

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 18th July 2024

ADDENDUM REPORT

Application No:	SMD/2023/0594	
Location	LAND AT BLYTHE HOUSE FARM, SOUTH OF THE A50, DRAYCOTT IN THE MOORS, ST10 4JN	
Proposal	INSTALLATION OF A SOLAR ARRAY, SUBSTATION AND ASSOCIATED WORKS FORMING AN EXTENSION TO BLYTHE SOLAR FARM (REF: SMD/2022/0160)	
Applicant	Mr Rob Parish – Innova Renewables Developments Ltd	
Agent	Corylus Planning & Environmental Ltd	
Parish/ward	Draycott in the Moors/Checkley Ward	Date registered 29 th November 2023
If you have a question about this report please contact: Declan Cleary, dcplanningconsultancy@gmail.com		

1. SUMMARY OF RECOMMENDATION

Approve, subject to conditions

2. BACKGROUND

2.1 The application was considered at Planning Applications Committee on 23rd May 2024, where members made a resolution to defer the application “to enable further discussions by the applicant with officers to achieve the desired buffer zone”, as confirmed by the minutes of that meeting. The buffer zone relates to the proximity of the development to the property known as Blythe House Farm.

2.2 The original Committee Report from 23rd May 2024 is contained in Appendix A, and the Late Letters update at Appendix B. This report is an Addendum to these original documents considered by committee and should be read and considered in conjunction with them. This report comments on the matters for which the application was deferred, as set out in paragraph 2.1 above, and covers any further matters relevant since last considered at Committee.

2.3 The applicants have considered the concerns raised by members and have provided amended plans which alter the site layout, with regard to the proximity of the development to Blythe House Farm. The amendment provides a 100m buffer from the edge site fencing to the boundary of Blythe House Farm. The applicant has also provided a cover letter which includes additional commentary and clarification on the alterations to the scheme, and some of the matters discussed at Committee. Details of the amendments and cover letter can be found on the Council's website:

[Planning Applications - Staffordshire Moorlands District Council](http://staffsmoorlands.gov.uk)
staffsmoorlands.gov.uk

3. FURTHER REPRESENTATIONS AND CONSULTATION RESPONSES

3.1 No further representations from residents have been received.

3.2 Nature Space have confirmed that a Nature Space Report has been provided and that if minded to approve there are mandatory conditions and informatives within the Report that must be used in verbatim on the decision notice.

4. OFFICER COMMENT

Living Conditions – Blythe House Farm

4.1 As originally proposed, members were advised at Committee that the development at its closest would have been in the region of 75m from Blythe House Farm (boundary to boundary). Para 7.69 of the original Committee report identified that the nearest solar panels would have been 90m from the nearest façade of Blythe House.

4.2 The scheme has now been amended to increase the separation between the application proposals and Blythe House Farm.



Figure 1 – Extract from amended plan showing relationship with Blythe House

4.3 The above extract from the proposed plans shows that the development would be moved further away from Blythe House Farm in a south-west direction. This shows that the proposed security fencing would be positioned 100m from the boundary of Blythe House Farm. The distance between the nearest solar panel and the façade of Blythe House Farm would be circa 130m. These spacing distances are in line with what Members considered appropriate when discussed at Committee.

4.4 In addition, it remains that there are other factors to consider as previously raised. Firstly, the main façade of Blythe House is its southeastern elevation, which faces away from the development and enjoys open views across the landscape to the east. Secondly, there are existing landscaping and buildings between Blythe House and the proposed development which lessens the extent of visibility. Finally, the scheme includes a landscape buffer which would provide further screening.

4.5 Together, the factors would ensure that the development would not have a detrimental impact on the living conditions of occupants of Blythe House by reason of reduced outlook. It is therefore considered that the concerns raised by Members in this regard has been addressed.

Energy Generation and Site Capacity

4.6 Amendments to the site layout has resulted in the loss of panels which would be delivered on site. The amended scheme would result in the delivery of a solar array with an export capacity of 16.6MW, which is a 0.4MW reduction from that previously considered.

4.7 Cumulatively, with the approved scheme, the development would have a capacity of 44.3MW. This slight reduction overall would still generate energy to power a significant proportion of homes within the District and carbon dioxide savings. It remains therefore, that there are clear environmental benefits arising from the development which attract substantial weight in favour of the development.

4.8 Concern was raised that the proposed development, cumulatively with the operational Lower Newton Farm solar panel, would result in a development which exceeds 50MW and, as such, would result in a Nationally Significant Infrastructure Project (NSIP).

4.9 The Lower Newton Farm development which the applicants have confirmed is a subsidy based scheme that is owned by RES Limited. This development is a 11.5MW solar site which connects into the 33kV network on the Simplex substation - Tean substation circuit.

4.10 The approved scheme at Upper Newton Farm, along with the proposed extension under consideration would provide 44.3MW capacity that will connect into the 132kV network via the overhead lines within the development area. The 132kV overhead lines are on the Rugeley Grid Supply Point (GSP) - Cellarhead GSP circuit. The applicants have confirmed that the development is subsidy free and is to be owned by Innova.

4.11 Lower Newton Farm and Upper Newton Farm are therefore completely separate developments which would operate independently of each other, with separate points of connection into separate networks, and would have no shared equipment. Therefore, while the sites are adjacent, they fall outside of the definition of a NSIP. Additionally, land ownership is not a consideration in this respect, it is how the sites operate which is the main consideration.

The Use of Natural Resources and Agricultural Land

4.12 Queries were raised with regard to the independence of the Agricultural Land Classification (ALC) report which was produced by Kernon Countryside Consultants Ltd. Paragraph 2.2 of the ALC report confirms that:

“The work has been carried out by a Chartered Scientist (CSci), who is a Fellow (F. I. Soil Sci) of the British Society of Soil Science (BSSS). In addition, this ALC survey has been carried out by a soil scientist who meets the requirements of the BSSS Professional Competency Standard (PSC) scheme for ALC (see BSSS PCS Document 2 ‘Agricultural Land Classification of England and Wales’1). The BSSS PSC scheme is endorsed, amongst others, by the Department for Environment, Food and Rural Affairs (Defra), Natural England, the Science Council, and the Institute of Environmental Assessment and Management (IEMA).”

4.13 The authors of the report have clear professional standards and regulations to adhere to. The submitted information has been carried out independently, competently and is robust. Natural England have not raised any concern over the content of the report and Officers therefore have no reason to question the validity findings and results.

Biodiversity and Ecology

4.14 Naturespace have confirmed that they have sent the applicants their Naturespace report which relates to licensing for Great Crested Newts. This includes three conditions needed in order for the development to comply with the District Licensing regime. Subject to these conditions, the effect on Great Crested Newts can be made acceptable. These additional conditions are therefore reflected in the recommendation.

5. PLANNING BALANCE AND CONCLUSIONS

5.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision making this means that amongst other things, that local planning authorities should positively seek opportunities to meet the development needs of their area unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits and to secure a development that improves the economic, social and environmental conditions of the area.

5.2 The principle of the proposed development is considered to be acceptable. The development would bring with it substantial benefits in terms of seeking to address the affects of climate change and moving to a low carbon future. The policy support in this respect, at both Local and National level is compelling. It is noted that there would be other environmental benefits through achieving biodiversity net gain and improvements to existing landscape features at the site. It is acknowledged that such developments bring with it a degree of impact, which in this instance largely surrounds the effect of the development on the landscape and visual impacts. However, with mitigation in place, which can be secured by condition, the effects of the development can be made acceptable in this regard. Furthermore, other impacts can be made acceptable by mitigation, are limited to the period of construction, are not permanent, or are outweighed by the overwhelming public benefits of the development.

5.3 The concerns of members of the Planning Applications Committee, with regard to the effect of the development on Blythe House, have been considered and addressed through creating a greater buffer between that property and the proposed development.

5.4 Accordingly, the proposal is considered to comprise sustainable development under the terms of the NPPF, and is in general conformity with the Policies of the Staffordshire Moorlands Local Plan 2020 when considered as a whole and the recommendation for approval remains unchanged.

9. RECOMMENDATION

That approval be GRANTED subject to the following conditions:

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

Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

**BF/613/09 Rev G – Application Plan
BF/613/01 Rev O – Planning Layout
BF/613/11 Rev E - Landscape/Ecological Layout
BF-613-10-1 – PV Panel Details
BF-613-10-2 – CCTV & Fence Details
BF-613-10-3 Rev A – Palisade Fence
BF-613-10-4 – Customer Substation
BF-613-10-5 – Spares Container Store
BF-613-10-6 – Indicative Transformer
BF-613-10-7A Rev A – Indicative Substation Compound**

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

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

Reason:- To define the permission in the interests of proper planning and for the avoidance of doubt

4. No development shall take place until such time that full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- All areas of hard surfacing**
- Materials for the solar panels, frames all ancillary buildings and equipment including finish and colour**

The development shall be carried out strictly in accordance with the approved details.

Reason:- To protect the character and appearance of the area, residential amenity, flood risk.

Landscape and Visual Impact

5. Notwithstanding the submitted details, no development including site clearance, site stripping and levelling shall commence until such time that a detailed soft landscape mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on Landscape/Ecological Mitigation Plan drawing BF/613/11 Rev E and be on a suitably scaled plan(s). The details to be submitted shall include planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing.

The soft landscape proposals approved shall subsequently be implemented in the first growing season after construction has commenced and replacement of dead, diseased or dying stock should be undertaken in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014 or any subsequent re enactment.

Reason:- To protect the character and appearance of the area and retain the overall landscape character and to protect nearby heritage assets and their setting.

6. No tree felling is to be undertaken on site or excavation within root protection areas without the express written agreement of the Council's Arboricultural Officer and after consideration of tree sensitive construction processes.

Reason:- To protect the mature tree stock that contributes to the local landscape.

7. No development shall commence including site stripping and clearance until such time that a Materials Management Plan (MMP) has been submitted to and approved in writing by the Local Planning Authority. This should define the excavation and bund formation for all bunding and provide detailed drawings of these proposed raised earthworks. The development shall be carried out strictly in accordance with the approved details

Reason:- In the interests of the character and appearance of the area.

8. No development shall take place including any site clearance, site stripping, levelling, site establishment or formation/improvement of temporary/permanent access until such time that temporary tree protection barriers and advisory notices are erected for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations or the prevailing standard and these shall be retained in position for the duration of the period that development takes place. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of

vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires.

Reason:- In the interests of the protection of trees which contribute to the character and appearance of the area and biodiversity.

9. No external lighting shall be erected/used on site unless precise details of any lighting are first submitted to and approved in writing by the local planning authority. The lighting shall be installed and thereafter maintained in accordance with the approved details for the lifetime of the development.

Reason:- To protect the character and appearance of the area, residential amenity and interests of biodiversity.

Biodiversity

10. Notwithstanding the submitted details, no development including site clearance and site stripping shall take place until such time that a Long-term Landscape and Ecology Management and Monitoring Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the Ecological Impact Assessment (Ref: 15483_R02d_DP RevD), and the Landscape/Ecological Mitigation Plan drawing BF/613/11 Rev E.

The LEMP shall amongst other matters provide detailed off-site ground nesting bird mitigation on the land adjacent to the site, design details for retained ecological and landscape features, details for proposed habitat creation and proposed new planting/landscape features, timescales for implementation, updated biodiversity metric, management and monitoring plan for new and existing habitats and key species including repeat breeding bird surveys at appropriate intervals. The LEMP shall also provide updated surveys to determine the presence/absence of badgers and, if necessary, details of any mitigation or reasonable avoidance measures that may be required. The development shall subsequently be carried out strictly in accordance with the approved LEMP.

Reason:- In the interests of protected species, biodiversity net gain and enhancement and local landscape character

11. No development including site clearance and site stripping shall take place until such time that a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. It shall set out protection and mitigation measures for protected species during construction and site establishment. The development shall subsequently be carried out strictly in accordance with the approved LEMP

Reason:- In the interests of protected species.

12. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR148, or a 'Further Licence') and with the proposals detailed on plan "Blythe Solar Farm: Impact plan for great crested newt District Licensing (Version 1)", Sheets 1-2, dated 12th June 2024.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR148, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

13. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR148, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval in writing prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

14. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR148), or a 'Further Licence':

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.**
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).**
- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.**

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR148, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

Flood Risk/Drainage

15. The development hereby approved shall not be brought into use until all of the mitigation measures detailed in the document referenced Blythe Extension Solar Farm - Flood Risk Assessment and Surface Water Management Plan - Report Ref: 613/SP03 (Version 3) - October 2023, have been implemented in full. The development shall thereafter be retained and maintained in accordance with the Blythe Extension Solar Farm - Flood Risk Assessment and Surface Water Management Plan - Report Ref: 613/SP03 (Version 3) - October 2023

Reason:- To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development.

Archaeology

16. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication and interpretation. The Scheme shall thereafter be implemented fully in accordance with the approved details

Reason:- To protect archaeological interests.

Highways

17. The development hereby permitted shall be carried out fully in accordance with the Construction Traffic Management Plan (Ref: 2109-041/CTMP/02B) and adopt in full the mitigation measures set out at Section 6 throughout the construction phase of development.

Reason:- To comply with NPPF Paragraph 110; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety.

18. No mud, other debris or deleterious material shall be deposited on the highway. Any that is shall be immediately removed using mechanical means.

Reason:- To comply with NPPF Paragraph 110; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety.

Temporary Compound

19. Prior to the commencement of development including site clearance and stripping full details of the temporary compound to be established on site shall be submitted to the Local Planning Authority for its written approval. It should include amongst other matters level information, hard surfacing, means of enclosure, earthworks/bunding and a statement ('Statement of Condition') showing the condition of the site before works

begin. The development shall be carried out strictly in accordance with the agreed details and the compound provided before any work on site commences including site clearance and stripping. The temporary use of the land for the compound shall be discontinued and the land restored to its former condition on completion of the construction of the development hereby approved in accordance with a scheme of work and timescale (which shall be based on the Statement of Condition) and which has first been submitted to and approved by the Local Planning Authority.

Reason:- In the interests of the character and appearance of the area and amenity of nearby residents.

Decommissioning

20. If the solar farm hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the solar farm, customer compound and all ancillary plant and equipment, shall be submitted within 6 months of the end of the cessation period to the Local Planning Authority for its written approval. The scheme shall make provision for the removal of the solar panels, ancillary plant and equipment and associated above ground works approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures.

Reason:- For the avoidance of doubt and to define the permission; to protect the character and appearance of the area, residential amenity and highway safety.

21. Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the first export date, a Scheme for the decommissioning of the solar farm, and all ancillary plant and equipment, and how the land is to be restored, to include a programme for the completion of the decommissioning and restoration works, shall be submitted to and agreed in writing by the local planning authority.

Reason:- For the avoidance of doubt and to define the permission; to protect the character and appearance of the area, residential amenity and highway safety.

22. The solar farm and its ancillary equipment shall be dismantled and removed from the site and the land restored in accordance with the approved Scheme and, in any event shall be removed within a period of 40 years and 6 months following the first export date.

Reason:- For the avoidance of doubt and to define the permission; to protect the character and appearance of the area.

Construction & Demolition Works: Time of operations

23. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours

Construction & Demolition: Pollution Control

21. During the construction phase the following must be adhered to at all times:

- a) amplified music and/or radios shall not be audible beyond the site boundary.
- b) Any waste material associated with the construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. All waste transfer records should be retained for inspection by officers of the Local Planning Authority upon request;
- c) No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority.

Reason: To protect the amenities of the area during construction

Report of Unexpected Contamination

22. In the event that contamination, including any suspected asbestos containing materials (e.g. bonded cement), is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on

the site. If the initial site risk assessment indicates that potential risks exist to any identified receptors, development shall not commence until 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 has been prepared, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

Plant and Machinery Noise

23. A) The machinery, plant or equipment including installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the pre-existing background noise levels as set out in the submitted noise assessment, where day time is expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) night time is expressed as LA90 [15 mins] during (night time 23:00-07:00 hours) at the identified Noise Sensitive Receptors (NSRs) above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014+A1:2019.

B) Prior to any part of the development being brought into use noise tests shall be carried out to verify compliance with these limits and the submitted noise assessment. The raw data, calculations and results from the pre completion tests shall be submitted to the Local Planning Authority for its written approval before any of the units hereby approved are occupied.

Reason:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

Protection and enhancement of public footpaths

24. Prior to the commencement of development including site clearance and stripping a scheme (the 'Scheme') shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include:

- a) measures to protect the public footpaths Checkley 5, Checkley 7, Checkley 15, Draycott 14 and Draycott 15 during construction
- b) measures to improve and promote these public footpaths post construction in conjunction with Staffordshire County Council Rights of Way Officer with timescale for implementation.

The development shall subsequently be carried out strictly in accordance with the approved Scheme

Reason:- To protect and enhance the local public footpath network.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.