



**Thomas Deery BA (Hons), MSc  
Head of Regeneration and Development**

**TOWN AND COUNTRY PLANNING ACT 1990  
PERMISSION FOR DEVELOPMENT**

Date valid application received:  
31/03/2023

Application No: P/2023/00296

Name and address of Agent  
Third Revolution Projects  
203 Westminster  
Bridge Road  
London  
SE1 7FR

Name and address of Applicant  
Push Generation and Supply Limited  
Rolleston Park Farm  
Lodge Hill  
Staffordshire  
Tutbury  
DE13 9HQ

**EAST STAFFORDSHIRE BOROUGH COUNCIL** in pursuance of powers under the above mentioned Act hereby **PERMITS**:

**Temporary ground-mounted solar farm with associated ancillary infrastructure and security fencing, landscaping provision, and ecological enhancements for up to 40 years**

**Rolleston Park Farm, Lodge Hill, Tutbury, Staffordshire, DE13 9HQ**

in accordance with the submitted documents and plans and subject to the condition(s) specified hereunder:

1. The development hereby permitted shall be begun before the expiration of three 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.

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

Drawing No.s:

- Arboricultural Impact Assessment AR01 Issue A RECEIVED 31-10-2023
- Topographic Survey RECEIVED 10-03-2023
- Agricultural Land Classification RECEIVED 10-03-2023
- Application Form RECEIVED 10-03-2023
- Biodiversity Net Gain Statement RECEIVED 10-03-2023
- Archaeological Desk-Based Assessment v 1.2 RECEIVED 10-03-2023
- Built Heritage Statement v.2 RECEIVED 10-03-2023
- Landscape and Visual Assessment Part 1 RECEIVED 10-03-2023
- Landscape and Visual Assessment Part 2 RECEIVED 10-03-2023
- Landscape and Visual Assessment Part 3 RECEIVED 10-03-2023
- Supporting Planning Statement RECEIVED 10-03-2023
- Fence and CCTV Plan RECEIVED 10-03-2023

- DNO Substation Details RECEIVED 31.03.23
- Private Substation Details RECEIVED 31.03.23
- Mounting Structure Details RECEIVED 10-03-2023
- Inverter and Transformer Details RECEIVED 31.03.23
- Communications Cabinet Details RECEIVED 31.03.23
- Storage Container Details RECEIVED 10-03-2023
- Pad Mount Transformer Details RECEIVED 31.03.23
- Compound Plan RECEIVED 10-03-2023
- Design and Access Statement RECEIVED 10-03-2023
- Statement of Community Involvement RECEIVED 10-03-2023
- Preliminary Ecological Appraisal RECEIVED 10-03-2023
- Transport Statement RECEIVED 10-03-2023
- Construction Management Plan RECEIVED 12-07-2023
- REVISED Flood Risk Assessment, RECEIVED 22-06-2023
- REVISED Site Location Plan RECEIVED 22-08-2023
- REVISED Site Layout Plan RECEIVED 22-08-2023
- REVISED Landscape Mitigation Plan RECEIVED 03-11-2023
- REVISED Compound Plan RECEIVED 22-08-2023
- REVISED Proposed Permanent Site Access RECEIVED 22-08-2023
- REVISED Proposed Bellcurve Access RECEIVED 22-08-2023
- REVISED SDPTUTBURYROAD.103 Access arrangement RECEIVED 18-08-2023
- Swept Path Analysis 16.5m artic vehicle 2 RECEIVED 18-08-2023
- Swept Path Analysis 16.5m artic vehicle 1 RECEIVED 18-08-2023
- Swept Path Analysis large mobile crane 2 RECEIVED 18-08-2023
- Swept Path Analysis large mobile crane RECEIVED 18-08-2023
- Visibility splays at access RECEIVED 18-08-2023
- Technical Note prepared by Syntegra to address EA and LLFA matters raised RECEIVED 31-08-2023

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies, the East Staffordshire Design Guide, the Separation Distances and Amenity SPD, the Parking Standards SPD and the National Planning Policy Framework.

3. A. Prior to the commencement of the development hereby permitted, 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 the National Planning Policy Framework.

4. The development permitted by this planning permission shall only be carried out in accordance with the Staffordshire SuDS Handbook; the approved Flood Risk Assessment (22-9201, Syntegra

Consulting, 15/06/2023); the approved Technical Note (D101, Council Response to Drainage, Syntegra Consulting, 31/08/2023); and the following mitigation measures detailed the strategy:

- There shall be no changes to existing site contours.
- Solar panels shall not impede flood flows or reduce floodplain storage.
- All equipment and controls shall be located outside the 1 in 1000-year surface water flood risk area.
- Ancillary buildings containing electrical equipment to be raised off the ground.
- Access and maintenance roads shall be constructed using permeable materials to mimic the natural ground conditions.
- Transformers and inverters shall have permeable paving subbases to provide storage for the 100yr + 40% CC event.
- French drains shall be constructed around buildings with sufficient capacity to attenuate runoff in the 100yr + 40% CC event.

Reason: To comply with Policy 7 of Climate Change and Sustainable Development Supplementary Planning Document, SP27 of the East Staffordshire Local Plan, the NPPF and NPPG.

5. The development hereby permitted shall not be commenced until such time that the following additional details have been incorporated in the scheme approved under the aforementioned condition has been submitted to, and approved in writing by, the local planning authority.

- Provision of a vegetated solution to manage erosion which shall include:
  - vegetated areas in between the solar arrays at long length to help interrupt and slow channelised flows.
  - 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.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development, including name and contact details for the responsible party against each activity.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Developer to ensure that satisfactory arrangements for the control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased, and water quality is not compromised prior to the completion of the approved drainage strategy.

Reason: To ensure lifetime maintenance of the system to prevent flooding issues in accordance with SP27 of the East Staffordshire Local Plan, the NPPF and NPPG.

6. The development shall be carried out in accordance with the submitted flood risk assessment (ref 22-9201 revision date 15/06/23) and the following mitigation measures it details:

- The levels of the Solar Panels shall be set no lower than 1 metre above local ground level, particularly in the area adjacent to the Rolleston Brook.
- Other flood sensitive equipment should be relocated outside of Flood Zone 3 and raised at least 150mm above local ground.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with SP27 of the East Staffordshire Local Plan, the NPPF and NPPG.

7. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a. Risk assessment of potentially damaging construction activities, particularly stored materials and erosion / soil run-off that may affect adjoining watercourses or any ponds.
- b. Identification of "biodiversity protection zones".
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to birds, badgers, reptiles, otters, water voles, and hedgehogs during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that a landscaping scheme to screen and enhance the development is provided in accordance with SP29 of the East Staffordshire Local Plan and the National Planning Policy Framework.

8. Prior to the commencement of the development hereby permitted an Ecology and Landscape Mitigation and Management Plan (ELMMP) to include ecological monitoring with annual reporting during the first five years and subsequently 5 year reporting to the LPAs shall be submitted to, and be approved in writing by the local planning authority.

The content of the ELMMP shall include the following.

- a. Description and evaluation of features to be managed.
- 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 over a five-year period).
- g. Details of the body or organization responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The ELMMP shall also include 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 plan shall also set out (where the results from monitoring show that conservation aims and objectives of the ELMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that a landscaping scheme to screen and enhance the development is provided in accordance with SP29 of the East Staffordshire Local Plan and the National Planning Policy Framework.

9. Prior to installation of solar panels, applicant to submit evidence of establishment of soil cover (cover crop or grassland)

Reason: To ensure that a landscaping scheme to screen and enhance the development is provided in accordance with SP29 of the East Staffordshire Local Plan and the National Planning Policy Framework.

10. Prior to the commencement of the development hereby permitted, a survey for ground-nesting birds and details of mitigation (if required) and Survey for badger routes and details of badger gates (if required) shall be submitted for the written approval of the Local Planning Authority.

Reason: To ensure that a landscaping scheme to screen and enhance the development is provided in accordance with SP29 of the East Staffordshire Local Plan and the National Planning Policy Framework.

11. The development permitted by this planning permission shall only be carried out in accordance with BS.3873.2012 (tree work) and the submitted Arboricultural Impact Assessment, dated as received 31-10-2023.

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 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and the National Planning Policy Framework.

12. Prior to the commencement of the development hereby permitted tree protection plans and a tree protection methodology shall be submitted for the written approval of 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.

13. Prior to the commencement of the development hereby permitted the exact location of new hedges as well as the height and density of the existing and proposed hedges to serve as screening shall be submitted for the written approval of the Local Planning Authority.

Reason: To help screen short distance views and to break up the apparent mass of the panels in longer distance views in accordance with the East Staffordshire Local Plan and the National Planning Policy Framework

14. No development shall take place until a scheme of landscaping together with a timetable for its implementation and an ongoing management plan has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall thereafter be implemented in accordance with the approved timetable and maintained in accordance with the ongoing management plan for the life of the development.

Reason: To ensure that a landscaping scheme to screen and enhance the development is provided in accordance with East Staffordshire Local Plan and the National Planning Policy Framework.

15. Before the commencement of any other works on site hereby approved, the access shall be laid out, constructed, hard surfaced and drained to ensure no surface water runs onto the highway and once the development is commenced shall be maintained as such thereafter.

Prior to the commencement of any other works on site, the visibility splay shown on the submitted plans shall be provided and kept clear of all obstructions greater than 0.9m above the level of the carriageway and once works starts shall be maintained as such thereafter.

Any gate across the access shall be a minimum of 10m from the carriageway edge.

Reason: As recommended by the Highway Authority in the interests of the safe and efficient use of the highway network and in accordance with Saved Policy T1 of the East Staffordshire Local Plan.

16. The construction phase of the development shall only be carried out in accordance with the approved Construction Management Plan dated 12th July 2023 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: As recommended by the Highway Authority in the interests of the safe and efficient use of the highway network and in accordance with Saved Policy T1 of the East Staffordshire Local Plan

17. The photovoltaic arrays and associated cabinets hereby permitted, except for the client substation which will remain on a permanent basis, shall be dismantled and removed from the site and the land reinstated to its former condition and agricultural use immediately following any consecutive 6 month period of non-operation or immediately following the expiration of 40 years from first operation, whichever occurs first.

Reason: To safeguard the character and appearance of this rural area in accordance with East Staffordshire Local Plan and the National Planning Policy Framework

**Informative(s):**

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

Condition No(s) 3, 5, 7, 8, 9, 10, 12, 13, 14, 15

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. The fee chargeable by the authority is £116 per request (or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house). The fee must be paid when the request is made. Any number of conditions can be included for each request.

Payment can be made by cheque or card only. Please telephone 01283 508606.

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. 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.

3. 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. The applicant(s) is/are 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 tree(s) 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.

5. The applicant(s) is/are advised that Public Footpath No. Tutbury 16, which crosses the site should not be obstructed or extinguished as a result of this development either during or after construction.

6. The applicant(s) is/are 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.

This permission is granted by the under signed under powers delegated by the Borough Council in accordance with the provisions of Section 101 of the Local Government Act 1972.

This consent is given in pursuance of the relevant Planning Legislation and does not entitle you to do anything for which the consent of some other landowner, person, public authority, or department of the Council is required.

Dated 3rd of November 2023

Signed *Femke Roux*

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- In the case where we refuse planning permission or grant it subject to conditions decision if you want to appeal then you must do so within 6 months of the date of this notice (unless the application is for a minor commercial proposal). In the case where we refuse planning permission or grant it subject to conditions for a minor commercial application, if you want to appeal against your decision then you must do so within 12 weeks of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-inspectorate>.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.