

DELEGATED DECISION REPORT

NMA/2025/0011 Valid 23/05/2025	TOTMONSLOW FARM DRAYCOTT ROAD TOTMONSLOW UPPER TEAN	NON MATERIAL AMENDMENT IN RELATION TO SMD/2023/0197 (NON MATERIAL AMENDMENTS)
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MAIN ISSUES

- Whether or not the changes proposed are non-material amendments

DESCRIPTION OF SITE

The site is subject to a consent (SMD/2023/0197) for the development of a solar farm granted by decision dated 17th August 2023.

PROPOSAL

In a covering letter the agent says the applicant is seeking to make “minor changes to the approved layout and ancillary infrastructure to optimise the scheme”. The key changes are summarised in the supplied table reproduced below.

List of modifications for NMA						
Project: Totmonslow Solar Farm						
Location: Draycott Road, Totmonslow Upper Tean Staffordshire ST10 4JJ						
Application: SMD/2023/0197						
No	Description of modifications	Item	Units	Approved Layout	Layout for NMA	Change
1	Update of modules layout, inclination of modules changed to 18°, module nominal power changed to 620Wp/module	PV Modules	Units	36,374	34,450	-1,924
			Height (cm)	2,530	2,307	-223
			Length (cm)	4,572	4,784	212
			Tilt	20	18	-2
			Distance between panels	3,900	4000-4520	100 - 620
2	Size of DNO and clients substations update	Client Substation	Height (cm)	2,650	2,890	240
			Length (cm)	5,800	12,190	6,390
			Width (cm)	2,500	2,435	-65
		DNO Substation	Height (cm)	3,380	3,604	224
			Length (cm)	6,058	9,270	3,212
			Width (cm)	2,434	3,918	1,484
3	Size of Transformer Stations	Transformers	Height (cm)	3220	2689	-531
			Length (cm)	5200	6385	1,185
			Width (cm)	2600	2050	-550
6	Placement of O&M and spare parts containers	O&M Container / Spare Parts Container	Height (cm)	-	2,600	-
			Length (cm)	-	2,440	-
			Width (cm)	-	6,100	-

The letter summarises the changes as

- Changes in the PV module length, heights and tilt angle
- Distance between PV module rows
- Total number of PV modules decreased
- Change in Transformer dimensions
- Number of inverter units increased
- Change in the dimensions of the DNO and Client Substation
- Internal road: layout has been modified to accommodate revised site requirements
- New structures introduced: a spare parts container and an O&M container

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Area Strategy
SD1 Sustainable use of Resources
SD2 Renewable / low-carbon Energy
DC1 Design Considerations
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
E1 New Employment Development
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework (Dec 2023)

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places and beautiful places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

Checkley Neighbourhood Plan

Policy DES3 Landscape and Rural Character says: (1) Development should minimise impact on, and where possible enhance wildlife habitats, ecology, local landscape character, and landscape features (see Plans Checkley Parish Green Infrastructure, Distribution of Known Priority Habitats and Landscape Setting)...

Under the interpretation section at paragraph 5.90 it states: This policy provides protection for landscape character, habitats, and landscape features. In the application of clause 1 of the policy, particular attention should be paid to the impacts of large-scale interventions, such as solar farms. In addition, the cumulative impacts of different developments should be considered.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2023/0197 – 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 – approved (17th Aug 2023)

CONSULTATIONS

Publicity

As a non-material amendment, consultation / publicity is discretionary and none has been undertaken in this case save that the proposal appears on the SMDC website and advice has been obtained from the Council's Environmental Health noise officer.

OFFICER COMMENTS

Principle of Development

The principle has been established and confirmed by the granting of permission under SMD/2023/0197 determined 17th August 2023.

TCPA (1990) s.96A provides the LPA with a power to make non-material changes to a planning permission on application from a person with an interest in the land to which the planning permission relates.

In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

NPPG (section last revised 2014) states: There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

This procedure, which has no consultation requirements and minimal notification requirements, cannot be used to make a material amendment.

The decision only relates to the non-material amendments sought and the notice of the decision should describe these. It is not a reissue of the original planning permission, which still stands. The two documents should be read together.

An NMA is not an application for planning permission and is not subject to statutory publicity or consultation.

Discussion

The list of modifications is grouped into four sections.

Group 1

This deals with changes to the photo voltaic (PV) modules. In terms of any planning impacts each of these changes can be seen as an 'amelioration' or reduction in intensity which does not bring any new adverse 'material' issues into play. Although panel length is being increased by 21cm this is (firstly) a relatively small amount (<5%) and (secondly) arguably the more significant factor in the appearance of the development is the top height and this is being decreased by 22cm.

The angle of tilt above horizontal is being reduced from 20 degrees to 18 degrees so that the panels will be at a very slightly shallower angle.

It is possible that the combined effects of the above could give the sense of a more 'continuous' surface of panels across the development but the effects would be well within the anticipated visual appearance and therefore would not give rise to a material change.

Any increase in space between the panels, as is proposed here, would amount to a reduction in land coverage underneath panels. The changes are in the range of 10cm to 62cm. Again this is not materially greater and/or does not introduce a materially adverse alteration and therefore is of no material consequence and can be accepted.

Group 2

This deals with the size dimensions of the DNO and client substations. There are two buildings. As approved these are 5.80m x 2.50m to height 2.65m and 6m x 2.4m to height 3.4m. They are now proposed to be 12m x 2.4m to height 2.9m and 9.3 x 3.9 to height 3.6m. The height increases are in the order of 20cm to 25cm which can reasonably be considered negligible and therefore not material. On the face of it the increased lengths, one being doubled to 12m and the other increasing by 50% to 9m from 6m could be considered significant changes. The question however for the LPA is whether, in the context of the approved development, these amount to material changes. It is a matter of judgement but not unreasonable to conclude that the overall effect of the increased sizes of these two structures would not materially alter the sense of what is already approved and its impacts which are chiefly visual. They would be seen in the 'context' of the much larger overall development the main impact of which comes from the solar panels the layout of which comes to within c. 10m to 20m alongside.

Group 3

This deals with the transformer stations. The committee report noted these to be as specified in Drawing 1107_06 and described them as essentially a cabin structure 5.2m x 2.6m x 4.5m high. The layout drawing 1107_02 showed positions for three of these around the site. The NMA now proposes these would be 6.3m x 2m to height 2.7m. The height would decrease significantly (by 1.8m) and width would decrease

by about 0.5m but the length is increased by 1.2m. These changes can reasonably be considered non-material.

Noting that station TX3 would be re-positioned by some c.60m west of south, consideration must be given to the closer positioning relative to the dwellings at Highfields including The Old Barn and Horseshoe Barn. Visually this cannot be considered to result in any overbearing effects for these dwellings the closest of which would still be more than 200m away at the garden boundary. As regards possible noise implications the Council's EHO advised in response to the original application that noise disturbance would not be significant and states that the predicted levels of noise (rating level) are below background noise levels when assessed under BS4142:2014. Confirmation has been sought from the agent with regard to this NMA and whether these specific transformers change anything in noise terms. Additional information by e-mail dated 14th July suggests that the expectations in the original approved scheme will continue to be met.

The permission is, in any event, subject to condition 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.*

The case officer has sought advice from the Council's Environmental Health noise officer who has commented that "Looking at the measured Sound Pressure Level at 1m for new transformer 25.35dBA versus the previous proposed units - 63dBA x1 and 83dBA x 2 it would appear the noise emissions should be significantly less" [than in the approved scheme]. The EHO noted the use of a comma (continental notation) in place of a presumed decimal point. If actually the comma is denoting a range (from 25-35dBA) he advises that even so the noise emissions will still be lower than previously approved. Whilst further clarification could be sought, in the circumstances this is not necessary particularly having regard to condition 29.

From the above, in terms of noise, it can be accepted that the NMA scheme would not be expected to worsen the noise anticipated in the approved scheme. Indeed the EHO advises they will be an improvement and the changes in transformer can be considered non-material.

Group 6

This proposes the introduction of two additional on-site storage containers: *"In total, two containers will be installed on site: one for Operations and Maintenance (O and M) activities and the other for storing spare parts. Please note that the dimensions indicated in the documentation refer to a single container only"*. Each would be 6.1m x 2.4m by height 2.6m. These would be positioned in association with the Group 2 items discussed above. Again on the face of it these new fixtures are potentially 'material' but as discussed under Group 2 (above), in the context of this large development where they are being proposed in association with the previously approved DNO and client substations and of similar scale, these changes can reasonably be considered non-material.

Other items

A range of other minor item details are submitted concerning fence and gate details; inverter holders; and camera mounting poles. Again, in the context of the overall scheme details, these changes can be accepted as being 'non-material'.

CONCLUSION / PLANNING BALANCE

That for the reasons discussed above the NMA be accepted.

OFFICER RECOMMENDATION : Approve

Case Officer: Arne Swithenbank

Recommendation Date: 30.07.2025 revised 04.08.2025

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council