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Application no: SMD/2023/0594

Determined on: 22/07/2024

**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:

Land at Blythe House Farm, south of the A50, Draycott in the Moors, ST10 4JN

Description of Development:

Installation of a solar array, substation and associated works forming an extension to Blythe Solar Farm (ref: SMD/2022/0160)

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 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 shall 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 Local Planning Authority 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 shall 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 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 CEMP

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 in writing 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 the local planning authority and approved 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 approved detail.

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 to and approved in writing by 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 and a timetable for implementation. The approved Scheme shall thereafter be implemented fully in accordance with the approved timetable.

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 shall 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 and approved in writing. It shall 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 approved 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

24. 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. All waste transfer records shall be retained for inspection by officers of the Local Planning Authority upon request;
- b) 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 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

Report of Unexpected Contamination

25. 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 shall not recommence 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 exist 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 mitigation shall be completed 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.

Plant and Machinery Noise

26. 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 and approved in writing before any of the development hereby approved is brought into use.

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

Protection and enhancement of public footpaths

27. Prior to the commencement of development including site clearance and stripping a footpath protection 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.

Informative(s)

1. In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive way by taking a proactive approach to development proposals. In this instance the issues were raised with the applicants who were able to satisfactorily address the concerns. The scheme has been approved without delay following receipt of appropriate information.
2. It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate. It is recommended that the

NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR148, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

3. The applicant is reminded that the site should operate in accordance with all relevant legislation, regulations and guidance to ensure that safe and effective operation of the installation in the interest of ensuring the safety of nearby residents and the local community.

X *B.S. 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 the Councils Building Control Section at BControl@staffs Moorlands.gov.uk
1. 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.
2. 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.staffs Moorlands.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.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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>
10. 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.
11. 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.
12. 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)
13. 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.