

PLANNING COMMITTEE – 15 APRIL 2025

Reference Number: 24/00506/MFL

Application expiry: 17/04/25

Application Type: FULL

Proposal Description: Installation of a ground mounted solar photovoltaic array together with associated infrastructure, stock fencing, access gates, CCTV, access tracks, on-site biodiversity net gain and associated works (Major Development)

At: Land To South of Green Acres, Langer Lane, Wingerworth

For: Mr Philip Gordon, Ethical Power Development Limited

Third Party Reps: 21 objections

Parish: Wingerworth

Ward: Wingerworth

Report Author: Graeme Cooper

Date of Report: March 2025

MAIN RECOMMENDATION: Grant permission, subject to conditions

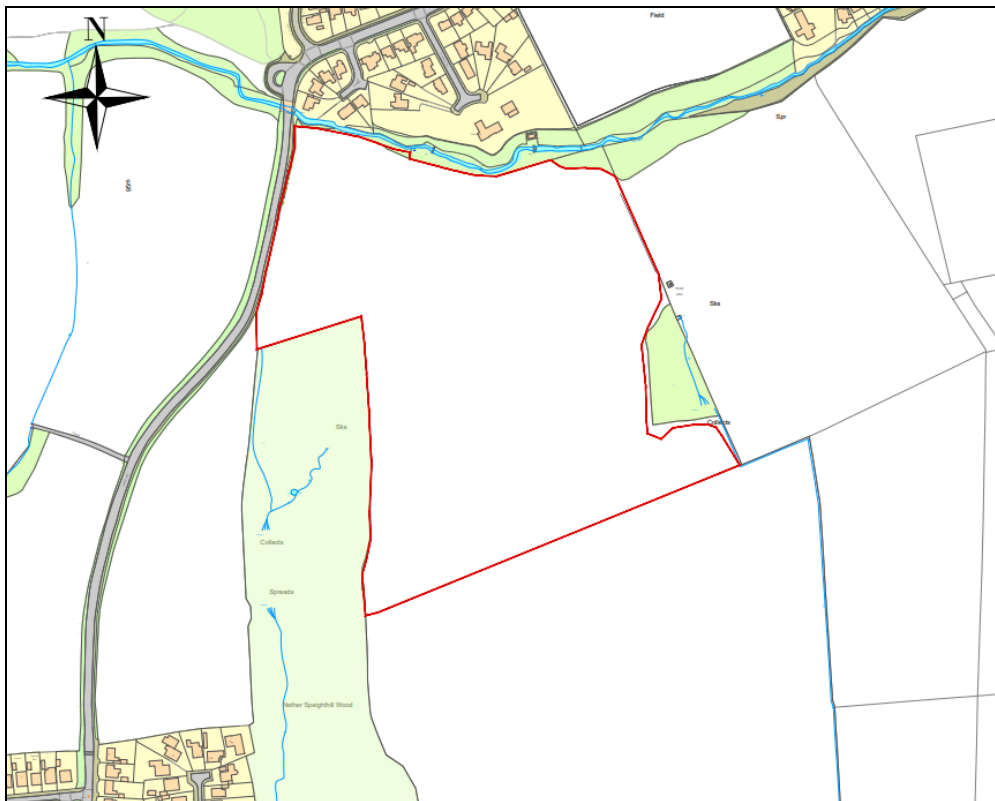


Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 The Planning Manager considered that this application should be considered by members of planning committee due to the local interest generated in the scheme and to allow members to consider the planning merits of the proposal.

2.0 Proposal and Background

Site Description

- 2.1 The application site covers an area of approx. 7ha of agricultural land outside any defined settlement within the North East Derbyshire Green Belt. The site is identified in the wooded farmlands landscape character type, within the Peak Fringe & Lower Derwent national character area and is within an area of secondary Area of Multiple Environmental Sensitivity.
- 2.2 The application site fronts onto Langer Lane, a road which connects Wingerworth to Chesterfield. Wingerworth lies approx. 900m to the south and properties in Chesterfield are located approx. 50m to the north. The application site itself is undulating farmland which was formerly used for mineral extraction.
- 2.3 The northern boundary of the site is framed by Birdholme Brook which is tree lined. The brook and the immediate area to the north of the application site sits within a Flood Zone 2/3. Beyond Birdholme Brook are properties on Lillymede Close and Florence Close within the administrative area of Chesterfield Borough Council. Land levels extend up and away from the application site to the north west. Beyond a layby to the north west is a designated wildlife site (Chesterfield Golf Club). The land extending from the layby is public open space with numerous paths and routes leading north to an elevated area of open grassland.
- 2.4 A manmade pond is located in the western extent of the site adjacent to the road. Agricultural land to the east extends up towards Derby Road. Further to the west beyond these agricultural fields is Chesterfield Golf Club and Widdowson Spring Wood. Properties on Longedge Lane can be seen to the south and south east of the application site.
- 2.5 Immediately adjacent to the south western edge of the application site is Nether Speighthill Wood, a designated wildlife site.
- 2.6 There are no public rights of way which cross the site, with the footway along Langer Lane adjacent to the site and footpaths to the north west leading to the golf course the nearest rights of way. Another right of way crosses an agricultural field to the west of the application site and leads into Widdowson Spring Wood.

Proposal

- 2.7 This application seeks permission for a 7.5MW solar array, with associated infrastructure, track, fencing and CCTV. Figure 2 below illustrates the proposed layout. The panels themselves will be approx. 3.8m in height and sit in rows approx. 3-6m apart. The panels will be connected to an inverter. A substation and cabins are proposed accessed from Langer Lane. CCTV will be required around the perimeter of the application site. Stock fencing of 1.95m in height will frame the solar panels. No external lighting is proposed.

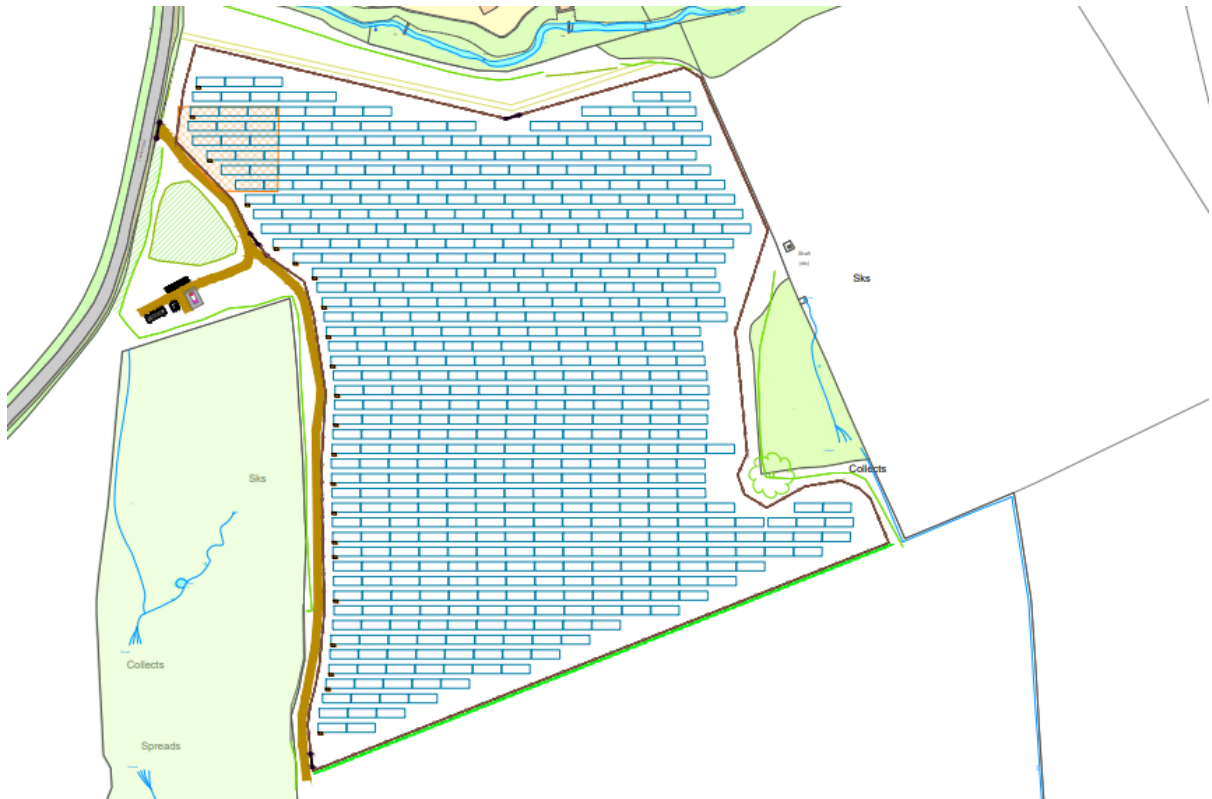


Figure 2: Proposed layout

Amendments

- 2.8 Whilst no amended plans have been submitted, a revised Site Selection Report Addendum (Rev A) and Planning Statement Addendum have been submitted, both dated March 2025.

3.0 Relevant Planning History (not the full site history)

- 3.1 21/01370/EIA | Request for Environmental Impact Assessment Screening Opinion for Installation of a ground mounted solar photovoltaic array and co-located Battery Storage, associated infrastructure; security fencing, CCTV, access gate, and on-site Biodiversity Net Gain (EIA not required)

4.0 Consultation Responses

4.1 **Ward member** raised no comments.

4.2 **Parish Council** made the following representations:

- The proposed development appears to be in close proximity to neighbouring properties – in some cases within 50m. The Parish Council recommends that the site be moved so that the nearest dwelling is at a distance of at least 200m.
- The entrance to the development site is located on a bend in the road. This will make access to and from the site incredibly dangerous with poor visibility. Langer Lane has high volumes of traffic which further adds to highway safety concerns. The site entrance should be moved to a safer location.
- There is concern that local wildlife and environment will be adversely affected – with particular concern for rare breeds of birds and animals. Development should be kept at a significant distance from Nether Speighthill Wood and livestock should be introduced onto the site to improve biodiversity.
- Any approval should include a condition requiring the applicant to provide a Community Benefit Fund to offset any harm or inconvenience to neighbouring communities.

4.3 **Highways Authority (HA)** provided the following comments to the proposal.

4.4 Site Access – Access is taken from an existing access into the field from Langer Lane to the west. This section of road contains carriageway edge and centre markings but is not lit by public lighting, with this road being approximately 7m wide. It is noted the A632 (Matlock Road) is situated approximately 1km to the northwest and the A61 (Derby Road) situated approximately 0.6km to the east. Langer Lane is subject to the national speed limit (60mph), however vehicles are likely to travel at speeds lower than the speed limit due to the speed limit dropping to 30mph approximately 90m north of the access point. The applicant has undertaken an Automated Traffic Counter (ATC) survey in order to confirm vehicles speeds. The ATC results identified 85th percentile speeds of 43.3mph northbound and 43.7mph southbound. Given these speeds are similar, the worst-case southbound speed of 43.7mph has been used in Standard Stopping Distance (SSD) calculations. Therefore, the Absolute Minimum visibility splay required at the proposed site access is 94m in both directions. Drawing No. NEO01003_010I_A Figure 3 Revision A titled 'Visibility Splay' demonstrates a visibility splay of 2.4m x 110m is achievable in both directions, which is considered acceptable.

4.5 Construction Vehicle Route – the intended route to the site will likely be from the M1 to the east of the Application Site. The delivery vehicles will exit the M1 at junction 29 (A617 Chesterfield) to join the A617 in a western direction for approximately 7.96km before taking the first exit at the roundabout onto the A61. Vehicles will continue along the A61 in a southern direction for approximately 1.6km before taking a right-hand turn onto Langer Lane. This road will be travelled on for

approximately 1km before taking a left-hand turn into the site access point. Drawing No. NEO01003_011I_A Figure 2 Revision A details a swept path analysis for the maximum length HGV accessing the site access, which is acceptable to the HA.

- 4.6 The HA would also expect the applicant to submit a swept path analysis demonstrating the largest vehicle type during the construction stage can also turn on site and exit in a forward gear. As such the HA advise these details are submitted as part of the Construction Traffic Management Plan (CTMP) and discharged at a later date.
- 4.7 Highway Safety – 5 year Personal Injury Collision (PIC) data indicates a single collision within 200m of the site. Given the low frequency of accidents in the area, there are no existing highway safety concerns likely to be worsened by the proposed development when in operation. The applicant is expected to demonstrate mitigation measures within the submission of the CTMP to reduce this risk, given the proposals will introduce significant construction traffic. Parking provision for construction vehicles is provided within the site and should be provided as part of a CTMP.
- 4.8 Trip Generation – the construction phase is expected to generate 336 two way vehicle movements over a four month period. A max of 30 HGV movements (15 deliveries) are anticipated per day. At the operational phase, the solar farm is anticipated to generate approx. 10-15 Light Goods Vehicle (LGV) movements per year for scheduled maintenance checks, with additional visits required to attend to remedial issues when necessary. The HA understand that the operational access point for the solar farm will use the same entrance to the site as during the construction period.
- 4.9 The Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained subject to conditions relating to visibility splays, access gates being set back 10m, access track hard surfacing, and a condition requiring the submission of a construction management plan.
- 4.10 **Highways Authority (HA)** were reconsulted on the updated CTMP and splay drawings. The HA consider that insufficient information has been submitted at this time to allow the approval of the CTMP and as such it should be retained as a pre commencement condition. It is noted that the CTMP will need to confirm the levels of hardstanding proposed to accommodate construction vehicles and a road condition survey will be required. The submitted splay drawings were considered acceptable.
- 4.11 The Councils **Environmental Health Officer (EHO)** raised no objection to the proposal subject to conditions covering land contamination, control of dust and the hours of construction.

- 4.12 **Environment Agency** raised no objection subject to a condition relating to cabins on site being set no lower than 150mm above the existing ground levels.
- 4.13 **NEDDC Drainage Engineer** raised no comments.
- 4.14 **Lead Local Flood Authority (LLFA)** in comments dated 20.12.24 has requested additional information in relation to the estimate infiltration rates and impact of below ground coal mining legacy on the feasibility of a SuDS pond. If infiltration cannot be achieved then an alternative approach should be investigated. There is also uncertainty about the existing greenfield run off rate and volumes expected. Clarity is also requested as to the finished floor levels of the proposed cabins so that they avoid being impact by flooding. A list of additional information is requested.
- 4.15 The **LLFA** have been reconsulted and raised no objection to the amended details, subject to conditions requiring the submission of a detailed drainage scheme, dealing with surface water run off and soil infiltration matters.
- 4.16 **Yorkshire Water Authority** raised no objection, subject to conditions.
- 4.17 **Derbyshire Wildlife Trust (DWT)** reviewed the submitted Ecological Impact Assessment (Peak Ecology, July 2024), Reptile Method Statement (Peak Ecology, July 2024), Great crested Newt Method Statement (Peak Ecology, July 2024), BNG Statement (Peak Ecology, July 2024), BNG Metric (Peak Ecology, July 2024) and River Condition Assessment Report (JBA Consulting, May 2022).
- 4.18 Habitats - DWT note that the site comprises largely arable land, with a small area of other neutral grassland to the west. An area of willow scrub and an ephemeral pond are also present to the west and hedgerows present to the north and west boundaries. No losses of hedgerows, pond or willow scrub are proposed. Land take will largely be restricted to the arable land, with smaller amounts of grassland
- 4.19 Nether Speighthill Wood Local Wildlife Site (LWS) is located immediately adjacent to the western boundary (we note some errors re. this LWS in Table 1 of the EcIA) and a small pocket of undesignated woodland is present adjacent to the eastern boundary. The Landscape Strategy Plan Rev. PL03 indicates small buffers between the solar arrays and these woodlands, however we cannot see any width specified for these. These should accommodate the required Root Protection Areas for the woodlands and we would expect to see a 15 m buffer to the LWS and at least 10m to the eastern woodland.
- 4.20 Birdholme Brook flows adjacent to the northern boundary. The solar arrays will be set back from Birdholme Brook by a corridor of other neutral grassland along this boundary. We understand that this will be approximately 10 m in width. Habitat creation and enhancements are proposed around the outer perimeters of the site, with boundary features strengthened and consideration given to maintaining and

creating ecological corridors. The land beneath the arrays will be seeded with a grazing mix.

- 4.21 Protected Species - We do not encourage limiting records of protected species to the last 10 years. Particularly in cases such as badger setts which can persist for decades. Furthermore, we would recommend an update consultation with the record centre, when several years have passed since the initial data search, to ensure all records have been obtained. We note a record of a slow worm just north of Birdholme Brook from 2204, which hasn't been considered, and a historic record of badger immediately adjacent to site in the north-eastern corner of Nether Speighthill Wood. It should be confirmed that this area of the LWS has been surveyed.
- 4.22 Both skylark and meadow pipit were recorded within the site boundary within the arable crop. Whilst no breeding bird surveys have been undertaken at the site, we could assume, given the size of the site, that it could support a small number of territories. Whilst ground nesting species are unlikely to continue to nest amongst the solar arrays, mitigation could be incorporated to boost onsite foraging resources for the local farmland bird assemblage and support nesting in adjacent fields. We advise that wild bird seed crops are planted along suitable boundaries e.g. southern and eastern to provide seeds and invertebrates. Furthermore, site clearance must be programmed to avoid the key breeding bird period (March-August), including clearance of arable land. If clearance is essential during this time, it must be preceded by a thorough nesting bird survey of all vegetation and arable cropland. Sufficient exclusion zones must be implemented if breeding is recorded, and these must err on the precautionary side for ground-nesting birds.
- 4.23 Due to the impact on badgers, an update survey should be undertaken prior to works. Entrances / gates to the site suitable for badgers should be included within perimeter fencing at multiple locations on each boundary, to ensure foraging habitat is not reduced for local setts. Gate locations should be matched with recorded mammal paths or setts, where possible. Access should also be maintained to the seasonal pond for badgers, either by a gate or leaving tree protection fencing open on one side.
- 4.24 It is essential that the site, the woodland edges and the Brook corridor remain available for use by nocturnal wildlife. We would strongly advocate that the site remains unlit at night and if any access is required to the ancillary building during hours of darkness, appropriate light fixtures controlled by PIR sensor should be utilised.
- 4.25 Given the poor quality of the onsite pond, the lack of other ponds and the absence of records within 500 m, we agree that the risk of encountering great crested newts is low. We also agree that encountering reptiles is unlikely but possible. We recommend that a site plan is provided identifying the pond and the habitats most suitable for amphibians / reptiles i.e. those immediately surrounding the pond and

the field boundaries. We advise that the initial habitat clearance around the pond should be supervised by an Ecological Clerk of Works, who can check any refugia, ensure protective fencing is installed around the willow scrub and woodland edges and make sure cleared vegetation is taken off site or to suitable containers. All measures to safeguard protected species should be compiled into a CEMP: Biodiversity and should give consideration of seasonal restrictions for site clearance as protection for reptiles and breeding birds.

- 4.26 **BNG** – DWT consider the habitat classifications seems reasonable. It is not clear why all onsite habitats have been assigned high strategic significance, however upon altering the strategic significance for some habitat in the metric, we saw no significant change in the outcome. The Birdholme Brook has been included within the assessment, in line with BNG guidance. Whilst no direct impacts to this Brook are anticipated, the red line boundary crosses into the riparian zone, which extends 10m from the top of the bank. To achieve a 10% gain across all unit types, interventions would be required to enhance the watercourse. We note that this lies within a different ownership and therefore engagement will be required with the landowner regarding this element of works. The metric predicts net gains of 68.21% in habitat units, 107.11% in hedgerow units and 10.22% in watercourse units. A Gain Plan will be required post-determination. In addition to this, a long-term management and monitoring plan should be secured by way of condition.
- 4.27 **Summary** – The application is not opposed and the proposals have been well-designed to achieve a minimum 10% gain and to strengthen wildlife corridors. DWT advocate buffers to the adjacent woodlands and Brook and also for robust protection measures for local wildlife via a CEMP: Biodiversity. DWT advise that conditions relating to Habitat Management and Monitoring Plan (HMMP), Construction Environmental Management Plan (CEMP: Biodiversity), Species Enhancement Plan and Lighting scheme (if necessary) be included in any decision.
- 4.28 **NEDDC Employment and Skills Officer** raised no comments.
- 4.29 **National Grid** raised no comments.
- 4.30 **DCC Countryside Officer (Woodlands)** note that the application site is adjacent to Nether Speighthill Wood, which is protected by DCC TPO 48/W1, which has a Woodland TPO protects all trees within it, regardless of age. A new access road is proposed along Speighthill Wood's Eastern edge. The applicant has not provided any information about the root protection areas of the woodland trees in relation to the new road. In order to provide sufficient information to accurately assess the likely effects of the proposed development on trees further information has been requested.
- 4.31 Additional information was submitted and the **DCC Countryside Officer (Woodlands)** reconsulted. The officer is satisfied that the submitted additional information demonstrates that only one tree of low value will be lost, and this will be

adequately mitigated through new tree planting on site. The no-dig surfacing solutions for new tracks and hard standings should provide adequate protection for tree roots.

- 4.32 **DCC Planning Policy (summary of comments – full comment online)** recognise that the merits of the scheme, generating 7.5MW of renewable energy will help reduce greenhouse gas emissions. This would contribute to the UK's target to become net zero by 2050, a target supported by DCC and NEDDC. The proposal is located within Green Belt, the fundamental aim of which, is to prevent urban sprawl by keeping land permanently open through their openness and their permanence. The proposal represents inappropriate development where very special circumstances will need to be demonstrated to justify development in the Green Belt.
- 4.33 Derbyshire County Council has concerns regarding whether the applicant has demonstrated very special circumstances to justify the development being located within the Green Belt to allow the proposal to be acceptable and be in conformity with national policies in the NPPF and the NEDDC Local Plan. Derbyshire County Council therefore raises concerns with regards to the following:
- The impact on the openness of the Green Belt and whether very special circumstances have been evidenced, including the need for the applicant to demonstrate whether the proposals could be accommodated on land outside of the Green Belt;
 - Mitigation of any impact on the adjacent Local Wildlife Site and TPO area; and
 - How the outlined Community Funds will be administered
- 4.34 **Councils Tree Officer** raised no comments.
- 4.35 **DCC Archaeologist** notes that the proposed development largely overlies an area previously subject to open cast mining as contained within the HER and Derbyshire Records office. The archaeologist does not believe that there will be any archaeological impact from these proposals and no objection is raised.
- 4.36 **Coal Authority** note that the application site falls within the Coal Authority's defined Development High Risk Area. A Coal Mining Risk Assessment Report (M0522/22, May 2022) prepared for the proposed development by Earth Environmental & Geotechnical (North East) Ltd has been submitted. The Proposed Mitigation Strategy (Section 4.17) states that the Coal Authority should be approached to gain written confirmation that any shafts and mine workings within the opencast areas can be classed as low risk and require no additional investigations. Mine gas risk should be considered by the Councils EHO. Overall, no objection is raised subject to a condition relating to intrusive site investigations being undertaken and where necessary remediation works implemented.

- 4.37 **Cadent Gas** raised no objection to the proposed development subject to the inclusion of informative notes on any decision.
- 4.38 **Active Travel** raised no comments.
- 4.39 **Chesterfield Borough Council** comment that the proposal would result in harm to the green belt, as openness would be reduced and the solar farm's contribution to meeting the country's energy needs is not sufficient to justify the development and does not constitute very special circumstances in this case. There would be a negative visual impact, in particular given the proximity of the development to residential properties. Given this, in the event that planning permission is granted particular attention should be given to mitigating potential nuisance from glint and glare. CBC also notes the concerns of DCC's Countryside Project Officer (Woodlands) and shares his views regarding the impact upon Speighthill Wood.
- 4.40 **Derbyshire Police** note that the proposal would be at risk from infrastructure crime. The minimum security expected at a site like this would be comprehensive CCTV provision with motion detection. Fencing is noted around the site, but the position of CCTV cameras is not plotted. As such a condition relating to the provision of CCTV should be included in any decision should the LPA be minded to grant permission.

5.0 Representations

- 5.1 The application was publicised by way of neighbour letters and the display of a site notice. A Site notice was placed adjacent to the application site on a gate post which expired on 13/08/24. An advertisement was also placed in the Derbyshire Times which expired on 22/08/24.
- 5.2 21 representations from 18 residents have been received raising the following comments objecting to the proposed development:
- Buffer zone at 10m from Birdholme Brook (35m from nearest property) is inadequate as it is considered unsafe to live between 200-500m from a solar farm [*Officer note: Officers are not aware of any such guidance*]
 - Proposal will increase flood risk
 - Community development fund is a potential benefit to local residents [*Officer note: This is not a material planning consideration and would be dealt with outside of the planning application process*]
 - Site is Green Belt and proposal would be there for 40 years and have a level of permanence which will harm the open character of the site
 - Proposal harmful to beautiful landscape
 - Proposal should be on brownfield sites
 - Wildlife will be significantly harmed by the proposal
 - Inappropriate form of development in the Green Belt
 - Noise implications for nearby residents
 - Benefits of scheme do not outweigh the harm caused

- If approved, it sets a precedent for other green belt sites
- Proposal would be harmful to the openness of the Green Belt
- Harmful to the landscape character
- Proposal contrary to previous government guidance that renewable energy developments are not usually appropriate development for green belt land
- Contrary to the previously stated views of the Green Party councillor for the area that solar farms should not be the future of Derbyshire's energy when involving the loss of green space [*Officer note: This statement is not material to the determination of this application*]
- Proposal would be harmful to Key View 3 identified in the Wingerworth Neighbourhood Plan. This is an important view and should be protected.
- Panels would give site an industrial appearance
- Potential glare to vehicles using Langer Lane
- Negative impact on nearby trees
- Noise, dust and traffic disruption from proposed development being built out
- The proposal is not very "green"
- Small contribution to green energy does not outweigh the harm caused
- Proposal would erode the gap between Chesterfield and Wingerworth
- Harmful impact on views from The Gollies (elevated public open space to the north west)
- Fencing will interfere with deer runs
- Proposal would abut and be harmful to Priority Habitat (Speighthill Wood)
- The proposed connection to the Goitside substation is no longer required and requires an on site connection, meaning that the 3km search area from the Goitside substation is a flawed assessment. As such the proposed development in the Green Belt is not justified.
- Proposal would merge Chesterfield to Wingerworth
- Proposal would be visible from viewpoint 1, 8 and 11 (1 & 11 being identified in the WNP as important views)
- The proposal scores 'red' against the Local Plan [*Officer note: This is the Councils own assessment undertaken of a wider parcel of land as part of the 2017 Green Belt review and is not an assessment undertaken by the applicant*]
- No assessment of impact of proposal from views on roads to the north of the application site, including Lilymede Drive, Florence Close and Langer Lane
- Existing landscaping will not screen the proposed development from these properties, particularly in the winter months [*Officer note: Loss of view from private properties is not material to the decision process*]
- Fire risk during hot weather
- Unsightly distribution pylons [*Officer note: The proposed panels will connect into existing pylons which cross the site*]
- Unsightly outbuildings
- Wind noise from the panels
- Toxic gas risk from ground contamination
- Resident compensation during construction and rebate when generating [*Officer note: This is not a material planning matter*]

- Lifespan of panels
- Proposal is speculative and opportunistic which is not identified in the Local Plan

5.3 The **Campaign for the Protection of Rural England (CPRE)** have commented on the proposal raising the following summarised comments:

- CPRE Derbyshire objects to this application.
- The CPRE, nationally and locally, supports appropriate development first and foremost on brownfield land. Recycling brownfield sites is the most sustainable option and is especially suitable for developments of an industrial nature such as this.
- Proposal would erode settlement separation
- Proposal is inappropriate development in the Green Belt, where very special circumstances should be demonstrated
- Proposal (for a period of 40 years) would have a negative impact on openness
- Proposal harmful to view 3 from Longedge Lane which cannot be mitigated
- Harmful to Deerpark School which is an asset of community value
- Residential neighbours will have the setting of their property altered and industrialised
- Boundaries are delineated by security fencing and intrusive CCTV
- Peace and quiet is destroyed by light industrial grade traffic and light pollution
- Inverters can overheat in extremely hot weather requiring the use of noisy fans to provide cooling
- Lighting will be a necessity for such a development – with light pollution harmful to the character of the area, neighbouring amenity and disrupt wildlife
- Proposal would lead to the loss of agricultural land
- Flood risk, particularly from surface water flooding
- Very special circumstances are not satisfactory to overcome the Green Belt harm
- CPRE promotes a brownfield-first and commercial/public rooftop solar approach to renewable energy projects. We would expect North Derbyshire County Council to have exhausted these avenues before resorting to greenfield development. The value of countryside to people's wellbeing and as a buffer against climate change has never been more important and once lost or seriously degraded is virtually impossible to retrieve.

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 |

SS10 North East Derbyshire Green Belt
SDC2 Trees, Woodland and Hedgerows
SDC3 Landscape Character
SDC4 Biodiversity and Geodiversity
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 Development

Wingerworth Neighbourhood Plan (WNP) 2016-2033

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

W2 Development in the Countryside
W12 Design Principles
W13 Biodiversity
W14 Trees and Hedgerows
W15 Important Views and Vistas

National Planning Policy Framework (NPPF) December 2024

- 6.3 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application, with specific reference to the following areas:
- 6.4 Section 13: Protecting the Green Belt: This section outlines the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open. Development in the Green Belt is inappropriate unless it meets one of the listed exceptions listed in paragraph 154 and 155.
- 6.5 Paragraph 160 states that “When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”
- 6.6 Section 14: Meeting the Challenge of Climate Change: This section of the NPPF emphasizes the need for renewable energy infrastructure, including solar farms, to contribute to meeting climate change targets.

7.0 Planning Issues

Principle of Development

- 7.1 The application site is located in open countryside washed over by the North East Derbyshire Green Belt.
- 7.2 In Green Belt terms, Local Plan (LP) policy SS10 states that inappropriate development will not be approved except in very special circumstances. The construction of new buildings will be regarded as inappropriate development and will not be permitted unless it represents development listed as exceptions. The development of a site for renewable energy is not a listed exception, as such Officers conclude that the proposal represents inappropriate development.
- 7.3 The Wingerworth Neighbourhood Plan (WNP) doesn't include a specific Green Belt policy, but policy W2 states that land outside the Settlement Development Limit for Wingerworth will be treated as countryside. In the countryside, development proposals will be carefully controlled and limited to that which is appropriate in a rural location or supports thriving rural communities within it.
- 7.4 Development in the Green Belt is inappropriate unless it meets one of the listed exceptions listed in paragraph 154 of the NPPF. Paragraph 155 of the NPPF also adds that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where four criteria apply.
- 7.5 Paragraph 160 of the NPPF considers that some elements of renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 7.6 As with the LP, a number of development exceptions are listed, however the development of a site for renewable energy is not a listed exception which would be considered appropriate in the Green Belt.
- 7.7 LP policy SDC10 is permissive towards micro generation systems where there would be no significant adverse effects upon landscape and visual impacts, amenity and ecology of the area.
- 7.8 In view of the above, the principle of development is considered not acceptable unless there are very special circumstances which exist and which clearly outweigh the harm to the Green Belt and any other harm arising from the development.

Green Belt

Appropriateness

- 7.9 The NPPF at paragraph 143 sets out the five purposes of the Green Belt are to:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.10 Government policy attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 7.11 Paragraph 153 of the NPPF states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”
- 7.12 Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate unless it meets one of the listed exceptions. The proposed development does not meet one of the listed exceptions.
- 7.13 Paragraph 155 of the NPPF adds that “the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:
- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - b) There is a demonstrable unmet need for the type of development proposed;
 - c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
 - d) Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157.”
- 7.14 For the proposal to be considered as not inappropriate development, it must satisfy all of the criteria listed in paragraph 155 above. An assessment is undertaken below:

- 7.15 With regards criterion (a), Grey Belt is defined in the NPPF “as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 (see above). ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”
- 7.16 Officers conclude that the application site does not comprise previously developed land. The application site formed part of a wider parcel of land which was assessed as part of the Local Planning Authorities Green Belt review (ref: WW/GB/008) where it was concluded that the land in question strongly contributed to Purpose A of checking unrestricted sprawl between Chesterfield and Wingerworth, and Purpose B which prevents them from merging with one another. However guidance issued in the PPG dated 27th February 2025 confirms that villages should not be considered as towns with regards to Purpose B. As such officers conclude that whilst the application site would contribute to Purpose A it would not prevent neighbouring towns from merging into one another.
- 7.17 Officers do not consider that the application site preserves the setting and special character of historic towns and as such does not strongly contribute to Purpose D. As a result, Officers conclude that the application site is not Grey Belt and as such, does not meet criterion (a) above.
- 7.18 Criterion (b) requires there to be a demonstrable unmet need for the type of development proposed. Paragraph 161 of the NPPF indicates that the planning system should support the transition to a low carbon future and support, amongst other things renewable and low carbon energy and associated infrastructure. As such, it is not unreasonable to conclude that the proposed development represents much needed infrastructure. Furthermore, the applicant has made it clear they have a grid connection offer of 7.5MW, reduced from 25MW. The scheme also has a direct connection into the grid via the overhead 33kv line. The proposal therefore has an opportunity to make a material contribution to providing much needed renewable energy. Officers are of the view that Criterion B is met.
- 7.19 Criterion (c) requires that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. This proposal would include two phases, the construction phase and the operational phase. During the 4 month construction phase it is expected that 468 two way vehicle movements could be made by HGV, with a maximum of 15 daily HGV deliveries. During the operational phase there would be approximately 10-15 light good vehicle movements per year to undertake scheduled maintenance, as such the proposed development would not generate a significant number of regular trips once operational. Officers therefore do not consider this level of traffic movement to be significant, nor would it have an unacceptable effect on the highway network or safety. The Highway Authority have raised no objection on these grounds. The use

of alternative methods of transport for this type of development is not likely to occur and as such Officers are of the view that Criterion C is met.

- 7.20 Criterion (d) does not apply to this form of development.
- 7.21 The applicant in the Planning Statement Addendum, dated March 2025 considers that the site falls within the definition of grey belt. As discussed above, Officers do not agree with this conclusion and the proposed development should be regarded as inappropriate.
- 7.22 In view of the above, Officers conclude that the proposal would represent inappropriate development in the Green Belt and that very special circumstances must be demonstrated, that clearly outweigh this harm and any other harm arising from the proposals for it to be made acceptable. The question of very special circumstances is dealt within as the final issue in this report to members.
- 7.23 Paragraph 160 of the NPPF is clear in stating that “when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”

Openness

- 7.24 Paragraph 153 of the NPPF states that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness.
- 7.25 The Council’s latest Green Belt review dated 2015, states that the wider land holding (parcel ref WW/GB/008) which includes the application site and stretches from the border with Chesterfield south towards Longedge Lane meets the purposes of a), b) and c) of paragraph 143 of the NPPF. However, the proposed development would not compromise the entirety of this land holding and a gap would be retained between the solar farm and Wingerworth.
- 7.26 The proposal would introduce man-made solar panels which are 3.8m in height above ground level, set in 45 rows on land which is open agricultural land. In addition to this 2 x 2.9m high cabins, switchgear, CCTV cameras at 3.6m high and stock fencing are proposed. A compound is proposed close to the western extent of the application site close to Langer Lane. An access track will also extend along the western edge of the site. The proposed development would create an artificial break in an existing agricultural field.
- 7.27 In considering the impact of a development on the openness of the Green Belt, Planning Practice Guidance (PPG) advises that relevant factors may include the

spatial and visual aspects of the development, its duration and remediability, and the degree of activity likely to be generated.

- 7.28 The application site is approx. 7ha in size and the proposed panels would generate 7.5MW. Officers consider that the introduction of panels and associated infrastructure would result in harm to the spatial aspect of openness creating development where none currently exists.
- 7.29 The site is visually contained by development to the north, a road to the west and woodland to the south west. Vantage points into the application site are limited to the road immediately to the west of the site, views from an area of public open space to the north west, from a public right of way to the west and from views from along Longedge Lane to the south/south east. Officers are of the view that the proposed development would cause visual harm to the openness of the Green Belt.
- 7.30 The application site is somewhat visually contained and sits at a low point in the landscape with views being limited to those from immediately adjacent to the site entrance to the west, to the north west from an area of informal open space and from several points along Longedge Lane to the south east. Views from Longedge Lane north towards the application site are identified in the WNP as important views and vistas.
- 7.31 The proposal includes a scheme of landscape planting to help screen the panels. Enhanced landscape planting is proposed along the west and southern edge of the application site. The former will aid the screening of views of the panels from Langer Lane, with the latter proposing hedgerow planting which will have the appearance of connecting into an existing field boundary to the east. The landscaping proposed will help contain the development in the landscape.
- 7.32 The proposal is for a limited period of 40 years, and the harm to the Green Belt would exist for this length of time. Furthermore, there will be some disruption during the construction phase, but after this initial impact the level of activity generated by the proposed development would be minimal.
- 7.33 Overall, Officers conclude that the development would cause harm to the openness of the Green Belt. A visual and spatial appraisal of the harm to openness of the Green Belt is considered below.

Landscape Assessment

- 7.34 The proposed development does not fall into one or more of the categories listed in Local Plan policy SS9. Furthermore, WNP policy W2 states that “development proposals will be carefully controlled and limited to that which is appropriate in a rural location or supports thriving rural communities within it.”

- 7.35 Notwithstanding the above, Local Plan policy SDC10 is permissive towards micro generation systems where there would be no significant adverse effects upon landscape and visual impacts, amenity and ecology of the area.
- 7.36 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. Development proposals should also be informed by and be sympathetic to the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and the Areas of Multiple Environmental Sensitivity (AMES).
- 7.37 Policy W15 of the WNP identifies important views and vistas where development proposals should take account of the visual significance of the important views and vistas. In this case, of particular importance are views north from Longedge Lane. The view is considered important because of its proximity to the village centre and the attractive views of the open countryside they offer.
- 7.38 The application site is located within the Wooded Farmlands landscape character area of the Peak Fringe and Lower Derwent Valley Landscape Character Area. The site is also within a secondary Area of Multiple Environmental Sensitivity, which considers the site and surrounding landscape as a valued landscape. The site and its immediate surroundings fit with the description of the Wooded Farmlands character area as a “well wooded landscape of small organic woodlands, some of ancient origin, with densely scattered hedgerow and watercourse trees.” Whilst there has been some historic dilution of the landscape fabric over time, the dense tree cover aligning Birdholme Brook to the north, the small woodland copse to the east and deciduous woodland to the west (Nether Speighthill Wood) provide for a well wooded landscape which is characteristic of the wooded farmlands.
- 7.39 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA), prepared by Enzygo dated June 2024. The LVIA has also been reviewed on behalf of the Local Planning Authority by an independent landscape expert. The contents of these assessment are considered below.
- 7.40 The applicant concludes that the proposal would not change or affect any important landscape features, but the landscape setting of the site is highly sensitive to change. It is considered that the proposal would have some limited effects on the landscape character, but it is considered that it would not have any adverse effects on the wider landscape character of the area. It is considered by the applicant that the overall effect on the wider landscape character would be neutral.
- 7.41 The same report notes that the effect on views of the proposed development is greatly limited by topography and the existence of existing trees and woodland along the site boundary. It is considered that the site is well screened and open views of the site are limited to the immediate road network to the west, from public

rights of way to the west, from public open space to the north and from Longedge Lane to the south. From the public open space and Longedge Lane the applicant considers that these views are transient, oblique and filtered by the surrounding vegetation. Once mitigation and enhancement planting has matured the applicant anticipates that some of these views would be much improved.

- 7.42 Overall, the applicant considers that the proposed development would be well screened and enclosed which minimises the potential for landscape and visual effects on its surroundings. The harm to the purposes of and the openness of the Green Belt are considered to be extremely limited and localised. It is concluded that the environment has the capacity to accommodate the proposed development without any significant adverse effects on the landscape or visual amenity of the area or the purpose of the Green Belt.
- 7.43 The Council's independent landscape expert has reviewed the submitted LVIA and undertaken their own assessment of the proposed development. It is considered that the level of impact resulting from the proposed development would be moderate, but that the landscape planting would do little to mitigate the impact of development, particularly from the public open space to the north.
- 7.44 With regards to the visual impact of the proposed development, the independent expert considers that the most sensitive views of the proposal would be from Longedge Lane to the south, from the public open space to the north and from the public right of way to the west. It is considered that the impact on these views would be Moderate (on site), Moderate/Minor (Longedge Lane), Moderate/Minor (Public right of way to west) and Moderate/Major (public open space to north).
- 7.45 There are also likely some glimpsing views through trees from Lillymede Close and Florence Close to the north, however these would have a negligible impact.
- 7.46 In terms of the impact of development on the openness of the Green Belt, the independent expert advises that the proposed development would reduce the physical gap between Chesterfield and Wingerworth. Spatially there would be an adverse impact by virtue of the built form of what is proposed, resulting in a decrease in openness. However, a physical gap would be retained between the solar farm and Wingerworth and it is considered that there is a very limited visual experience of the reduction in the openness, most notably from the public open space to the north of the application site. From the other vantage points mentioned, views into the site are limited. Due to the limited height of the proposed development, there is considered to be no detrimental effect on skylines or an appreciation of the wider landscape.
- 7.47 Officers conclude that the proposed development would cause a Moderate effect on the landscape character of the site and the surrounding area. The proposed development would cause a Moderate Adverse impact in close views from the highway to the west. Additional harm would result to only a few close by viewpoints,

these being from an area of public open space to the north, public right of way to the west and from intermittent views from along Longedge Lane. The latter views from Longedge Lane would, in time, be mitigated by the proposed landscape planting.

- 7.48 Whilst the proposal would cause a moderate degree of harm to the landscape character and visual amenity of the area, Officers conclude that the impact of the proposed development would not lead to a significant adverse effect on the overall visual amenity and character of the area. As such the proposal would not be contrary to SS1, SDC3 and SDC10 of the Local Plan, along with policies W2 and W15 of the WNP.

Amenity Considerations

- 7.49 Local Plan policy SDC12 states that development proposal will only be permitted where they “protect the amenity of existing occupiers.” Policy SDC10 states that there should be no significant adverse effect on the amenity of local residents, in terms of noise, dust, odour, reflected light, traffic or visual intrusion. Furthermore, policy SDC13 seeks to ensure that development does not “pose an unacceptable risk to public health, quality of life.”
- 7.50 The nearest properties to the proposed solar farm would be those on Lillymede Close and Florence Close to the north of the application site, particularly those which abut the boundary with Birdholme Brook. The panels will point in a southerly direction so there is potential for glare to properties in Wingerworth to the south. There may also be some disturbance to the local community from the construction period and from any potential external lighting. However, the visual impact from the panels on these properties would be mitigated by existing tree planting along the northern boundary of the site. Overall, Officers conclude that the impact of the proposed development will not result in a significant visual intrusion on these properties or any other harm for the reason given below.
- 7.51 It is proposed that the construction phase will last approximately 4 months, during this time it is expected that 468 two-way vehicle movements could be made by HGV's. A maximum of 15 daily HGV deliveries is anticipated. Construction on site will be carried out Monday to Friday 0800-1800 and 0800-1600 Saturdays. During the operational phase there would be approximately 10-15 light good vehicle movements per year to undertake scheduled maintenance. No details are provided of the decommissioning phase, and it is requested that this be considered by way of condition.
- 7.52 A Solar Photovoltaic Glint and Glare Study has been submitted and assesses the impact of the proposed development on nearby residents and the adjacent road network from glint and glare. The report concludes that there are potential impacts on 29 out of 62 dwellings. However, the report does not recommend any form of mitigation due to sufficient mitigating factors including the duration of effects for two

dwellings; existing screening for 26 dwellings; a large separation distance; effects coinciding with direct sunlight for one dwelling; and proposed screening in the form of vegetation. In terms of road receptors, the report concludes that there is a possible impact to road users on Derby Road and Langer Lane. The predicted solar reflections are screened by existing vegetation, buildings, and terrain and therefore no impact is predicted to be experienced by road users. Overall, no detrimental impacts are predicted.

- 7.53 The applicant has confirmed that infrared CCTV will avoid the need for any external lighting across the application site. As such, I consider that if any security lighting is required a condition could be included on any decision controlling it.
- 7.54 A Noise Impact Assessment has also been submitted and concludes that the noise impact from the site would be low and be below the night time recommended limits. With regards to any impact from road traffic noise during the construction phase the report concludes this would be negligible and have a neutral impact. Maximum levels of vibration during the construction phase (i.e. during the use of mini-piling rigs and vibratory plant) would be below perceptible levels and therefore not significant.
- 7.55 The Council's EHO raised no objection to the proposed development subject to the inclusion of a condition relating to hours of construction works and the control of dust resulting from the construction phase.
- 7.56 Overall, Officers consider that the impacts of the proposed development upon residential amenity would be for a temporary period and as such acceptable in planning terms.

Best and Most Versatile (BMV) Agricultural Land

- 7.57 Paragraph 187 states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services including other benefits of the best and most versatile agricultural land. Footnote 65 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 7.58 Local Plan policy SS1 seeks to "protect the productive potential of the District's best quality agricultural land and avoid sterilisation of mineral resources". BMV Agricultural Land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification.
- 7.59 The application site includes land, which is classified as Grade 4 agricultural land, which represents poor quality agricultural land with severe limitations which significantly restrict the range of crops or level of yields. Developing on lower grade

agricultural land is preferred as it keeps the “best and most versatile” land available for important agricultural use and food production.

- 7.60 Consultation with Natural England is only required if the proposal would result in the loss of 20ha or more BMV land and it would not be in accordance with the development plan¹. The site area is only 7ha, so Natural England have not been formally consulted.
- 7.61 Overall, it is concluded that the proposal would not lead to significant permanent loss of BMV agricultural land.

Site Selection Process

- 7.62 The PPG² states that “the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.” Where possible such development should utilise previously developed and non-agricultural land. The focus should be on developing sites on poorer quality agricultural land. There is nothing that prevents the use of Green Belt land for such development and there is no policy requirement to undertake a sequential site assessment.
- 7.63 Several Site Selection Reports and addendums have been submitted in order to clarify the site selection process. The latest addendum, dated March 2025, the applicant confirms that there needs to be a viable grid connection and capacity at a substation. In this instance, the proposal will connect to the Goitside substation in Chesterfield and the connection will use the existing overhead 33kv line.
- 7.64 The original Site Selection Reports sought to find a site capable of accommodating a 25MW size scheme. However, when making the grid application to National Grid Electricity Distribution (NGED), it was confirmed that the connection offer was now only 7.5MW with a short connection date, with the connection via 33kv line and not through a direct connection to the substation. An additional Site Selection Report was undertaken reviewing available sites capable of accommodating a 7.5MW scheme. To be financially viable, a 3km buffer from Goitside was created in the initial search. The greater the distance from the substation, the higher connection costs involved. The applicant considers that connection costs need to be proportionate to the scale of the development. Officers agree with this approach. In this case, the connection into the overhead line has to be where a wooden pole is located. Connecting into a 33kv via additional cabling is considered impractical. The applicant points to an appeal (APP/Q3115/W/24/3350890) where it is concluded that the costs associated with grid connections can vary significantly, and this should not form part of the planning application assessment.

¹ [Guide to assessing development proposals on agricultural land - GOV.UK](#)

² [Renewable and low carbon energy - GOV.UK](#)

7.65 In terms of site identification, a minimum of 25 acres is required to accommodate a 7.5MW scheme. The site must intersect with overhead lines and within 3km of Goitside substation. The Site Selection Report Addendum identifies sites in excess of 25 acres of Goitside. Seven sites (see Figure 3 below) were identified as having potential for an onsite connection to the 33kv line.

Figure 3: Extract from Site Selection Process - Sites in excess of 25 acres within 3km of Goitside

- Ordnance Survey - greenspace, roads, built up areas;
- Historic England - battlefields, Conservation Areas, Listed Buildings, parks and gardens, scheduled ancient monuments, world heritage sites;
- Natural England - ancient woodland, local nature reserves, potential Special Protection Areas, sites of Special Scientific Interest (SSSI), special areas of conservation, National Landscapes (former AONB), National Character Areas, National Parks, Common Land;
- RSPB - RSPB areas; and
- DEFRA - priority habitats.

7.67 An individual appraisal of the 7 parcels has been undertaken by the applicant. A conclusion for each site can be seen in Figure 4 below.

Parcel Number	Green Belt	Hard Constraints	Conclusions
1 – western side	Yes	No	- Excluded due to the visual impact to Chesterfield and proximity to the golf course to the north and Wingerworth to the south. - Not sequentially preferable in Green Belt terms.
1 – eastern side	Yes	No	- Part of this parcel has been included in the application site. - The site benefits from screening from the north, east and south. - This site also includes a grid connection offer and a willing landowner. - This site is more suitable than other Green Belt sites identified. - There are no other suitable, available and viable sites available outside of the Green Belt.
2	Yes	No	- Excluded due to proximity to both Chesterfield and Wingerworth and visual impact on Longedge Lane, Wingerworth. - Not sequentially preferable in Green Belt terms.
3	No	Yes	- The Hunloke Country Park is unsuitable for development. - Further discounted due to the following hard constraints: flood zone storage area, woodland, woodland buffer, priority habitats and conservation area. - Not sequentially preferable in Green Belt terms.
4	Yes	Yes	- Discounted due to its proximity to woodland areas and residential buildings. - Not sequentially preferable in Green Belt terms.
5	Yes	Yes	- Covered by a variety of hard constraints, including woodland and priority habitats. - Also occupied by the Chesterfield Golf Club and therefore unsuitable for renewable energy development. - Not sequentially preferable in Green Belt terms.
6	Yes	Yes	Site is completely covered by woodland areas and priority habitats.
7	No	Yes	This site is being developed.

Figure 4: Extract from site selection report - analysis of 7 sites

7.68 Parcel 1 (east) was identified as most appropriate for the proposed development and the submitted reports conclude that there are no other suitable, available and viable 25 acre sites within a 3km radius of the Goitside substation.

7.69 The applicant points to several appeal decisions where it has been found that grid connections in the short term are a scarce resource and that a viable grid

connection is important in the planning balance. If an alternative site was favoured ahead of a site with a grid connection, then the grid connection offer would be redundant. Therefore, having a viable grid connection has to carry weight in the decision process.

- 7.70 Officers consider that the submitted Site Selection Report demonstrates the difficulty in finding alternative sites outside the Green Belt or on Brownfield land. The site proposed is capable of connecting directly into a 33kV overhead line which crosses the site and utilise grid capacity at Goitside. Furthermore, the site is large enough to be economically viable, is available, has the necessary agreements in place to deliver renewable energy in a timely manner and as such is considered by Officers to represent a robust analysis of potential development sites.

Highway Safety Considerations

- 7.71 The NPPF at paragraph 116 states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”
- 7.72 Similarly, the Local Plan in policy ID3 states that “In all cases, planning permission will only be refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.”
- 7.73 The proposed solar farm would be accessed by a single point of access from Langer Lane to the west. This section of road is 7m wide and is subject to the national speed limit (60mph), however the speed limit drops to 30mph approximately 90m to the north of the proposed access point.
- 7.74 A Transport Statement and Construction Traffic Management Plan have been prepared by Neo to support the proposal. It is expected that between 10-15 Light Goods Vehicles (LGV's) per year once development is complete. During the 4-month construction phase a total of 168 Heavy Goods Vehicles (HGV's) deliveries will be made to the site. During its peak it is expected that there will be a maximum of 15 daily HGV deliveries. A haulage route avoiding Wingerworth village is proposed. A visibility splay of 110m in both directions is achievable.
- 7.75 The Highways Authority (HA) note the access gained from Langer Lane and a speed survey has been undertaken by the developer. Visibility splays of 94m are required, so the proposed 110m visibility in both directions is considered acceptable. The submitted construction vehicle route is considered acceptable. A CTMP has been submitted and mitigation measures outlined during the construction phase proposed. At the time of drafting this report the HA had not responded on this matter. Any comments will be provided as an update to members before planning

committee. There are no existing highway safety concerns likely to be worsened by the proposed development when in operation.

- 7.76 Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion. There are no objections to the proposal, subject to conditions relating to visibility splays, access gates being set back 10m, access track hard surfacing, and a condition requiring the submission of a construction management plan.
- 7.77 Overall, Officers conclude that the proposed development would not lead to an unacceptable impact on highway safety and the residual cumulative impact on the wider road network would not be severe.

Drainage Considerations

- 7.78 The northern most edge of the application site is within a Flood Zone 2 and 3 at the highest risk of flooding, with the remainder of the site within Flood Zone 1. There are three area within the site at risk from surface water flooding. The site slopes from the south down towards the Birdholme Brook to the north. The proposed structures and access into the application site fall outside Flood Zone 2/3 and other sources of flooding.
- 7.79 Policy SDC11 of the Local Plan states that “All development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development.” Where necessary a Flood Risk Assessment (FRA) should be submitted, and sequential test passed.
- 7.80 A Flood Risk Assessment prepared by ENCON Associates has been submitted to support the proposed development. The report concludes that the development site is considered to have a low risk from flooding from the river to the north and there is a higher risk of flooding from surface water due to the topography of the site. The report considers that the solar panels should be installed with a minimum clearance around the surrounding ground level of 900mm. The report concludes that the proposed development is classified as ‘Essential Infrastructure’ and therefore appropriate within Flood Zone 1. The applicant notes the surface water flooding risk within the site and has designed the scheme to mitigate any flooding risk. In addition, the applicant concludes that a sequential test is not required in this instance due to the layout and design having been designed to mitigate any flood risk.
- 7.81 A SuDS strategy favours runoff interception and storage. It is considered that the proposed development would result in a relatively small increase in runoff volume and runoff rate but will not result in a material increase to flood risk on and off site.

- 7.82 The proposed development represents 'essential infrastructure' as identified in Annex 3 of the NPPF and its built form lies within Flood Zone 1, but some parts of the access track and some structures are within an area of medium and high surface water flooding. The Council's Strategic Flood Risk Assessment does not put this site at an increased risk from flooding.
- 7.83 The Lead Local Flood Authority (LLFA) have raised no objection to the proposed development subject to conditions.
- 7.84 The Environment Agency raised no objection subject to a condition relating to cabins on site being set no lower than 150mm above the existing ground levels.
- 7.85 Yorkshire Water Authority raised no objection, subject to condition relating to the discharge of surface water being to an acceptable outfall location.
- 7.86 Subject to the final comments of the LLFA, Officers conclude that there are no technical reasons relating to drainage that would preclude development.

Land Contamination/Land Stability Considerations

- 7.87 A Coal Mining Risk Assessment (CMRA) (dated May 2022) has been submitted to accompany the proposed development. No land contamination reports have been submitted. The CMRA considers that further investigation works should be undertaken on site before development commences.
- 7.88 The Coal Authority (CA) note that there are historic mine workings within 20m of the application site. Overall, the CA agree with the findings of the CMRA and raise no objection to the proposed development subject to intrusive site investigation works being undertaken on site prior to development commencing.
- 7.89 The Council's Environmental Health Officer (EHO) raised no objection to the proposed development subject to conditions relating to the submission of a contaminated land assessment and detailed remediation works where necessary.
- 7.90 Officers conclude that there are no technical reasons relating to land contamination or land stability that would preclude development.

Ecological Considerations

- 7.91 The application site forms an agricultural field with pond. It lies adjacent to Nether Speighthill Wood which is an allocated Local Wildlife Site. There is also another Local Wildlife Site, Chesterfield Golf Club, a short distance to the north west. The proposed development will be focused on the arable land.
- 7.92 Local Plan policy SDC4 states that 'the Council will protect and enhance the District's natural environment and seek to increase the quantity and quality of

biodiversity and geodiversity.” Designated national and local sites of nature conservation importance will be protected. The Council will promote the qualitative enhancement of all sites of biodiversity and geodiversity value by supporting measures that improve wildlife habitat connectivity and create new wildlife habitats.

- 7.93 The NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity. Development should minimise impacts on and provide net gains in biodiversity.
- 7.94 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) requires mandatory Biodiversity Net Gain (BNG). Developers must deliver a BNG of 10% on sites of this nature.
- 7.95 An Ecological Impact Assessment, Biodiversity Net Gain Statement, BNG Metric, Reptile Method Statement and Great Crested Newt Method Statement, prepared by Peak Ecology and a River Condition Assessment Report, prepared by JBA Consulting have been submitted to accompany the application. The proposal would create a Biodiversity Net Gain of 68.21% of on-site habitat units, 107.11% in hedgerow units and 10.22% in watercourse units.
- 7.96 Derbyshire Wildlife Trust (DWT) note the application site is largely arable land with a small area of neutral grassland. An area of willow scrub and an ephemeral pond are also present to the west and hedgerows present to the north and west boundaries. No losses of hedgerows, pond or will scrub are proposed. Nether Speighthill Wood Local Wildlife Site (LWS) is located immediately adjacent to the western boundary and a small pocket of undesignated woodland is present adjacent to the eastern boundary. DWT expect a 15m buffer to the LWS and Root Protection Areas included near to the woodland. The buffer to Birdholme Brook is considered acceptable and land beneath the arrays will be seeded with a grazing mix.
- 7.97 Overall DWT consider that the proposed development has been well designed to achieve a minimum of 10% BNG and to strengthen wildlife corridors. DWT advocate buffers to the adjacent woodlands and Brook and also for robust protection measures for local wildlife via a CEMP: Biodiversity. DWT advise that conditions relating to Habitat Management and Monitoring Plan (HMMP), Construction Environmental Management Plan (CEMP: Biodiversity), Species Enhancement Plan and Lighting scheme (if necessary) be included in any decision.
- 7.98 Local Plan policy SDC2 states that development “proposals for development should provide for the protection and integration of existing trees, woodland and hedgerows for their wildlife, landscape, and/or amenity value.” The unacceptable removal or damage to trees and hedgerows will not be permitted.
- 7.99 The DCC Countryside (Woodlands) Officer comment that the application site is adjacent to Nether Speighthill Wood, which is protected by a DCC woodland TPO. Only a single tree of low value will be removed and compensatory planting is

proposed. The Officer considers that the no-dig surfacing solutions for new tracks and hard standings should provide adequate protection for tree roots. As such no objection is raised

- 7.100 It is considered by Officers that the proposal would not result in any significant impacts on biodiversity, and conversely there would be a number of benefits as a result of the new habitat that is proposed resulting in a significant biodiversity net gain. Furthermore, the proposal would protect and provide compensatory planting.

Other Matters

- 7.101 Derbyshire Police have no objection to the proposal subject to a condition relating to the provision of comprehensive CCTV provision with motion detection.
- 7.102 In the objections received, the impact on Deerpark School (which is an asset of community value) is considered to be harmful. Policy W9 of the WNP seeks to protect these assets and their longevity. The proposed solar farm is some distance to the north of the school and Officers are satisfied that the proposal would not have a detrimental impact on this and other assets of community value in the village.
- 7.103 The Parish Council have requested a Community Benefit Fund be agreed to offset and harm or inconvenience to neighbouring communities. The inclusion of such a fund is not material to the determination of this application. The applicant has confirmed that a Community Benefit fund of £250/MW to the parish council has been agreed. This would equate to approx. £94,000 over the lifetime of the development and an agreement would need to be drawn up and agreed with the parish council.

Very Special Circumstances

- 7.104 The NPPF states that the planning system should support the transition to net zero by 2050 and help to shape places in ways that, amongst other things, contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience and support renewable and low carbon energy and associated infrastructure.
- 7.105 More recently the Government have published the 'Clean Power 2030 Action Plan: A new era of clean electricity' which confirms that 2030 targets for an energy system run entirely on clean energy, solar capacity will have to increase from the current 15GW to 45-47GW within just 5 years. This highlights the need for clean energy infrastructure.
- 7.106 On the Councils website³ it states that "North East Derbyshire District Council are committed to the challenge of tackling climate change and reducing our carbon emissions in order to reach net zero by 2050. This has been done through

³ [Our Commitment - North East Derbyshire District Council](#)

understanding our emissions, embedding climate change at the core of our decision making and changes made in the ways we operate and deliver our services. As an organisation we are striving to reduce our carbon footprint through:

- Making better use of our resources
- Finding more efficient and cost-effective ways of delivering our services and carrying out our activities
- Leading by example
- Educating ourselves and others so that collectively we can make a difference across the District by developing a lower carbon lifestyle
- By working together with partners and our local communities we can play our part in achieving the UK's 2050 net zero greenhouse gas emissions target."

7.107 The Council's Climate Change Action Plan (2024-2030)⁴ states that "North East Derbyshire District Council recognised the urgency of addressing climate change and its implications for our community and planet, by declaring a climate emergency in July 2019. Since then, we have taken significant steps in order to be not only a more sustainable organisation, but also lower our CO2 emissions, and mitigate our climate impact. We are committed to reducing Council's own emissions by 80% from 2014 baseline by 2030 and reaching Net Zero by 2050."

7.108 At paragraph 168, the NPPF provides that when determining proposals for all forms of renewable energy developments and their associated infrastructure significant weight should be given to the benefits associated with renewable energy generation and the proposal's contribution to a net zero future. Paragraph 163 adds that the need to mitigate climate change should be considered in assessing planning applications, taking into account the full range of potential climate change impacts.

7.109 The NPPF at paragraph 165 states that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. The proposed development would create 7.5MW of renewable power. The solar array would generate the equivalent to the electricity consumption of approximately 2,760 homes and represent a carbon saving of approximately 1,700 tonnes CO2e. As such it would contribute to reducing the UK's reliance on finite resources such as fossil fuels and making an important contribution towards the Government's climate change agenda and Net Zero Target. Given the benefits of the proposed development to reducing carbon emissions and towards energy security, Officers consider that renewable energy generation from the proposed solar farm over a period of 40 years attracts significant weight.

7.110 The site selection process undertaken by the developer evolved from finding an appropriate site for a 25MW site, down to one capable of accommodating the as proposed 7.5MW scheme. Of the 7 sites identified as being capable of

⁴ [Climate Change Action Plan 2024 12857 WEB A.pdf](#)

accommodating the proposed development a robust assessment of each parcel has been undertaken identifying the application site as the most suitable. The applicant also demonstrates in the site appraisal the difficulty in finding alternative sites outside the Green Belt or on Brownfield land. In a recent appeal decision at Dyche Lane, Coal Aston⁵ the inspector confirms that a sequential test for renewables is not mandated, but it is an accepted approach to find appropriate sites.

- 7.111 The site proposed is capable of connecting directly into a 33kV overhead line which crosses the site and utilise grid capacity at Goitside. Furthermore, the site is large enough to be economically viable, is available, has the necessary agreements in place to deliver renewable energy by June 2026. It has been confirmed that a new site selection process considering the reduced capacity available at Goitside would lead to potential delay of up to 6 years, which over the lifetime of the development is considered by Officers to be considerable and would have a detrimental impact on the delivery of green energy. Officers therefore consider that the site selection process undertaken was robust and proportionate concluding the need for delivery in this Green Belt location.
- 7.112 The proposal would also lead to direct and indirect socio-economic benefits resulting from the construction and decommissioning of the solar farm. There will also be some modest employment benefits resulting from the 40 years life of the solar farm from maintenance. Officers give some weight to these benefits.
- 7.113 The NPPF considers that some elements of renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 7.114 Officers conclude that the proposed development would represent inappropriate development in the Green Belt, as such the applicant will need to demonstrate very special circumstances which could include the wider environmental benefits associated with the increased production of energy from renewable sources. Whilst this supports renewable projects in the Green Belt, it does not mean proposals of this nature are automatically approved, instead the effects of the proposed development must take into account a broad range of planning considerations in the context of the general presumption against inappropriate development, and the resultant substantial harm to the Green Belt.
- 7.115 Furthermore, paragraph 153 of the NPPF states that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. The proposed development of this site would, for a period of 40 years, reduce the physical gap between Chesterfield and Wingerworth, and in turn reduce the openness of the Green Belt.

⁵ APP/R1038/W/24/3353898

- 7.116 The proposed development would reduce the physical gap between Chesterfield and Wingerworth, and spatially the proposal represents built development which would decrease openness. However, there would be a very limited visual experience of the proposal, most notably from the north. Other views of the site are limited. Due to the limited height of the proposed development, there is considered to be no detrimental effect on skylines or an appreciation of the wider landscape and as such Officers conclude that there would be a moderate harm to the visual openness of the Green Belt, even with the proposed planting mitigation measures.
- 7.117 In landscape terms, Officers conclude that the proposed development would cause a Moderate effect on the landscape character of the site and the surrounding area. The proposed development would cause a Moderate Adverse impact in close views from the highway to the west. Additional harm would be seen from only a few close by viewpoints, these being from an area of public open space to the north, public right of way to the west and from intermittent views from along Longedge Lane. The latter views from Longedge Lane would, in time, be mitigated by the proposed landscape planting. Officers conclude that the impact of the proposed development would not lead to a significant adverse effect on the overall visual amenity and character of the area.
- 7.118 The proposed solar farm would be for a period of 40 years and afterwards the land returned to its original state and there would be a minor improvement from mitigating landscape planting following the sites decommissioning. As a result, there would be a minor beneficial landscape effect for the site following decommissioning.
- 7.119 In terms of environmental benefits, the proposal would create a Biodiversity Net Gain of 68.21% of on-site habitat units, 107.11% in hedgerow units and 10.22% in watercourse units. These benefits weigh in favour of the proposed development.
- 7.120 Overall, Officers consider that the public benefits of the proposal are such that they would clearly outweigh the harm to the Green Belt. As such, Officers conclude that very special circumstances exist in this case.

8.0 Summary and Conclusion

- 8.1 The proposed development consists of a 7.5MW solar farm with associated infrastructure. It would be located on land between Chesterfield and Wingerworth outside any defined settlement in open countryside which is washed over by the North East Derbyshire Green Belt.
- 8.2 Officers conclude that the proposed development would not meet any of the listed exceptions or criteria listed in paragraph 154 and 155 of the NPPF, and as such the proposed development is inappropriate. In these circumstances very special circumstances must exist to outweigh the harm to the Green Belt.

- 8.3 Whilst the proposal would harm the openness of the Green Belt in this location, Officers consider that there would be a moderate harm to the visual openness of the Green Belt, even with the proposed planting mitigation measures.
- 8.4 In landscape terms, as considered in the assessment above, Officers conclude that that the impact of the proposed development would not lead to a significant adverse effect on the overall visual amenity and character of the area.
- 8.5 In amenity terms, the proposal would lead to an increase in traffic movements and noise from the construction phase, however this would be for a temporary period. During the operational phase of the scheme regular maintenance visits would be required. Glint and glare, noise and light impact of the proposed development is not considered to be so detrimental to warrant refusal.
- 8.6 The proposal would utilise Grade 4 agricultural land which would protect the best and most versatile land from being developed. Adding into this a thorough alternative site assessment has also sought to concentrate development away from BMV and ensure an appropriate grid connection.
- 8.7 In highway safety terms, the proposal will increase movements during the construction phase, but during the operational phase vehicle movements will be limited. The proposed access would be provided with acceptable visibility splays onto Langer Lane and no objection has been raised by the County Council Highways Authority. As such the proposed development would not lead to an unacceptable impact on highway safety and the residual cumulative impact on the wider road network would not be severe.
- 8.8 Technical matters relating to flood risk, drainage, land contamination, biodiversity/ecology and land stability can be addressed by way of condition.
- 8.9 Overall, in the planning balance, Officers conclude that the proposed development would represent inappropriate development in the Green Belt, but there are considered to be very special circumstances that outweigh the harm caused and as such it is recommended that permission be granted subject to a number of conditions.

9.0 Recommendation

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

Conditions

No	Condition	Reason
1.	The development hereby permitted shall be started within three years from the date of this permission.	To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.
2.	The development hereby approved shall be carried out in accordance with the details shown on the drawings below: • EPD-024-GA-BP-01 (Location Plan) • EPD-024-GA-LA-04 (Block Plan of Site) • EPD-24-GA-CSS-01-R0 (Typical Customer Substation) • EPD-024-GA-DNO-01 (DNO Substation Elevations) • EPD-024-GA-MS-01 (PV Frame and Inverter) • EPD-024-GA-SC-01 (Fence, Security and Road Details) • EPD-024-GA-STS-01 (Site and Smart INV TX Cabins) • 018 PL03 (Landscape Strategy Plan) • 019 PL03 (Mitigation Detailed Planting – 1 of 2) • 020 PL02 (Mitigation Detailed Planting – 2 of 2) • NEO01003_010I_A Figure 3 Revision A (Visibility Splay)	For clarity and avoidance of doubt.
	Operation & Decommissioning	
3.	The planning permission hereby granted shall be limited to a period of 40 years commencing from the date electricity generated by the solar panels is first exported to the National Grid. At the end of this 40-year period, the development shall be removed, and the land restored to its previous agricultural use pursuant to the Decommissioning Method Statement approved under Condition 4 of this permission.	In the interest of clarity and in the interest of public amenity.
4.	No later than six months prior to the expiry of the planning permission, or within six months of the cessation of electricity generation by this solar PV development, whichever is the sooner, a Decommissioning Method Statement setting out a detailed scheme of works for the removal of the development (excluding the approved landscaping and biodiversity works) shall be submitted to and approved in writing by the Local Planning Authority. The scheme of works shall include the following:	For clarity and avoidance of doubt.

	a) A programme of works; b) a method statement for the decommissioning and dismantling of all equipment and surfacing on site; c) details of any items to be retained on site; d) a method statement for restoring the land to agriculture; e) timescales for the decommissioning, removal and reinstatement of the land; f) a method statement for the disposal/recycling of redundant equipment/structures. The decommissioning of the site shall be undertaken in accordance with the approved Decommissioning Method Statement. The operator shall notify the Local Planning Authority in writing within five working days following the cessation of electricity generation.	
5.	The operator shall notify the Local Planning Authority in writing within 10 working days of electricity generated from the development being first exported to the National Grid.	For clarity and avoidance of doubt.
	Land Contamination	
6.	Before the commencement of the development hereby approved: a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority. b) The contaminated land assessment shall include a desk-study with details of the history of the site use including: • the likely presence of potentially hazardous gas, • their likely nature, extent and scale, • whether or not they originated from the site, • a conceptual model of pollutant-receptor linkages, • an assessment of the potential risks to human health, property (existing or proposed) including buildings, • details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant ground gas sampling/monitoring as identified by the desk-study strategy. The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements	To protect the environment and address any contamination issues.

	for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.	
7.	Before the commencement of the development hereby approved: Where the site investigation identifies unacceptable levels of risk from ground gas, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to LCRM and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. 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.	To protect the environment and address any contamination issues.
8.	No development should commence until: a) The approved remediation works required by Condition 7 above have been carried out in full in compliance with the approved methodology and best practice. b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in Condition 6b to 7 above and satisfy Condition 8a above.	To protect the environment and address any contamination issues.

	c) Upon completion of the remediation works required by Condition 7 and 8a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.	
9.	Before the commencement of construction works including any demolition in connection with the development hereby approved, a programme of measures to minimise the spread of airborne dust from the site during the construction and decommissioning 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.	To protect the environment and address any contamination issues.
10.	No construction or decommissioning works shall take place except between the following hours: 07:30 to 18:00 Monday to Friday, and 07:30 to 13:00 Saturday. No construction or decommissioning works shall take place at any time on Sunday or a Bank/Public Holiday.	In the interests of the amenity of the area.
	Land Stability	
11.	No development shall commence until; a) a scheme of intrusive site 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. Any mine entry found within or within influencing distance of the site should be clearly illustrated on the approved layout plan in order to demonstrate that adequate separation between the mine entry and sensitive structures have been incorporated, if	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

	considered necessary. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.	and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.
12.	Prior to the development becoming operational, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.	The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.
	Ecology	
13.	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. This shall identify the habitats to be retained, created and/or enhanced on the site and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule (T1, Y2, Y3, Y5, Y10, Y20, Y30) 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.
14.	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	In the interest of protecting biodiversity and ecological features during the construction period.

	been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be produced by an ecologist and be based on Section 5 of the Ecological Impact Assessment (Peak Ecology, July 2024). It shall include the following: a) Risk assessment of potentially damaging construction activities. b) Identification of “biodiversity protection zones”, including Birdholme Brook corridor, adjacent woodlands and the onsite pond / willow scrub. c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction to nesting birds, herptiles, badger and bats. d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.	
15.	Prior to works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and retained as approved thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following: • badger gates at multiple locations in perimeter fencing on all boundaries. • 3x bat boxes incorporated within ancillary building at eaves level. • bat boxes attached to boundary trees (number dependent on suitable trees). • 1x barn owl box attached to a suitable boundary tree, facing onto offsite farmland.	In the interest of enhancing biodiversity features within the site.

	• habitat piles along woodland edges	
16.	Prior to the installation of any external lighting fixtures (including lighting required for construction and decommissioning), a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats, other nocturnal wildlife and neighbouring residents. This strategy should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full and retained as such thereafter. No additional external lighting shall be installed without prior written consent from the Local Planning Authority.	In the interest of protecting the visual amenity of the surrounding countryside, nocturnal mammals and neighbouring amenity.
	Highways	
17.	The vehicular visibility splays of 2.4m x 110m shown on Drawing No. NEO01003_010I_A Figure 3 Revision A shall be provided at the site access prior to any operation of the main construction works which the access serves. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6m above the level of the adjacent footway/verge/highway.	To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (December 2023).
18.	Notwithstanding the submitted drawings, the development hereby approved shall not commence until the proposed access gates have been set back 10m from the adjoining carriageway edge and made to open inwards only.	In the interests of highway safety.
19.	The development hereby permitted shall not commence until such time as the access (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 15m behind the highway boundary and, once provided, shall be so maintained for the operational lifetime of the development.	In the interests of highway safety.
20.	Prior to commencement of the development hereby permitted details of a construction management plan shall	In the interests of safe operation of the adopted

	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: • 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); • Construction traffic vehicle routing; • Access arrangements onto the site, including swept path analysis; • 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.	highway in the lead into development both during the demolition and construction phase of the development.
	CCTV	
21.	Notwithstanding the submitted details, before above groundwork commences details of the CCTV cameras to be installed shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the type, design and position of CCTV. The approved CCTV shall be installed in accordance with the approved details and retained as such thereafter.	In the interest of the character and appearance of the site and the surrounding countryside setting.
	Drainage	
22.	No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.	To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.
23.	The development shall be carried out in accordance with the submitted flood risk assessment (ref A5441 / June 2022 / Encon Associates) and the following mitigation measures it details:	To reduce the risk of flooding to the proposed development and future occupants.

	- Finished floor levels of the cabins shall be set no lower than 150mm above existing ground levels - As per Figure 3 (Development layout with flood zones overlaid), the development shall be located wholly within Flood Zone 1 These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.	
24.	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: - Flood Risk Assessment, report reference No: A5441, Revision B, dated 14 June 2022, Addendum to Flood Risk Assessment report, Document reference: 35718-HYD-XX-XX-RP-7000, Revision P01, dated 12 July 2024 and email from the applicant (Mr Rolan Billington), dated 04/02/2025 and "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team". - And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.	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.
25.	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.	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: I. into the ground (infiltration); II. to a surface water body; III. to a surface water sewer, highway drain, or another drainage system; IV. to a combined sewer.
26.	Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.	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.
27.	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.	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.

Informatives:

- a) DISCON
- b) NMA
- c) Highways Authority informative notes dated 27.09.24
- d) The assessment of construction dust should include a risk assessment based upon the principles outlined in the IAQM guidance document 'Guidance on the assessment of dust from demolition and construction'.