

Agenda Item:	5.2
Site:	Proposed Solar Farm, North of Bramble Cottage, Greensmiths Lane, Upper Leigh, Staffordshire, ST10 4NY
Proposal:	Installation of a 49.9MW solar photovoltaic array/solar farm with associated infrastructure (Cross boundary site with Staffordshire Moorlands District Council)

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Penelope James

[Hyperlink to Application Details](#)

Application Number:	P/2023/00217
Planning Officer:	Lisa Bird
Type of Application:	Detailed Planning Application
Applicant:	Lightrock Power
Ward:	Blythe (formerly Abbey Ward)
Ward Member (s):	Councillor C V Whittaker
Date Registered:	06/03/2023
Date Expires:	24/05/2023. Extension of time agreed until 29/02/2024, further extension of time agreed until 25/04/2024.
Reason for being on Agenda	Report back to Committee following deferral by Members at the meeting on 27 th February 2024

1. Background and Comment

- 1.1 This application to develop the land for the installation of 49.9MW solar photovoltaic array/solar farm with associated infrastructure was considered by planning committee on 27th February 2024. .
- 1.2 The Committee resolved that the application be deferred for the following reasons:
 - To allow for further consultation with the applicant surrounding the use of alternative field arrangements.
 - To allow for further consultation with the applicant surrounding the safety of the battery storage unit.

- 1.3 Members also requested that the applicant undertake further consultations with local residents.
- 1.4 The applicant has provided an amended Indicative Site Layout Plan (ISLP) and an amended Landscape Mitigation Plan (LMP), specifically in relation to alterations to the panel arrangements in fields 16 and 20 adjacent to Leigh Lane and also in relation to the Battery Energy Storage System (BESS) which has now been removed from the proposals.
- 1.5 The applicant has also provided further information in respect of the 49.9MW capacity of the proposals.
- 1.6 The applicant has also advised that they have consulted further with Leigh Parish Council in relation to the community benefit fund operated by the applicant and stated that an open dialogue is being maintained. This matter is not material to the determination of application itself as it falls outside the remit of the Planning Acts.

2. Consultation responses and representations (received following the Committee deferral and re-consultation with Leigh Parish Council)

- 2.1 A summary of the consultation responses is set out below:

Statutory and non statutory consultee		Response
2.2	Leigh Parish Council	<p>Leigh Parish Council and the residents of Leigh strongly express our disappointment in the continued lack of consultation and poor communication with the residents by the applicant Lightrock Power in regard of planning application P/2023/00217.</p> <p>The initial application (which was only a scoping document) was submitted on 6 March 2023, following which the Parish Council made contact with Lightrock Power who were invited to attend an initial meeting on 21 March 2023 with 80+ residents of the parish.</p> <p>They presented their plans on 21 March 2023 and advised that once they had worked up all the specific areas and had more detailed plans, they would come back prior to submission and go through the particular areas of concern, ie Fields 16 & 20, battery location and the traffic management plan. FYI it was asked if the panels in fields 16 and 20 could be moved to the fields to the rear of the main landowner, in response it was suggested that the landowner didn't wish to have them any closer to his property. This all represents that the applicant and landowners are not willing to find alternative solutions to the issues raised by residents.</p>

	<p>The Parish Council had no further contact from Lightrock Power and we were then advised by ESBC that the application was being heard by the Planning Committee on 27 February 2024.</p> <p>Following this meeting, we received an email from Lightrock Power on 4 March 2024 advising that it was suggested at the planning committee that they undertake further engagement with the parish re the community benefit fund. They were advised by the Parish Council that it is not the community benefit fund we wish to engage with them about but the areas of the application that are of grave concern to the Parish and we will be in touch to set up a meeting.</p> <p>On 20 March we received the revised planning application where in a covering email from Lightrock Power they advised that "they are consulting further with the Parish regarding the community benefit fund and their aspirations on this matter. As this is not a matter pertaining to planning, we are of the opinion that this can be undertaken separately as it would not affect the consideration of the application in planning terms. With regards to consultation from a planning perspective, we believe that sufficient consultation has been undertaken to cover the necessary requirements in these respects. We will continue to maintain an open dialogue with the Parish."</p> <p>On 21 March we received an email from Lisa Bird advising why the application was deferred:</p> <ol style="list-style-type: none">1. To allow for further consultation with the applicant surrounding the use of alternative field arrangements.2. To allow for further consultation with the application surrounding the safety of the battery storage unit.3. Members also requested that the applicants undertake further consultations with local residents. <p>The parish do not believe that one meeting over a year ago before all the detailed plans were submitted is sufficient consultation and therefore invited Lightrock Power to attend a meeting on 8 April, Lightrock Power could not commit to be in attendance due to his holiday commitments, so it was moved to the following day which they agreed to attend. However due to venue availability Clerk emailed Lightrock Power on 2 April to advise of new date to which there was no response, therefore on the 8 April the Clerk emailed Lightrock Power to advise that due</p>
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		<p>to the absence of a response the meeting had to be postponed to which an immediate reply was received.</p> <p>Lightrock Power have now been asked to attend the next Parish Council meeting on Tuesday 7th May so that further consultation can take place.</p> <p>Therefore we are requesting that the application does not go back to the Planning Committee in April as Lightrock Power have not fulfilled the main criteria and one of the key reasons the application was deferred ie that further consultation with local residents is required. This has not happened despite best endeavours by the Parish Council to set it up.</p> <p>FYI we are trying to setup a meeting with the SCC Highways Department to determine how the conclusion was reached that the access proposed is acceptable given that local knowledge knows it is totally unsuitable for this amount of HGV's and the few that use it now will always, if possible, use an alternative route due to the high number of near misses.</p> <p>The Parish would appreciate a swift response to this email as we are aware that the next planning committee meeting is on 23 April 2024.</p> <p>The Parish Council indicate that they have also made Kate Kniveton MP aware of their comments above.</p>
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3. Neighbour responses (received following re-consultation)

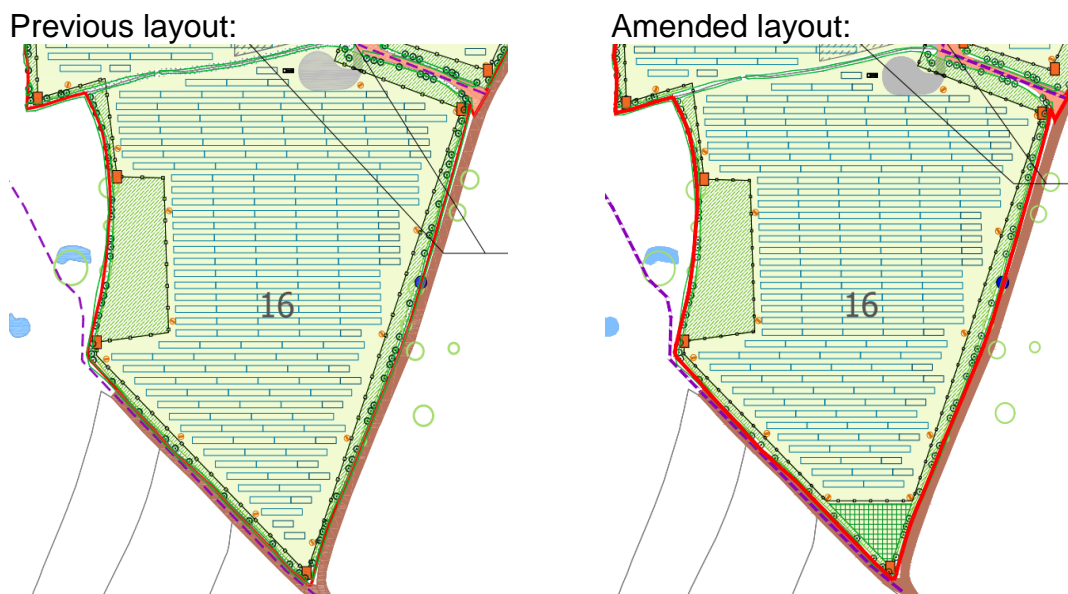
- 3.1 69 objections have been received to date, 34 of these from residents who had commented on the previous submissions and 35 from residents who had not previously commented. It is noted that these were re-iterating or are reflecting previous comments in relation to the principle of the proposal, impacts on residential amenities, impacts on visual amenities, highway safety and the surrounding road infrastructure, heritage impacts, health and wellbeing, flooding and drainage, biodiversity and soil quality. These responses did include comments in relation to the battery storage area and the panels in fields 16 and 20, however, these were only to reiterate concerns over safety and visual amenity impacts.
- 3.2 Only 14 of the comments received were in relation to the specific amendments made by the applicant, these are summarised below:

Neighbour Objections:	
Alternative Field Arrangements	<ul style="list-style-type: none"> • The alternative field arrangements for fields 16 and 20 will not change the impact on the wider area, the site is in a valley and the screening will not be effective. • The amendments to the two fields are completely inadequate. • Only a handful of panels have been removed, particularly from field 20 which has done nothing to protect Leigh Lane Farm. • There is no reason why the panels cannot be located closer to the landowner rather than adjacent to Leigh Lane • Panels should be at least 150m away from residential properties.
Battery Storage Area	<ul style="list-style-type: none"> • The removal of the BESS from the application implies that there will be solar panels on the site before any possibility of connecting to the grid. • Concerns that whilst the BESS has been removed from the site the compound would remain • There should be a stipulation that no battery storage can be added at a later date • Concerns that the solar farm will not operate properly without the BESS and may affect other components of the infrastructure •
Engagement with Local Community	<ul style="list-style-type: none"> • Concerns have been raised that little effort has been made to engage with the local community. • There has been no consultation with residents following the February committee meeting • The agent spoke with members of the public following the last meeting and indicated that contact would be made with residents, this hasn't happened. • The Parish Council have been unsuccessful in getting the applicant to agree to a community meeting prior to the closure of the consultation period • The community fund available should be shared between the two Local Authorities and there should be an annual scheme in place to compensate villagers for the disruption, perhaps the first 1,000 homes of the 15,000 that will be

	powered by the solar farm per year should be local residents houses
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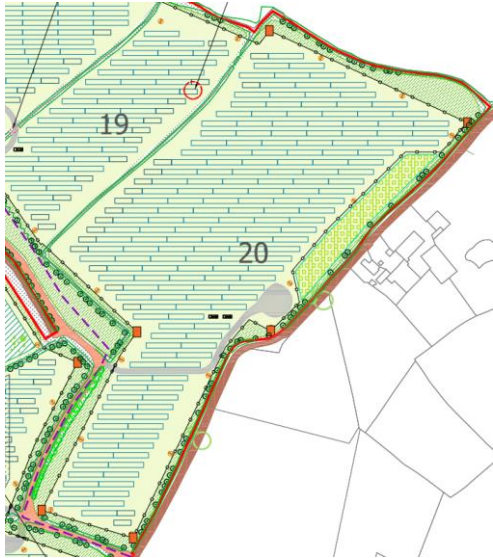
4. Alternative Field Arrangements

- 4.1 The amended panel arrangement would see panels removed from the southern corner of field 16. The panels originally came to approximately 15m away from the southern-most corner of field 16, four rows of panels have been removed, increasing the distance from the first row of panels to the southern corner of the application site to approximately 60m (the fence line has also been amended so that fencing would be situated approximately 50m away from the southern-most corner). Extracts from the LMP are set out below to demonstrate the amendments:

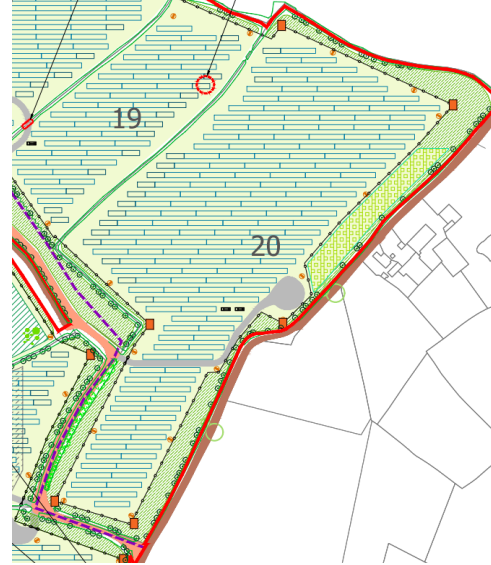


- 4.2 In respect of planting to field 16 the area formerly proposed to be occupied by solar panels has been amended to introduce an area of native species small tree mix planting. This planting once established is considered to enhance the existing hedge screening and would reduce views of the proposed solar panels from the adjacent road and public footpath.
- 4.3 In terms of the arrangements to field 20, the amended drawings indicates that panels have been removed from the north-eastern corner of this field, to the north of the proposed copse adjacent to Leigh Lane, resulting in panels along this stretch of Leigh Lane being set back from the field boundary by approximately 25m, with the fence line repositioned accordingly. The area to the south of field 20 was previously capable of containing panels in close proximity of the boundary with Leigh Lane, this area has been reduced and the proposed fence line repositioned to sit approximately 20m beyond the boundary with Leigh Lane. Extracts from the LMP are set out below to demonstrate the amendments:

Previous layout:



Amended layout:



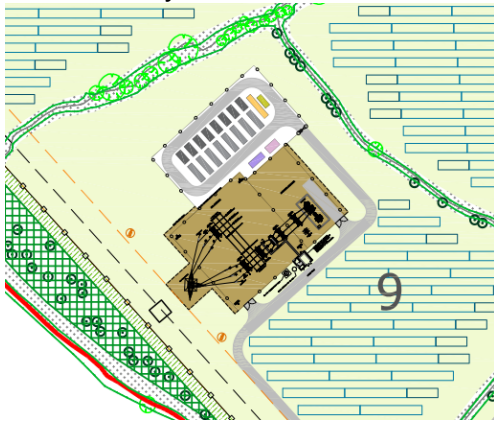
- 4.4 In terms of planting to field 20 the wildflower meadow planting has been extended to the areas where the solar panels have been removed, this planting would be situated between the proposed fencing and the field boundaries with Leigh Lane.
- 4.5 In addition to the amendments made to the panel and planting arrangements in fields 16 and 20, cross sections have been provided which demonstrate that the proposed hedge and tree planting would screen the fencing and solar panels once fully established, as the hedgerows and tree planting would be taller than the height of the proposed panels and fencing.
- 4.6 The Landscape and Visual Appraisal (LVA) was assessed by an Independent Landscape Consultant, who commented that given the relatively low height of the majority of the proposal and ability to provide screening, the presence of the solar equipment would be reduced over time as the planting grows and therefore the effects to the landscape would also reduce. Given the amendments to the scheme along Leigh Lane, it is considered that the additional planting and reduction in the number of solar panels would overcome concerns in relation to the visual impact of the proposals on Leigh Lane.

5. Battery Energy Storage System (BESS)

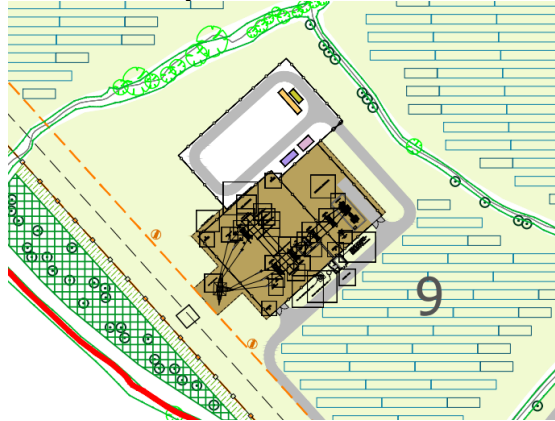
- 5.1 Members raised concerns at the February Committee meeting in relation to the safety of the BESS, given its proximity to the River Blithe and comments in relation to the potential for leaks and fires. Members were advised during the Committee meeting that such events would be monitored by the applicant and would be dealt with via the proper protocols and procedures governed by other health and safety legislation. The applicant was given the opportunity to provide further information in relation to the safety of the BESS, and this was a reason for the deferral of the application.
- 5.2 The applicant has confirmed that the BESS has been removed from the application proposals, therefore the battery storage containers and the PCS inverter units have been removed from the BESS compound. It is noted that

the area where the compound was proposed is still proposed to be formed of hardstanding.

Previous layout:



Amended layout:



- 5.3 The BESS would have stored energy which was not required to feed directly into the grid until such time as it was needed. However, the agent has confirmed that the solar farm can be operated independently of the BESS and it's operation is not affected by the removal of the BESS. The solar panels proposed are capable of feeding straight into the grid via the inverters; the inverters/transformers proposed within each field area (the positions of which have not been amended) would convert the harvested direct current (DC) energy to alternating current (AC) to allow it to feed into the grid.
- 5.4 Given the removal of the BESS from the scheme it is considered that there will be no significant impact from the siting of batteries within the site in terms of ecology or pollution. It is further considered that as this part of the site would now only contained some hardstanding and no further built form, the impact on the visual amenities of the area has been marginally reduced and is considered to be acceptable.

6. 49.9MW Capacity of Solar Farm

- 6.1 The applicant has taken the opportunity to provide further information in relation to the size of the proposed solar farm at 49.9MW, falling just 0.1MW short of the proposal being a Nationally Significant Infrastructure Project. This capacity is for the entirety of the solar farm across both the East Staffordshire and Staffordshire Moorlands areas.
- 6.2 Paragraph 2.10.53 of the National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3) states *'From the date of designation of this NPS, for the purposes of Section 15 of the Planning Act 2008, the maximum combined capacity of the installed inverters (measured in alternating current (AC)) should be used for the purposes of determining solar site capacity'*.
- 6.3 Paragraph 2.10.17 of the NPS also provides typical parameters for solar farms stating that *'along with associated infrastructure, a solar farm requires between 2 to 4 acres for each MW of output. A typical 50MW solar farm will consist of around 100,000 to 150,000 panels and cover between 125 to 200 acres.'*

However, this will vary significantly depending on the site, with some being larger and some being smaller.'

6.4 The application site measures approximately 92.9 hectares which equates to approximately 229.5 acres. Whilst this is, in overall area, larger than the typical parameters set out in the NPS the Planning, Design and Access Statement (PDAS) states that the actual development area, area covered by infrastructure, extends to approximately 49.5 hectares (this will have been reduced marginally by the amendments under consideration) which equates to approximately 122.3 acres, which is at the smaller end of the scale indicated in the NPS.

6.5 The agent has confirmed the following information:

- The solar farm is designed with 19 inverters, rated at 2.6MVA each, giving a total maximum combined capacity of the 49.4MW.
- The number and size of the solar panels has been designed to optimise the performance of the inverters and the potential output of the site (as recommended by NPS paragraph 2.10.61 which states that *'for a solar farm to generate electricity efficiently the panel array spacing should seek to maximise the potential power output of the site'*).
- The amended ISLP indicates that the solar farm has approximately 91,752 panels which is below the typical range for a solar farm of this capacity. The footprint of the panels and associated infrastructure is approximately 61 acres, with the fenced areas measures at approximately 122 acres which is below the typical average for a solar farm of this capacity.
- Due to rapid advancements in technology, it is common for the exact type of panel that will be installed to be selected closer to construction. Subsequently the assessments undertaken as part of this application have considered the upper limits of dimensions as to what may be required and as such have assessed a worst-case scenario.
- The maximum export capacity of the site will never exceed 49.9MW and will consequently always fall within the remit of the Town and Country Planning Act.

6.6 In light of the above it is considered that the proposal does fall within the remit for determination by the Local Planning Authority and does not constitute a National Significant Infrastructure Project.

7. Conclusions

7.1 The proposed amendments to the scheme are considered to address concerns in relation to the visual impacts of the development at the immediate site level, and would provide additional planting which would aid in screening the site from the wider landscape. The mitigation proposed is considered to aid in reducing the overall landscape character impacts, and the proposals would be reversible when the solar farm is no longer required. The number of panels has been reduced along Leigh Lane and the BESS has been removed from the scheme,

and landscape mitigation measures would ensure that impacts would reduce over time as the landscape matures.

- 7.2 The applicants have stated that an open dialogue is being maintained with Leigh Parish Council in relation to the community benefit fund, and further consultation has also taken place by the Local Planning Authority on the amendments to the scheme with Leigh Parish Council and all neighbours to the site including all those who previously commented. As the community benefit fund falls outside the scope of planning legislation this was considered to be appropriate. The consultation period was the full 24 days as would have been the case with any new application.
- 7.3 It is therefore considered that on balance the proposals are acceptable and the scheme would achieve the overall aims of East Staffordshire Local Plan policies SP1, SP2, SP8, SP9, SP14, SP23, SP24, SP25, SP27, SP28, SP29, SP30, SP34, SP35, DP1, DP2, DP5, DP6, DP7 and DP8, the East Staffordshire Design Guide, the Climate Change and Sustainable Development Supplementary Planning Document and the National Planning Policy Framework.

8. RECOMMENDATION

- 8.1 As per the previous report on the application it is recommended that full planning permission be approved subject to the updated conditions and informatives as follows:

Conditions:

1: Passing bays (Grampian)

The development hereby approved shall not be first brought into use until a scheme for the provision of passing spaces on Leigh Lane and Leigh Bank has been completed under the provisions of the Highways Acts in accordance with a technical scheme first submitted to and approved in writing by the Local Planning Authority in conjunction with the County Highway Authority. The passing bay scheme shall be provided generally in accordance with the scheme detailed in highways Technical Note 03 dated 29th September 2023

Reason: As recommended by the County Highway Authority In the interests of highway safety in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

2. Time Limit

The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3: Use cessation after a period of 40 years/Decommissioning scheme

When the land ceases to be used as a solar farm for renewable power production following any consecutive 6 month period of non-operation or at the end of the period of 40 years from the date of first export of electricity (as notified to the Local Planning Authority under condition 19 below,) whichever shall first occur, the use hereby permitted shall cease.

A Decommissioning Plan shall be submitted to and approved in writing by the Local Planning Authority.

Upon the cessation of the use, all photovoltaic arrays and associated materials, plant, buildings and equipment brought onto the land in connection with the solar farm shall be removed in accordance with the Decommissioning Plan.

The land shall be restored and reinstated to its former condition/land quality (ALC grade) and agricultural use within 6 months of the use ceasing in accordance with the Decommissioning Plan.

The Decommissioning Plan shall include an aftercare plan(s).

Reason: To safeguard the character and appearance of this rural area/agricultural land quality in accordance with East Staffordshire Local Plan Policies SP1, SP8 and SP24, and the National Planning Policy Framework.

4. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans subject to compliance with other conditions of this permission:

Planning Drawing 1 Ref: 4158-REP-034, 1:15,000 Location Plan dated as received on 15th March 2023

Planning Drawing 2 Ref: LRP007-PL-01 Rev 13, 1:2000 Indicative Site Layout Plan dated as received on 19th March 2024

Planning Drawing 3 Ref: LRP007-LMP-01 Rev 13, 1:2000 Landscape Mitigation Plan dated as received on 19th March 2024

Planning Drawing 4 Ref: 4158_DR_P_0003, 1:50 Typical PV Panel Section dated as received on 22nd February 2023

Planning Drawing 5 Ref: 4158_DR_P_0004, 1:50 Proposed Inverter/Transformer Elevations dated as received on 22nd February 2023

Planning Drawing 6 Ref: 4158_DR_P_0005, 1:50 Proposed Security Fencing and CCTV dated as received on 22nd February 2023

Planning Drawing 7 Ref: 4158_DR_P_0006, 1:50 Proposed Security Gate dated as received on 22nd February 2023

Planning Drawing 8 Ref: 4158_DR_P_0007, 1:10 Proposed Access Track Cross Section dated as received on 22nd February 2023

Planning Drawing 9 Ref: 4158_DR_P_0008, 1:50 Proposed Container Storage Units Elevations dated as received on 22nd February 2023

Planning Drawing 10 Ref: 4158_DR_P_0009, 1:500 Proposed Substation Compound dated as received on 22nd February 2023

Planning Drawing 11 Ref: 4157_DR_P_0010, 1:500 Indicative Temporary Construction Compound Layout dated as received on 22nd February 2023

Planning Drawing 12 Ref: 4158_DR_P_0011, 1:50 Welfare Cabin, DNO Switchgear and DNO Switchroom (excluding the 1:50 Proposed Battery Energy Storage System, including BESS Unit and PCS Unit), dated as received on 22nd February 2023

Planning Drawing 13 Ref: 4158-REP-036, 1:15,000 Public Rights of Way Plan dated as received on 22nd February 2023

LRP007-EL-01 Rev 04, 1:250 Key Plan Sections A-A and B-B and 1:100 Section A-A and B-B dated as received on 19th March 2024

MBS-5302-TEA 1, 1:500 Topographical Site Plan Sheet 1 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 2 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 3 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 4 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 5 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 6 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 7 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 8 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 9 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 10 of 11 dated as received on 4th April 2023

MBS-5302/TEA 1, 1:500 Topographical Site Plan Sheet 11 of 11 dated as received on 4th April 2023

Agricultural Land Classification by Soil Environmental Services Ltd dated as received on 15th September 2023

Biodiversity Metric Assessment by Arcus Consultancy Services (June 2022) dated as received on 22nd February 2023

Ecological Impact Assessment by Arcus Consultancy Services (November 2022) dated as received on 22nd February 2023

Flood Risk Assessment by Arcus Consultancy Services (November 2022) dated as received on 22nd February 2023

Geophysical Survey Report by Magnitude Surveys (Ref: MSSK880 March 2021) dated as received on 22nd February 2023

Heritage Impact Assessment by Arcus Consultancy Services (May 2022) dated as received on 22nd February 2023

Highways Technical Note 03 by Motion dated as received on 4th October 2023

Landscape and Visual Appraisal (LVA) by Arcus Consultancy Services (January 2023) dated as received on 22nd February 2023

Noise Impact Assessment by Metrica (Version 2.1 April 2023) dated as received on 12th April 2023

Ornithological Impact Assessment by Arcus Consultancy Services (November 2022) dated as received on 22nd February 2023

Solar Photovoltaic Glint and Glare Study by Arcus Consultancy Services (January 2023) dated as received on 22nd February 2023

Transport Statement and Outline Traffic Management Plan by Arcus Consultancy Services (November 2022) dated as received on 22nd February 2023

Tree Protection Plan and Outline Arboricultural Method Statement by Arcus Consultancy Services dated as received on 22nd February 2023

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality/affect the setting of heritage assets, the amenities of neighbouring properties, flood risk or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP8, SP9, SP14, SP23, SP24, SP25, SP27, SP28, SP29, SP30, SP34, SP35, DP1, DP2, DP5, DP6, DP7 and DP8, the East

Staffordshire Design Guide, Sustainable Development Supplementary Planning Document and the National Planning Policy Framework.

5: Solar Panel Materials

Prior to the commencement of the development hereby approved full details of the materials for the solar panels (to include anti reflective coatings on the panels), frames, all ancillary buildings and equipment including external finish and colour shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out strictly in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area and in the interests of residential amenity in accordance with East Staffordshire Local Plan Policies SP1, SP24 and DP7, the East Staffordshire Design Guide and the National Planning Policy Framework.

6: Scheme of landscaping

Prior to the commencement of the development hereby approved a scheme of landscaping together with a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme should take into consideration the requirements of the Landscape Mitigation Plan and the Landscape and Visual Appraisal approved under Condition 4 above, and shall include planting plans, including specifications of species, sizes, planting centres, number and percentage mix and details of seeding or turfing. The landscaping scheme shall provide that there be no planting within 3 metres of a Public Right of Way (PRoW).

Reason: To ensure that a landscaping scheme to screen and enhance the development is provided and in the interest of the users of the Public Right of Way (PRoW) network in accordance with East Staffordshire Local Plan Policies SP1 and SP24 and the National Planning Policy Framework.

7: Boundary Treatments

Prior to the commencement of the development hereby approved a detailed scheme of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment scheme shall be completed prior to the development first being brought into use unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with East Staffordshire Local Plan Policies SP1 and SP24, the East Staffordshire Design Guide and the National Planning Policy Framework

8: Materials Management Plan (MMP)

Prior to the commencement of the development hereby approved (including site stripping and clearance) a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. This Management Plan shall define the excavation and bund formation processes for the transformer and substation area and any other proposed areas of bunding and provide detailed drawings of these proposed raised earthworks.

The development shall be carried out strictly in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with East Staffordshire Local Plan Policies SP1 and SP24, the East Staffordshire Design Guide and the National Planning Policy Framework

9: Access off Leigh Lane

Prior to the commencement of any development/works on site (including construction works) for the development hereby approved, details of the access off Leigh Lane identified in Planning Drawing 2 Ref: LRP007-PL-01 Rev 13, 1:2000 Indicative Site Layout shall be submitted to and approved in writing by the Local Planning Authority and thereafter the access shall be laid out, constructed, and surfaced in a bound material in accordance with the approved details. The approved access arrangements shall thereafter be maintained for the lifetime of the development.

Reason: As recommended by the Highway Authority in the interests of the safe and efficient use of the highway network and in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

10: Visibility splays

Prior to the commencement of any works on site for the development hereby approved details of the maximum achievable visibility splays in both directions at the site access onto Leigh Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved visibility splays shall be provided to the site access before any other works in connection with the development first commenced and shall thereafter at all times be kept free of all obstructions to visibility over a height of 900mm above the adjacent carriageway level.

Reason: As recommended by the Highway Authority in the interests of the safe and efficient use of the highway network and in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

11: Construction Transport Management Plan

Prior to the commencement of the development hereby approved a Construction Transport Management Plan shall be submitted to and approved

in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) a site compound with associated temporary buildings;
- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) wheel wash facilities including means of dealing with water runoff;
- vi) mechanical road sweeper for existing carriageway.

Reason: As recommended by the Highway Authority in the interests of the safe and efficient use of the highway network and in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

12: Construction Noise

Prior to the commencement of the development hereby approved a noise mitigation scheme for construction works shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be in line with BS 5228-1:2009+A1:2014 *Code of practice for noise and vibration control on construction and open sites – Part 1: Noise*. The agreed scheme shall be adhered to for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the occupiers of surrounding and nearby residential dwellings in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

13: Air Quality

Prior to the commencement of the development hereby approved a scheme of dust mitigation shall be submitted to and agreed by the Local Planning Authority. The scheme shall be in line with the Institute of Air Quality Management's 2014 *Guidance on the assessment of dust from demolition and construction (V1.1)* or any subsequent revised version of that guidance. The agreed scheme shall be adhered to for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the occupiers of surrounding and nearby residential dwellings in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

14: Construction methodology (in relation to Local Railway network)

Prior to the commencement of the development hereby approved a construction methodology in relation to the impact of the scheme on the railway network shall be submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology.

Reason: In the interests of rail network safety in accordance with East Staffordshire Local Plan Policy SP1 and the National Planning Policy Framework.

15: Manage erosion/Agricultural land management

Prior to the commencement of the development hereby approved a soil erosion/agricultural land management plan (including timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following additional details:-

- Provision of a vegetated solution to mitigate/manage soil erosion which shall include:
- an enforceable and robust land management and maintenance plan to keep the land in good condition to ensure the land does not become bare.
- a temporary plan in place before vegetation becomes established to manage erosion.
- set out a scheme for the agricultural use(s) of the land(s) during the lifetime of the solar farm

The soil erosion/agricultural land management plan shall be implemented and thereafter adhered to for the lifetime of the development in accordance with the approved details (including timetable of implementation) unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity in accordance with Policy SP29 of the East Staffordshire Local Plan and the National Planning Policy Framework.

16: Construction Environmental Management Plan (CEMP) (SCC Ecology)

Prior to the commencement of the development hereby approved (including any site works) a Construction Environmental Management Plan (CEMP) shall be submitted for the approval in writing of the Local Planning Authority. The Construction Environmental Management Plan (CEMP) shall include the measures set out in the Ecological Impact Assessment (Arcus, November 2022) sections 5.3 and 5.4, and the Ornithological Impact Assessment (Arcus, November 2022) sections 6.2 and 6.3.

The Construction Environmental Management Plan (CEMP) shall be strictly adhered to for the whole of the construction period unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the scheme does not impact negatively on protected species and their habitat in accordance with Policy SP29 of the East Staffordshire Local Plan and the National Planning Policy Framework.

17: Archaeology

A. Prior to the commencement of the development hereby approved, a written scheme of archaeological investigation ('the Scheme') shall be submitted for

the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.

B. The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).

C. The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To ensure that no development takes place which may adversely affect any items of archaeological interest without adequate prior investigation in accordance with Policies SP1, SP25 and DP5 of the East Staffordshire Local Plan and the National Planning Policy Framework.

18: Footpaths

Prior to the commencement of development hereby approved including site clearance and stripping a scheme (the 'Scheme') detailing the following shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be carried out strictly in accordance with the approved Scheme

- a) measures to protect the public footpaths which cross the site during construction
- b) measures to improve and promote these public footpaths post construction in conjunction with Staffordshire County Council Rights of Way Officer
- c) timescale for implementation of improvements

Reason: To protect and enhance the local public footpath network in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

19. Notification of First Electricity Export

The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the solar panels to the electricity network (The First Export Date). Written notification of the First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring.

Reason: To define the permission in the interests of proper planning and for the avoidance of doubt in accordance with East Staffordshire Local Plan Policy SP1 and the National Planning Policy Framework.

20: Operational Noise

The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by

more than 5 dB(A) between the hours of 07.00-23.00 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level between 23.00-07.00 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location, which shall first be agreed in writing with the Local Planning Authority, and corrected to establish the noise levels at the nearest sound-sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed upon in writing with the local planning authority.

Reason: In the interests of the amenity of the occupiers of surrounding and nearby residential dwellings in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

21: Construction Operating Times

There shall be no construction site operations (including deliveries) outside of the following times:

Mon-Fri (07:30-19:00) with no noisy activities before 08:00*.

Sat: 08:00-14:00

There shall be no working on Sunday and Bank Holidays

* 'noisy activities' includes, but is not restricted to, building construction, demolition operations, refurbishing and landscaping which generates noise which is audible at the site boundary.

Reason: In the interests of the amenity of the occupiers of surrounding and nearby residential dwellings in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

22: Network Rail Safety monitoring:

Within 24 months of commencement of operations of the development hereby approved (as per the date notified to the Local Planning Authority under condition 19 above) in the event of any complaint to the Local Planning Authority from Network Rail relating to signal sighting safety or driver distraction, upon notification to the Local Planning Authority, the applicant or operator of the solar farm shall as soon as possible and not later than 28 days from receipt of the complaint, submit for approval to the Local Planning Authority details of a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of rail network safety in accordance with East Staffordshire Local Plan Policy SP1 and the National Planning Policy Framework.

23: Flood Risk Assessment

The development hereby permitted shall not be brought into use until the mitigation measures shown in the following reports have been implemented: Flood Risk Assessment by Arcus Consultancy Services (November 2022) dated as received on 22nd February 2023, including the PV arrays located within 1:100 year pluvial flood depths being raised 0.8m above ground level and therefore above the maximum flood depths (0.3m).

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development in accordance with East Staffordshire Local Plan Policy S27 and the National Planning Policy Framework.

24: Landscape and Biodiversity Management Plan

Prior to the first operation of the solar farm hereby approved a Landscape and Biodiversity Management Plan should be submitted for approval in writing of the Local Planning Authority. The Management Plan shall provide for 30 years of management and maintenance of habitats, for monitoring of habitats and species, and for remediation of any failures during the establishment phase and shall include the following.

- a. Description and evaluation of features to be managed (including landscaping provisions under condition 6 above).
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward).
- g. Details of the body or organization responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures;
- i. details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The approved Landscape and Biodiversity Management Plan shall be implemented in accordance with the approved details and thereafter adhered to for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of biodiversity in accordance with Policy SP29 of the East Staffordshire Local Plan and the National Planning Policy Framework.

25: Lighting

No lighting shall be erected/installed at the site to serve the development hereby permitted unless a Lighting scheme - including details of the types of lights to be installed, their proposed locations and operating parameters - has first been submitted to and approved in writing by the Local Planning Authority. Any lighting scheme shall be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK and shall include a lighting contour plan that demonstrates there will be minimal impact on receptor habitats such as hedges, ponds and created habitats.

The development shall only be implemented in accordance with any approved Lighting scheme and no other lighting shall be installed at the site unless first approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of this rural locality and in the interests of ecology/biodiversity in accordance with East Staffordshire Local Plan Policies SP29 and DP7 and the National Planning Policy Framework.

26: Gate across the access

Any gate to be erected to the approved vehicular access off Leigh Lane shall be a minimum distance of 10 metres back from the carriageway edge.

Reason: in the interests of the safe and efficient use of the highway network and in accordance with Policy SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

27: Arboricultural Impact Assessment

The development permitted by this planning permission shall only be carried out in accordance with BS.3873.2012 (tree work) and the Tree Protection Plan and Outline Arboricultural Method Statement by Arcus Consultancy Services (dated as received on 22nd February 2023).

Reason: To safeguard the appearance and future well-being of the tree(s) in the interests of the visual amenity of the area and in accordance with East Staffordshire Local Plan Policy DP8, the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and the National Planning Policy Framework.

28: Tree protection

Prior to the commencement of any works on the site in relation to the development hereby approved the tree protection scheme shall be implemented as detailed in the Tree Protection Plan and Outline Arboricultural Method Statement by Arcus Consultancy Services (dated as received on 22nd February 2023). The approved tree protection scheme shall be retained in situ throughout the construction phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance and future well-being of the tree(s) in the interests of the visual amenity of the area and in accordance with East Staffordshire Local Plan Policy DP8 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and the National Planning Policy Framework.

29. Landscaping Implementation

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 10 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with East Staffordshire Local Plan Policies SP1 and SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

30: Contaminated Land

In the event that 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 by a competent person in accordance with the new Land Contamination Risk Management (LCRM) guidance. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and other property and the natural and historic environment, which is subject to the approval in writing of the Local Planning Authority. The scheme must ensure that the site will not qualify as Contaminated Land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 bringing the development into first use.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

31: Solar Panel Positions

The permission hereby granted provides solely for the provision of photovoltaic panels within the designated areas/positions shown on the approved Indicative Site Layout Plan and Landscape Mitigation Plan listed under Condition 4 above, unless planning permission has first been granted by the Local Planning Authority for the panels to be sited/re-sited in alternative areas/locations within the application site.

Reason: To protect the character and appearance of the area and in the interests of residential amenity in accordance with East Staffordshire Local Plan Policies SP1, SP24 and DP7, the East Staffordshire Design Guide and the National Planning Policy Framework.

32: Battery Storage

There shall be no batteries on the site/no Battery Energy Storage System installed on the site unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of this rural locality and in the interests of ecology/biodiversity and the environment, in accordance with Policies SP27, SP29 and DP7 of the East Staffordshire Local Plan and the National Planning Policy Framework.

Informatives:

1: Prior to Commencement Conditions

The conditions identified below require details to be approved before commencement of the development.

Condition Nos. 1 (Grampian), 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18

The conditions identified below require details to be approved during the development.

Condition No. 24 and in the event of contaminated land being found 30.

This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of these conditions have been met.

You are advised that requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. A fee is chargeable by the authority per request and any number of conditions can be included for each request.

Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

2: Protected Species

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

4. Great Crested Newts

The applicants are advised of their obligations to obtain a licence from Natural England in respect of works that will affect ecology, particularly Great Crested Newts.

3: Ecological Responsibilities

The applicant is advised that this consent does not override any obligations in respect of protected species under relevant wildlife legislation. In particular, trees can provide a habitat for nesting birds and bats which are protected species. It is a criminal offence to wilfully cause harm to either. The works should therefore be carried out outside the bird nesting season, and if bats are known to be using the trees as a roost, or are discovered during the carrying out of the works, a competent ecologist should be employed to ensure the bats are safeguarded.

4: Police Architectural Liaison Officer

The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.

5: Highway Works

Staffordshire County Council as the Highway Authority advise that the highway works comprising passing bays and part of surfacing of the access, shall require a Highway Works Agreement with the County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (road.adoptions@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorksAgreements.aspx>

Highways Agreements - Staffordshire County Council

6: Temporary Traffic Lights

Staffordshire County Council as the Highway Authority advise that should the developer wish to proceed with the temporary traffic signals at Leigh Lane/Uttoxeter Road and Leigh Lane/Site access, these will constitute traffic management on the highway. This will require approval from SCC Travel and Network. Details are available at Permissions and licences overview – Staffordshire County Council and Permission to temporarily manage traffic on the public highway – Staffordshire County Council. The developer should contact Traffic and Network as early as possible to ensure road space can be booked and works programmed on the highway. The developer should allow adequate time for processing of the application.

7: Public Rights of Way

Staffordshire County Council's Public Rights of Way Officer comments as follows:

- The applicants/developers attention is drawn to fact any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network. If the path/s do need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpath/s to allow the development to commence. The County Council will need to be formally consulted on the proposal to divert the footpath/s.
- The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent). The term obstruction, in this context, also applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority.
- It is important that users of the path/s are still able to exercise their public rights safely and that the path/s are reinstated if any damage to the surface occurs as a result of the proposed development. Where private rights exist that allow the use of vehicles along a public right of way, drivers of vehicles must give way to pedestrians. In the absence of private rights, driving a vehicle on a public right of way is a criminal offence. We would ask that trees/shrubs are not planted within 3 metres of the footpath unless the developer and any subsequent landowners are informed that the maintenance of the trees is their responsibility.
- The County Council has not received any application under Section 53 of the Wildlife and countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section

31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

It is advised the proposals are discussed with the County Council Rights of Way Team as early as possible.

8: Level Crossings

With regard to condition 14 above you are advised that Network Rail comment that construction traffic in association with the development should not be routed via highways which require the use of the railway crossings.

Network Rail advise that they welcome the assistance of the applicant/developer in providing level crossing safety information to future employees at the site. Leaflets are available from Network Rail upon request or alternatively information is supplied online at <http://lxresource.co.uk/campaigns/distraction-campaign>

9: Network Rail Assets

Network Rail draw the applicants/developers attention to the following:-

Asset Protection Eastern - For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) please email assetprotectioneastern@networkrail.co.uk.

Land Information - For enquiries relating to land ownership enquiries, please email landinformation@networkrail.co.uk.

Property Services - For enquiries relating to agreements to use, purchase or rent Network Rail land, please email propertyservicesneem@networkrail.co.uk.

10: Network Rail Information

Network Rail draw the applicants/developers attention to the following:-

FAIL SAFE USE OF CRANE AND PLANT - All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway

infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

EXCAVATIONS/EARTHWORKS - All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

SECURITY OF MUTUAL BOUNDARY - Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

DEMOLITION - Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

VIBRO-IMPACT MACHINERY – Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

BRIDGE STRIKES - Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

ABNORMAL LOADS - From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g.

bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

TWO METRE BOUNDARY - Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

ENCROACHMENT – The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

ACCESS TO THE RAILWAY - All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

11: Waste Material

During the construction phase it is recommended that the following must be adhered to:

- a) any waste material associated with the construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment;
- b) all waste transfer records shall be retained for inspection by officers of the Local Planning Authority upon request.

12: Engagement

During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraph 38 of the National Planning Policy Framework.

9. Background papers

9.1 The following papers were used in the preparation of this report:

- Local and National Policies as outlined in section 7 of the main report (February 2024).

10. Human Rights Act 1998

10.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Equalities Act 2010

12.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

For further information contact: Lisa Bird
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