

PARISH Scarcliffe

APPLICATION Proposed 5MW solar farm and associated infrastructure including cctv, access tracks, cabins, storage room, and meter cabin.

LOCATION Land To The South And East Of Rylah Farm Rylah Hill Palterton

APPLICANT Mr Paul Brundell

APPLICATION NO. 15/00366/FUL **FILE NO.**

CASE OFFICER Mr Jim Wilmot

DATE RECEIVED 23rd July 2015

DATE VALID 2nd October 2015

Delegated Application referred to Committee by Assistant Director of Planning
Reason: Impacts on Heritage assets and visual amenity

SITE

The application site comprises agricultural land located at off Rylah Hill Palterton to the southwest of Palterton and south of Bolsover. The site consists of 2 open agricultural fields. The 2 fields are separated by a tree and scrub lined ditch which hugs the bottom of a dip between the two fields. The eastern boundary of this field adjoins an existing wooded area known as Fox Covert, with the southern boundary being formed from a localised ridge line which used to form the boundary of a wooded area.

The land that immediately surrounds the site is also mainly open and rural in nature being made up of a mixture of arable and pasture fields.

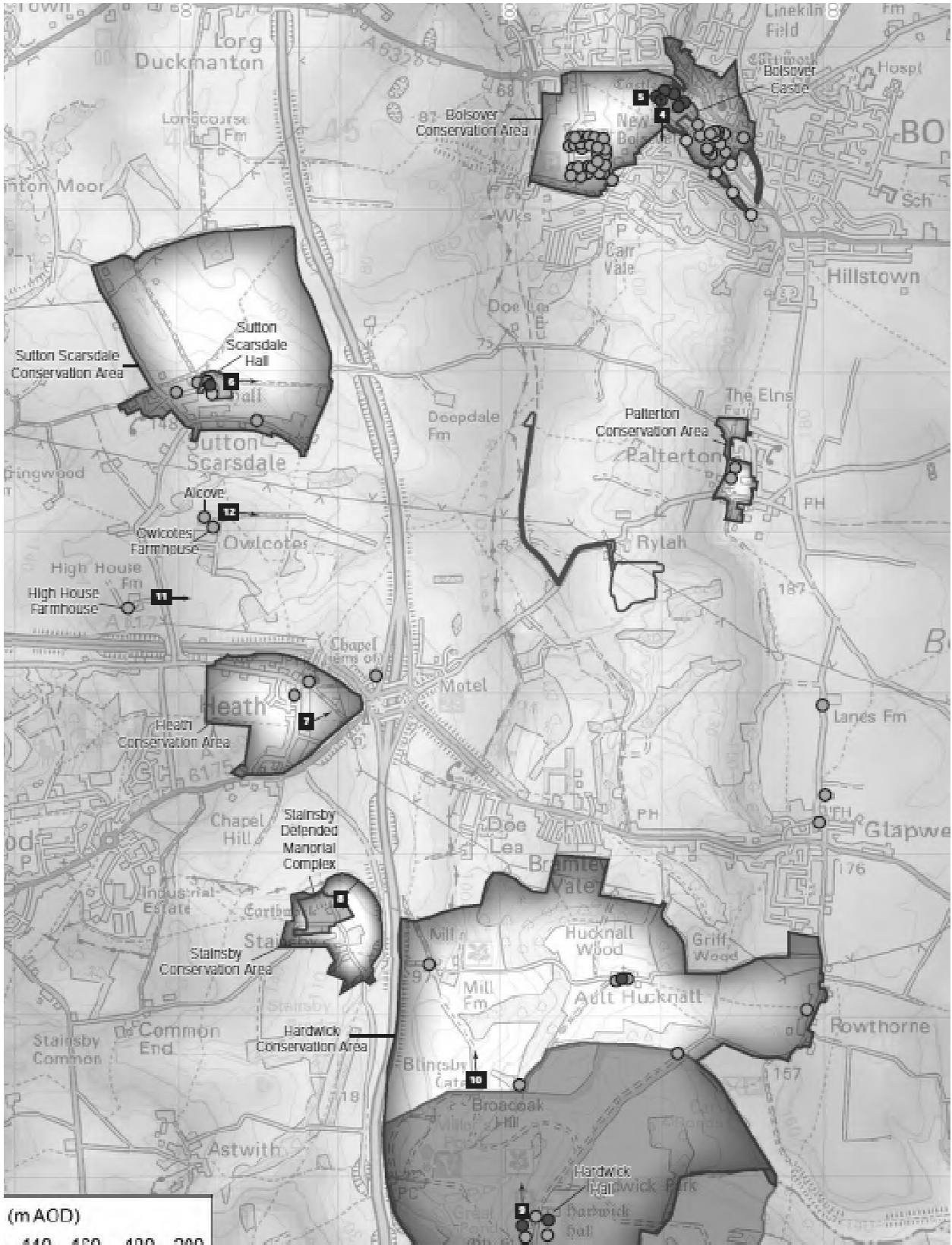
The total area of the application site is approximately 10.76ha. The site comprises elements of 2 separate pasture fields of agricultural land grade 3.

PROPOSAL

This full planning application is for a Solar PV Farm which is capable of generating approximately 5 MW of electricity per annum. Over the course of a year the proposal would generate equivalent to the average annual demand from 1,400 homes.

The project will consist of the following infrastructure:

- PV module array and racking system (approx. 20,000 modules) mounted to a maximum height of 2.5m above ground level;
- Metering and Transformer and storage buildings and 2 inverter cabins;
- Substation;
- Cabling;
- Security Fence (2.2m high);
- CCTV and infra-red lighting (on 2.5m high poles);
- New on-site access track;
- Temporary construction compound.



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The solar farm will be linked to the local electricity grid by means of underground cabling to a grid connection point under the highway and along the Stockley Trail footpath to the west of the site main site. Two cabins are proposed at the connection point just to the west of the Stockley Trail.

The consent sought is for a temporary period of 30 years.

The planning application is supported by the following documents: -

- The planning application form;
- The application plans and drawings;
- Planning Statement, incorporating a Statement of Community Involvement;
- Design and Access Statement;
- Construction Management and Transportation Management Plan;
- Preliminary Ecology Report
- Badger report
- Heritage Statement
- Geophysical Statement
- Landscape and Visual Impact Assessment;
- Flood Consequences Assessment;
- Agricultural Land Classification;
- Coal Mining Report;
- Glint and Glare Statement.

The Landscape Appraisal states the following in terms of the likely visual effects of the proposed development:

- - **“Landscape Receptors**
 - *The anticipated landscape effects of the proposed development on the site have been evaluated in relation to the statutory and non statutory landscape designations or classifications, the local landscape character assessment and the individual landscape elements and features.*
 - **Land Use**
 - *The effect of the solar farm on the land use of the main site area will be a negative change from open agricultural land to land covered with static PV panels. Although the proposals are for a limited time scale of 25 years this is still seen as long term and as such the proposals will have a **High, Moderate** to **Substantial Adverse** effect.*
 - **Landscape Character Types**
 - *The effect of the proposals on this character area will thus be of a high within the site due to the change but due to the screening by existing vegetation and topography within the wider area the change will be negligible. As such the overall change to the character area will likely be Negligible. A **Moderate** to*

Substantial Adverse effect is anticipated within the site, but in the wider area this is much reduced, and the overall effect would be **Slight Adverse**.

- **Cultural Heritage**
- Due to the temporary nature of the proposals and the lack or need to undertake any extensive alteration of the existing ground then any elements of heritage within the site will be **Negligible, No change**. Elements outside of the site will be contained within the separate Cultural Heritage
- **Landscape Features**
- The proposed development is designed to retain and augment the existing landscape features. All of the existing field hedgerows will be retained along with all of the surrounding woodlands and other existing vegetation associated with the localised valley and stream. Thus the effect on these features will be negligible but with the proposal to maintain and manage these features could be seen to be **Low, Slight, Beneficial** effect.
- **Landscape Condition**
- The effect of the proposed development on the condition or quality of the landscape is deemed to be neutral with a notable alteration of the land cover over a large proportion of the site balanced against the retention, conservation and enhancement of the beneficial features and landscape structure. Thus there will be **No Change / Negligible** effect
- **Landscape Value**
- The proposed solar farm although altering the current usage and being long term (25 years) is deemed to be neutral due to the existing value of the site being only Ordinary. As such there will be **No Change / Negligible effect**.
- **Topography**

The site occupies the lower slope of a west facing side of a localised scarp. Within the site there is also a secondary localised valley. Due to the nature of the proposals the need to carry out and changes to the topography of the site is extremely negligible and the panels are designed to follow the existing contours of the site. As such there will be **No Change / Negligible effect**

The LVIA considers the impacts on nearby footpaths and includes photographs and assessments made from representative view points on the relevant footpaths. The table below sets out the locations considered and how the LVIA assess the impact of these view points from the relevant footpaths as follows:

Footpath FP32 is 0.6 km south west of the site.

Nature of Change

The proposed site is partially screened by the existing land form and vegetation, however the lower and more southern section of the site can be seen from this location and thus there will be a partial view of the proposals. It is only the smaller field that can be seen surrounded by the wood and trees of Fox Covert and the reclaimed quarry. Due to the regular pattern and colour of the proposed solar farm the viewer will notice and be attracted towards the proposal, however due to the distance from the solar farm the panoramic view across the valley will not be compromised and the proposal will only be a minor element within the wider view and landscape.

Impact of Proposed Development on users

The visual receptors from this location will be the users of the above PROW and the landowner. Receptors are transient in nature and experienced for relatively short periods of time and as such have a Medium Sensitivity.

The magnitude of change will be Low and thus the effect will be Slight-Moderate Adverse.

Footpath FP22 is 1.2KM south east of the site.

Nature of Change

Due to the existing vegetation it is not possible to see the site from this location but even without the benefit of the immediate existing vegetation the site is located low down within the valley and as such would only have a very limited effect.

Impact of Proposed Development on users

The visual receptors from this location will be the users of the above public footpath and the Landowner. as identified in table Receptors are transient in nature and experienced for relatively short periods of time and as such have a Medium Sensitivity.

The magnitude of change is negligible and thus the effect of the proposals will result in No Change.

Footpath 1 is 1.4 km west south west the site

Nature of Change

It will be possible to see the proposed site from this location. Not all of the site will be visible and only a small portion of the upper section of the site and the higher section of the smaller field will be visible, but due to the regular pattern and colour of the proposed solar farm the viewer will be attracted towards the proposals.

Due to the limited extent of the possible view of the proposals the distance from them and the existing detractors such as the overhead pylons and motorway the nature of the change will be Low.

Impact of Proposed Development on users

The visual receptors from this location will in the main be users of the PROW and the landowner. Receptors are transient in nature and experienced for relatively short periods of time and as such have a Medium Sensitivity and as the magnitude of change is Low will result in a Slight-Moderate Adverse impact.

Users of the Motorway have a Low sensitivity and as the magnitude of change is Low then there will be a Slight Adverse impact.

Stockley Trail is 0.7 km east south east of the site.

Nature of Change

The site will be visible from this location although again it will only be a partial view. Due to the regular pattern of the proposals and the colour of the panels the viewer will be attracted towards the proposals.

The distance from the proposals and the lack of elevation both help to reduce this extent of the change and due to the existence of the pylons, which already detract from the view, the proposals will have a Low magnitude of change.

Impact of Proposed Development on users

As this is a locally designated trail and forms part of a recognised route the sensitivity of the receptor is higher than that of a normal PROW. Although these

receptors are transient in nature and for relatively short periods of time the sensitivity is High.

As such the combined with the magnitude of change the proposals will result in a Moderate Adverse effect.

Rylah Hill Lane is 0.4km east of the site

Nature of Change

The site will be visible from this location and is perhaps the view which will have the greatest nature of change. Not all of the site will be visible (the smaller field is hidden by the topography and existing vegetation, but the southern part of the larger field will be visible. although again it will only be a partial view. Due to the regular pattern of the proposals and the colour of the panels the viewer will be attracted towards the proposals and due to the close proximity to the proposals the nature of the change from this location will be Medium.

Impact of Proposed Development on users

As this is a locally designated trail and forms part of a recognised route the sensitivity of the receptor is higher than that of a normal PROW. Although these receptors are transient in nature and for relatively short periods of time the sensitivity is High. Rylah Hill Lane being a road has a sensitivity of Low due to the transient nature and the speed of the users. As such for the users of the trail the effect will Moderate-Substantial Adverse effect. For Motorists the effect will be Slight - Moderate Adverse effect.

Palterton Lane Footpath FP19 is located 2.1km to the South East of the site.

Nature Of Change

The site will be visible from this location and is perhaps the view which can see the greatest extent of the proposed solar farm but due to the distance from the site the nature of the change is greatly reduced.

Due to the regular pattern of the proposals and the colour of the panels the viewer will be attracted towards the proposals but due to the other detracting elements already within the view the nature of the change will be Low.

Impact of Proposed Development on users

There are two separate receptors from this location. The first are the users of the above PROW and due to their transient nature have a Medium sensitivity. The other receptors are the motorists how are using the lane and in accordance with the above table have a Low Sensitivity. As such users of the PROW will have Slight -Moderate Adverse effect but with motorists having a Slight Adverse effect.

AMENDMENTS

Revised archaeological assessment details received 18th November 2015

Addendum to Archaeological and Cultural Heritage Desk Based Assessment received 7th December 2015

HISTORY (if relevant) N/A

CONSULTATIONS

DCC Archaeologist – *“The application does not meet the information requirements of NPPF para 128 with regard to either below-ground archaeology or setting impacts. With regard to below-ground archaeology this omission could be addressed through a scheme of archaeological evaluation or a re-consideration of the proposed groundworks methodology to introduce a flexible approach where significant remains are present. The lack of information with regard to setting impacts could be addressed by detailed photomontage illustration of worst case views (without creative use of foreground trees) 1) to Bolsover Castle on the ridgeline; 2) to Bolsover Castle and the ridgeline from within the Sutton Scarsdale SM or Conservation Area; 3) to Hardwick Halls from Bolsover Castle; 4) impacting key visitor routes to Bolsover Castle/Sutton Scarsdale Hall, along with a more detailed discussion of significance and the impacts thereon within the heritage statement, including consideration of visitor routes to the key heritage assets. In its current form the application should be refused consent because of insufficient information relating to heritage assets (NPPF paras 128/129). The local planning authority may also feel that there is sufficient ground for refusal under NPPF paras 132/134, because of the level of significance of the heritage assets involved and because of the lack of sufficient justification/public benefit for the levels of harm proposed.”*19.10.15

Based on further submissions have withdrawn objection relating to below ground archaeology to condition requiring scheme of investigation and assessment and subsequent work in accordance with the scheme. Objections remain however in respect of harm to the setting of assets. 23.11.15

DCC Flood Risk – No objection standing advice for Green Category development issued. 20.10.15

Highways – Seeking site meeting with applicant to discuss the proposal further before commenting 28.10.15

Additional comments received 27th Jan 2016: No objections subject to conditions to cover a revised plan of the construction access arrangements; Construction Traffic Management Plan; Construction Method Statement (to cover : *the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works*); Traffic Management Scheme for construction and decommissioning; parking to be provided before any other works start; no gates for first 20m; prevention of glare; Traffic Management Plan including routing, signage etc for decommissioning site. Plus notes to applicant.

Environment Agency – No objection 8.10.15

Regeneration team – No objection 16.11.15

Historic England – Full comments

“This application seeks planning permission for the construction of a solar farm at the above site with an estimated duration of approx. 25 years. Having assessed the information provided we believe the proposal will have an impact on Bolsover Castle and Sutton Scarsdale Hall, both heritage assets of the highest significance. Our advice on the impact on this scheduled and listed buildings is given below, your

authority should assess the impact on Grade II listed buildings and conservation areas as well.

The History and Significance of Bolsover Castle

Bolsover Castle occupies the site of a medieval fortress, built by the Peverel family in the 11th Century, forming part of a wider planned settlement. After years of decline, the Castle was purchased by Charles Cavendish (Bess of Hardwick's youngest son) in 1612. With architect Robert Smythson, he began work to transform the site. This was later completed by his son, William, to include the Little Castle, the Terrace Range and, finally, the Riding house. At Bolsover, setting forms an intrinsic part of the significance of the assets within the Castle and its immediate environs.

Specifically, the Castle takes advantage of local topography which is dominated by a steep limestone escarpment, running north-south and Bolsover's strong defensive situation, elevated above the wide Doe Lea Valley. This was an important factor in construction of the early Castle and its associated settlement and this early appeal of the physical setting of Bolsover Castle continued through its development during the 17th century, offering the ideal location for a house to 'see and be seen'. The Little Castle takes advantage of the location, sited on a rocky promontory where a great tower associated with the site of an ancient royal castle might be expected, but probably never existed. Built as a lodge for retreat (a 'toy keep' housing tiers of luxurious state rooms), the architecture also was designed to exploit the topography, framing views out across the landscape, with the Star Chamber and Marble Closet both taking in views across the valley. The wall walk surrounding the Fountain Garden also takes in high level views across the landscape, between the Little Castle and the Terrace Range.

The building was entered from the main drive which runs parallel with the Terrace Range, bounded by a crenellated wall, outside of which the land falls away steeply. To the north end of the drive and projecting west of the line of the Terrace, is a viewing platform, in the form of a walled forecourt, again designed to take in views across the valley. The Terrace Range, today existing as a roofless shell, exploited long views from its windows out across the valley, framing a variety of panoramas. That the Terrace and Viewing Platform were designed to exploit the views across the vale is of great significance for Bolsover Castle.

The view back from Sutton Scarsdale towards Bolsover is also of exceptional significance, providing one of the iconic views of the Castle, dominating the valley, with the historic town of Bolsover stretching southwards along the top of the scarp. Although the 17th century landscape has been altered, through modern development and loss of historic field patterns, the area between Sutton Scarsdale and the Castle today is largely open, reflective of the original nature of the landscape and the experience of the return view from both properties is one of which has been experienced by visitors for centuries.

The History and Significance of Sutton Scarsdale Hall

Sutton Scarsdale Hall was substantially remodelled in 1724 by Francis Smith for the 4th Earl of Scarsdale, Nicholas Leake. Built in the Baroque style, the Hall is located on the site of an existing house and incorporates parts of this earlier building of around 1469, into its design. The architecture of the Hall can be compared to that of Chatsworth and was considered at the time to out shine it. Pevsner comments that the re-modelling would have made it 'easily the grandest mansion of its date in the county.' (Pevsner, 1953, page 335).

The topography and landscape allows the Hall to command views across the Doe Lea Valley, predominantly confined towards the east and north. Bolsover Castle,

sitting on its promontory, appears as a notable landmark. The grounds of the house were historically open, interspersed with tree-lined avenues and ponds. Today only remnants of formal planting remain, however the character of this area is still that of an open landscape setting. Modern developments to the north have had an impact - Markham Vale and the Coalite site can be viewed in the distance. The M1 is also a visible and audible element in the landscape.

Sutton Scarsdale Hall is of exceptional significance, recognised as a grade I listed building and a scheduled monument. Although it is not registered as a historic park and garden, the surrounding landscape associated with the original grounds to the Hall are designated as a Conservation Area.

In the case of both Bolsover Castle and Sutton Scarsdale Hall, setting makes a fundamental contribution to their significance, summarised as follows:

- Their purposeful positioning along the escarpments above the Doe Lea Valley to 'see and be seen.'
- This highly visible location demonstrates the social status and aspirations of the owners/builders - in the case of the Cavendish's, consolidating relatively new found wealth and status.
- The prominent visual relationship between the assets demonstrates the social rivalry between different families and members of families.
- Architecture is designed to deliberately frame views, directing the viewer across the Doe Lea Valley - particularly at Bolsover where there is a series of views both panoramic and tightly framed from the Little Castle and the Terrace Range.
- All assets look out over land which they did not own but still retained the open aspect in order to make use of a 'borrowed landscape' something which, in spite of changes to land management practices and some development, remains clearly visible today.

A Conservation Management Plan exists for Bolsover Castle (English Heritage 2012), and this includes a useful analysis of views which can be obtained out from the site. This is illustrated on page 194 of the plan. The Plan states that the 'Perception of Bolsover Castle, from both far and near, as a dominant element in the landscape is an exceptional aspect of its character and significance. 'The plan further comments that 'In broad terms, the Castle sits on and commands the edge of a steep escarpment, looking out over a broad, shallow valley, which is contained westwards by a rising series of low ridges. The prospect from the Castle over this dish-like valley is therefore panoramic, sweeping round in an arc from the north-west to the south (see Fig 102, CE).....

Some key long distance views from and to the Castle are significant because of its historic relationship with neighbouring properties. Building at Bolsover from 1612 was inspired by a sense of competition with a number of other impressive Elizabethan houses (Worsley 1991): Hardwick Hall, which stands on the edge of the same limestone scarp directly to the south of Bolsover and just visible (on a clear day) from it (G); and Oldcotes (or Owlcotes, as in the present place name) also built by 'Bess of Hardwick', Sir Charles Cavendish's mother, and Sutton Scarsdale Hall, by Sir Francis Leake, both directly visible across the Doe Lea valley, to south-west of Bolsover.'

The development site sits within that panoramic view to the south of Bolsover Castle between the Castle and Hardwick Hall. The landscape south of the Castle has not seen the modern development which is present to the north of the A619 Chesterfield Road and the further south you look the better preserved the historic pattern of small fields with hedgerow boundaries becomes. Thus when visitors look west and south

from Bolsover (and vice versa from Sutton Scarsdale) they have an increased ability to appreciate how the historic landscape surrounding these heritage assets looked. Because the development site is on the side of the Doe Lea Valley it will be visible from Sutton Scarsdale and, to a lesser degree, visible from Bolsover Castle. The precise impact on views from both Sutton Scarsdale and Bolsover is not well illustrated in the submitted documentation, being limited to informal photographs in the Archaeological and Cultural heritage desk based assessment and one LVIA. However enough information has been provided to demonstrate that in both cases the solar farm will be visible as a clearly modern intrusion in an open agricultural landscape. Because both Sutton Scarsdale and Bolsover Castle derive a key element of their significance from their setting this modern intrusion in this location, which remains largely free of such development, will cause harm to the significance of both highly graded listed buildings. Thus we do not agree with the conclusions of the Archaeological and Cultural assessment submitted in support of this application. As the application affects listed buildings the statutory requirement to give special regard to the desirability of preserving the listed building, its settings and any features of special interest must be taken into account by your authority in making its decision (s.66, 1990 Act).

Your authority should aim to achieve the objective of sustainable development which means development that achieves social, economic and environmental gains. Conservation of the historic environment is recognised as one of the 12 core principles of sustainable development in the NPPF.

In determining any planning application, the determining body should take account of the desirability of sustaining and enhancing the significance of heritage assets [paragraph 131]. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation and the more important the asset, the greater the weight should be [paragraph 132]. No higher sense of importance is described in the NPPF. We believe the proposal will cause harm to the significance of Bolsover Castle and Suttons Scarsdale Hall. Where the harm is judged to be less than substantial, harm it should be weighed against the public benefit of the proposal [paragraph 134]. A raft of recent appeal decisions have reinforced the view that less than substantial harm does not equate to acceptable harm.

Recommendation

We believe that the proposed solar farm will harm the significance of both Sutton Scarsdale Hall and Bolsover Castle, heritage assets of the highest significance, both listed at Grade I and scheduled. Ultimately it is for your authority as the decision-maker to consider if public benefits associated with the proposal outweigh that harm, bearing in mind the statutory requirement to give special regard. 27.10.15

Further Comments

Our letter of 27 October 2015 refers to the proposed solar farm as causing less than substantial harm to the significance which both Sutton Scarsdale Hall and Bolsover Castle derive from their setting. As the landscape of the Doe Lea Valley undulates and enables long distance views over the landscape our experience is that solar farms have a clear visual impact. This can be demonstrated by looking at the small solar farm consented to the south of Longcourse Farm, visible from Sutton Scarsdale Hall, which is clearly visible as a modern development in the open agricultural landscape, whose character it erodes. How both Sutton Scarsdale Hall and Bolsover

Castle derive significance from their relationship to the landscape, each other and Hardwick Hall is described in detail in our previous letter.

Substantial harm is defined in the Planning Practice Guidance as being a high test, which is unlikely to arise in many cases. In identifying the impact as less than substantial harm, as defined by the NPPF, that does not imply that we consider the impact to result in acceptable harm. As you are aware the NPPF is clear that all harm requires 'clear and convincing' justification and that the public benefits must be weighed against the harm caused (para 132 and 134 of the NPPF).

This approach is reflected in a raft of recent appeal decisions. In the case of an appeal decision relating to housing at Wymondham, Norfolk (PINS ref APP/L2630/A/13/2196884) the Inspector concluded that the public benefit of meeting a deficient 5 year housing supply was insufficient to justify less than substantial harm to the setting of Wymondham Abbey and that harm should be given "considerable weight", creating a "strong presumption" against the grant of planning permission. In a similar case the benefits of 150 new homes were considered to not outweigh less than substantial harm to the setting of Grade II residential barn conversion and non designated rural landscape (Bishops Tachbrook, Warwick, APP/T3725/A/14/2216200). In light of the development at Longcourse Farm your authority should also consider the cumulative impact of adding further solar farms to the Doe Lea valley.

Recommendation

We believe that the proposed solar farm will clearly harm the significance of both Sutton Scarsdale Hall and Bolsover Castle, heritage assets of the highest significance, both listed at Grade I and scheduled.

However, ultimately it is for your authority as the decision-maker to consider if public benefits associated with the proposal outweigh that harm, bearing in mind the statutory requirement to give special regard, and taking into account the possibility of delivering the same benefits on an alternative site which does not cause harm to the historic environment. 4.12.15

Further Comments

In determining this application we would continue to refer you to our previous letters of advice on this proposal (27 October 2015 and 4 December 2015) which provided detailed advice on the significance which Bolsover Castle and Sutton Scarsdale Hall derive from their setting.

The amended information presented consists of an addendum to the desk-based heritage statement and visualisations and seeks to argue that the development will not harm either Bolsover Castle or Sutton Scarsdale because it will not be visible from Bolsover Castle and only partially visible from Sutton Scarsdale.

The statement that the site will not be visible from Bolsover Castle appears at odds with information in the original heritage statement which concluded that the site would be visible in the long views from the Terrace at Bolsover Castle towards Hardwick Hall. We note that no visualisation of this view has been provided and would advise your authority that it is essential that clarity is provided on whether the site will be visible from Bolsover Castle or not. Irrespective of that it is important to note that that solar farm will be visible in views which encompass the Castle in its landscape from Sutton Scarsdale, in an area of landscape which retains its historic pattern of small field boundaries and is largely free from significant visual modern intrusion. Does this panoramic view also include Hardwick Hall in juxtaposition with

Bolsover Castle? We ask because the historic and current relationship between these great houses is an important part of their shared significance.

The Addendum and visualisations refer to newly constructed solar farms visible from both Sutton Scarsdale and Bolsover Castle as justification for constructing further farms. We do not support this assertion - the impact of these solar farms on the landscape surroundings to both these highly designated assets is now clear. In both cases the constructed farms have clearly harmed the significance these assets draw from their setting by being highly visible modern intrusions. Therefore the cumulative impact is particularly relevant here.

In both cases our experience is that the visualisations submitted in support of the applications did not adequately convey the impact of the farms as built. Thus we would urge caution in assessing the impact of the proposed farm at Palterton on the significance of Bolsover Castle and Sutton Scarsdale Hall on the basis of these visualisations only - I understand that your officer is to make a site visit which will inform your authority's assessment of impact.

Ultimately it remains the case that it is for your authority as the decision-maker to weigh up any harm against the public benefits associated with the proposal, considering if the same benefits could be delivered on an alternative site without any harm to the historic environment, as per the NPPF para 131 and 134. If your authority believe that the impacts could be mitigated by screen planting it will be essential to ensure that any planting is installed on site promptly and is of sufficient size to deliver that mitigation as soon as possible.

Recommendation

We believe that clarification on the information submitted is required as detailed above and we welcome the attendance of your officer at a site meeting.

We believe that the proposed solar farm will harm the significance of both Sutton Scarsdale Hall and Bolsover Castle, heritage assets of the highest significance, both listed at Grade I and scheduled.

Ultimately it is for your authority as the decision-maker to consider if public benefits associated with the proposal outweigh that harm, bearing in mind the statutory requirement to give special regard." 17.12.15

Derbyshire Wildlife Trust – No objection subject to conditions requiring a badger mitigation plan, further bat surveying if further tree felling or tree works are required, submission of a construction environmental management plan (biodiversity) and a Landscape and ecological mitigation plan and no site clearance or construction works between 1st March and 31st August unless ecologist has checked and for active bird nests and provided details to the satisfaction of the Council.12.11.15

Highways England – No objection subject to condition requiring permanent anti-reflective coating to panels and screening to minimise potential glint and glare impact for users of the M1 motorway. 14.10.15

Conservation Officer – (comments after additional information submitted)

The proposed development has a potential impact on a number of heritage assets namely:-

Listed buildings – Bolsover Castle Grade I & Scheduled Monument & Grade I Registered Park and Garden and associated listed buildings.

Sutton Scarsdale Hall Grade I & SM and associated listed buildings.

Hardwick Halls Grade I & SM & Grade I Registered Park and Garden and associated listed buildings.

Church of St John the Baptist, Ault Hucknall, Grade I and associated listed monuments.

Listed buildings in Glapwell.

Listed buildings within the following conservation areas and those located outside the boundaries of these areas:

Conservation area – Astwith, Stainsby, Bolsover, Hardwick and Rowthorne, Palterton, Hardstoft.

It does appear that the proposal will have a less than significant impact upon the settings of Bolsover Castle and Sutton Scarsdale Hall (it can be clearly seen from within the grounds and setting of Sutton Scarsdale Hall). Although the impact is likely to be less than the existing solar farms clearly visible from Sutton Scarsdale Hall we have to consider the cumulative effect of multiple solar sites surrounding these two important Grade I listed heritage assets. It seems that the applicant has not provided photo views from the castle to the proposal site and we were unable to see the view from the terrace at Bolsover Castle on Monday because of the fog/mist conditions. However I think it is likely that the site will be visible from the terrace at the castle and it would be preferable for the applicant to provide this photographic view as part of their application. In the absence of this perhaps another site visit on a clear day would be advisable.

It may be possible to mitigate the impact of the proposal site with planting but we would need a comprehensive landscape scheme and we would need to be sure that it would sufficiently screen the proposal site from Bolsover Castle and Sutton Scarsdale Hall.

Recommendation:

Clarification of whether the proposal site can be seen from the terrace at Bolsover Castle.

The proposal is likely to result in less than substantial harm to the heritage assets of Bolsover castle and Sutton Scarsdale Hall.

If the authority is minded to approve the application, a comprehensive landscape scheme should be submitted so that the authority can be sure that any proposed mitigation scheme will sufficiently screen the proposed solar farm from views taken from surrounding heritage assets. 8/01/16

National Trust –

Hardwick Hall represents one of the best intact examples of an Elizabethan House, built by one of the most powerful, wealthy and entrepreneurial women of the 16th century: Elizabeth, Countess of Shrewsbury, perhaps better known as Bess of Hardwick. Not only is Hardwick an outstanding architectural achievement, it contains a hugely significant collection of 16th century furniture and textiles. Not surprisingly, it attracts over 200,000 visitors annually from all over the UK and overseas.

Hardwick is a property designed to see and be seen. Located high on a ridgeline above the Doe Lea Valley, Hardwick Hall (along with the Old Hall) dominates the surrounding landscape with far reaching views both into and out of the property as well as more intimate views within the park and estate. The setting of the property is essentially rural in character. On pages 26-27 the report briefly addresses the potential for impacts on Hardwick Hall and associated heritage assets. As a point of detail it should be noted that the Old Hall is also a Scheduled Monument. There are a number of problems with the analysis provided in this section. Firstly, the statement that 'There are no views of the Site from the designated heritage assets (Photo 9 and 10)' cannot be validated based on the submitted information. In particular we wish to highlight the existence of a roof top viewing platform at Hardwick Hall. The ability to walk on the leads is a designed feature of Hardwick Hall

and plans are currently being formulated to reintroduce public access to this area. It is not possible to confirm from the application materials whether the development would be visible from the Hall roof which has far reaching views. We consider that the ZTV in Figure 05 should extend over a much larger area and should take account of the height above ground of receptors such as Hardwick Hall. From the Park we consider that it is unlikely that the development would be visible to any significant degree, although it may be visible from the grounds of Ault Hucknall church which is historically associated with Hardwick Estate. It is also possible that the solar PV field would be visible in views of the Halls and Park taken from other locations.

Equally problematic is the content of the second bullet point which implies that the setting of Hardwick and associated heritage assets is constrained to its immediate environs, primarily within the Registered Park and Conservation Area. This assessment does not properly reflect the nature of Hardwick's setting. The prominent and self-conscious positioning of the Halls on a dramatic ridgeline ensures that they can be seen for many miles beyond the boundary of the Hardwick and Rowthorne Conservation Area. In conclusion, in accordance with NPPF paragraph 128 we consider that historic significance and impacts, including any impacts on Hardwick Hall and associated heritage assets, need to be properly assessed so that these can be taken into account in the planning balance._27.10.15

Coal Authority –

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development.

However the potential exists for unrecorded mine workings to be present within coalfield areas. In the interests of public safety, therefore, The Coal Authority would recommend that, should planning permission be granted for this proposal wording is included as an Informative Note within the Decision Notice 26.10.15

Environmental Health -

Due to the coal mining legacy, the presence of a disused quarry to the south of the site and two closed landfills within the vicinity of the site we would have concerns regarding the potential accumulation of ground gases in the proposed buildings at the site. Therefore, in the event that planning permission is granted, we would recommend that the following condition is attached:

- 1) Prior to development commencing, a gas risk assessment must be carried out for any buildings proposed for this development. 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.

- 2) 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.

This memorandum in no way indicates that this site is currently considered to be contaminated, merely that the potential for contamination exists on this site. We do not currently have any entries on our register of contaminated land as we are presently at the stage of inspecting the District and identifying potentially contaminated sites. If any of these sites warrants regulatory action, an entry will be made on the public register.

PUBLICITY By site notice, press advert and 9 neighbour letter. 1 letter of representation has been received as a result of publicity. This letter raises issues about land ownership and access rights (which are not planning considerations). The letter also raises concerns about highway safety and the volume of traffic necessary for the site to operate and questions the veracity of ecology reports submitted with the application.

POLICY

Bolsover District Local Plan (BDLP):

GEN1 (Minimum Requirements for Development);

GEN2 (Impact of Development on the Environment);

GEN5 (Land Drainage);

GEN7 (Land Stability)

GEN8 (Settlement Frameworks);

TRA10 (Traffic Management);

TRA12 (Protection Of Existing Footpaths and Bridleways);

CON10 (Development Affecting the Setting of Listed Buildings);

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

ENV3 (Development in the Countryside); and

ENV5 (Nature Conservation Interests throughout the District);

ENV6 (Designation and Registered Nature Conservation Sites);

ENV8 (Development Affecting Trees and Hedgerows).

Hardstoft Conservation Area Appraisal and Management Plan 2010

Bolsover Conservation Area Appraisal and Management Plan 2010

Astwith Conservation Area Appraisal and Management Plan 2010

Bolsover Castle Conservation Management Plan (English Heritage 2012)

Other

S66 of the Listed Buildings & Conservation Areas Act 1990 – requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant planning permission.

S72 of the Listed Buildings & Conservation Areas Act 1990 – requires local planning authorities to have special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

English Heritage Guidance – The Setting of Heritage Assets (2011) - Sets out the extent of setting in relation to listed buildings and the importance of views and setting both of and from heritage assets.

National Planning Policy Framework

Paragraph 14 comments on the importance of:

“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”.

Paragraph 17 lays down twelve core planning principles that must be taken into account when plan-making and decision-taking. This paragraph states that planning must:

“support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)”.

Renewable energy generation is discussed at length in Part 10 and paragraph 97 comments that we need to “recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources”. It also states that Local Planning Authorities should have: “a positive strategy to promote energy from renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily”.

Paragraph 98 states that 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”.

Paragraph 28 comments that local plans should “promote the development and diversification of agricultural businesses”, thereby supporting rural communities.

Paragraph 128 - In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic

environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 129 - Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 132 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 131- In determining planning applications, local planning authorities should take account of:-

- The desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness

Paragraph 137 Local Planning Authorities should look for opportunities for new development within conservation areas and world heritage sites and within the setting of heritage assets to enhance or better reveal their significance.

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

The main planning considerations in relation to this proposal are the principle of a ‘Solar Farm’ in the open countryside including impacts on ‘best and most versatile’ agricultural land and its impacts on the character and appearance of that countryside, heritage assets and their settings, and impacts on ecology and biodiversity interests. Other issues for consideration include impacts on flood risk/drainage issues, highway safety and residential amenity impacts.

The desire to deliver renewable energies as a means of seeking to address climate change issues is well documented and national planning policy is supportive of the principle of the provision of renewable energy projects, subject to ensuring acceptable levels of environmental impacts. Similarly adopted Local Plan policy

ENV3 (Development in the Countryside) states that planning permission will be granted for development which is required for the exploitation of sources of renewable energy subject to environmental criteria, the relevant ones of which include the sustainability of its location, and not being materially harmful to the landscape.

As the land is agricultural grade 3B there is no issues with the loss of any best and most versatile agricultural land.

Landscape Impacts including Residential Amenity:

A Landscape Appraisal has been submitted as part of a wider Landscape and Visual Impact Assessment (LVIA) undertaken. The assessment included use of Zone of Theoretical Visibility (ZTV) models covering a radius of 5km to help identify receptors that are most likely to be affected by the proposed development. Photographs and viewpoints have been included from 11 representative viewpoints. An addendum to the Archaeological and Cultural Heritage Desk Based Assessment was also submitted containing images from a further 6 viewpoints as well views of other solar farms visible from Sutton Scarsdale Hall.

In response to the Landscape Assessment the following measures have been introduced to reduce visibility of the scheme and to strengthen existing landscape features:

- Woodland block planting is proposed along the northern boundary and the northern end of the eastern boundary of the site, which will help to screen views of the development from the wider landscape and reduce the impact on views from Sutton Scarsdale Hall and Bolsover Castle and other viewpoints.
- Existing boundary hedgerow to be retained and gaps will be infilled with appropriate native species of local provenance and suited to the location, such as hawthorn. Decisions on planting will be agreed with the Council prior to the commencement of construction.
- Deer fencing will be used within the site perimeter which is in keeping with the rural location of the site.

The LVIA states that the proposals would not have a notable impact on any locally or nationally designated landscapes and considers the proposal against Derbyshire County Council's 'The Landscape Character of Derbyshire' (2014) document. The LVIA notes that the landscape impacts from the selected viewpoints will range from negligible/no change to moderate/adverse.

Distant views of the site will be available from properties and highway users on Palterton Lane on the approach to Palterton from Sutton Scarsdale. Whilst there is clearly an impact, these views will be across the M1 motorway and from some distance.

Rylah Farm is the nearest residential property to the proposed development. The property is adjacent to the highway and at a lower level than the development. There are existing hedgerows and planting which limit views of the site. The proposed additional planting, should further mitigate the visual intrusion of the development

itself. However the impact of the height of the proposed landscaping on this property would need to be considered in any landscaping submission.

There will be more prominent views of the site from Rylah Hill, Stockley Hill Farm Westley House, Stockley Farm and the Twin Oaks Hotel and on the approach from the M1 junction. The orientation of Stockley Farm and Stockley Hill Farm is such that it should not be visible in views from the main house elevations; Westley House main orientation is towards the site and will be more affected. Whilst the topography of the site means that the whole site may not necessarily be visible from these properties and the road, the areas that are visible will not and cannot be completely screened by any acceptable landscaping provision. Whilst the proposed development may be a prominent feature from these properties these concerns must be weighed against the government's position on renewable energy as set out in part 10 of the NPPF.

A judgement has to be made as to whether the impact on residential and visual amenity generally is acceptable in planning terms. The site will be seen in local views particularly from the higher ground to the south. It will be evident in terms of general landscape impacts. Subject to the additional planting proposals the visual impacts of the scheme can be mitigated but not eradicated.

Heritage Impacts:

In terms of historic assets, the studies show that the proposals will have visual impacts to designated heritage assets in the vicinity. Part of the development will be visible from Bolsover Castle and Sutton Scarsdale Hall and Hardwick Hall and Park. These are a group of the highest status assets, which will be affected.

A small part of the north western corner of the site is visible from the Castle, although this view is limited, and to the extreme southern point of the vista when viewed from the Castle. The Castle is about 3km from the site.

The viewshed model submitted with the addendum indicated that views from Hardwick (about 4km to the south) are similarly limited to views of the very north eastern corner of the proposed development.

The LVIA and addendum photographs and viewshed models indicate that views from Sutton Scarsdale Hall allow more of the site to be viewable from this vantage point (about 3km west of the site). The site is visible from the Hall and associated parkland at the extreme southern end of the panorama. It is noted that there are other solar farm developments and a wind turbine visible to the north of Sutton Scarsdale Hall in North East Derbyshire District Council and Chesterfield Borough Council land.

The Council needs to consider the cumulative impact of the existing and proposed development.

Historic England has commented that they consider that the impact of the proposed development on Sutton Scarsdale Hall and Bolsover Castle would amount to less than substantial harm.

The Council's Conservation Officer agrees that the development could result in less than substantial harm to Bolsover Castle, Sutton Scarsdale Hall and the Hardwick

Group of Buildings.

Any potential consequent adverse impact on historic assets clearly weighs heavily against the granting of planning permission. It is the statutory duty of the Local Planning Authority when considering such applications, to have special regard to the desirability of preserving the building and its setting and its features or historic interest, and this is also reflected in the policies applicable. The general presumption under this duty should be to avoid the harm if possible, but the harm can only be acceptable if the benefits clearly outweigh the harm.

The important elements of the setting of the main heritage assets are set out in the consultation responses, particularly from HE. The open agricultural character, comprising small fields, is considered to be an important element for all the assets. The proposal is industrial in nature and clearly alters the character of the site. The site is around 3km from Bolsover Castle and Hardwick Hall, which reduces the visual prominence of the site in that setting. There will also be some screening potentially from existing features. These views can be effectively mitigated by additional on-site landscaping, which can be controlled by condition.

The greatest impact is likely to be upon the setting of Sutton Scarsdale Hall. The site is visible in the distance from the Hall and surrounding parkland. The views of the site are to the extreme southern end of the panorama. The site is not in a direct line of sight in views of Bolsover Castle from Sutton Scarsdale Hall. Whilst the site is visible the LVIA and the addendum suggest that the topography of the site means that only the northern and western elements will be visible from the Sutton Scarsdale Hall. Whilst Historic England has questioned the reliability of such models, they have not provided contrary evidence to what has been submitted. Having viewed the site from Sutton Scarsdale it would appear that the topography should go some way to limiting views of the proposed development but it will still have a detrimental impact at the less than substantial level. Additional landscaping could further mitigate views of the site from Sutton Scarsdale and therefore lessen the impact. However the topography and landscaping will not screen views of the site completely.

There are significant existing renewable schemes in views to the north from Sutton Scarsdale Hall. These could be seen together with the proposed development only in the context of a sweeping panoramic view from the Hall; i.e. not in the same view if one stands facing northwards. The developments are opposite ends of a panoramic view of the setting. The cumulative impact is considered to be not significant because that part of this proposal that will be visible will still be seen within a rural landscape that is predominantly smaller agricultural fields, rather than the more intrusive development to the north which very much “draws the eye”.

Whilst the development does impact upon the setting of Sutton Scarsdale Hall at a less than substantial level, it is considered that the view is distant; of a small part of the site; and is only viewable from a limited view from the Hall; and is partially mitigated by existing planting. Views of the site will be mitigated to some extent by the proposed landscaping which can be required by condition.

In terms of archaeology, the applicant has submitted a desk-based assessment and geophysical survey. This suggests that the site is substantially disturbed, with backfilled opencast or made ground. The applicant’s coal mining report shows that

substantial parts of the site have been subject to disturbance from mining activity, including spoil-tips, a pond, and opencast extraction. In areas of lesser disturbance the geophysical survey has detected remains of a post-medieval field boundary and modern land drains, but nothing of likely archaeological significance. The archaeologist has advised that he concludes that the site is of minimal archaeological potential.

There is harm to the setting of the three main listed buildings discussed above at the less than substantial level. Some mitigation through additional planting can be achieved, but there remains a level of harm that must still be given substantial weight in the decision.

Ecology

In terms of ecology impacts, a preliminary Ecological Appraisal has been completed and submitted. The Derbyshire Wildlife Trust has requested conditions requiring a badger mitigation plan, bat surveying if further tree felling or tree works are required, submission of a construction environmental management plan (biodiversity) and a Landscape and Ecological mitigation plan. These can be required by condition and will address the ecological issues arising from the development. They have also requested a note about site clearance or construction works between 1st March and 31st August which could be added to any permission.

Drainage

The Flood Risk Assessment submitted with the planning application has been reviewed by the Flood Risk Team at Derbyshire County Council. They advise that if the recommendations of the Flood Risk Assessment are followed (chisel ploughing between rows; wild meadow planting; raising inverter pods etc 150mm off ground level) then there is no objection in principle to the proposed plans. Such works can be conditioned in any planning permission. The Environment Agency has not objected.

Ground Conditions

The Coal Authority Mining Report has identified the presence of deep coal seams which have been worked. There are no recorded shafts within the site. The deep seams are unlikely to affect the project as proposed. The Coal Authority has not objected but asked for a note to be added to any approval.

The Environmental Health Officer has similarly referred to former landfill, along with former mine workings that could result in potential ground gasses and recommends a condition relating to unexpected contamination along with a condition relating to ground gas assessment and where necessary, mitigation. This can be controlled through conditions.

Glare

A glint and glare assessment has been undertaken that concludes that no issues will arise from such impacts. Highways England has not objected subject to a condition requiring a permanent anti-reflective coating on the solar panels. This can be conditioned.

Traffic

It is proposed to route construction traffic to approach and leave via J29 of the M1. This is acceptable in highway terms. DCC Highways has requested conditions as set out above. As the site area has changed since the Construction Management Plan was produced it is not unreasonable to require detailed plans of the construction access and a revised Construction Traffic Management Plan to be approved. They also seek a Construction Method Statement to cover matters such as staff parking, loading and storage areas, wheel washing, controls over dust and dirt and waste disposal/recycling (the latter is not a highway issue) which can be covered by condition to ensure there is minimal impact on the safety of the highway. Gates set back is not required as there are permitted development rights and the management plan should deal with delivery of materials. Signage and traffic management measures are controlled under Highway powers and should not be duplicated. A separate traffic plan for decommissioning is not required; that should form part of the overall decommissioning scheme.

Other Matters

Listed Building: See assessment

Conservation Area: See assessment

Crime and Disorder: See assessment

Equalities: No known issues

Access for Disabled: No known issues

Trees (Preservation and Planting): See assessment

SSSI Impacts: N/A

Biodiversity: See assessment

Human Rights: No known issues

CONCLUSION:

The proposal results in less than substantial harm to the heritage assets described above. Whilst it is considered that additional landscaping could reduce the harm it cannot eliminate it. Therefore, whilst this harm is considered to be at the lower level of the less than substantial range, it is nevertheless harmful and the S66 test- substantial weight to be given to the preservation of the setting of these high status assets- has to be applied to the decision.

The other impacts are the visual impact on this area of countryside and the impact on views from residential properties. As alien industrial type features solar farms are incongruous elements when viewed close up in a countryside context. The additional planting will not eradicate all views.

The benefit is the contribution to renewable energy supplies and the associated benefits to managing climate change. This is a material consideration in the decision.

Also the scheme complies with the aim of avoiding the loss of the best agricultural land.

This is a finely balanced decision. It is considered on balance by officers that the benefits outweigh the impacts, subject to compliance with the conditions. Overall whilst the proposal does not comply with the policies of the development plan other material considerations, including the policies of the NPPF, indicate that permission

should be granted.

RECOMMENDATION Approve subject to the following conditions given in ion précis form to be formulated in full by the Assistant Director of Planning: -

- C 1 The development shall be begun before the expiration of three years from the date of this permission.
- C 2 The generation of electricity from the development shall cease no later than 29 years after the first commercial generation of electricity from the development after which time the site shall be restored in accordance with the approved Decommissioning and Site Restoration Scheme approved under condition 4 below.
- C 3 The development operator shall, within one month of the first commercial generation of electricity from the development to the electricity grid, notify the local planning authority in writing of that date.
- C 4 No later than 3 years before the expiry of the planning permission hereby granted, 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 and measures and timetable to secure the removal all elements of the development and related restoration site measures including highway safeguarding and routing. The scheme shall be implemented as approved.
- C 5 Notwithstanding the submitted fencing details, prior to the first commercial generation of electricity from the development to the electricity grid, fencing shall have been erected in accordance with revised details that shall have first been submitted to and approved in writing by the Local Planning Authority.
- C 6 No development shall take place other than in accordance with a Written Scheme of Investigation for archaeological work which has first been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
 - 1. The programme and methodology of site investigation and recording
 - 2. The programme for post investigation assessment
 - 3. Provision to be made for analysis of the site investigation and recording
 - 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 - 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
- C 7 The development shall not be brought in to use until the site investigation and post investigation assessment has been completed in accordance with the

programme set out in the archaeological Written Scheme of Investigation approved under condition 6 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- C 8 Notwithstanding the submitted details in the landscape strategy plan (LVIA fig 07 received 5th August 2015), prior to the first commercial generation of electricity from the development to the electricity grid, landscaping planting shall have been completed in accordance with a revised landscape plan which shall first have been approved by the Local Planning Authority. The scheme shall include comprehensive landscaping provision to minimise inter-visibility between the site and Bolsover Castle and the Hardwick Hall Estate and minimise inter-visibility between the site and Sutton Scarsdale Hall Estate. The scheme shall also include landscaping to screen views of the customer cabin to be located adjacent to the Stockley Trail.
- C 9 Notwithstanding the submitted details in the landscape strategy plan (LVIA fig 07 received 5th August 2015), prior to the first commercial generation of electricity from the development to the electricity grid, a landscape management plan shall have first been submitted to and approved in writing by the Local Planning Authority.
- C 10 Prior to works for the erection of any buildings commencing, a gas risk assessment must be carried out for any buildings proposed for the development and remediation measures proposed where necessary. The assessment and remediation proposals (where shown to be necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to works on any buildings commencing. 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 prior to any buildings on the development being brought into use.

- C 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted an investigation and risk assessment in accordance with current guidance and where remediation is necessary a remediation scheme must be prepared and both documents (where necessary) must be approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved. 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 prior to the operation of any structure located upon the affected land.

- C 12 Prior to its installation, that shall be before the first commercial generation of electricity from the development to the electricity grid, full details of the proposed CCTV system shall have been submitted to and approved in writing by the Local Planning Authority, to include details, including colours and materials, of all parts of the proposed CCTV system, including any supporting posts. Following its erection, the CCTV shall be maintained as approved for the lifetime of the development.
- C 13 The Invertor Pods, Substations, Storage Room and Meter housings shall be installed in accordance with the submitted drawings and coloured either RAL 6009 (Green), BS4800 14 C 39 or similar Green colours prior to the first commercial generation of electricity from the development to the electricity grid, except in the case of the DNO brick substation, where prior to its erection on site, details of the brick to be used shall have been submitted to and approved in writing by the Local Planning Authority prior to any works on that building progressing above foundation level.
- C 14 The development permitted by this planning permission shall be carried out in full accordance with Conclusions of the 'Stockley Hill Farm PV Flood Risk Assessment', prepared by JBA Consulting for Global Renewables Construction Ltd, dated July 2015 and shall be completed within 6months of the first generation of electricity from the site.
- C 15 The development permitted by this planning permission shall be carried out in full accordance with submitted Sections 4.10 - 4.12 of the Coal Mining Risk Assessment Report prepared by Earth Environmental & Geotechnical Ltd, dated May 2015.
- C 16 The development permitted by this planning permission shall be carried out in full accordance with the recommendations set out in section 6 of the Preliminary Ecological Appraisal – Badger Annexe dated July 2015.
- C17 No development shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority and the CEMP shall be implemented as approved.
- C 18 No development shall take place until a Ecological Mitigation and Management Plan, taking into account the Habitat Management Plan and to include details of all biodiversity enhancement measures, timescales for their implementation, as well as management and maintenance for the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority and the Ecology Mitigation and Management Plan shall be implemented as approved.
- C 19 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to oil, fuel or chemical and water,

for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

- C 20 If at any time the development ceases to produce electricity and export it to the grid all the equipment, materials and buildings shall be removed and the land restored to a level field unless an alternative Decommissioning and Site Restoration Scheme has been submitted to and approved in writing by the Local Planning Authority. In those circumstances the approved scheme shall be implemented.

Note

1. Breeding birds - We would advise that no site clearance work / construction should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before work is commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.
2. In respect of condition 8, in considering any landscaping scheme the Local Planning Authority seeks to ensure the protection of the setting of specified listed buildings and will require the inclusion of extra heavy standard tree planting along the northern boundary of the site and additional screen planting to the western boundary and planting within the site . Offsite planting may be acceptable if it can be demonstrated that you have control over the land and that the planting is included in any maintenance plan (condition 9).
4. Conditions 10 and 11 in no way indicate that this site is currently considered to be contaminated, merely that the potential for contamination exists. We do not currently have any entries on our register of contaminated land as we are presently at the stage of inspecting the District and identifying potentially contaminated sites. If any of these sites warrants regulatory action, an entry will be made on the public register.
5. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any of the coal mining features are unexpectedly encountered during development, these should be reported

immediately to The Coal Authority on 0345 862 6848. Further information is available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

6. Notes about content of CEMP.



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