

Declan Cleary
Planning Department
Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
Staffordshire
ST13 6HQ

16th February 2024

Dear Mr Cleary,

Subject: Planning application for installation of a solar array, substation and associated works forming an extension to Blythe Solar Farm (ref: SMD/2022/0160) on land at Blythe House Farm, South of the A50, ST10 4JN.
Ref: SMD/2023/0594

This letter is submitted on behalf of Innova Renewables Developments Limited , the Applicant for the above planning application, and seeks to provide clarification on a number of issues raised within consultation responses received to date.

Some of the responses received will require the submitted layout and landscape plans to be amended. However, we are not submitting amended plans with this letter as the full comments of the Landscape Consultant are awaited and those comments may require further amendments to the plans. However, the Planning Statement has been updated, and will be discussed further in this letter, to reflect recent changes to planning policies.

The responses to the consultation responses have been grouped under the following sub-headings:

- 1) Ecology
- 2) Flood Risk
- 3) Glint and Glare
- 4) Landscape
- 5) Public Rights of Way
- 6) Site safety
- 7) Changes to planning policies
- 8) Operation of the solar farms

1. Ecology

At the time of submitting this letter, the comments of Staffordshire Wildlife Trust (SWT) are awaited. As requested, the full Biodiversity Net Gain metric has been transferred to the LPA via email to assist SWT in their consideration of the application. We are happy to arrange a call between SWT and our ecological consultants prior to the submission of formal comments if that would be beneficial.

Naturespace have commented on the application in respect of Great Crested Newts (GCN). The Applicant has confirmed that they will start the process of applying for a District License shortly and prior to the determination of the application. This will provide reassurance that appropriate mitigation for GCN will be delivered and should not delay the determination of the planning application

2. Flood Risk

The Environment Agency have not objected to the application but have requested that a Sequential Test is required due to the location of a small area of panels within Flood Zone 3. The Applicant is currently reviewing this and will provide a full response and Assessment in due course.

3. Glint and Glare

Attached to this letter, at Appendix A, is an extract from the consultation response of National Highways with answers/clarifications to queries that they have raised. We would be grateful if this could be sent directly to National Highways along with the amended Glint and Glare Assessment that has corrected identified typographical errors.

4. Landscape

The full comments of the Landscape Consultant are awaited, but you have helpfully provided some initial feedback to which our comments are as follows:

"The northern fields have the potential to spoil an attractive view as experienced from the PROW after crossing south over the A50." To maximise the available capacity of the grid connection and to ensure the viability of the development, this field was included within this application. We have enhanced the hedgerow planting and await the Landscape Consultants comments after their site visit.

"Bird mitigation area – cannot form an opinion on its landscape and visual effects without details of its layout / form – do not consider it satisfactory to have such a large area to be confirmed via conditions." A mitigation area was previously secured by condition. The details of the management of this area will be secured by condition and it will be managed in a way to provide a suitable habitat for ground nesting birds. The overall landscape and visual effects are not likely to be significant due to changes in the management regime.

"Woodland belt near river described as circa 15m, 15m is the minimum width I would expect to see and ideally with a wavy back edge out to 25m say to increase the ecotone transition to adjacent open land to east. If this is felt necessary, then I would have no objection to widening the tree belt, but it might impact upon the use of the remnant field. Presumably this would need to be cleared with the landowner." We can widen the proposed woodland belt and this will be shown on the amended plans.

“What is going on in the open land to the east of the woodland belt?” The area will remain in an agricultural use.

“Why Quercus petraea as the dominant tree species, why not some Quercus robur as well as other large hedgerow species?” Quercus petraea appears to be the more dominant oak species in the local area. Q. robur can be planted as well if required. Again, this can be shown on the amended plans.

There are a limited number and percentage of primary canopy trees in the Proposed Woodland Mix, it is more scrubby in nature, I would expect to see some other ultimate canopy trees in there. *40% of the planting mix is made up of larger tree species which will provide adequate canopy cover. The mix also contains a high percentage shrubby species to provide a diverse woodland structure.*

“How is woodland flora going to be established in the proposed woodland areas?” The ground flora will be promoted through a management plan.

“Will there be adequate access for drain management when planting is installed?” Yes.

“What improvements are being offered up to the PRow in the area if any?” Generally restoring existing PRowS – cutting back vegetation, installing new gates, stiles, signage etc.

5. Public Rights of Way (PRow)

The Ramblers Association and the Peak and Northern Footpaths Society have both commented that the development should not result in the closure of PRowS and that if they are unavoidable then they will require a Diversion Order. The Applicant does not intend to close any PRowS but is aware that should any closures be required to facilitate construction, a Diversion Order will be required.

The Peak and Northern Footpaths Society have requested that the safety of users of the PRowS be investigated. This has been considered within the submitted Construction Traffic Management Plan; construction will be managed to avoid any safety issues with users of the PRowS through the use of signage and priority will be given to users of the PRowS. In respect of electromagnetic fields (‘EMF’), all electrical equipment, including lines to homes and home appliances create EMF. Solar farms do emit EMF but the levels are deemed to be low. Modern humans are all exposed to EMF throughout our daily lives without negative health impact¹. Anyone around the solar farm, including local residents and walkers, would not be exposed to significant EMF from the solar farm.

The Definitive Map & Spatial Information at Staffordshire County Council (SCC) requested that the correct alignment the PRowS be shown. We have reviewed the alignment of the PRowS using data provided by SCC and the plans will be updated accordingly. Reference has been made to the route of PRowS as shown on the approved plans for application SMD/2022/0160. Any discrepancies will need to be addressed by a separate Non-Material Amendment or Section 73 planning application.

The Applicant will agree a scheme of enhancements for the PRowS as discussed within the previous section, and this can be conditioned.

6. Site Safety

Staffordshire Police have referred to examples of solar farms that have been the subject of thefts. The Applicant is an experience solar farm developer and operator and to date has not experienced thefts of equipment from their sites. Nevertheless, the Applicant has confirmed that the solar farm

¹ NC State University, White Paper: Health and Safety Impacts of Solar Photovoltaics, May 2017

will be monitored 24/7 by infra-red cameras, placed at 50-100m intervals along the boundaries of the development. They will face inwards and will be angled at corners to ensure full coverage of the site.

Deer fencing has been proposed to enclose the solar array as it is considered to be far more sympathetic to the rural landscape than security fencing and was approved for application SMD/2022/0160. Pallisade fencing is proposed at the sub-station where additional security is required.

The Staffordshire Fire and Rescue Service has also commented on the application, however they have largely referred to Battery Energy Storage Systems, which are not proposed as part of this application.

The fire risk associated with a solar farm is generally low; panel banks have isolated circuits meaning that in the event of an electrical fault it will be well contained. The Applicant will liaise with the Fire Service prior to operation of the solar farm to ensure that they are fully cognisant of the project and any potential hazards and risks. The Applicant will arrange for them to visit the site and an information sign will be installed at the site access throughout the construction and operational periods.

7. Changes to planning policies

The National Planning Policy Framework (NPPF, December 2023) and the National Policy Statements (NPS, January 2024) have been revised following the submission of the planning application. The Planning Statement has been updated and Version.4 accompanies this letter. Sections 4.2 and Sections 5.3 have been updated in light of these changes to national planning policies. In addition, a discussion regarding the draft Checkley Neighbourhood Plan has been included. Elsewhere within the planning statement, NPPF paragraph numbers have been updated.

8. Operation of the solar farms

During our recent meeting, you asked for clarification how the permitted and proposed solar farms will operate. The proposed development forms an extension site to the permitted Blythe Solar Farm (under planning permission SMD/2022/0160) only. The combined capacity of the Blythe solar planning permission and this application for the extension is approximately 43.3MW.

The existing solar farm ("Lower Newton Solar Farm") was permitted by the LPA under reference SMD/2014/0197. The solar farm is operated by UK Solar (Lower Newton) LLP and benefits from the Renewables Obligation (RO) (Accreditation Number: R00563RUEN) scheme which closed in 2017. The RO was calculated on the permitted export capacity of that solar farm. Lower Newton Solar Farm exports its electricity into the 33kV network whereas Blythe Solar Farm and the extension will export its electricity into the 132kV network.

Planning application SMD/2022/0160 was not submitted as an extension to that solar farm. The Applicant had sought legal advice prior to the submission regarding the definition of an "extension". This is relevant as any solar farm with a generating capacity of 50MW is a Nationally Significant Infrastructure Project ("NSIP") as defined by Section 15 of the Planning Act 2008 and the Applicant wanted to ensure that the correct planning application type was submitted.

The definition of an NSIP is set out in Sections 14-30 of the Planning Act 2008. Of particular relevance here is Section 15 in relation to generating stations which provides as follows (so far as relevant):

(1) The construction or extension of a generating station is within section 14(1)(a) only if the generating station is or (when constructed or extended) is expected to be within subsection (2), (3), (3A) or (3B).

(2) A generating station is within this subsection if—

(a) it is in England

(aa) it does not generate electricity from wind,

(b) it is not an offshore generating station, and 3

(c) its capacity is more than 50 megawatts.

The meaning of the word “extension” in Section 15, is given in Section 235 of the same Act, which cross-references to Section 36(9) of the Electricity Act 1989 (“EA 1989”). This provides that:

(1) “extension”, in relation to a generating station, includes the use by the person operating the station of any land or area of waters (wherever situated) for a purpose directly related to the generation of electricity by that station and “extend” shall be construed accordingly.
[emphasis added].

The operator of Lower Newton solar farm will not operate the permitted Blythe Solar Farm nor the proposed extension. The operator does not have links to the Applicant. The permitted Blythe Solar Farm and the proposed extension will operate as one solar farm, and will be self-contained, with its own ancillary infrastructure and sub-station, and operates at a different voltage, it therefore is not considered to be an extension to Lower Newton Solar Farm.

I trust that his letter has helped to provide you with clarification on a number of issues, but if there is any further information that you require, please do not hesitate to contact me.

Yours sincerely,



Helen Donnelly

Associate Director (Planning)

for Corylus Planning & Environmental Ltd

Appendix A: Response to National Highways (Glint and Glare)

The comments of National Highways are set out in italics with our responses following.

General comments

1. *The quantity of road and rail receptors is not clear from the executive summary, 34 road receptors and 17 rail receptors are identified in a way similar to dwellings. This does not clearly align to the body of the report which assesses 2 roads and 1 rail line. We request that this is clarified.*

There are two roads and one railway line within 1km of the proposed development which have been identified as requiring assessment for glint and glare impacts. A number of receptor points along each of these roads and railway line, separated by a distance of approximately 200m, are placed in order to assess the full length of these roads and railway line with the 1km study area.

2. *Check for grammar and typos, i.e. 4.26 definition of low.*

The report has been corrected and re-issued.

3. *Definitions provided for glint and glare within the scope of the report via BRE do not align to the more standard definitions used by the FAA, where both glint and glare are reflected sunlight with glint being a momentary flash and glare being a continuous source of bright light and the definitions used within the section Definitions. We request that this is clarified.*

Paragraphs 2.5 and 2.6 within the scope of the report define glint as 'a momentary flash' and glare as 'a continuous source of bright light'. In paragraph 2.10 the FAA definition of glint is give as 'a momentary flash of bright light' and glare as 'a continuous source of bright light'. It is unclear where the misalignment between these definitions is.

Modelling and Analysis

1. *Modelling and analysis are undertaken with panel materials assumed to have a particular ARC as an industry standard. While not materially affecting the analysis, it needs to be clear that the final panel selection and installation will need to be equal to or improved to this specification to ensure effects are consistent with those reported.*

The Applicant has confirmed that the panels will have a non-reflective coating.

2. *The methodology describing the interpretation of green glare in para 4.13 is mixed in presentation between residential and aviation receptors.*

- a. *There is no commentary of the predicted impact of green glare to road or rail receptors. We request that this be clarified*

For all moving receptors, road, rail and aviation, the FAA guidance that green glare (low potential for after image) is an acceptable or low impact is used.

3. *Magnitude of Impact does not contain consideration for red glare ratings and sets out magnitude of high for yellow glare.*

- a. *Please clarify what red glare would be rated at.*

Red glare would be a high impact rating, however red glare won't be reflected from a solar panel as this is akin to staring directly at the sun. Reflections from solar panels are orders of magnitude less intense than direct sunlight.

b. Please clarify what magnitude, if any, would be considered to result in a medium category.

As explained in the methodology section, for residential receptors a medium impact would be total impacts of between 20 and 30 hours per year or between 20 and 30 minutes per day. For moving receptors (road, rail and aircraft on approach) there is no medium impact rating. Only high, low or none. Air traffic control towers only have high and none rating levels.

4. Findings and recommendations are based on a worst case tilt angle for all receptors that is generally at 25 degrees. Please advise as to whether a 20 degree tilt would have similar results or require less mitigation.

The modelling results for a tilt angle of 20 degrees and a tilt angle of 25 degrees are provided in Appendices B - G. The results are similar and the same levels of mitigation would be recommended.

Appendices

1. Appendix B - G – labelling shown on associated mapping only goes to 9. It would be useful if other measurement points were identified in the image and a reference provided to corresponding figures.

The receptor labelling on the aerial images in Appendices B - G is a function of the modelling software used and cannot be changed to show further numbering. Receptor locations and numbering is clearly shown in Figures 1 - 3 of Appendix A. When appendices B - G are referenced in the report, these are in clearly labelled sections which direct the reader to the relevant receptor map (Figures 1 - 3).

2. Appendix A Figure 4 site layout and Appendix 7H showing array areas do not appear to clearly match in scale/scope.

a. Appendix A has a significantly reduced area shown as being included as part of the application area from the extent of arrays shown in Appendix 7H and graphics within the main body of the report. We request that this is clarified.

The development boundary (red line) shown on the receptor maps in Appendix A is for the current application. Further panel areas assessed and modelled were submitted in a previous application. The full extent of these panel areas for both applications has been modelled.

Mitigation

1. We understand that as a whole, the identified impacts can be managed through mitigation which is proposed to incorporate additional landscape screening, where necessary.

a. The parameters of the mitigation are clearly identified to include required height and a description of locations.

b. The landscape and ecological layout plan (BF/613/11) identified from the planning portal does not contain the same locations for landscape as shown in Appendix A Figure 6 where new mitigation planting is needed. Locations will need to be coordinated with landscape to ensure necessary screening is provided in the right location to the correct specification.

The Glint and Glare Assessment submitted with this application has considered the extent of the panels now proposed and those previously approved. Areas of landscaping outside of the current red line, can be addressed through a Non-Material Amendment or Section 73 planning application to application SMD/2022/0160.

c. Given the potential density of plantings along the A50, we recommend amending the mitigation strategy to include infill or new plantings between measurement points 1 and 8 as a minimum and to ensure that the final height that is maintained is at 3.5m agl or to a height above the top level of panel arrays to accommodate the potential level change in terrain along the road.

The landscape plan will be amended to incorporate these changes when all of the consultee responses have been received and reviewed. The height of new planting can be set out within a LEMP, to be required by a planning condition.