rule, Officers estimated that the proposed ridge level of the south facing gable elevation of the main element of the bungalow would very marginally fail to accord with the 25 degree rule, with the ridge of the gable measuring approximately 26 degrees from the centre of the north facing ground floor openings at the nearest properties on Church View Drive (these being numbers 25 and 27). Officers estimates suggest that the rest of the south facing elevation of the proposed bungalow (including the entirety of the front projecting gable) would comfortably be in accordance with the 25 degree rule.
- 7.30 It should be noted that the 25 degree rule is a general rule providing guidance and is not definitive. In this regard the rule should be applied flexibly and other site circumstances, such as site orientation should be taken into account. In this instance, Officers are of the view that a marginal contravention of the rule (by approximately 1 degree) would be mitigated by other considerations, which, most notably in this case, relate to the orientation of the site and the very limited amount of built development that would be experienced above the 25 degree line.
- 7.31 Much of the bungalow's south facing elevation would comprise the front projecting gable, which would be set back from the common boundary with Church View Drive and would comprise a lower ridge level than the main element of the proposed building (as illustrated above). The proposed front gable addition would comprise a pitched roof, which slopes away from the common boundary with Church View Drive. The projecting front gable, which comprises a low eaves level of 2.4m and a pitched roof, the ridge of which is set well back from the common boundary would comfortably comply with the 25 degree rule, as set out in *Successful Places*.
- 7.32 In the interests of seeking a further betterment of the relationship between the proposed bungalow and properties on Church View Drive, Officers broached the marginal non-compliance with the 25 degree rule with the applicant's agent.

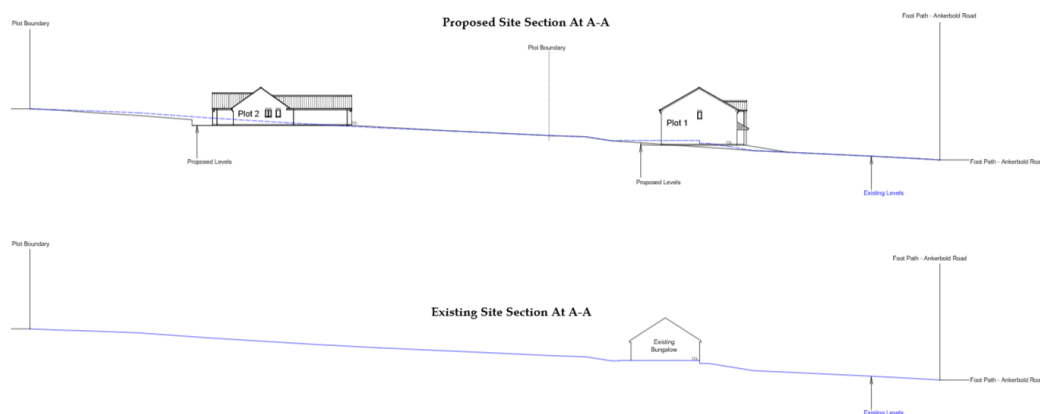
Subsequently, the agent advised that there is scope in this case to develop the site with finished levels that would achieve full compliance with the 25 degree rule.

- 7.33 Following discussions with the applicant's agent, Officers understand that a reduction in the finished floor levels of the proposed bungalow, by approximately 500mm, would ensure full compliance with the 25 degree rule. For information, the relevant extracts from the revised drawing are included below; these images detail the 25 degree rule applied to the most affected property on Church View Drive (number 27) and a sectional drawing showing how the proposed bungalow would be dug in to the existing land levels, thereby reducing its impact:

25 degree rule:



Site Levels (existing and proposed)



- 7.34 On the basis of these factors, Officers are satisfied that the proposed development would not lead to any unacceptable loss of residential amenity by way of overshadowing or loss of outlook.
- 7.35 Officers consider that a planning condition relating to finished levels for Plot 2 would therefore allow control of this matter, ensuring that the impact of the proposed development on the amenity levels of the occupiers of properties on Church View Drive would be further minimised, ultimately as a consequence it being fully in accord with 25 degree rule.
- 7.36 Given the significant separation distances between the proposed bungalow and Greenacre to the north, and the sizeable garden of Greenacre, Officers consider that the impacts of the north facing elevation of proposed bungalow on the residential amenity levels currently enjoyed by the occupiers of Greenacre would be minimal, and therefore acceptable.
- 7.37 In terms of privacy, given its single storey nature and fenestration design, Officers are of the view that the proposed dwelling would not result in any adverse overlooking of adjacent properties. Given their proximity to the application site, the properties 21-31 Church View Drive enjoy something of a 'borrowed outlook' across the existing garden of Holmfield. Officers consider that this relationship means that there is some intervisibility between the rear garden of Plot 2 and the upper floor windows of 21-31 Church View Drive. Officers consider that this arrangement would result in a largely neutral impact in residential amenity terms, given that this intervisibility between the existing rear garden of Holmfield and the north facing first floor openings of properties on Church View Drive already exists.
- 7.38 Overall, based on the above considerations, Officers are of the view that the proposed development of Plot 2 would represent a form of development that adequately protects the existing residential amenity levels enjoyed by the occupiers of neighbouring properties, in accordance with the requirements of Policies SS7 and SDC12 of the North East Derbyshire Local Plan.

Access Arrangements/ Driveway

- 7.39 A further consideration from an amenity perspective is the introduction of the new vehicular access and drive, and how the vehicular and pedestrian movements may impact on amenity levels of adjacent sites. Vehicular movements along the proposed driveway are likely to result in some impacts for the occupiers of Summerfield, which, positioned to the south of the application site, is the nearest adjacent property to the proposed driveway.
- 7.40 Officers accept that there would be some increases in noise and disturbance caused by the intensification of the site, namely from vehicular movements along the new access drive. That being said, Officers are of the view that the vehicular movements directly passing the most affected property would be limited to those arising as a consequence of the proposed bungalow (Plot 2). Parking for Plot 1 would be at the site frontage and would not be dissimilar to the existing arrangement on site.

- 7.41 Overall, Officers consider that the nature of the access arrangements will mean that vehicles (associated with Plot 2) are likely to pass the north facing elevation of Summerfield) at very low speeds and without the need to wait with idling engines immediately adjacent to Summerfield for any prolonged periods of time. In this regard, Officers are satisfied that the development of the site as proposed, would not lead to any significant or unacceptable harm to the residents of adjacent properties by way of disturbance from manoeuvring vehicles within the site. This assessment is corroborated by the lack of objection from the Environmental Health Officer to the application.

Residential Amenity of Future Occupiers of the Proposed Development.

- 7.42 In regard to the relationship between the proposed properties within the development site (Plot 1 and 2), Officers are of the view that the separation distances between the rear of Plot 1 and the bungalow (Plot 2) are acceptable and in accord with guidance contained within *Successful Places*. The relatively generous rear gardens for the proposed dwellings are considered to provide acceptable private and useable *amenity* space, comfortably exceeding the recommended private amenity spaces which are set out in *Successful Places*.
- 7.43 The proposed bungalow would comprise a garden that is somewhat overlooked by properties along Church View Drive. However, the overlooking would principally be from first floor windows rather than windows serving more habitable rooms such as living rooms and Officers consider that the generous grounds for the bungalow would afford its future occupants an acceptable standard of outdoor amenity.

Highway Safety

- 7.44 Paragraph 116 of the National Planning Policy Framework (NPPF) and Policy ID3 of the North East Derbyshire Local Plan set out 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.
- 7.45 Derbyshire County Council Highways Officers were consulted on the application, ultimately raising no objections to the development in highway safety terms. In their updated consultation response of 10th November, DCC Highways Officers advised a number of planning conditions that will need to be met before the development is brought into first occupation, including a condition to ensure that requisite visibility splays from the proposed access are achieved. It is noted from the comments that achievement of the necessary visibility splay in a southern direction will be contingent on the relocation of an existing telegraph pole within the highway verge to the south-eastern corner of the site. Officers consider that this matter could be reasonably addressed by way of the inclusion of a planning condition which precludes the occupation of the proposed development, until such a time that obstructions, including the telegraph pole in question, have been relocated to a position outside the visibility splay for the proposed development.

- 7.46 On the basis of the above considerations and guided by the DCC Highways Officers consultation response, Officers are of the view that the proposed development would not result in any unacceptable impact on highway safety, nor would it result in any severe cumulative impacts on the road network. Consequently, Officers consider that the development accords with Policy ID3 of the Local Plan and the NPPF when read as a whole, with particular regard to Paragraph 116.

Biodiversity Considerations

- 7.47 In their latest consultation response of 25th September, Derbyshire Wildlife Trust (DWT) advised they had reviewed the results of the recommended bat emergence surveys (Clayton Ecology, August 2025). The surveys identified that no roosting bats were using the buildings on site and no evidence of use was found previously during the building inspection. However, as the building contains 'moderate' potential for use by bats, DWT advised that the works affecting the building should proceed with caution and if bats or evidence of bat use are found, works should stop immediately and a bat ecologist with suitable experience be consulted for advice.
- 7.48 In addition to the above, DWT advised that any new external lighting should be designed to avoid lighting of the proposed species enhancement features and adjacent habitats.
- 7.49 On the basis of the conclusions set out in the DWT consultation response, Officers are of the view that the proposed development would be acceptable from a biodiversity perspective, subject to the inclusion of recommended conditions relating to a biodiversity enhancement measures and controls on any further site clearance, such as removal of hedgerows etc.
- 7.50 The application is supported by a mandatory Biodiversity Net Gain (BNG) assessment and metric. The assessment concludes that mandatory BNG is applicable in this case and that in order to achieve the 10% net gain target required by the Environment Act (2021), 0.47 Habitat units and 0.08 Hedgerow units will need to be provided as off-site compensation. In addition, 0.58 Habitat units of heathland and shrub will need to be obtained. It is set out in the applicant's BNG report that these units will need to be provided post-planning by the applicant either; • On other land within the applicants ownership; • Through a habitat bank; • Or as a last resort through DEFRA's Statutory Biodiversity Credit system.
- 7.51 Officers agree that mandatory BNG is applicable in this case and a deemed BNG condition would need to be complied with prior to the development commencing. A "deemed BNG condition" is a pre-commencement condition, meaning a Biodiversity Gain Plan must be submitted to and approved by the local planning authority before any construction work begins. In this case, Officers consider that the proposed enhancement measures can be secured via the pre-commencement 'Biodiversity Gain Condition' and will ensure that the LPA can ensure that the necessary net gain is achieved.

Tree Protection

- 7.52 Officers understand that records indicate that two trees on the boundary of the rear garden of Holmfield were protected by TPO 6 – the trees were identified as T16 and T17 are both described as Silver Birch: T16 was located on the south boundary of the rear garden, and T17 was located on the north boundary of the rear garden. However, both T16 and T17 are no longer standing at this location.
- 7.53 Officers are unsure when T16 was removed, as records do not cover the circumstances of this removal. However, T17 was reported to the Council as uprooted in the autumn of 2024. Under section 206 of the Town and Country Planning Act 1990, landowners have a duty to replace an uprooted tree by the planting of a new tree. It was agreed that the location of the replacement tree following the uprooting of T17 could be within the front garden of the property, rather than the rear garden, to maximise the amenity benefit of the tree in the future. As such, there is a young Silver Birch tree located in the front garden of the property and this tree is automatically protected by the original Tree Preservation Order.
- 7.54 The Council's Principal Arboricultural Officer was consulted on the application, advising that they have no overall arboricultural objection to the proposal on that basis that it will be possible to retain the young replacement tree within the front garden of the property and protect it during development of the site. Alternatively, if it is found impossible to protect the young replacement tree during development of the site, it could temporarily be removed from its current position, as it has yet had time to develop a substantial root system and be replanted following completion of the works.
- 7.55 Guided by the above summarised consultation response, Officers are of the view that the proposed development is acceptable from a tree protection perspective, subject to a condition requiring the submission, approval, and implementation of a scheme for the protection of the retained trees.

8.0 Summary and Conclusion

- 8.1 In this case, Officers are of the view that the proposed development represents an acceptable form of development within the defined Settlement Development Limits of Tupton. Officers consider that the proposed development would represent an acceptable visual addition to the site and surrounding streetscene. Moreover, Officers consider that the proposals would satisfactorily protect the residential amenity currently enjoyed by the occupiers of adjoining properties, whilst providing acceptable levels of residential amenity for the occupiers of the two proposed properties. Subject to conditions, Officers are satisfied that the proposed development would not result in any unacceptable highway safety harm. Equally, based on the other technical considerations such as biodiversity/ecology, tree protection, and environmental protection, Officers are satisfied that, subject to conditions, the proposals set out in this application would represent a form of development that accords with the relevant Policies

contained in the North East Derbyshire Local Plan and the NPPF when read as a whole.

9.0 Recommendation

9.1 On the basis of the above considerations, Officers recommend that planning permission is **APPROVED** subject to conditions, with the final wording delegated to the Planning Manager (Development Management):-

Conditions

No	Condition	Reason	Pre-commencement agreement
1.	The development hereby permitted shall be started within 3 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.	N/A
2.	<p>The development hereby approved shall be carried out in accordance with the submitted plans listed as follows, all of which were uploaded to the Council's website on which were uploaded to the Council's website on 30th September 2025:</p> <ul style="list-style-type: none"> • Drawing Number DWG1 – Plot 1 Plans and Elevations. • DWG3 - Plot 2 Plans and Elevations. • Drawing Number DWG4A – Proposed Site Layout 	For clarity and the avoidance of doubt.	N/A
3.	Before above ground works commence, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.	In the interests of the character and appearance of the area.	N/A
4.	Before any above ground works start, a plan to show the positions,	In the interests of the character and appearance of the area.	N/A

	design, materials, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be completed as agreed before the first occupation of the dwellings hereby approved, and shall be retained as approved thereafter.		
5.	Before development starts details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site, shall be submitted to and be approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.	In the interests of the character and appearance of the area and to protect the amenity levels of the occupiers of adjoining properties.	TBC
6.	Before above ground works commence, the following shall be submitted to and approved in writing by the Local Planning Authority: a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, b) the details of any trees and hedgerows to be retained, together with measures for their protection during development, c) a schedule of proposed plant species, size and density and planting locations and d) an implementation programme	In the interests of the character and appearance of the area.	N/A
7.	All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation	To ensure conformity with the approved details and in the interests of the character and appearance of the area.	N/A

	<p>of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p>		
8.	<p>Notwithstanding the submitted details, the first floor bathroom windows on the north and south facing side elevations of the two-storey dwelling hereby approved (Plot 1) shall be fitted with obscure glazing. The obscure glazing shall be of an obscurity equivalent to at least Level 3 of the Pilkington obscure glazing range. The window shall be of a non-opening design or alternatively any opening parts must be more than 1.7m above the floor level of the room in which the window is installed.</p>	<p>In the interests of protecting neighbouring residential amenity.</p>	N/A
9.	<p>The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing DWG4A.</p>	<p>To ensure conformity with the approved details and in the interests of highway safety.</p>	N/A
10.	<p>The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.0 metres back from the near side edge of the adjoining carriageway, (measured</p>	<p>In the interests of highway safety.</p>	N/A

	perpendicularly), for a distance of 45.6m visibility to the north and 48.8m to the south measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.		
11.	The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.	To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety.	N/A
12.	No works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. 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 present.	In the interests of biodiversity mitigation/ enhancement.	N/A
13.	Prior to the completion of development, the following species enhancement measures shall be implemented: - 1No. bat box at eaves level (favouring southern elevations) - 1No. universal nest box at eaves level (avoiding southern elevations) Evidence that these measures have been implemented should	In the interests of biodiversity mitigation/ enhancement.	N/A

	be submitted to the Local Planning Authority for approval within one month of completion of development. Measures shall be retained in perpetuity.		
14.	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 during construction and demolition periods, 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.	In the interests of environmental protection and residential amenity.	TBC
15.	Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site on Sundays or public holidays.	In the interests of minimising the impacts arising as a consequence of the construction phase.	N/A
16.	Prior to the first occupation of the dwellings hereby approved, any made ground on the site shall be removed or a contamination investigation and risk assessment of that part of the site shall be carried out by a competent person in accordance with current guidance and in accordance with a scheme which has been approved by the Local Planning Authority, to demonstrate that the site is suitable for the use hereby approved. Where the site investigation and risk assessment shows that contamination remediation is required, a remediation scheme shall be	To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.	N/A

	prepared and submitted to the Local Planning Authority for written approval; the approved remediation scheme shall be implemented as approved and a verification report shall be submitted to and approved in writing demonstrating that the remediation has been carried out successfully prior to the first occupation of the dwellings hereby approved.		
17.	Where any suspected areas of contamination are discovered during the development of the site, the process of site investigation and risk assessment as identified in condition 1 above shall be carried out by a competent person in accordance with current guidance and in accordance with a scheme which has been approved by the Local Planning Authority, to demonstrate that that part of the site is suitable for the use hereby approved.	To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.	
18.	In the event that it is proposed to import soil onto site in connection with the development, the soil to be imported shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical Testing of Soil Scheme for all parameters previously agreed in writing with the Local Planning Authority, the results of which shall be submitted to and shall be approved in writing with the Local Planning Authority.	To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.	
19.	Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a	Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality,	

	<p>tree protection plan(s) (TPP) shall be submitted to and approved in writing by the Local Planning Authority</p> <p>Specific issues to be dealt with in the TPP:</p> <ul style="list-style-type: none"> a. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. b. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. <p>The development thereafter shall be implemented in strict accordance with the approved details.</p>	<p>in accordance with Local Plan Policy SDC2 and pursuant to section 197 of the Town and Country Planning Act 1990.</p>	
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North East Derbyshire District Council

Planning Committee

9 December 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 John Sheldon - Application for a two bedroom, 1.5 storey dwelling with the bedrooms in the eaves space (Affecting the setting of a Listed Building) at Land To The South East Of Spring Cottage, Chapel Hill, Ashover (24/01036/FL)

Planning Officer – Alice Lockett alice.lockett@ne-derbyshire.gov.uk

Mr Robert Abbott - Application for two-storey side extension at Abbott Farm, Doe-hole Lane, Brackenfield (25/00543/FLH)

Planning Officer – Curtis Rouse curtis.rouse@ne-derbyshire.gov.uk

Mr Ben Kwok - Application for 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 (23/01089/FL)

Planning Officer – Graeme Cooper graeme.cooper@ne-derbyshire.gov.uk

Miss Ashleigh Boyce - Application for construction and operation of a micro energy storage project at Land North Of The Electricity Substation Baslow Road, Holymoorside (25/00649/FL)

Planning Officer – Colin Wilson colin.wilson@ne-derbyshire.gov.uk

Mrs Elizabeth Lee - Application for a Lawful Development Certificate for existing Equestrian Use (Conservation area) at Sunny Bank, White Lane, Ridgeway (23/00546/LDC)

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:-

Mr David Ward - Change use of existing barn for residential purposes (private drainage system) (Amended Plans) at Spitewinter Farm, Spitewinter Lane, Barlow, Dronfield (24/00644/FL)

Planning Officer – Colin Wilson colin.wilson@ne-derbyshire.gov.uk

Mr Joseph Allen - Erection of a self-build two-storey detached dwelling with basement and integral garage (resubmission of withdrawn application 24/00428/FL) at Land Adjacent 62 Gosforth Lane, Dronfield (25/00116/FL)

Planning Officer – Kerry Wright kerry.wright@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)	