

**PARISH** Old Bolsover

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**APPLICATION** Construction of a temporary Solar Farm, to include the installation of Solar Panels with transformers, a District Network Operator (DNO) substation, security fence and gate (incorporating infra-red beam system) and other associated infrastructure.

**LOCATION** Oxcroft Stocking Ground Land At Corner Of Woodthorpe Road And Mill Lane Stanfree

**APPLICANT** Anesco Ltd The Green Easter Park Benyon Road Reading RG7 2PQ

**APPLICATION NO.** 15/00361/FUL **FILE NO.** PP-04367111

**CASE OFFICER** Mr T Ball

**DATE RECEIVED** 22<sup>nd</sup> July 2015

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Paul Cooper  
REASON: Visual impact on the character of the landscape and adverse effects from surrounding footpaths and countryside; site not restored in accordance with previous conditions; very sensitive application great deal of public concern for an application which does not appear to be compatible with the restoration conditions of the site; community has had no pre-application opportunity to comment.

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## **SITE**

Approximately 11.8ha of the former Oxcroft disposal point, western part of site has been opencast and restored to agriculture with extensive hedge and tree planting to the site edges, this area has a gentle north facing slope. Eastern part of site is un-restored coal stocking area which is relatively flat and crossed by overhead electric line on pylons, bunds and tree/hedge planting to site edges. Access to site from former Disposal Point access at the low point of Mill Lane (an undulating road). Access to proposed solar farm area uses existing concrete haul road up the hillside to the former coal stocking yard.

Derelict former mixing/loading/rail sidings to eastern side beyond which is the naturally regenerating former tip area used for informal recreation. Agricultural land to south across Mill Lane and to west across Woodthorpe Road.

To north the application site extends across the stream to include a south facing area of agricultural land between the stream and the former Oxcroft Branch railway line, which is within Chesterfield Borough.

## **PROPOSAL**

Erection of solar farm.

The principle elements of the Proposed Development as described in the applicants supporting 'Planning Statement' are as follows:

- The Proposed Development is to be composed of a multi-hectare, fixed tilt, ground mounted PV solar array, which will deliver power to the electrical grid;
- The key components include the solar modules, support frames for the modules, inverters and transformers;
- The array is to consist of a maximum of 17,040 (265 Watt) solar modules attached to a fixed ground mounted steel and aluminium racking system with a total height of 2.4m;
- To achieve maximum solar gain the panels are laid out in east – west rows with space of

approximately 4-5.5 metres between each row to prevent overshadowing. The fixed modules will be tilted at a site-specific angle of 17.5 degrees based upon the topography and latitude of the Site and mounted facing due south developed with non-reflective material to ensure that there is no glare. The maximum height of the mounted modules will be no higher than 2.4m from ground level to the top of the panel frame;

- The solar radiation is converted into electricity in each individual cell of the PV module and converted from Direct Current (DC) to Alternating Current (AC) in the inverter. The circuit is then connected to a transformer which enables the power generated from the solar array to be distributed over the licensed Distribution Network Owner's ('DNO') electrical lines at the correct voltage;
- The direct current (DC) from the panels will be fed to 125 string inverters, which will convert it to alternating current (AC). These are painted dark green in colour and located along a central site axis;
- The erection of a single low voltage sub-station is to be included to export the electricity generated at the farm;
- An 'Energy Storage Unit' could potentially be located within the Site which would be used to store energy generated by the Solar Farm to allow electricity output to be adjusted to match demand. This would also allow electricity generation during the night if required;
- A new 2.2 metre high security fence (Deer fence) is to be erected around the perimeter of the Site with associated landscaping;
- 1.2m high pole mounted infra-red beams set within the boundary of the perimeter fence to provide additional security;
- The existing access off Mill Lane will be utilised for construction and light maintenance work with an area of hardstanding provided for maintenance vehicles to park and turn ;
- Temporary access tracks will be formed using bog mats during the construction period with a permanent bridge being constructed over Clowne Brook to allow for permanent access to the northern part of the site;
- Swales which are 3 metres in width and up to 150mm in depth will be inserted within the eastern part of the site to ensure any contaminants from the construction phase will not run off into the existing water courses; and
- Introduction of new tree and hedgerow planting and the seeding of the northern and western parts of the Site with a wildflower meadow mix.

Total installed capacity proposed of 5.5MW at peak production.

Two areas of arrays in Bolsover District are on the restored agricultural land (grade 3B) and on the non agricultural land of the coal stocking area.

Within the fenced site there will be switch/transformer units, a circuit breaker in a steel housing (2.4 by 2.8m by 2.38m high) coloured holly green, and a Containerised Energy Storage System (12.2m by 2.4m by 2.9m high), which is fundamentally a battery to allow export of electricity during the night, coloured olive green. By the access there will be a DNO Substation in an enclosure (6.1m by 2.4m by 3.3m high) finished in holly green. The proposal includes a bridge over the stream to access the area of the site within CBC, this is a steel decked bridge with a 3.3m wide deck 9.1m long (half of the bridge will be within each authority's area).

Boundary vegetation is to be retained; additional trees and scrub would be introduced on the easternmost part of the site to filter views from the east; the western area is to be seeded with

a wildflower meadow mix, the former coal stockyard is to be retained as existing as it has the potential to provide a suitable habitat for breeding woodlark.

The application is accompanied by the following documents and reports:

- Design & Access Statement;
- Planning Statement;
- Agricultural Land Classification Assessment;
- Extended Phase 1 Habitat Survey and phase 2 Protected Species Survey;
- Biodiversity Management Plan;
- Flood Risk Assessment, with related Sequential Test Statement;
- Glint and Glare Study;
- Historic Environment Assessment;
- Landscape and Visual Impact Assessment with related Landscape Strategy and subsequent addendum (Oct 2015);
- Transport Statement;
- Construction Traffic Management Plan;
- Ground Investigation report including Coal Mining Risk Assessment;
- Statement of Community Involvement (Oct 2015)

The Planning Statement provides the following summary:

In light of the numerous assessments undertaken in support of the application proposals, the suitability and acceptability of the Site for the proposed use can be summarised as follows:

- The Planning Statement demonstrates the need for the Proposed Development, the suitability of the scheme in principle, the acceptability of the design and the proposals on the surrounding area and local residents and the numerous economic, environmental and social benefits it will bring;
- The Agricultural Land Classification Assessment establishes that there will be no loss of the best and versatile agricultural land and there will be effective reuse of vacant brownfield land;
- The transport statement demonstrates that the number of journeys proposed will not have a detrimental impact upon the local highway network during construction and a negligible impact during operation of the Site;
- The landscape assessment demonstrates that the Proposed Development can be sensitively accommodated in this location whilst ensuring the preservation of local amenity, ecology and the character of the local and wider landscape and represents a responsive design in terms of landscape features within the Site. Within the context of the landscape character area in which the Proposed Development is located, the effects on the key characteristics of the landscape will be minimal;
- The Flood Risk assessment demonstrates that whilst part of the site is subject to flooding (within CBC area) , the proposed use of the site is not vulnerable and there are measures to put in place to ensure the longevity of the proposed development. It also confirms that the Site can be developed with a suitable drainage strategy to ensure there are no adverse effects on the surrounding infrastructure;
- The Sequential and Exception Tests demonstrate that there are no alternative sites (in relation to the area subject to flood risk) which can accommodate the proposed development and that there are significant sustainability benefits to the community which will derive from the proposal;
- The Phase 1 Habitat Survey confirms that the proposals will not have a significant impact

on ecology, with enhancements proposed to mitigate any potential impacts that may occur; and

- The Glint and Glare report concludes that there will be no impact on road users or loss of amenity to the nearest dwellings.

In addition the Biodiversity Management Plan states that it has been prepared in accordance with the principles of the extended Phase 1 habitat Survey and phase 2 Protected Species Survey and that it will result in:

- The provision of woodlark breeding and foraging habitat, via the creation and retention of bare ground/ open mosaic habitat in the eastern section of the Site;
- The erection of five post-mounted willow tit boxes;
- The creation of a meadow wildflower grassland under and around the solar panels, in the northern and western sections of the Site (inside the security fencing), along with a tussocky wildflower grassland on the margins of the Site (on the outside of the security fencing);
- The creation of a reptile and amphibian habitat area to the south of the ponds between the western and northern areas, comprising of compost piles and brush/ log piles, and a rubble-filled hibernacula;
- The creation of a circa 100 m length of native species-rich hedgerow, and the planting of native hedgerow trees, to the south of the ponds;
- The planting of a circa 300 m long x 10 m wide tree belt along the northern site boundary (within CBC);
- The creation of a circa 130 m long vegetation belt on the eastern boundary comprising of scrub;
- The retention and enhancement of existing on-Site hedgerows; and
- The creation of three drainage swales, in the north-west section of the Site.

Also, the Historic Environment Assessment states in its summary conclusion:

The Site has undergone extensive re-landscaping during the late 20<sup>th</sup> and early 21<sup>st</sup> centuries. Such landscaping is likely to have affected potential buried archaeological remains, if present.

An assessment has been made of potential effects of the proposed development upon the settings of designated heritage assets within the proposed development's ZTV, and Bolsover Castle to the south of the site. It has been determined that the proposed development will not affect the significance of any designated heritage assets due to the negligible contribution of the site to their setting, and hence architectural and historic interest, of the assets. The proposed development would therefore not affect these heritage assets, and would not conflict with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework or Local Planning Policy.

## **AMENDMENTS**

Various additional documents/reports received during the course of the application which are included in the proposal description above:

- Ground Investigation Report 09.09.15
- Layout revisions 09.09.15, 18.09.15, 19.10.15 & 10.11.15 (Rev G)
- Response to consultee comments, 18.09.15
- Traffic Management Plan (including revised construction traffic route) 29.09.15
- Statement of Community Involvement 14.10.15

- Addendum to Landscape and Visual Impact Assessment with revised Landscape Strategy Plan (Rev C) 19.10.15
- Additional information including corrected bridge drawings and materials schedule 18.11.15
- Amended Site Plan (Rev I), Landscape Strategy Plan (Rev D) and Traffic Management Plan (Rev B) to take account of revision to position of DNO Substation to avoid steeper part of eastern slope alongside the site access and omission of the Containerised Energy Storage System.

The applicant has also clarified various issues raised by Derbyshire Wildlife Trust and Environmental Health 20.11.15

## **HISTORY**

15/00061/SCREEN screening opinion as to whether an Environmental Impact Assessment will be required for a solar photo-voltaic farm; determined not required. 20.02.15

14/00384/FUL standby electricity generation plant, application withdrawn 11.12.14

CM5/0509/53 application to DCC for variation of condition 2 of planning permission BOL 478/192 as amended by CM5/1293/101 to allow the continuation of the stocking of coal until 31 May 2014. Permission refused 12.07.2010 (BDC raised no objections to this application 24.09.15 ref.: 09/00303/DCCON4).

07/00345/DCCON3 Consultation from DCC on submission of schemes under conditions 43 (restoration, drainage, landscaping and ecology) and 48 (aftercare) of DCC planning permission CM5/0106/161. No objections 21.06.2007. DCC approved the submissions 23.07.2007 subject to conditions.

CM5/0106/161 application to DCC for recovery of coal (western coal stocking area). Approved subject to conditions by DCC 14.03.2007. (BDC objected to this application 24.03.2006 ref.: 06/00050/DCCON as the proposal would set a precedent for further large scale open casting in the area).

CM5/1293/101 Renewal by DCC of permission for use of land for coal stocking yard until 31.05.2009.

BOL 478/192 Use of land as a coal stocking yard. Approved .

## **CONSULTATIONS**

Coal Authority: Fundamental Concern as within development high risk area, objects as no Coal Mining Risk Assessment Report has been submitted. 18.08.15. Following subsequent receipt of Coal Mining Risk Assessment Report withdraws objection, while report is not sufficient to fully understand the coal mining legacy of the site the nature of the development , the proposal to use specialist foundations, and the depth and extraction thickness of recorded workings, there remains sufficient competent ground to afford stability of the development. 25.09.15

Highways England: No objection 11.08.15

Natural England: No comments; application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. 18.08.15

Development Control Archaeologist (DCC): Site is unlikely to retain any archaeological potential and recommend that there is no planning requirement for archaeological work, the site has been subject to disturbance in the context of coal workings. Concurs with submitted heritage study that proposal results in very minor changes to the setting of designated heritage assets which do not pose significant harms to their settings (Grade II Romeley Hall Farm and Bolsover Castle).

Flood Risk Management Team (DCC): Recommend that applicant should ensure there is a sufficient buffer strip to allow for maintenance of the proposed swales and the ordinary watercourse. Recommend post construction survey to identify any compacted areas of ground which should be loosened before being re-vegetated to allow better drainage.

27.08.15

Crime Prevention Design Adviser: Some concerns over the levels of security for the boundary; 2m deer fencing is not a specialist security product, recent incidents in the East Midlands of theft of solar panels. Such sites are in remote locations security should provide a defence not just be a token measure. Recommends 2.4m security fence. Applicant should also confirm 24 hour CCTV with a perimeter alarm. 01.09.15

Local Highway Authority (DCC): Comments are given on the basis that there are no alterations to the existing access. Suggests alternative route for construction traffic to avoid 2 schools (i.e. use J30 of M1 instead of J29A). No objections suggests conditions: submission of construction traffic management plan; construction method statement to include vehicle parking, loading/unloading, storage of materials used in construction, wheel washing, dirt and dust emissions, waste recycling, no gates within 20m highway, measures to prevent glare if required to prevent danger to road users. 02.09.15

Strategic Planning Authority (DCC):

- (A) Bolsover District Council has sought DCC advice on whether or not the application should be deemed a 'County Matter'. The Planning Assessment that forms part of this application correctly identifies the planning permissions that comprise the mineral planning history of the site. The base permission for the coal stocking use (BOU478/192) dates from 1978 and carries a basic restoration condition typical of that time. Whilst falling short of modern restoration objectives for such sites, the restoration has been implemented in accordance with the requirements of the condition and is considered to have been discharged. Consequently, there are no outstanding mineral planning requirements for the site, and on this basis DCC concludes that the application is not a 'County Matter'.
- (B) DCC's Landscape Officers have reviewed the applicant's Landscape and Visual Impact Assessment (LVIA) and are satisfied that it correctly identifies the landscape character, including an examination of the development from a variety of representative viewpoints, leading to a set of comprehensive conclusions.
- Site Appraisal photographs show that Area 1 (the eastern part of the Site) is un-restored, containing concrete footings, structures, rutted embankments, and piles of material which should be part of a thorough site clearance. If this is not undertaken, officers recommend that Area 1 should be withdrawn from the application.
- The landscape mitigation of planting new hedgerows, 'gapping up' existing hedgerow with tree planting scrub and tree belt, as outlined below, is supported. On the basis of the above, it is considered that the proposed development on the application site would be broadly in accordance with the national planning policy advice and guidance in the NPPF and NPPG relating to impact on landscape and landscape character, but should be subject to the restoration of Area 1 first.

If Bolsover District Council is minded to approve this application DCC expects that all the landscape planting, seeding and maintenance measures in the above documents and relevant plans will be dealt with by appropriate conditions. In addition, DCC would recommend conditions to ensure that: existing and new planting is not affected by the construction of solar panels and associated works, including security fencing; prior to any further development being carried out, the site is cleared, especially Area 1. Any clearance works should include the grading out of any disturbed edges of the peripheral embankments, the removal of all concrete structures, rubble and other loose waste, blocks and piles of undesirable material across the site; other than the solar equipment, any structures/buildings/security lights/security fences are painted a dark recessive colour (to minimise visual impact); and the site is fully restored on termination of the solar farm use, and all plant, fences and associated equipment are removed. 06.10.15

Old Bolsover Town Council:

Old Bolsover Town Council would like to raise several concerns regarding the proposed solar farm off Mill Lane Stanfree

1. There still exists a moral obligation to restore the site to green space suitable for agriculture following the cessation of coal stocking. Past planning conditions and assurances from previous owners establish an expectation that this should be the final outcome for the site and is in keeping with the character of the landscape.
2. The Visual impact survey is flawed and inappropriate. Screening with trees as proposed only mitigates the visual impact when the trees are in leaf (only half the year). Additionally, visual impact is evaluated alongside existing blots on the landscape such as the motorway and gives no consideration to the cumulative impact. If these criteria were used in a wider national context urban sprawl would have never been stopped since houses could always be built on green fields on the urban fringe because houses were already there.
3. The Town Council have a responsibility for biodiversity and question the impact on biodiversity. The applicant claims that biodiversity will be enhanced but solar panels capture sunlight, the very thing that provides the energy for plant growth.
4. The proposal locates industry close to homes rather than in a designated industrial zone such as Markham Vale or the former Coalite site.
5. The applicant and landowner are proposing community benefits. Local residents have been given similar promises before which have not materialised despite the site generating several millions of pounds of income. The Council would not like to see another development with no clear community benefit.

If the development were to be approved Old Bolsover Town Council would like to see

- a. Conditions set to ensure the restoration and aftercare of the site as were proposed for an application that was submitted and refused to extend coal stocking on the site (Planning Document CM5/0509/53)
- b. The plans extended to include community access and use of the wooded land between the three areas of solar panels
- c. Plans linked to the development of a 'greenway' along the old railway siding and a country park on the old tip to the East.
- d. Improved screening to minimise visual impact in winter when there are no leaves on the trees.
- e. Conditions applied to ensure local people and businesses are used in the construction and maintenance of the solar farm

- f. Measures to ensure other community benefits promised by the applicant are delivered. 13.10.15

Derbyshire Wildlife Trust: The main ecological issue associated with the proposal is the location of solar arrays on the eastern compartment of the site which supports substantive habitat and species interest including open mosaic priority habitat. While we note that a proportion of the eastern compartment will be left free of solar panels and that the area under the solar panels will be maintained as open mosaic habitat, we are of the view that the habitat under the panels will be adversely affected by shading and changes in microclimate. The species associated with open mosaic habitat prefer open sites and many of the species in light demanding groups are likely to be disadvantaged and as such the communities characteristic of full sun open conditions are unlikely to be maintained. We would therefore advise that the panels should be removed entirely from this eastern compartment or significantly reduced.

In relation to reptiles and amphibians it is important that the 'Reasonable Avoidance Measures' (RAM) outlined in the ecology report are adhered to with the additional provision that such areas shall not be disturbed or removed during the hibernation period (Oct – March).

If minded to grant permission suggests conditions: accordance with the RAM, the Biodiversity Management Plan, and the Landscape Strategy Plan. 18.11.15

Further comments in relation to matters clarified by the applicant which are discussed in the assessment below. 23.11.15

Environmental Health: Extensive industrial use in the past; potential for contamination; acknowledge that there will be limited personnel on site when the farm is operational, a proportionate risk assessment should be carried out to ensure that the site is suitable for the use proposed, including ground gas risk assessment for any proposed buildings.

Recommends conditions requiring a gas risk assessment for any proposed buildings; and procedure for any unexpected contamination.

Has also reviewed the Glint and Glare assessment; relies heavily on screening from vegetation in places, but accepts that the density of vegetation and topography will prevent such effects even during the winter months. 20.11.15 & 23.11.15

No response received from Regeneration.

## **PUBLICITY**

Advertised in press. Site notice posted. 51 neighbours notified. 46 responses.

Main objections:

40 years is not temporary;

Site is partly restored to open countryside, should have been completely restored by now;

Local community have the right to expect that previous promises and planning conditions are met (i.e. full restoration back to agricultural land);

Land to be used forms the only part of the site that has been returned to greenfield agricultural usage;

No pre-application consultation with the local community;

Loss of restored area of site;

Detrimental visual impact to countryside and local residents, including from nearby public footpaths and from the limestone ridge;

Cumulative impact with other solar farms;

Loss of amenity, both existing and future potential;

Further loss of peace and tranquillity in an area which has suffered much disturbance in the



past from this site;

Site restoration after the solar farm period?

Site used by deer;

Loss of habitat for several endangered species (Dingy Skipper, Small Hath Butterfly, Yellow Hammer and Great Crested Newt); flora will suffer due to loss of sunlight below the panels;

No benefits to local community;

Economic disbenefits, depletion in property values, less attractive place for investment;

No need for this green energy, government announcement that projects already in the system will more than contribute to renewable targets;

Will generate few if any local jobs;

Sets precedence for industrial development on the rest of the site.

Local people deserve better more sensitive development tat brings real benefits and meets our real needs, solar farm will continue to blight our countryside and degrade our quality of life;

Should not be considered in isolation as the overall regeneration of the Oxcroft site has implications for the local area.

## **POLICY**

### Bolsover District Local Plan (BDLP)

Shown as outside the settlement framework and within the countryside where general open countryside policies apply, of particular relevance will be policies:

ENV3 (Development in the Countryside)

GEN1 (Minimum Requirements for Development)

GEN2 (Impact of Development on the Environment)

ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings)

ENV5 (Nature Conservation Interests throughout the District).

### National Planning Policy Framework

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration with a presumption in favour of sustainable development. As the Bolsover District Local Plan was adopted prior to 2004 due weight should be given to its policies according to their degree of consistency with the NPPF.

A core principle is to “support the transition to a low carbon future in a changing climate.....and encourage the use of renewable resources (for example, by the development of renewable energy)” within a presumption in favour of sustainable development.

Policy 98 states that when determining planning applications , local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse emissions; and approve the application if the impacts are (or can be made) acceptable".

### Other (specify)

National Planning Practice Guidance (NPPG) indicates that:

“Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in

locations where the local environmental impact is acceptable.”

The NPPG goes on to state that “The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”, indicating that particular factors a Local Planning Authority will need to consider including: -

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal’s visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

## **ASSESSMENT**

### Principle of the development

The National Planning Policy Framework states that there is no need for the applicant to demonstrate need for a renewable energy project and encourages the development of renewable energy.

The proposal is outside the settlement framework where policy ENV3 (Development in the Countryside) applies. This is broadly in accordance with the National Planning Policy Framework as it allows development which is required for the exploitation of sources of renewable energy.

The proposal is situated on brownfield land (the former eastern coal stocking area) which has not been returned to agricultural or other uses, and on restored agricultural land of poor quality, grade 3B (open cast worked restored former western coal stocking area). The proposal does not therefore impact on the best and most versatile agricultural land which is protected by policy ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings) of the Bolsover District Local Plan and by policy 112 of the

National Planning Policy Framework. The Framework also encourages at 111 the effective re-use of brownfield land (provided it is not of high environmental value).

Accordingly the principle of the proposal (a renewable energy development comprising a solar farm located on poor grade agricultural land and brownfield land) is considered acceptable being generally in accordance with the adopted Local Plan and the National Planning Policy Framework. The specific local impacts of the proposal are now considered.

#### Landscape/Visual Impact

The submitted Landscape and Visual Impact Assessment has been considered by the Landscape Officers at Derbyshire County Council. They are satisfied that it correctly identifies the landscape character including an examination of the development from a variety of representative viewpoints. They support the landscape mitigation planting. Following a recent site visit it appears that much of the eastern area has been cleared of the various materials to create a flat plateau which was a concern to the Landscape Officer. Accordingly it is considered that the development would be broadly in accordance with the National Planning Policy Framework and NPPG relating to impact on the landscape and landscape character. Various conditions are recommended in relation to protection of existing planting, colours of structures and restoration of the site on termination of the solar farm use.

The site is well screened by existing hedgerows, trees and shrub planting to the respective site edges, with views into the site restricted by this and the topography. The main visual impact of the development will be from the footpath network to the north and from the limestone ridge. Views will be limited and mitigated by topography and the existing and proposed tree and hedge planting and by distance. It is unlikely that the site can be seen from nearby residential properties although there may be distant views from a few Stanfree properties.

The limited visual impact of the development is therefore considered acceptable particularly when balanced against the benefits of renewable energy.

#### Ecology

Derbyshire Wildlife Trust (DWT) has suggested that the solar arrays on the eastern area be omitted to retain this area as open mosaic habitat. The proposed layout keeps the western section of this area (west of the overhead electricity line) free from development but remaining enclosed within the security fence, thus retaining a substantial area of open mosaic habitat. In addition an area favoured by the wood lark is kept free of development towards the southern side. The biodiversity management plan manages this habitat for the lifetime of the scheme and the area between the arrays where there will be a range of micro-climates created by the differing levels of shade and direct sunlight will lead to greater biodiversity.

Following clarification from the applicant that the centre and north-eastern part of the eastern compartment consist of bare ground with little vegetation DWT accepts that the scheme allows an opportunity for the retention and maintenance of an area of open mosaic habitat which would otherwise be lost to scrub and woodland succession. DWT therefore advise that the potential effects from shading will be minimised through location of the panels on the areas of predominantly bare ground and any unavoidable impacts are suitably compensated for by the retention and appropriate management of the remaining areas of open mosaic habitat.

Other measures are proposed in the management plan to protect and encourage other identified features of interest including the establishment of reptile and amphibian hibernacula and additional native planting. Derbyshire Wildlife Trust accepts that construction/installation can be carried out during the winter months as the small area of the site with potential for hibernating reptiles will be protected through the use of “bog mats”.

It is therefore considered that there subject to conditions requiring compliance with the Reasonable Avoidance Measures, the Biodiversity Management Plan and the Landscape Strategy Plan, there are no significant ecological impacts and that measures are to be taken to maintain and improve biodiversity where appropriate in accordance with the National Planning Policy Framework principles of sustainable development and policy ENV5 (Nature Conservation Interests throughout the District) of the Bolsover District Local Plan.

#### Highway Issues

The applicant has reviewed the construction traffic route in line with the suggestion of the highway authority (J30 – Mastin Moor – Bolsover Road - Woodthorpe Road – Mill Lane). In addition a Construction Traffic Management Plan has been submitted which details site compound and related issues of site traffic including deliveries and parking of site operatives, provision of wheel washing facilities if needed (although no delivery vehicles should leave the hardstandings).etc. The highway authority has raised no issue in relation to the site access off Mill Lane. Traffic during the operational phase will be minimal (one maintenance/survey visit every 21 days). Subject to conditions to require implementation of the Construction Traffic Management Plan as amended the proposal is considered acceptable on highway grounds.

#### Crime Prevention

The Crime Prevention Design Advisor (CPDA) recommends a specialist security fence with cctv, rather than the proposed 2.2m high deer fence.

The proposed deer fence with infra-red detection which triggers an alarm is widely used by the applicant in rural settings providing the level of security that they seek. A more substantial fence as recommended by the CPDA would result in a significant intrusion into the open countryside and visual impact on the rural landscape. The proposed deer fence is a more visually satisfactory security measure than a specialist security fence in this rural location.

#### Issues raised by Old Bolsover Town Council

The issues relating to restoration of the site from past uses, visual impact and ecology (biodiversity) are addressed above. Community benefits from the proposal are not directly related to the development, i.e. such benefits must be directly related to, and mitigate, the impacts of the development. Additional public access to the wooded land may well impact on the biodiversity developing in those areas. The proposal is for renewable energy generation with related plant and equipment which, while it involves the coverage of areas of land with structures (solar panels), has less impact than industrial development which would typically involve the erection of buildings with employment and long term traffic generation.

A condition requiring the restoration of the site when its use for solar power generation ceases can be imposed. Other conditions suggested by the Town Council are not directly related to the development, necessary to make the development acceptable in planning terms, nor reasonable.

### Other issues raised by the public

#### Site restoration

The County Council as the mineral planning authority and responsible body for the enforcement of the planning permissions, including restoration of the site, have clearly stated in their response to the application that the base permission for the coal stocking use (BOL478/192) dates from 1978 and carries a basic restoration condition typical of that time. Whilst falling short of modern restoration objectives for such sites, the restoration has been implemented in accordance with the requirements of the condition and is considered to have been discharged. Consequently, there are no outstanding mineral planning requirements for the site.

It is possible to impose a site restoration condition upon the current proposal which could require a scheme to be approved prior to decommissioning of the solar arrays (or upon cessation of the generation of electricity). Taking account of the time scales proposed (39 years) it is considered that such a scheme should be based on an ecological assessment of the site at that time so that any gains to biodiversity or natural regeneration of the site can be taken into account.

#### Public consultation

Since the submission of the application the applicant has undertaken a public consultation exercise involving two public exhibitions/meetings and wide leaflet drops. A report has been produced (Statement of Community Involvement – October 2015) which indicates the following:

Correspondence with 3 Parish Councils (Old Bolsover, Clowne and Staveley);

Attendance at meeting to discuss wider area masterplan;

Offer of £15,000 Community Fund to help benefit the community to be provided to Old Bolsover Town Council (this is not relevant to consideration of the planning application as it is not necessary to make the development acceptable in planning terms, nor is it directly related to the development);

Carried out a site visit accompanied by a local resident to identify additional viewpoints which were subsequently submitted as an addendum to the LVIA;

Further landscaping and tree planting included in a revised landscape strategy to provide additional screening of the proposal.

#### Masterplan

No masterplan for the wider area of the Oxcroft Disposal Point has been submitted with the application. Discussions concerning such a plan are separate from consideration of this planning application.

Other issues raised are considered in the assessment above or addressed through consultation responses. Impacts on property values are not a planning consideration.

### **Other Matters**

Listed Building: No significant harms to the setting of listed buildings (see consultation response from Development Control Archaeologist above).

Conservation Area: No anticipated impacts.

Crime and Disorder: Discussed above.

Equalities: No identified issues.

Access for Disabled: No identified issues.

Trees (Preservation and Planting): Generally existing trees retained and additional tree and

hedge planting to take place

SSSI Impacts: n/a

Biodiversity: See ecological impacts discussed above.

Human Rights: No identified issues.

The principle of the proposal (a renewable energy development comprising a solar farm located on poor grade agricultural land and brownfield land) is considered acceptable being generally in accordance with the adopted Local Plan and the National Planning Policy Framework. The impacts of the proposal, in particular impacts on the character of the landscape, visual impacts, ecological impacts and highway issues have been considered and are considered to be acceptable subject to appropriate controlling conditions. It is considered that the site is well screened by existing and proposed strengthened planting proposals and the general topography of the site and locality. Other issues raised including those by members of the public have been taken into account; various revisions have taken place to the originally submitted plans and drawings. The proposal is considered to be sustainable development in accordance with the terms of the National Planning Policy Framework and in general compliance with the policies of the Bolsover District Local Plan in particular policies ENV3 (Development in the Countryside), ENV5 (Nature Conservation Interests throughout the District), ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings), GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment).

Chesterfield Borough Council are considering the same application as part of the proposal involves a (smaller) third (northern) parcel of land which is within the Borough and does not impact on the overall conclusion of the application as it affects Bolsover District. That part of the site is similarly well screened by existing and proposed tree and hedge planting and topography from general views from nearby highways, footpaths and the countryside.

## **RECOMMENDATION**

### **APPROVE**

**Subject to conditions given in précis form  
to be formulated in full by the Assistant Director of Planning**

1. The development shall be begun before the expiration of three years from the date of this permission. (*To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004*).
2. Within one year of the cessation of the generation of electricity, or one year prior to the decommissioning of the solar farm, whichever is the sooner a Decommissioning and Site Restoration Scheme shall be submitted to and approved in writing by the local planning authority. The Scheme shall include the methods, measures and timetable to secure the removal of all elements of the solar arrays, related equipment and plant and related restoration site measures. The scheme of site restoration shall be based upon an ecological assessment of the site at that time so that features of interest are retained and enhanced. The Scheme shall be implemented as approved. (*In order to ensure that the site is restored to an acceptable standard in the context of landscape and biodiversity issues, and in compliance with policies GEN1, GEN2, ENV3 and ENV5 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy*

*Framework in the context of sustainable development ).*

3. The development shall take place in accordance with the proposals and recommendations of the Biodiversity Management Plan prepared by SLR Ref 424.05075.00008 July 2015, including the aftercare and maintenance operations, all generally in accordance with the timetable contained within chapter 5 of the Biodiversity Management Plan. *(To protect and enhance the biodiversity interest of the site in compliance with policy ENV5 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development ).*
4. The development shall take place in accordance with the Reasonable Avoidance Measures specified in chapter 5 of the Extended Phase 1 Habitat Survey and Phase 2 Protected Species Survey Report by SLR reference 424.05075.00008 July 2015. *(To protect, and minimise any harmful effects upon protected species and other wildlife from the development in compliance with policy ENV5 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development ).*
5. The development shall take place in accordance with the proposals and recommendations of the Landscape and Visual Impact Assessment and the Landscape Strategy Plan by Barton Willmore reference 24920-L9 Revision D (received 24.11.15) prepared as Figure 6 of the Landscape and Visual Impact Assessment which shall be implemented generally in accordance with the timetable contained within chapter 5 of the Biodiversity Management Plan referred to in condition 3 above. *(To minimise any visual impacts of the development through the retention of existing vegetation and provision of additional planting including its maintenance in the interests of the landscape setting and visual appearance of the site in compliance with policies GEN1, GEN2, and ENV3 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development ).*
6. The development shall take place in accordance with revised layout as shown on Anesco drawing 001427\_200 Rev I (received 24.11.15). *(For the avoidance of doubt to ensure a satisfactory development which minimises any impacts and in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development ).*
7. The development shall take place in accordance with the revised Traffic Management Plan dated 24.11.15 by Anesco (received 24.11.15) *(For the avoidance of doubt to ensure a satisfactory development which minimises any impacts and in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development ).*
8. Prior to the erection or installation of any enclosed buildings/structures, a gas risk assessment must be carried out for such buildings/structures. This should be carried out in line with current guidance. The assessment shall include:
  - a. A survey of the extent, scale and nature of the current gas regime of the site;
  - b. An assessment of the potential risks to human health, property (existing or proposed), adjoining land and its receptors,

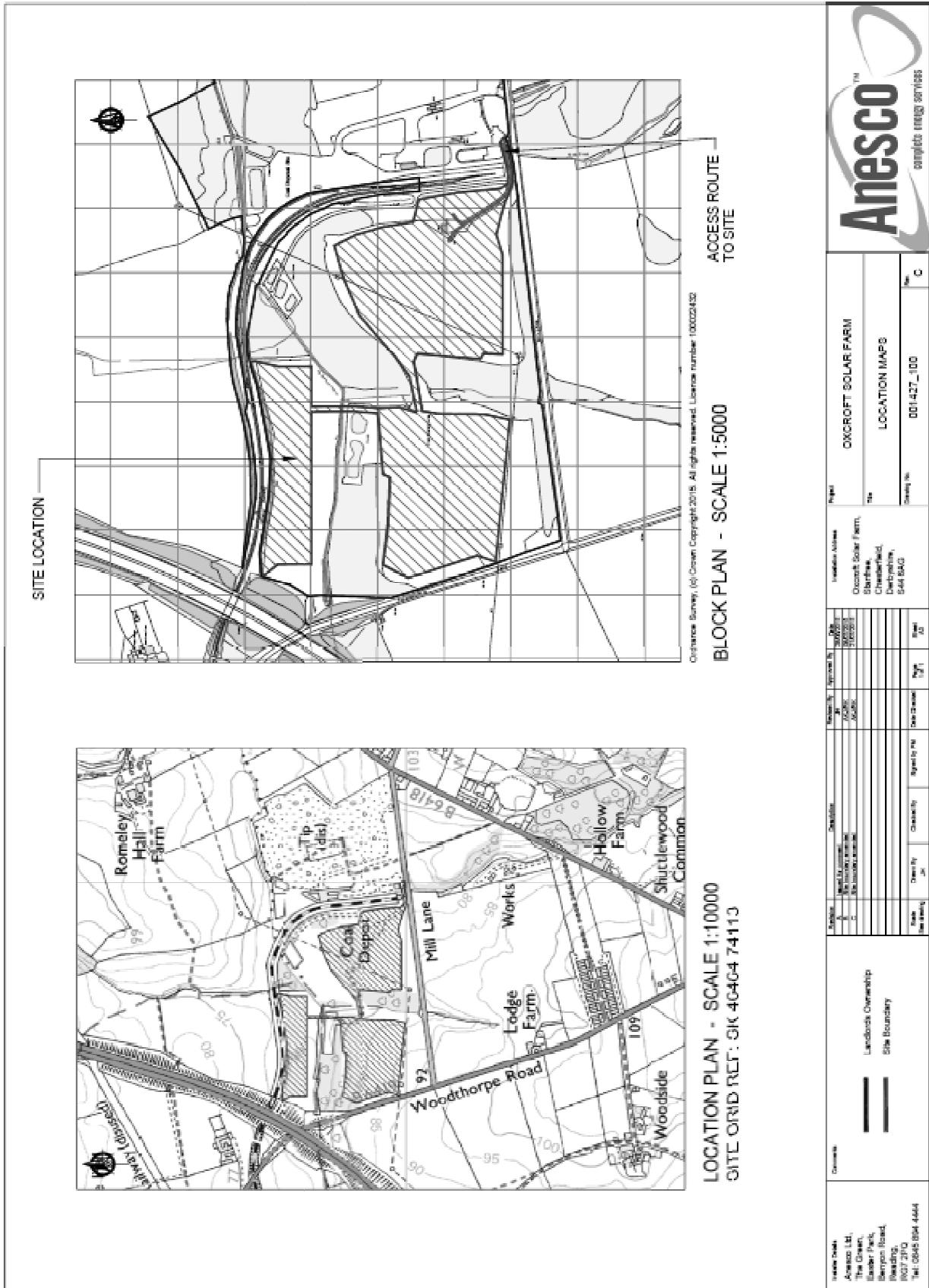
- c. An appraisal of remedial options as appropriate and a proposal for the preferred remedial option

Any gas protection measures must be carried out by a suitably qualified person and an independent verification report must be approved in writing by the Local Planning Authority. *(The site has the potential to be contaminated because of past uses on or near the site to ensure there is no risk to human health, property and wildlife in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development ).*

9. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current guidance and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. *(The site has the potential to be contaminated because of past uses on or near the site to ensure there is no risk to human health, property and wildlife in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development ).*



15/00361/FUL – ‘Oxcroft Solar Farm’ – Location and Block Plans (Not to Scale)



15/00361/FUL – 'Oxcroft Solar Farm' – Site Plan (Not to Scale)

