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Application no: SMD/2023/0197

Determined on: 17th August 2023

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015
(as Amended)**

FULL PERMISSION FOR DEVELOPMENT

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Location of Development:

Totmonslow Farm Draycott Road Totmonslow Upper Tean Staffordshire ST10 4JJ

Description of Development:

Temporary development of a solar farm with ancillary infrastructure, security fence, access, landscaping and continued agriculture, to generate power to feed into the local distribution network.

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following condition(s):

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

Reason: To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in accordance with the details as submitted in the application form and submitted specifications and as shown in drawings:

1107 01 rev 2
1107 02 rev 16
1107 03 rev 03 panel elevations
1107 04 rev 02 inverter fixing details
1107 05 rev 02 DNO (District Network Operator) sub-station
1107 06 rev 02 Transformer sub-station
1107 07 rev 03 Customer substation
1107 08 rev 03 Gate and fence details
1107 09 rev 02 CCTV detail
1107 10 rev 05 Access construction design details

1107 11 rev 07 Transformer and Inverter positioning

1107 12 rev 5 Illustrative ecology mitigations and enhancement plan

Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

3. The solar panel structures hereby approved shall at no position in the development have a top edge height exceeding 2.8m above ground level and the spacing between panel rows measured horizontally between top edge of any one row and the lower edge of the next adjacent row shall have a minimum separation of at least 3.9m once installed.

Reason: In the interests of the appearance of the development and to ensure light and space for grass to grow, for clarity and the avoidance of doubt.

4. 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.

5. Notwithstanding the submitted details and condition 2, no development including site clearance, site stripping and levelling shall take place until such time that a detailed phasing programme to provide an implementation schedule for the sequence of construction works across the site with particular regard to the proposed ecological, soft-landscape and tree and hedgerow management work has been provided to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the programme as subsequently approved and there shall be no variation unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to carefully co-ordinate the development and provide a clear programme of delivery to ensure the development is carried out and managed and maintained in accordance with the details submitted subject to the conditions of this permission and in the interests of protected species, biodiversity and local landscape character.

6. Subject to the details of sequencing to be agreed under condition 5 the development shall be implemented in accordance with the details contained in the submitted Ecological Enhancement, Mitigation and Management Plan 10669 EEMMP rev 4 which accompanies the proposals and there shall be no variation without the prior consent in writing of the Local Planning Authority. All hedgerows shall be managed to a height not less than 3m above ground level.

Reason: In order to ensure the development is carried out and managed and maintained in accordance with the details submitted subject to the conditions of this permission and in the interests of protected species, biodiversity and local landscape character.

7. Subject to the details of sequencing to be agreed under condition 5 soft landscaping shall be implemented strictly in accordance with the landscaping details contained in the submitted scheme LB374 sheets 1 to 4 including the stated 'semi-mature' plants for the new screening hedgerow in field M which shall be set as shown in the drawings 120m from the garden boundaries of Horseshoe Barn as shown in LB374 sheet 4. The scheme shall be implemented in the first growing season after construction has commenced and replacement

of dead, diseased or dying stock shall be undertaken in the next available planting season following any losses with others of similar size and species to those first planted. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014 or any subsequent revision.

Reason: In the interests of the appearance of the development in the landscape, in the interests of wildlife movements and to safeguard public and residents' amenities or living conditions, and for the avoidance of doubt.

8. All tree, shrub and hedgerow pruning shall take place only in the period 1st September to 1st March in any year unless otherwise agreed in writing with the Local Planning Authority (LPA).

Reason: Due to the extensive work required and in the interest of nesting birds.

9. No development shall take place until arrangements for provision of a suitably experienced Arboricultural Clerk of Works (ACW) have been agreed in writing with the LPA and associated arboricultural supervision must be in place as detailed within the applicant's submitted Arboricultural Method Statement (AMS) (*Salopian Consultancy, Arboricultural Method Statement section 3 of the Arboricultural Appraisal Document and plans, Ref: SC:510 AA_V4, dated 19/04/2023). *Hereafter referred to as 'the submitted AMS'. Pursuant to the above, this shall include a pre-commencement site meeting between the site manager(s), the ACW and Local Planning Authority (LPA) representative.

Reason: To formalise the arrangements including ensuring an auditable documented process to demonstrate compliance through the development.

10. No development shall take place (including preparatory work, site stripping, clearance or establishment) until protective barriers (fencing) temporary or otherwise and advisory notices, delineating Root Protection Areas (RPA) and / or Construction Exclusion Zones (CEZ) for the protection of the existing trees to be retained have been erected and installed in accordance with the guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations and as set out in the submitted AMS. Protective Barriers and or fencing shall be retained in position for the duration of the period that development takes place, unless otherwise dictated by the submitted AMS or agreed by the ACW or in writing by the LPA. 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 unless otherwise agreed with ACW or in writing by the LPA.

11. Works within RPA's and or CEZ shall proceed only in accordance with the arrangements specified in the submitted AMS including direct supervision by the ACW, unless otherwise agreed in writing with the LPA. In the case of the tree identified as T21 a tree and site specific approved (civil engineer/ manufacturer) design for the intended cellular confinement system must be provided for ACW and LPA representative approval in writing prior to installation.

12. Development facilitation tree and hedge works shall proceed only in accordance with the specification and arrangements detailed within the submitted AMS. Works identified at section 3.6 as 'breach, erosion and removal' must be confined to the location and extent shown on the Tree Protection Plan accompanying the submitted AMS unless otherwise agreed in writing by the ACW or the LPA. Trees shown within hedgerows on the Tree

Constraints and Tree Protection plan shall not be reduced in height, uprooted, or removed unless otherwise agreed in writing by the ACW or the LPA representative.

Reason: (Conditions 10, 11, 12) To satisfy the Local Planning Authority that retained trees and hedges will not be damaged either prior to or during construction, and to protect and enhance the appearance and character of the site and locality, in accordance with Staffordshire Moorlands Local Plan (adopted September 2020), Policy NE 2 Trees, Woodlands and Hedgerows and pursuant to section 197 of the Town and Country Planning Act 1990. For clarity and the avoidance of doubt.

13. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR112) and with the proposals detailed on plan "Totmonslow: Impact Plan for Great Crested Newt District Licensing (Version1)", dated 16th December 2022.

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-OR112.

14. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local planning 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 prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

15. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR112 and in addition in compliance with the following:

- Works to existing ponds onsite may only be undertaken during autumn/winter, unless otherwise in accordance with the GCN Mitigation Principles.
- 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 to clear newts from the site prior to works (in this case this will apply to all suitable habitats within 250 metres of ponds)

Reason: In order to adequately mitigate impacts on great crested newts.

16. No development shall take place until: a scheme of archaeological site investigation work has been implemented in full in accordance with the written scheme of archaeological investigation submitted with the application; and post-fieldwork assessment has been completed in accordance with the approved written scheme of archaeological investigation and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To protect and record archaeological interests.

17. No development shall take place, until a Construction Traffic Management Plan (CTMP) for the development hereby approved has been submitted to, and approved in writing by the Local Planning Authority in consultation with National Highways and with the area Highways Authority. Development shall only take place in accordance with the Construction Traffic Management Plan as approved. The approved CTMP shall be adhered to throughout the construction period. The CTMP shall provide for:

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

Reason: To comply with NPPF Paragraph 110; to comply with SMDC Local Plan Policy DC3; in the interests of highway safety and the efficient and reliable operation of the Strategic and local road network during construction.

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 DC3; in the interests of highway safety.

19. Prior to installation of any solar panels, a full Glint and Glare Assessment shall be submitted to and approved in writing by the Local Planning Authority in conjunction with National Highways. The development shall take place in complete accordance with the recommendations of the approved Glint and Glare Assessment.

Reason: To ensure the safe operation of the strategic road network (A50).

20. No development shall take place until details of boundary treatment to the A50 have been submitted to and approved in writing by the Local Planning Authority, in consultation with National Highways. No solar panels shall be erected until boundary treatments have been implemented in accordance with the approved details.

Reason: To ensure the safe operation of the Strategic Road Network.

21. No external lighting including temporary lighting shall be erected or installed on site during construction or during site operation unless the specific lighting details have first been submitted to and approved in writing by the local planning authority. All lighting shall be operated only 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 in the interests of biodiversity.

22. No development including site clearance, site stripping and levelling shall take place until such time that full details of a temporary site storage, turning and parking compound have been submitted to the Local Planning Authority and approved in writing. The submitted details shall include amongst other matters levels information, hard surfacing details, 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 details as subsequently agreed in writing and the compound shall be

provided before any other 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 in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area and amenity of nearby residents including local traffic movements.

23. 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 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.

24. 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.

25. 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.

26. Construction and Demolition Works: Time of operations: Unless otherwise agreed in writing by 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

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

- a) any waste material associated with the construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment;
- b) all waste transfer records shall be retained for inspection by officers of the Local Planning Authority upon request;
- c) no activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely impact 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 shall be made available for inspection when required by officers of the Local Planning Authority.

Reason: To protect the amenities of the area during construction

28. In the event that contamination, including any suspected asbestos containing material (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 shall not continue further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing 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 exists to any identified receptors, development shall not recommence 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 submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into use.

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.

29. Within three months of the solar farm becoming operational a noise assessment shall be undertaken and submitted to and approved in writing by the local planning authority. The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5 dB(A) between the hours of 07.00–23.00 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level between 23.00–07.00 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed upon in writing with the local planning authority.

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

30. Prior to the commencement of development including site clearance and stripping a public footpath protection scheme (the scheme) shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be carried out strictly in

accordance with the footpath protection scheme as approved which shall in particular provide measures to protect the public footpaths of Draycott Parish no. 15, no. 27 and no. 32 and Checkley Parish no. 4 for walkers both during construction and for the life of the development by including measures to control vegetation which may otherwise grow unchecked.

Reason: To protect and keep safe the local public footpath network for users.

Informative

This decision is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting DBCP Limited, Web: dbcp.co.uk; Email: info@dbcp.co.uk ; Tel: 0333 880 2000.
2. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority at Staffordshire County Council.
3. This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. An application will need to be made to discharge conditions and a fee is payable with the application. For more details please refer to our web site: www.staffsmoorlands.gov.uk If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a “condition precedent”. The following should be noted with regards to conditions precedent:
 - a. If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - b. Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.
4. Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.
5. The permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a. Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
 - b. Variation to the approved plans will require the submission of a new planning application.
6. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
7. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
8. If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
9. If this is a decision to refuse express consent for the display of an advertisement, if you want

to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

10. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
11. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
12. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
13. Domestic sprinklers. Fire sprinklers operate automatically even if you are not at home releasing water directly over the source of the fire and sounding the alarm, they are unobtrusive and easy to install. Sprinklers are NOT expensive; normally costing around 1-2% of the cost of construction of a new building. The use of sprinklers will usually allow design freedoms as well, which can reduce construction costs and improve usability and design freedoms of the building. The chance of an accidental discharge is 16,000,000:1. If you would like further advice please contact Staffordshire Fire and Rescue Service (www.staffordshirefire.gov.uk)
14. Working smoke alarms correctly positioned in your home can save your life. The Fire Service recommends you have smoke alarms on every floor of your home, including in each bedroom, and make sure you test your smoke alarms at least once a month. Although the application of approved guidance and enforcement of regulations will give buildings the legally required baseline of fire protection, the Fire Service's viewpoint is many of these fall short of what we would consider adequate. This is why we campaign for the inclusion of sprinklers.