

Date: 12 April 2023

Dear Councillor,

Environmental and Development Services Committee

A Meeting of the **Environmental and Development Services Committee** will be held at **Council Chamber**, Civic Offices, Civic Way, Swadlincote on **Thursday, 20 April 2023** at **18:00**. You are requested to attend.

Yours faithfully,



Head of Legal and Democratic Services
and Monitoring Officer

To:- **Labour Group**

Councillor Taylor (Chair), Councillor Pegg (Vice-Chair) and
Councillors Heath, M. Mulgrew, Singh and Southerd

Conservative Group

Councillors Brown, Dawson, Fitzpatrick, Haines, Lemmon and Watson

Non-Grouped

Councillor Wheelton

AGENDA

Open to Public and Press

- 1** Apologies and to note any Substitutes appointed for the Meeting.
- 2** To receive the Open Minutes of the following Meetings:

11 August 2022	4 - 10
22 September 2022	11 - 15
10 November 2022	16 - 20
03 January 2023	21 - 23
26 January 2023	24 - 28
- 3** To note any declarations of interest arising from any items on the Agenda
- 4** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 5** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 6** PRE-SUBMISSION DRAFT DERBYSHIRE AND DERBY MINERALS LOCAL PLAN **29 - 63**
- 7** DERBYSHIRE ROAD VERGES PROJECT **64 - 71**
- 8** NSIP CONSULTATION FOR OAKLANDS SOLAR FARM **72 - 109**
- 9** COMMITTEE WORK PROGRAMME **110 - 112**

Exclusion of the Public and Press:

- 10** The Chairman may therefore move:-

That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

- 11** To receive the Exempt Minutes of the following Meetings:
22 September 2022
10 November 2022
26 January 2023
- 12** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 13** CONSULTATION ON PLANNING FEE INCREASE AND STAFFING CHANGES
- 14** GREEN WASTE PROCESSING CONTRACT

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

11 August 2022

OPEN

Labour Group

Councillor Taylor (Chair), Councillor Pegg (Vice Chair) and Councillors, Heath, Singh, Southerd and Tilley

Conservative Group

Councillors Ackroyd (Substitute for Cllr Redfern), Brown, Dawson, Fitzpatrick, Haines and Lemmon

Non-Grouped

Councillor Wheelton

EDS/10

APOLOGIES

The Committee was informed that apologies have been received from Councillor Redfern (Conservative Group) and Councillor Singh (Labour Group).

EDS/11

DECLARATIONS OF INTEREST

The Committee was informed that no declarations of interest had been received.

EDS/12

QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL PROCEDURE RULE NO 10

The Committee was informed that no questions from Members of the Public had been received.

EDS/13

QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED TO COMMITTEE**EDS/14 CORPORATE PLAN 2020-24: PERFORMANCE REPORT (2022-2023 QUARTER 1 – 1 APRIL TO 30 JUNE)**

The report was introduced to the Committee by the Chief Executive who highlighted the impact of the Covid Pandemic.

The Head of Environmental Services addressed the Committee and gave an update of the service area noting that the e log reading had helped with the regulatory action.

The Head of Planning and Strategic Housing informed the Committee how targets had been impacted by recruitment and retention issues. The Committee was updated regarding planning applications being dealt with by the Planning Team and was advised that regular updates would be reported to the Committee.

Members requested an update on the appointment of the Tree officer.

The Chief Executive advised that an exit strategy had been looked into for the existing Tree Officer and the recruitment for a replacement and timeframes were to be confirmed.

RESOLVED:

- 1.1 The Committee approved progress against performance targets set out in the Corporate Plan 2020 - 2024.***
- 1.2 The Committee reviewed the Risk Register for the Committee's services.***

EDS/15 ANNUAL REVIEW OF THE COUNCIL'S CLIMATE AND ENVIRONMENT ACTION PLAN (2021-30)

The Climate and Environment Officer presented the report to the Committee giving updates on Carbon Emissions and the review of Audit recommendations. It was noted that the in house carbon emissions had reduced from 2018/19 to 2021/22 which was in part due to the replacement of refrigerants, the increase in a low carbon fleet that included the use of Hydrogen and the installation of Electric Vehicle charging points. The Committee was informed that carbon emissions had increased in 2022 due to staff returning to the office.

Members commended the report and raised queries regarding Green Bank Leisure Centre and suggested a quarterly update report on the Climate Change Policy.

The Chief Executive confirmed that the new Head of Cultural and Community Services would be responsible for the Climate Change Policy update report.

The Climate and Environment Officer informed the Committee that following an audit there was a 25 point plan drawn up to make improvements at Green Bank Leisure Centre.

RESOLVED:

- 1.1 The Committee noted the current progress made in reducing carbon emissions as described in the 2021/22 Annual Carbon Reduction Progress Report, attached as Appendix 1 to the report.***
- 1.2 The Committee approved the recommendations set out in the Annual Review of the Climate and Environment Action Plan 2021-30 attached as Appendix 2 to the report.***
- 1.3 The Committee approved the proposed amendments to the Climate and Environment Action Plan attached as Appendix 3 to the report.***
- 1.4 The Committee welcomed the innovative approach that the Council was taking in reviewing its Climate and Environment Action Plan 2021-30 (hereafter referred to as 'C&E Action Plan'). To ensure continuous improvements are made, new priorities are to be set and achievements to be recognised in the Council's journey to reach its carbon neutral commitments.***
- 1.5 The Committee acknowledged that there were co-benefits of reducing carbon emissions, the most significant being the reduction in energy consumption. This co-benefit was recognised at the current time of high energy costs for supporting energy efficiency and the reduction in energy costs.***
- 1.6 The Committee recognised that the carbon reductions achieved to date were encouraging, but that the reductions necessary to achieve the net zero commitment in the Climate Emergency will require difficult future decisions and significant investment and expenditure.***

EDS/16 **ANNUAL ENFORCEMENT AND COMPLIANCE REPORT 2021-22**

The Head of Environmental Services presented the report to the Committee highlighting key points within the report that included Covid Compliance, the increase of fly tipping during the pandemic, the backlog of food inspections and illegal dog breeding.

Members raised concerns regarding the foster carers for dogs, the cost to the Council and the management of non-traditional food businesses.

The Head of Environmental Services informed the Committee that independent checks were carried out by a fostering charity which reduced the Council's costs by 90%. It was explained that new food businesses would need to register and that officers gave advice and guidance on compliance and food hygiene.

Councillor Smith raised a query regarding littering.

The Head of Environmental Services confirmed that the standard fine was £75 but was reduced if payment was made within 30 days of the fine being issued.

RESOLVED:

- 1.1 The Committee noted the contents of the report and approved that the Council used its regulatory powers in a way proportionate to the demands for all regulatory services it provided.***

EDS/17 **ARCHAEOLOGICAL CONSULTANCY SERVICES**

The Head of Planning and Strategic Housing presented the report summarising the key points and sought approval of the recommendations within the report noting an amendment to the date that should have read 31 March 2025.

RESOLVED:

- 1.1 The Committee agreed to the Council entering into a revised Service Level Agreement with Derbyshire County Council attached as per Appendix 1 to the report for the next three years to 31 March 2025 for the provision of archaeological services to assist in the determination of planning and other applications.***

EDS/18 **BIODIVERSITY CONSULTANCY SERVICES**

The Head of Planning and Strategic Housing presented the report and noted that the Wildlife Trust had requested an extension to the end of July 2023. It was confirmed that the financial implications would be minor with a 3% uplift. It was explained that the Service Level Agreement gave a full year to see how well it worked and could be extended if necessary.

RESOLVED:

- 1.1 The Committee agreed to the Council entering into a revised Service Level Agreement with Derbyshire Wildlife Trust to 31 July 2023 attached as Appendix 1 to the report for the provision of biodiversity advice to assist in the determination of planning and other applications.***

EDS/19 **AMENDMENTS TO THE PLANNING APPLICATION VALIDATION PROCESS**

The Head of Planning and Strategic Housing presented the report to the Committee outlining the proposal that would reduce the length of the process and have a list of approved planning agents, which would remove the need for checks prior to allocation to an office. It was noted that it would reduce the process time by two to three weeks and would put the onus on the planning agent to ensure the application was completed correctly.

Members raised concerns regarding the potential to cut corners and sought clarity regarding advice to agents.

The Head of Planning and Strategic Housing confirmed that there would be no risk of cutting corners and advised that the process should free up time for technicians. It was further confirmed that the website would be updated to reflect the new requirements

RESOLVED:

- 1.1 The Committee agreed the amendments to the planning application validation process as outlined in the main report***

EDS/20 CENTRAL BUILDING CONTROL PARTNERSHIP PERFORMANCE REPORT

The Head of Planning and Strategic Housing presented the report and sought approval of the recommendations within the report.

RESOLVED:

1.1 The Committee endorsed the Partnership Board Report which provided a review of the performance for years 2 and 3 of the Central Building Control Partnership; and

1.2 The Committee delegated authority to the Strategic Director (Service Delivery) to confirm a continuation of the partnership arrangements with an annual update to the Committee to assess arrangements on an ongoing basis.

EDS/21 COMMITTEE WORK PROGRAMME

The Chief Executive presented the report to the Committee.

RESOLVED:

The Committee considered and approved the updated work programme

EDS/22 The Chairman may therefore move:

That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

EDS/23 EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no exempt questions from Members of the Council had been received.

The meeting terminated at 19:40 hours

COUNCILLOR TAYLOR

CHAIR

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

22 September 2022

OPEN

PRESENT:

Labour Group

Councillor Taylor (Chair), Councillor Pegg (Vice Chair) and Councillors, L Mulgrew, Rhind (substitute for Councillor Heath), Singh and Shepherd (substitute for Councillor Southerd)

Conservative Group

Councillors Brown, Fitzpatrick, Haines, Lemmon, Patten (substitute for Councillor Dawson) and Redfern

Non-Grouped

Councillor Wheelton

In attendance

Councillor Corbin and Councillor Gee

EDS/24 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Heath (Labour Group), Councillor Southerd (Labour Group) and Councillor Dawson (Conservative Group).

EDS/25 **MINUTES**

The Open Minutes of the Meetings held on 4 January 2022, 25 January 2022, 3 March 2022, 20 April 2022 and 26 May 2022 were noted and approved as a true record and signed by the Chair.

EDS/26 **DECLARATIONS OF INTEREST**

The Committee was informed that Councillor Patten declared a personal interest in the item EDS/31 by virtue of being a County Councillor.

The Committee was informed that Councillor Redfern declared personal interest in item EDS/31 by virtue of being a County Councillor.

EDS/27 **QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL
PROCEDURE RULE NO 10**

The Committee was informed that no questions from Members of the Public had been received.

EDS/28 **QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL
PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED TO COMMITTEE

EDS/29 **LOCAL PLAN ISSUES AND OPTIONS CONSULTATION AND
DRAFT SCOPING REPORT**

The Report was presented to the Committee by the Head of Planning and Strategic Housing. It was noted that the working group which included Members and officers was to ensure that Members were informed and had time to look at the issues and options prior to the formal recommendations before the Committee.

It was noted that all parish councils would receive the documentation and some information had been sent in advance of the public consultation, it was further noted that all parishes would have sufficient time to provide information prior to any decisions.

The Head of Planning and Strategic Housing explained that the Scoping report was procedurally different and would be a technical assessment used as evidence to support to the Local Plan and prepare a sustainability appraisal. The Committee was informed of the consultation timeframes and that the consultation events would be spread geographically across the District.

Members commended the report and thanked the working group for the significant amount of work undertaken.

Councillor Wheelton raised queries regarding the working group, the timeframe for completion and the key issues within table G of the report.

The Head of Planning and Strategic Housing informed the Committee that the key issues within the report followed on from the previous local

plans, outlined the involvement of the working group and confirmed that consultation would be underway prior to the Christmas period.

Councillor Haines addressed the Committee and noted how well the working group had worked together and further to suggested amendments it was happy with the draft and thanked officers for their input.

Members expressed concern regarding the Scoping document as it had not been subject to scrutiny and noted the importance of Members having the opportunity to view the document.

The Head of Planning proposed that authority be delegated to the Chair of the Committee along with the Head of Planning and Strategic Housing in relation to the Issues and Options document and that final changes to the Scoping document followed any recommendations from the working group and noted that consultation would take place following the working group meeting.

Members sought clarity regarding the consultation with residents.

The Head of Planning and Strategic Housing informed the Committee that the Council had a database of residents who had expressed an interest in the local plans who would be contacted and that all parishes would be emailed to notify them of when consultation events would take place in their area. It was noted that documents would also be available online and hard copies available at the events. In addition, hard copies would be available in libraries and at the Civic Offices and officers would also be available at the Civic Offices during office hours on a Tuesdays and Wednesdays during the consultation period.

Members raised concerns regarding consultation in rural areas and hard to reach residents and noted that a variety of communication routes should be used.

The Chair noted the comments regarding communication with residents.

RESOLVED:

- 1.1 *The Committee authorised the Local Plan Issues and Options document attached as Appendix 1 to the report for public consultation in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012.***

1.2 The Committee authorised the publication of the associated draft Scoping Report document attached as Appendix 2 to the report, for a statutory five-week consultation with the 'Consultation Bodies' and other appropriate stakeholders.

1.3 The Committee granted delegated authority to the Chair of the Committee and the Head of Planning and Strategic Housing to agree any final changes required to the Issues and Options document, and to agree any final changes required to the draft Scoping Report document following a meeting of the Local Plan Working Group taking on board any recommendations therefrom.

EDS/27 **COMMITTEE WORK PROGRAMME**

The report was presented to the Committee.

RESOLVED:

The Committee considered and approved the updated work programme.

EDS/28 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

TO RECEIVE THE EXEMPT MINUTES OF THE FOLLOWING MEETINGS

The exempt minutes of the meetings held on 25 January, 3 March and 20 April 2022 were received by the Committee.

EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no exempt questions from Members of the Council had been received.

SOUTH DERBY GROWTH ZONE

The Committee approved the recommendations within the report.

The meeting terminated at 19:05 hours

COUNCILLOR TAYLOR

CHAIR

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

10 November 2022

OPEN

PRESENT:

Labour Group

Councillor Taylor (Chair) and Councillors, M Mulgrew, Rhind, Shepherd, Singh and Southerd

Conservative Group

Councillors Brown, Dawson, Fitzpatrick, Lemmon, Patten, and Watson

Non-Grouped

Councillor Wheelton

EDS/32 **APOLOGIES**

The Committee was informed that apologies have been received from Councillor Pegg and Councillor Heath (Labour Group) and Councillor Haines (Conservative Group)

EDS/33 **DECLARATIONS OF INTEREST**

The Committee was informed that Councillor Wheelton declared a personal interest regarding Item EDS/44.

EDS/34 **QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from Members of the Public had been received.

EDS/35 **QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED TO COMMITTEE

EDS/36 **CORPORATE PLAN 2020-24: PERFORMANCE REPORT (2022-2023 QUARTER 2 – 1 APRIL TO 30 SEPTEMBER)**

The Chief Executive presented the report to the Committee and sought approval of the recommendations within the report.

Councillor Wheelton raised a query regarding biodiversity net gain in relation to planning applications.

The Head of Planning and Strategic Housing informed the Committee that Biodiversity Net Gain was requested on all major applications and whatever was considered to reasonable for smaller applications and that the Local Plan would also have to be taken into account.

Councillor Brown raised concern regarding the adoption of Sustainable Drainage Systems.

The Planning Policy Assistant advised the Committee that in the future Sustainable Drainage Schemes would only be adopted in the future following completion of works that agreed with Severn Trent. The Chief Executive addressed the Committee and confirmed that only those Sustainable Drainage Systems that were of an adoptable standard and previously agreed would be adopted by the Council.

RESOLVED:

1.1 The Committee approved progress against performance targets set out in the Corporate Plan 2020 - 2024.

1.2 The Risk Register for the Committee's services were reviewed.

EDS/37 **PUBLIC SPACES PROTECTION ORDERS**

The Head of Environmental Services presented the report to the Committee and outlined the key points within the report and sought approval of the recommendations.

Members raised queries regarding prosecutions for littering

The Head of Environmental Services informed the Committee that the Police and Crime Commission was considering the County wide littering issues but noted that they would have to be mindful of legalities.

RESOLVED:

- 1.1 The Committee approved the proposed three-year extension of seven Public Spaces Protection Orders for South Derbyshire as detailed in the report.***

EDS/38 **APPROVAL OF THE INFRASTRUCTURE FUNDING STATEMENT 2021-22**

The Planning Policy Assistant presented the Report to the Committee noting the requirement to publish the statement annually that set out what Section 106 Agreement funding had been allocated and what was to be allocated. The Committee was informed that during the previous year the Council had entered into £3.4million worth of Section 106 Agreement funding and that it was estimated that in 2022/23 the Council would receive £6 million worth of Section 106 Agreement funding.

Members commended the report and thanked the Planning Policy Assistant for the work undertaken.

Members raised queries regarding updates on unspent funding and requested that Local Ward Members be copied in to communication with Parish Councils.

The Planning Policy Assistance advised the Committee that quarterly reports were shared with the Finance and Management Committee and regular updates could be shared with the Environmental and Development Services Committee.

RESOLVED:

- 1.1 The Committee approved the Infrastructure Funding Statement (IFS) for the 2021-22 financial year.***

EDS/39 **PROPOSED BAN ON RELEASE OF BALLOONS ON SDDC LAND**

The Report was presented to the Committee by the Head of Cultural and Community Services, who explained that the report was a follow up to a ban on lanterns. The damage that could be caused and the injury inflicted to live stock and wildlife due to the balloons was highlighted. The Head of Cultural and Community Services sought approval of the recommendations within the report and explained how a national approach was required and that South Derbyshire District Council would be the first in Derbyshire to issue a statement that would hopefully encourage other councils to do the same.

Members commended the report and the work undertaken.

RESOLVED:

- 1.1 The Committee noted the environmental damage caused by balloon plastic, wire and string litter to livestock and wildlife. Also, Sky lanterns and balloons released posed a danger to aircraft.***
- 1.2 The Committee agreed to issue a statement that the deliberate or accidental release of balloons of any kind was not permitted on South Derbyshire District Council owned or managed land, to suggest alternative ways of fundraising or commemoration and insist that any balloons used at events should always be tied securely and disposed of appropriately. This was to be supported by educational messages on the unintended associated environmental impact of balloon releases.***
- 1.3 The Committee agreed that the report and recommendations be shared with Derbyshire County Council and Parish Councils who were significant landowners in the District to encourage similar statements.***

EDS/40 **COMMITTEE WORK PROGRAMME**

The Chief Executive presented the report and sought approval of the updated Committee Work Programme.

RESOLVED:

The Committee considered and approved the updated work programme.

EDS/41 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no exempt questions from Members of the Council had been received.

COMMERCIALISATION RESTRUCTURE OF ENVIRONMENTAL SERVICES

RESOLVED

The Committee approved the recommendation within the report.

SHARED PROSPERITY FUND

RESOLVED

The Committee approved the recommendation within the report.

REVIEW OF PLANNING SERVICES STRUCTURE

RESOLVED:

The Committee approved the recommendation within the report.

The meeting terminated at 19:45 hours

COUNCILLOR TAYLOR

CHAIR

ENVIRONMENTAL AND DEVELOPMENT SERVICES
COMMITTEE – (Special Budget)

03 January 2023

OPEN

PRESENT:

Labour Group

Councillor Taylor (Chair)
and Councillors M Mulgrew, Shepherd (substituting for Councillor Heath),
Singh, Southerd and Tilley (substituting for Councillor Pegg).

Conservative Group

Councillors Brown, Dawson, Fitzpatrick, Haines, Patten (substituting for
Councillor Lemmon) and Watson.

Non-Grouped

Councillor Wheelton

In attendance

Councillor Smith

EDS/46 **APOLOGIES**

The Committee was informed that apologies had been received from
Councillors Heath and Pegg (Labour Group) and Councillor Lemmon
(Conservative Group).

EDS/47 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations had been made.

EDS/48 **QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL
PROCEDURE RULE NO 10**

The Committee was informed that no questions from Members of the Public
had been received.

EDS/49 **QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL
PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the
Council had been received.

MATTERS DELEGATED TO COMMITTEE**EDS/50 SERVICE BASE BUDGETS 2023-24**

The report was presented to the Committee by the Head of Finance highlighting the larger spend areas of waste collection and other environmental services together with income from the provision of services. The Committee noted increased costs in fuel, waste disposal and vehicles.

The Chair noted the report and that a separate report on the Environmental Education Service would be welcome given the risks to funding in that area. Members raised questions regarding any approved new planning validation, savings or noticeable updates to the budget and that the Medium Term Financial Plan should be closely inspected. The Chair confirmed that the new Planning structure was at the implementation stage and that there were no figures available at this point in the process.

Members questioned the introduction of commercialisation to gain more income from Developers. The Chair confirmed that last year a good service was provided by Planning and that pre-application services fees needed to be reviewed.

Members queried the cost and performance of the Building Control Service as a concern and would any data be available to analyse the services delivered. The Strategic Director (Corporate Resources) confirmed that the Annual Report due in July would provide the trends and income from the consortium.

Members queried if there was a plan to look at Land Charges costs and the budget that had already been spent. The Strategic Director informed the Committee that this was still under review.

RESOLVED:

1.1 The Committee approved that the proposed income and expenditure revenue budget for the Committee's services for 2023/24 as detailed in Appendix 1 to the report, was considered and recommended to the Finance and Management Committee for approval.

1.2 The Committee considered and approved the proposed fees and charges as detailed in Appendix 2 to the report for 2023/24.

EDS/51 COMMITTEE WORK PROGRAMME

The Strategic Director (Corporate Resources) presented the report to the Committee.

Members requested that Committee dates be added to the items in the Work Programme.

RESOLVED:

The Committee considered and approved the updated work programme.

EDS/52 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

EDS/53 **EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no exempt questions from Members of the Council had been received.

The meeting terminated at 18:30 hours

COUNCILLOR TAYLOR

CHAIR

ENVIRONMENTAL AND DEVELOPMENT SERVICES
COMMITTEE

26 January 2023

OPEN

PRESENT:

Labour Group

Councillor Taylor (Chair) and Councillor Pegg (Vice-Chair) and
Councillors Heath, M Mulgrew, Singh and Southerd

Conservative Group

Councillors Brown, Dawson, Fitzpatrick, Haines, Lemmon and Watson.

Non-Grouped

Councillor Wheelton

In attendance

Councillor Gee
Councillor Smith

EDS/54 **APOLOGIES**

The Committee was informed that no apologies had been received.

EDS/55 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations had been made.

EDS/56 **QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL
PROCEDURE RULE NO 10**

The Committee was informed that no questions from Members of the Public
had been received.

EDS/57 **QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL
PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the
Council had been received.

MATTERS DELEGATED TO COMMITTEE**EDS/58 CORPORATE ENVIRONMENTAL SUSTAINABILITY GROUP**

The Head of Environmental Services presented the report to the Committee which gave an update of work carried out during the previous 12 months. The Committee was informed that the proposed amended terms of reference was the result of an audit request.

Members raised queries regarding training, staff travel and the use of electric bikes.

The Head of Environmental Services informed the Committee that internal training was to be considered and that staff travel figures would be updated following the 2022 Staff Travel Survey.

The Strategic Director (Service Delivery) addressed the Committee and confirmed that progress was being made regarding the use of electric bikes and that a report would be presented to the Committee in the future when necessary.

Members commended the report and the work that had been undertaken.

RESOLVED:

- 1.1. The Committee noted the progress made in improving the environmental performance of the Council further to the Committee establishing a Corporate Environmental Sustainability Group in August 2018.***
- 1.2. The Committee approved the amended terms of reference for the Corporate Environmental Sustainability Group.***
- 1.3. The Committee noted the content of the report and approved that the Corporate Environmental Sustainability Group was making good progress in delivering the environmental improvements contained within its terms of reference.***

EDS/59 AUTHORITY MONITORING REPORT

The report was presented to the Committee by the Head of Planning and Strategic Housing regarding progress the Council had made in relation to policies and the Local Plan. It was noted that the 5 year land supply and housing completions were good. The Head of Planning and Strategic Housing outlined the key points that included employment land take up, allocated housing sites requirements and a review being undertaken noting that housing figures and distribution would be included.

Members commended the report and congratulated the Council on the success of the 5 year plus housing plan and the delivery of 919 homes per year. Concern was raised by Members regarding the quality of builds, the infrastructure, the use of brownfield sites and affordable housing.

The Head of Planning and Strategic Housing confirmed that the quality of the housing was ensured and covered by policies. It was noted that dialogue had taken place with healthcare providers and that where necessary, commuted sums were paid to assist with the delivery of healthcare provision. It was noted that brownfield sites had been used predominantly for employment land but consideration would be given to the use for housing provision.

It was noted that where affordable housing was not possible then a commuted sum would be paid. The Head of Planning and Strategic Housing explained that it was the Council's intention to increase the amount of affordable housing and that new policies for housing would be considered.

RESOLVED:

1.1 The Committee noted the content of the Authority Monitoring Report (AMR) and authorised the publication of the document on the Council's website.

EDS/60 **DESIGNATION OF NEIGHBOURHOOD AREA**

The report was presented to the Committee by the Planning Policy Assistant regarding the request from Etwall Parish Council to enable them to create a Local Neighbourhood Plan. It was noted that there was no known reason why Etwall should not be designated as a neighbourhood area.

As a Local Ward Member Councillor Brown addressed the Committee in support of the application.

RESOLVED:

1.1. The Committee formally designated the Etwall Neighbourhood Area in accordance with the application from Etwall Parish Council.

EDS/61 **REVISION TO ACTION PLAN FOR NATURE WORK PROGRAMME**

The Head of Cultural and Community Services presented the report to the Committee and gave an overview of the Action Plan and the 5 key objectives and targets. Nature works and main schemes and projects were highlighted along with consideration of biodiversity net gain.

Members raised queries regarding the National Forest, grass verges and the role of the new biodiversity officer.

The Head of Cultural and Community Services addressed the Committee and confirmed that the Council worked closely with the National Forest, and that the planting of wild flowers in grass verges was to be expanded.

The Head of Planning and Strategic Housing informed the Committee it was the intention to expand the role of biodiversity with a parks and greens spaces officer.

RESOLVED:

1.1 The Committee acknowledged the work completed under the Action Plan for Nature (APN) Work Programme, during 2022.

1.2 The Committee approved the revised Work Programme for 2023 as per Appendix 1 of the report.

EDS/62 **TOYOTA CITY**

The Head of Economic Development and Growth addressed the Committee and summarised the report noting the importance of Toyota manufacturing in the area and how 90% of production was exported overseas. The Head of Economic Development and Growth outlined the history, friendships and benefits that Toyota brought to the area. The Committee was requested to consider and approve the recommendations within the report.

Members commended the report and the excellent partnership that the Council had with Toyota.

RESOLVED:

1.1 The Committee recognised the importance of the relationship with Toyota City to South Derbyshire, particularly in terms of inward investment and employment.

1.2 The Committee approved that the activities of the Toyota City Partnership Board continued to be supported.

1.3 The Committee approved that a one-off budget of £20,000 be allocated from General Fund Reserves to support the further development of the successful relationship for the benefit of the local economy.

EDS/63 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Corporate Resources) presented the report to the Committee and confirmed that other reports would be added to the Work Programme once dates had been confirmed.

RESOLVED:

1.1 The Committee considered and approved the updated work programme.

EDS/64 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985****RESOLVED:**

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no exempt questions from Members of the Council had been received.

ENVIRONMENTAL EDUCATION PROGRAMME (EEP) CONTRACTS AND FUNDING

The Committee approved the recommendations within the report.

The meeting terminated at 19:05 hours

COUNCILLOR TAYLOR

CHAIR

REPORT TO:	ENVIRONMENT AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	20 APRIL 2023	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	RICHARD GROVES (01283) 595738 Richard.groves@southderbyshire.gov.uk	DOC: S:/Local Plans/Committee Reports/EDS44
SUBJECT:	PRE-SUBMISSION DRAFT DERBYSHIRE AND DERBY MINERALS LOCAL PLAN	REF:
WARD(S) AFFECTED:	ALL WARDS	TERMS OF REFERENCE: EDS17

1.0 Recommendations

- 1.1 That the Committee agrees the Council's proposed response to Derby City Council and Derbyshire County Council's Draft Minerals Local Plan (MLP) consultation by objecting to:
- (i) the allocation of more sites than are needed to meet the need for sand and gravel over the plan period based upon a forecast using the most recent annual average sales data in accordance with the National Planning Policy Framework (NPPF).
 - (ii) the allocation of the Sudbury and Foston sand and gravel site, on the basis that there has to date been no investigation as to whether the working of minerals on these sites, either individually or in combination, could lead to an increase in flood risk in the Lower Dove Valley. Any flooding could have a potential detrimental impact on considerable economic interests in the area as well as communities. Furthermore, the absence of flood risk evidence at the allocation stage means that any assessment to be submitted in support of subsequent planning applications that shows unacceptable adverse impacts may potentially lead to refusal. The sites cannot therefore be relied upon to contribute toward meeting sand and gravel needs over the plan period.
 - (iii) the allocation of the proposed Foston and Sudbury sand and gravel sites on the grounds that a precedent would be set in recent times for sand and gravel extraction in the Dove Valley, which would inevitably and irreversibly alter the character of the area.
 - (iv) the wording of Policy SP 19 which should be strengthened as follows:

"When considering the restoration of sand and gravel sites in the Trent, Derwent and Lower Dove Valley areas, the overall wider context of the site in the valley should be taken fully into account. ~~where practicable~~, including ~~the potential for~~ taking a coordinated approach with the restoration schemes of other sand and gravel workings

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*in the area. The Mineral Planning Authority will **establish formal arrangements to work with communities and mineral operators and other stakeholders well in advance of the submission of any planning application** to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the restoration of sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.*

(v) the wording of the Principal Planning Requirements relating to restoration of minerals works in the river valleys in respect of each of the proposed new sand and gravel allocations which should be strengthened as follows:

*“The restoration of the site should take into account ~~of~~ **requirements relating to the Restoration Strategy for the Trent Valley, as set out in Policy SP19, to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the mitigation, restoration and aftercare of sand and gravel sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.**”*

(vi) the application of the site assessment methodology for the reasons set out in paragraph 8.26.

2.0 Purpose of Report

- 2.1 The purpose of the report is to agree the Council’s response to the ‘Pre-Submission Draft Derbyshire and Derby Minerals Local Plan Consultation’.

3.0 Executive Summary

- 3.1 The report explains the background of the emerging MLP to date and describes the aspects of the plan that are of most interest to South Derbyshire, these being:

- proposed allocations for the production of sand and gravel;
- the supply of hydrocarbons policy.
- mineral safeguarding consultation areas
- the restoration of minerals sites in the river valleys

- 3.2 The adequacy and validity of the processes underpinning the formulation of the Draft MLP policies and the implications of the proposals for South Derbyshire are considered in section 8 of the report, ‘Conclusions’. Consideration is given to:

- the basis of the calculations for assessing the future need for sand and gravel;
- the absence of sufficient evidence concerning the possibility of flood risk impacts arising from the proposed Foston and Sudbury sand and gravel allocations;
- arrangements for public engagement and the restoration of sites in the river valleys
- the application of the sand and gravel site assessment methodology and
- supply of conventional and unconventional hydrocarbons and gas from coal

- 3.3 The recommendations are to object to:

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- the allocation of more sites than are needed to meet the actual sand and gravel need;
- the proposed Foston and Sudbury allocations on the grounds of inadequate flood risk investigations having taken place and the setting of a precedent in recent times for sand and gravel extraction in the Lower Dove Valley, altering its character;
- the wording of the policy requirements for local sand and gravel allocations relating to the Restoration Strategy for the Trent Valley
- the application of the sand and gravel site assessment methodology.

4.0 Detail

- 4.1 As identified in previous Committee reports the MLP is being prepared jointly by Derbyshire County Council and Derby City Council, the Minerals Planning Authorities (MPAs) for their respective areas and will replace the current Derby and Derbyshire MLP, adopted in 2000 (partially revised in 2002). It will encompass the City and County, with the exception of the Peak District National Park, and will cover the period to 2038.
- 4.2 The emerging MLP has now reached the Pre-Submission Draft stage (regulation 19) This provides the opportunity for public engagement and making representations about the Plan before it is submitted to the Planning Inspectorate for independent examination. The current consultation closes on 2 May 2023.
- 4.3 The NPPF requires that sufficient land is brought forward in the right location and at the right time to enable the provision of a steady and adequate supply of minerals. It sets out requirements for maintaining supplies of the various types of mineral.
- 4.4 For aggregate minerals, including sand and gravel, MPAs are required to prepare annual Local Aggregate Assessments (LAAs) to identify future demand. Non-aggregate mineral supply is determined by market demand.
- 4.5 Minerals of interest that are present in South Derbyshire comprise sand and gravel in the Trent, Dove and Derwent valleys; coal in the South Derbyshire Coalfield (which lies in the south of the District); sandstone and gritstone in the Ticknall, Melbourne and Stanton-by-the-Bridge area and shale deposits in the far north-west of the District.
- 4.6 Consultation exercises at previous stages in the preparation of the emerging MLP were reported to previous meetings of this Committee. The most recent of these was the draft version of the MLP, reported to the meeting of 20th April, 2022 (minute EDS/199 refers). In summary, the Council responded by objecting to:
- i. the use of out of date sales data to calculate the sand and gravel requirement over the plan period;
 - ii. the allocation of more sites than were needed to meet the forecast sand and gravel requirement using up to date sales data;
 - iii. the allocation of the proposed sand and gravel site at Sudbury as there had been no investigation of any additional flood risk that might be caused either by this site alone or in combination with the adjoining proposed Foston site;

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- iv. the allocation of the proposed Foston site on the basis that there had been no investigation of any effects on additional flood risk of this site in combination with the adjoining Sudbury site;
- v. the allocation of the proposed Foston and Sudbury sites on the basis that they would set a precedent in recent times for sand and gravel extraction in the Dove Valley irreversibly altering the character of the area;
- vi. the wording of the principal planning requirement in respect of community engagement in regard to planning for mineral working in the Trent, Derwent and Lower Dove Valleys
- vii. the plan of the Trent Valley Restoration Study Area which needed to be amended to include the proposed Foston and Sudbury allocations;
- viii. the application of the site assessment methodology.

4.7 The following represents a summary of the elements of the Pre-Deposit Draft MLP of most relevance to South Derbyshire where changes have been made since the Draft consultation stage.

Sand and Gravel (Policies SP4, SP5, SP6)

4.8 The NPPF indicates that the need for sand and gravel should be calculated on the basis of a rolling average of sales data over ten-years, other relevant local information and an assessment of all supply options. The Draft MLP calculates average sales based on the ten-year period 2012-2021 yielding a figure of 0.93mt per annum. This translates to a requirement of 15.81mt for the period 1 January 2022 to 31st December 2038.

4.9 To help meet this need five new allocations are proposed under Policy SP5, as previously identified in the Draft MLP. For convenience the boundaries of each are once again included at Annexe A:

- Elvaston (an extension to the permitted but currently non-operational Elvaston quarry site)
- Foston (to the west of Scropton)
- Swarkestone North (an extension to the existing Swarkestone site, North of the Trent and South of Twyford Road)
- Swarkestone South (an extension to the existing Swarkestone site to the South of the Trent which lies to the East, also referred to as Swarkestone SW extension)
- Sudbury (within Derbyshire Dales District, but adjoining the Foston site)

4.10 Other sites within South Derbyshire which already have planning permission are as follows:

- Elvaston (currently non-operational)
- Shardlow (currently in operation)
- Swarkestone (currently in operation)
- Swarkestone South West Extension (currently in operation)
- Willington (currently in operation)

4.11 In addition there is an operational sand and gravel extraction site outside South Derbyshire at Mercaston.

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- 4.12 Policy SP5 states that extraction from the proposed sites at Swarkestone and Elvaston will be supported where the extensions follow cessation of mineral working within the existing working area, unless it has been demonstrated that there are operational reasons why this is not practicable or there would be significant environmental benefits to be gained from alternative phasing. Processing of materials will be via established plant and access arrangements, unless there are significant environmental benefits in alternative arrangements.
- 4.13 Policy SP6 provides for other unallocated sites to be brought forward if required to meet an identified need or address a shortfall in the landbank and/or to sustain production capacity to meet current or anticipated need as identified in the LAA.
- 4.14 The MLP sets out a delivery schedule for the proposed and currently permitted sites, included at Annexe B. This shows, for each of the sites, the years during which sand and gravel would be worked and the quantity that would be produced per annum over the plan period. It can be seen that total production would be 18.61mt over the period 1 January 2022 to 31 December 2038, thus exceeding the forecast demand of 15.81mt by 2.8mt.
- 4.15 Although not determined at the time of writing, it should be noted that planning application CM9/0922/18, recently submitted to Derbyshire County Council and Staffordshire County Council, proposes the establishment of an extension to Willington quarry on an unallocated site within Staffordshire near Newton Solney. This application identifies the potential to extract some 0.6mt of sand and gravel and the accompanying justification identifies the potential for this additional provision to contribute toward meeting Derbyshire's overall requirement, noting that Staffordshire's supply needs are already being met. Thus this proposal, if permitted, could potentially further increase the oversupply within Derbyshire as identified above.
- 4.16 Policy SP5 specifies that proposals will need to satisfactorily address the Principal Planning Requirements for each of the new sites, as set out at Annexe C of this report. These have been substantially revised since the Draft MLP consultation. The main considerations relating to each of the new sites were included in the report on the Draft MLP, but are reproduced below for convenience.

Elvaston

- 4.17 The 50-hectare site is proposed as an extension to the existing quarry. It is located within the Green Belt to the north-west of the site, which received planning permission for sand and gravel extraction in 2013. The site comprises unimproved pasture to the north and south with arable fields in the central area. The estimated yield would be 1.5mt tonnes. With a proposed annual output of around 0.3mt, this would give a lifespan for the site of approximately five years (as shown at Annexe B). The site would be worked through the existing plant utilising existing access arrangements. All lorries would leave the plant site via the existing access road and would turn right onto London Road. No delivery vehicles would pass through Shardlow, or travel on Ambaston Lane or the B5010 to Borrowash. Restoration is likely to be mainly to water-based uses with a high nature conservation/biodiversity component.

Foston

- 4.18 This greenfield site is situated just to the west of Scropton village north of the railway. It is about 71 hectares in size and is predominantly arable land. A public footpath runs parallel to Leathersley Lane through part of the site. It has estimated sand and gravel reserves of around 3.1mt and would be worked at around 0.4mt per annum (as shown at Annexe B) over an eight-year period from around 2030. The plant site and access may be located towards the western part of the site, subject to more detailed consideration. All heavy goods vehicles would be routed to the west to join the A50 at the Sudbury roundabout. A wetland/water-based biodiversity restoration scheme is proposed with improved public access.
- 4.19 The Foston site lies within a flood storage area, constructed by the EA as part of the Lower Dove Flood Risk Management scheme in 2012/13. The EA had previously objected to this proposal in relation to the potential impact on the Lower Dove Flood Alleviation scheme. A revised boundary was subsequently proposed by the mineral operator, which the Draft MLP stated would ensure the protection of the flood defence barrier. A potential flood storage scheme was also proposed to help reduce the impact of flooding on the local area.
- 4.20 On the basis of these changes the EA withdrew its objection, subject to the submission of an appropriate assessment at the planning application stage (reviewed by a Reservoir panel engineer). This would consider the impact on the operation of the reservoir and on fluvial flood risk resulting from any proposed extraction area.

Swarkestone North

- 4.21 This is a proposed extension to the operational Swarkestone Quarry to the North of the River Trent. The site is 100 hectares in size and is situated between the existing quarry to the east and Twyford village to the west. It is currently in agricultural use with a mix of arable and grazing uses. It is estimated that the site would yield 4.5mt of sand and gravel with an estimated annual output of 0.32mt (as shown at Annexe B) although it is not expected to be worked before 2037 following on from the Swarkestone South site. This means it is expected to contribute only 0.64mt to supply within the Plan period. It is proposed to continue to use the existing processing plant and access road. The access joins the A5132 and lorries would generally then travel east onto the A514 before joining the A50. The site would be restored to mainly water-based end uses, with a focus on nature conservation and wildlife biodiversity.

Swarkestone South (identified as SW extension in Annexe B)

- 4.22 This 79 hectare site is an extension to the west of the currently active Swarkestone Quarry to the south of the River Trent and production here would follow on from the existing site. It is in agricultural use, predominantly for grazing. It is estimated that the site would yield over 2.5mt of sand and gravel with annual output estimated at 0.32mt (as shown at Annexe B). The lifespan of the site is estimated at around eight to nine years. It is proposed that the existing processing plant and the existing access road onto the A5132 would be used. The mineral would be transported across the River Trent using the existing temporary bridge. It is estimated that there would be about 110 lorry movements per day from/to the site. The site would be restored to mainly water-based end uses, with a focus on nature conservation and wildlife biodiversity.

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Sudbury

- 4.23 This 79.3 hectare site is situated outside South Derbyshire in Derbyshire Dales District, but is of interest to this Council as it directly adjoins the proposed Foston sand and gravel allocation to the East. It lies to the north of the railway and the River Dove and is mainly in arable and pasture use. There is a wildlife site in the south-western part of the site. The site would yield around 2mt of sand and gravel, with an annual output of 0.25mt (as shown at Annexe B) extracted over a period of seven to eight years. The access is likely to be close to the junction of Leathersley Lane with the A515 in the north west corner of the site. The processing plant is also likely to be in the north west part of the site to minimise product haulage distance and flood risk. Restoration is likely to be mainly to water-based uses with a high nature conservation/ biodiversity component.
- 4.24 A flood defence embankment runs through the site, along a north-west to south-east axis, constructed by the EA and representing part of the Lower Dove Flood Risk Management scheme, which defends Scropton, Hatton, Egginton and other villages downstream from flooding.

Supply of Conventional and Unconventional Hydrocarbons and Gas from Coal (Policy SP16, formerly SP17)

- 4.25 The geological conditions where oil and gas are found has resulted in two categories, conventional and unconventional. Conventional oil and gas reserves can be typically exploited by drilling a well, whereas unconventional deposits are contained in impermeable rocks, such as shale or coal deposits and extracted using techniques such as hydraulic fracturing (fracking). Studies demonstrate that shale bearing gas is present in the County, including parts of the north-west of South Derbyshire, although the scale of resources available and their commercial viability are very uncertain.
- 4.26 In October 2022, Written Ministerial Statement 124 on Shale Gas Exploration stated that the Government would only support shale gas exploration if it could be done in a way that was sustainable and protected local communities. It would be led by the evidence on whether that form of exploration could be done in a way which acceptably managed the risk to local communities. The WMS makes reference to a British Geological Survey report on the scientific advances in hydraulic fracturing since 2019 which concludes that forecasting the occurrence of large earthquakes and their expected magnitude owing to shale gas extraction remains a challenge with significant uncertainty.
- 4.27 The Government therefore adopts a presumption against issuing further hydraulic fracturing consents, an effective moratorium to be maintained until compelling new evidence is provided which addresses the concerns around the prediction and management of induced seismicity. While future applications for hydraulic fracturing consent will be considered on their own merits by the Secretary of State, in accordance with the law, shale gas developers should take the Government's position into account when considering new developments.
- 4.28 Other forms of unconventional hydrocarbon extraction are Underground Coal Gasification (UCG) and coalbed methane (CBM). USG involves the controlled

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combustion of unworked coal seams and the recovery of the resulting gas. CMB involves extraction of gas from unworked coal seams. Research has demonstrated that the South Derbyshire Coalfield does not form a UCG resource due to the extensive nature of former underground workings and the need to stand off from these, whilst prospects for CMB are also poor due to low seam gas content and uncertainty about the permeability of the coal.

- 4.29 In view of the lack of knowledge about the location and scale of economically viable oil and gas resources the Draft MLP adopts a plan wide policy approach which allows for their exploration, appraisal and production subject to meeting a detailed set of criteria.

Mineral and Infrastructure Safeguarding and Consultation Areas (Policies SP17 and SP18, formerly SP18 and 19)

- 4.30 The NPPF requires that all mineral planning authorities define Mineral Safeguarding Areas so that known locations of specific mineral resources are not sterilised by non-mineral development, such as housing or industry. Where it is considered necessary for non-minerals development to take place, prior extraction of the mineral should be undertaken where practical and environmentally feasible. Safeguarded minerals in South Derbyshire comprise sand and gravel, surface mined coal and sandstone and gritstone.
- 4.31 Mineral Consultation Areas identify the geographical areas based on a Minerals Safeguarding Area, where the district or borough council are required to consult the MPA for any proposals for non-minerals development, other than those for less significant development such as householder applications. The wording of the policy has been amended in the Pre-Deposit Draft MLP to clarify the responsibilities of the District Councils in this regard and to identify buffers to guard against nearby development potentially affecting the mineral resource. These measure 500m in the case of hard rock resources and 250m for other resources.
- 4.32 The NPPF also sets out that local planning authorities should safeguard existing, planned and potential sites for minerals infrastructure and policy wording has been amended to clarify the responsibilities of developers and the District Councils.
- Restoration of Sites in the River Valleys (Policy SP19, formerly Policy 20)
- 4.33 The Draft MLP identifies that the Trent, Derwent and Dove Valleys face increasing pressure from new development and that the identification of further sites for mineral extraction will place further demands on the landscape.
- 4.34 In the past, sand and gravel workings have been restored to after-uses with an approach that has concentrated on the requirements of the specific site rather than also considering its context within the wider surrounding river corridors. This has gradually altered the overall environmental and cultural integrity of the landscape.
- 4.35 A long term strategy for the restoration of sand and gravel workings in the Trent, Derwent and Lower Dove Valleys is now proposed to help achieve the long-term vision for the area, as set out in the emerging Trent Valley Vision which is being developed by the County Council. Adjoining authorities, through which the River Trent flows, are either in the process of developing or considering similar approaches. Authorities will work together to ensure that the strategies are coordinated across the valleys.

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Development Management Policies

- 4.36 The development management policies provide more detailed criteria against which proposals for mineral development and mineral related development will be assessed.

Of particular note from a South Derbyshire perspective is Policy DM8: 'Water Management and Flood Risk' which requires that proposals should demonstrate that there would be no unacceptable impacts in relation to surface and groundwater impacts; flood flows and conveyancing routes; flood storage capacity; the integrity of flood defences and local land drainage systems; and the physical integrity of watercourses.

5.0 Financial Implications

- 5.1 There are no direct financial implications for the Council.

6.0 Corporate Implications

Employment Implications

- 6.1 None identified.

Legal Implications

- 6.2 The requirements for preparing the MLP are set out in Town and Country Planning Act 1990.

Corporate Plan Implications

- 6.3 The emerging MLP has implications for the following key aims of the Corporate Plan:
- "Enhance biodiversity across the District", in that the reclamation of minerals workings often provides opportunities to enhance biodiversity through the creation of new habitats.
 - "Attract and retain skilled jobs in the District", in that the minerals industry provides local employment.
 - "Influence the improvement of infrastructure to meet the demands of growth" in that minerals' development can often provide infrastructure benefits as part of a mitigation package.

Risk Impact

- 6.4 None identified.

7.0 Community Implications

Consultation

- 7.1 This is a consultation exercise being conducted by Derbyshire County Council and Derby City Council.

Equality and Diversity Impact

- 7.2 Minerals extraction can provide employment, but can also impact the amenity of local communities.

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Social Value Impact

- 7.3 Minerals extraction is necessary to support the construction industry and in turn the wider economy.

Environmental Sustainability

- 7.4 Any potential harm to the natural environment that may potentially result from minerals extraction must be addressed through appropriate mitigation measures.

8.0 Conclusions

Assessment of Future Demand for Sand and Gravel

- 8.1 As noted in para 4.8, the NPPF requires that future demand should be calculated using past annual sales based on a ten-year rolling average. In its consideration of the Draft MLP, the Council noted that the forecast for requirements over the remainder of the plan period overstated the need as they were based upon out of date average annual sales data. The Pre-Submission MLP updates this forecast using more recent data, the rolling ten year average annual sales now being based upon the period 2012-2021, yielding a figure of 0.93mt per annum. The calculations underpinning the most recent and the two previous forecasts are set out in the table below.

Annual Sales of Sand and Gravel (million tonnes)

2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	Av.
1.04	1.1	0.81	0.82	0.95	1.13	1.29	0.94	1.05	0.78			0.99
	1.1	0.81	0.82	0.95	1.13	1.29	0.94	1.05	0.78	0.57		0.94
		0.81	0.82	0.95	1.13	1.29	0.94	1.05	0.78	0.57	0.99	0.93

- 8.2 It can be seen that average annual sales have fallen from 0.99mt in the original calculation to 0.93mt per annum in the most recent. Using the previous annual average sales figure of 0.94mt the total production requirement for the period 1 January 2021 to 31 December 2038 (0.94 x 18) was **16.92mt**. Using the up to date figure of 0.93mt the total production requirement for the period 1 January 2022 to 31 December 2038 (0.93 x 17) is **15.81mt**.

Proposed Supply of Sand and Gravel

- 8.3 The proposed supply of sand and gravel over the plan period, set out in the table at Annexe B, shows a total of 18.61mt. Given the need for 15.81mt this would indicate an excess supply of **2.8mt**.
- 8.4 In responding to SDDC's objection to the use of out of date annual sales data in calculating the overall need for sand and gravel in the Draft MLP, DCC states that calculating need "*is not an exact science as a result of factors such as the unpredictability of the market for sand and gravel and other factors such as flooding. It is estimated that some years production may be higher than the annual provision figure which means that overall provision for the whole Plan period is likely to be higher than is shown by the total provision figure in the policy. This is however proposed as a minimum figure to take account of such factors*".
- 8.5 Relevant to the consideration of this explanation is the inclusion in the Local Aggregates Assessment 2022 of a table showing that recent production of sand and

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gravel has exceeded sales, generally by some 0.2-0.3mt. The table is reproduced at Annexe E.

Proposed Sand and Gravel Allocations (Policy SP5)

- 8.6 In its response to the 2022 Draft MLP consultation the Council made reference to the assessment of prospective sites that resulted in them being ranked and identified as having 'high', 'medium' or 'low potential'. This resulted in three sites, Swarkestone North, Sudbury and Elvaston, as falling within the 'high' category whilst the Foston and Swarkestone South sites were identified as having 'medium' potential. These assessments have been carried forward to the Draft Pre-Submission consultation stage, but the scores and rankings remain unchanged. The summary table is reproduced at Annexe F.
- 8.7 It should be noted that the excess supply of 2.8mt, as referred to in para 8.4, exceeds anticipated production within the plan period from four of the five proposed individual allocations, suggesting that only four of these would be needed.

Sudbury

- 8.8 The Sudbury site is one that was put forward by an operator in response to the Sand and gravel consultation of 2020. In its response to the Draft MLP the Council objected to the allocation on the following basis:

“that there has to date been no investigation as to whether the working of minerals on this site in isolation, or in combination with the proposed Foston allocation, could lead to an increase in flood risk in the Lower Dove Valley. Any flooding could have a potential detrimental impact on considerable economic interests in the area as well as communities. Furthermore, the absence of flood risk evidence at the allocation stage means that any assessment to be submitted in support of a subsequent planning application that shows unacceptable adverse impacts may potentially lead to refusal. The site cannot therefore be relied upon to contribute toward meeting sand and gravel needs over the plan period.”

- 8.9 The Environment Agency also responded to the Draft MLP in respect of the Foston site stating that “

“At this stage there has not been any substantial detailed technical evidence provided, which would be expected to support any application for extraction, for the site allocation and the following amendments and inclusions to the Principal Planning Requirements will be required to ensure the necessary technical assessments and reports would be provided at the planning application stage. These reports and assessments are required to show how the existing Lower Dove Flood Management Scheme would be protected, and that there would be no impact upon its operation. These reports and assessments will also be required to show the areas of the site where excavation could be acceptable which does not impact upon the operation and integrity of the Lower Dove Flood Management Scheme. The Environment Agency would object to any application where the submitted reports and assessments showed a negative impact upon the operation and integrity of the Lower Dove Flood Management Scheme or increase flood risk to the wider catchment.”

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- 8.10 The amendments and inclusions to the Principal Planning Requirements referred to by the Environment Agency have accordingly been incorporated. These are set out at Annexe C of this report with the new wording proposed by the Environment Agency highlighted in bold italics.
- 8.11 The newly specified requirements strengthen protection against any increase of flood risk as a consequence of mineral workings. However, the broad range of evidence required at the application stage by the EA indicates that it is not clear at this stage that the proposal would be found to be acceptable. The possibility of refusal of planning permission following an EA objection would appear to suggest too great a degree of uncertainty that the site could be brought forward. It is therefore proposed to continue to object to the Sudbury allocation on this basis.
- 8.12 A further Council objection to the allocation of the proposed Foston and Sudbury sites in the Draft MLP was that a precedent would be set in recent times for sand and gravel extraction in the Dove Valley, which would inevitably and irreversibly alter the character of the area. The retention of the proposals means that this objection should be restated as part of the response to the Pre-Submission Draft MLP.

Foston

- 8.13 In its response to the Sand and Gravel consultation 2020 the Council objected to the proposed allocation at Foston on the grounds of:

“(a) a potentially significant increase in flood risk and risk to the recently constructed flood defences of the Lower River Dove, as identified by the Environment Agency (EA), with potential detrimental impact on considerable economic interests in the area as well as communities.”

- 8.14 Although the EA did not comment on this proposed allocation in its response to the Draft MLP, DCC has substantially changed the Principal Planning Requirements to accord with the changes made in respect of the Sudbury site. These are set out at Annexe C with the new wording highlighted in bold italics.
- 8.15 The newly specified requirements strengthen protection against any increase of flood risk as a consequence of mineral workings. However, the broad range of evidence required at the application stage indicates that it is not clear at this stage that the proposal would be found to be acceptable. The possibility of refusal of planning permission following an EA objection would appear to suggest too great a degree of uncertainty that the site could be brought forward. It is therefore proposed to continue to object to the Foston allocation on this basis.
- 8.16 As noted in regard to the Sudbury site the second part of the Council’s previous objection to the Foston site, on the grounds of setting a precedent for sand and gravel extraction in the Dove Valley has not been resolved in the Draft MLP and it is therefore considered that the Council should restate its objection in this regard.

Restoration of Sites in the River Valleys (Policy SP19, formerly SP20)

- 8.17 In its response to the Draft MLP the Council also objected to the policy wording in respect of the proposed new sand and gravel sites relating to the Restoration Strategy for the Trent Valley, and proposed that it be strengthened as follows:

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*“The Mineral Planning Authority will **establish formal arrangements to** work with communities and mineral operators and other stakeholders **well in advance of the submission of any planning applications** to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the **mitigation, restoration and aftercare** of sand and gravel sites will fit in with this long term restoration strategy for sand and gravel sites in the river valleys.”*

- 8.18 In the Pre-Submission Draft MLP the Principal Planning Requirements the Trent Valley Restoration Strategy is referred to in respect of each of the proposed new sand and gravel allocations. In all cases the wording has been amended as follows with changes highlighted in bold:

*“The restoration of the site should take into account the Restoration Strategy for the Trent Valley, as set out in Policy SP2019, to **help** ensure that ~~the wider context of the valley is taken into account in developing a coordinated and strategic approach to the restoration of the site~~ **proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the mitigation, restoration and aftercare of sand and gravel sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.**”*

- 8.19 Policy SP19 (formerly Policy 20) reads as follows, with new wording highlighted in bold:

*“When considering the restoration of sand and gravel sites in the Trent, Derwent and Lower Dove Valley areas, the overall wider context of the site in the valley should be taken fully into account **where practicable**, including the potential for taking a coordinated approach with the restoration schemes of other sand and gravel workings in the area. The Mineral Planning Authority will work with communities and mineral operators and other stakeholders to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the restoration of sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.”*

- 8.20 It can be seen that only part of the Council’s requested additional wording, in respect of mitigation and aftercare, has been included in the wording of the Principal Planning Requirements. In responding to the District Council’s proposal in the Report of Representations on the Draft MLP, the County Council expresses the view that the wording:

“...could be strengthened to some extent but the first part of the suggested sentence is considered to be too onerous at this stage. The SPD (Supplementary Planning Document) will cover this issue in more detail and stakeholders will play an important role in its development.”

- 8.21 The SPD referred to will set out a strategy for the restoration of the Trent, Derwent and Lower Dove Valleys, although no timetable is given for its completion. In light of the fact that a scoping opinion request in respect of potential sand and gravel extraction proposals for the site has already been submitted by CEMEX (SCOM/3/84) it seems unlikely that an SPD will be prepared in sufficient time to allow for effective early community engagement.

[Type here]

- 8.22 In regard to the inclusion of the words “*where practicable*” in Policy SP19, the Report of Representations indicates that this change was made in response to a representation on the Draft MLP submitted by Tarmac, a minerals operator. Contrary to the District Council’s wish for the policy wording to be strengthened this new addition weakens it, which is a particular concern in relation to the Sudbury and Foston sites as they are adjoining.
- 8.23 In light of the above it is proposed that the objection be raised once again in respect of policy wording relating to community engagement arrangements and site restoration in the river valleys.
- 8.24 The remaining three proposed new sand and gravel sites at Elvaston, Swarkestone North and Swarkestone South have not given rise to objections from the Council when considered at previous emerging MLP consultation stages. The considerations relating to these sites remain substantially unchanged in the Pre-Submission Draft MPA and it is not therefore proposed to raise any objections to them in response to this consultation.

Trent Valley Restoration Study Area Map

- 8.25 As noted in para 4.8, in responding to the Draft MLP the Council objected to the exclusion from the map showing the Trent Valley Restoration Study Area of both the proposed Foston and Sudbury sites. The map, included at Annexe D, has accordingly been amended to include the area within which those sites are located, therefore meeting the Council’s concerns.

Sand and Gravel Site Assessment Methodology

- 8.26 In its response to the Draft MLP the Council objected to the methodology on the basis that it did not take account of the potential for mitigation considerations to affect site selection at the plan-making stage. Allocating the sites that score the most highly through the assessment effectively rules out the granting of planning permission on lower ranked sites that may have performed better had mitigation been taken into account. It was noted that at that time there had been no investigation of any potential flood risk impacts relating to the Sudbury and Foston sites, either individually or in combination, the results of which could potentially have identified an insurmountable, or “showstopper” constraint to sand and gravel extraction.
- 8.27 In addition, as part of its response to the Sand and Gravel consultation of 2020, the Council made the point that it was likely that some evidence would change during plan preparation and that this should be fed into the assessments to ensure they remained up to date and robust. However, the Assessment Methodology has not been subject to further change since last updated in 2020 and is published purely for information at the current consultation stage. It is therefore proposed to restate these earlier objections.

Supply of Conventional and Unconventional Hydrocarbons and Gas from Coal (Policy SP16, formerly SP17)

- 8.28 The part of South Derbyshire that may hold potential for unconventional hydrocarbon production lies within the north east of the District around Elvaston, Ambaston and Sharlow. This forms part of a larger area most of which falls within Erewash Borough.

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8.29 In commenting on emerging unconventional hydrocarbon policy in the Draft MLP, the Council noted that previously expressed concerns relating to the protection of the geological structure, the openness of the Green Belt and the three tenets of sustainability: environmental, social and economic, had been satisfactorily addressed. The Draft Pre-Submission MLP further strengthens Policy SP16 (identified as SP/17 in the Draft MLP) through amendments relating in particular to:

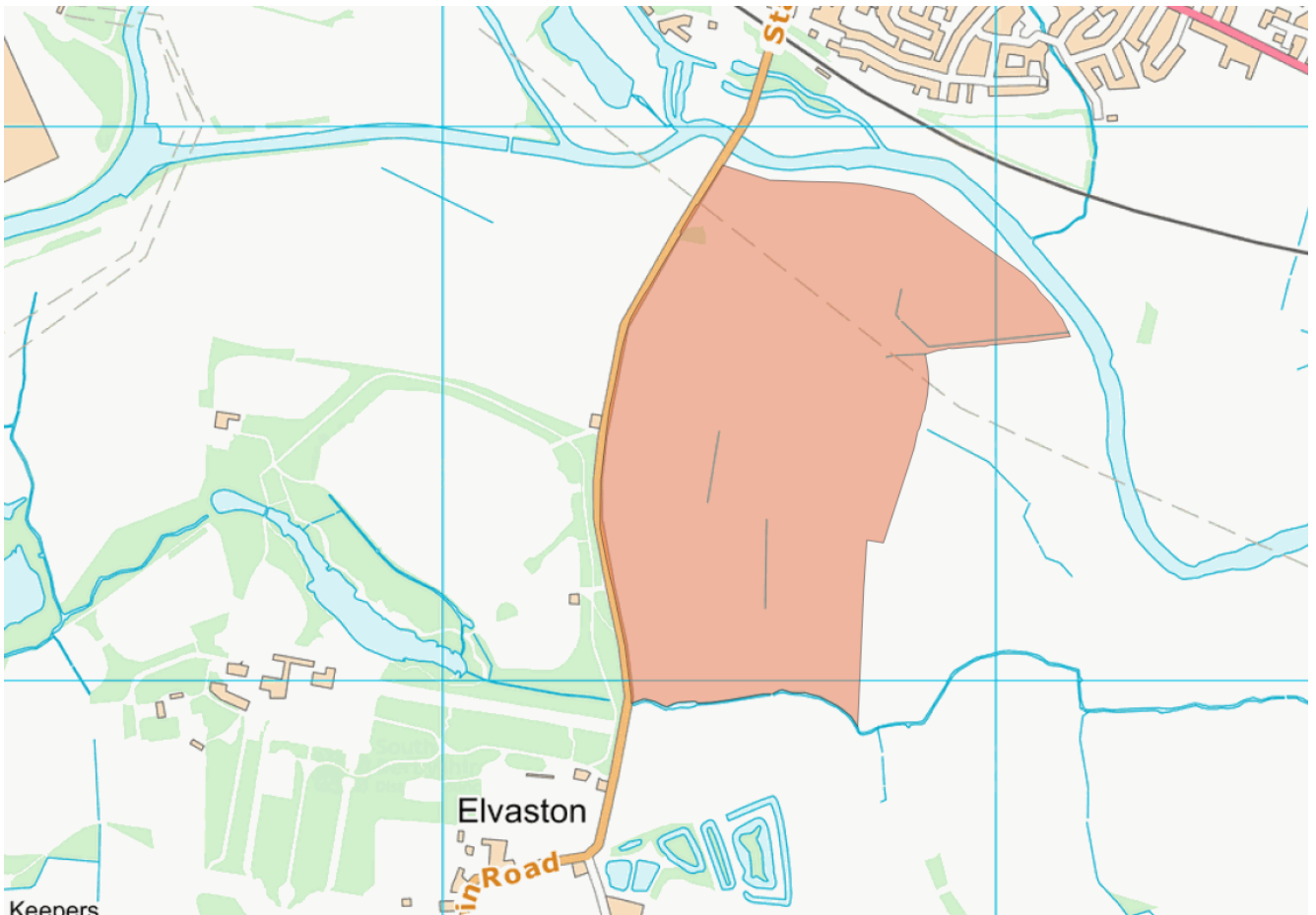
- the addition of a new criterion (4) for the avoidance of pollution relating to drilling residues and waste water including Naturally Occurring Radioactive Material (NORMS) and the use or disposal of unwanted gas.
- the protection of sensitive receptors (features potentially affected by such activity), by stating that extraction facilities within 500 metres of these will not be supported unless an assessment of the adequacy of lower separation distances and the use of mitigations measures demonstrate that there would be no unacceptable impacts on local amenity, health, well being and safety
- the need to consider how hydrocarbon extraction proposals fit within a framework for the development of the wider Petroleum Exploration and Developer Licence (PEDL) oil and gas reservoir area to ensure that it is developed in an environmentally acceptable way
- confirmation that exploration, appraisal or production of unconventional gas resource involving underground coal gasification will not be supported

9.0 Background Papers

"Derbyshire and Derby Pre-Submission Draft Minerals Local"	Derbyshire County Council. Derby City Council, January 2023
"Derbyshire and Derby Draft Minerals Local Plan"	Derbyshire County Council, Derby City Council, December 2021
Derbyshire and Derby Draft Minerals Local Plan – Report of Representations	Derbyshire County Council, Derby City Council, January 2023
"Background Paper – Sand and Gravel Site Assessments"	Derbyshire County Council, Derby City Council, January 2023
"Sand and Gravel Assessment Methodology"	Derbyshire County Council, Derby City Council, August 2020
"Sand and Gravel Development Paper"	Derbyshire County Council, Derby City Council, February 2023
"National Planning Policy Framework"	Ministry of Housing Communities and Local Government, 2021

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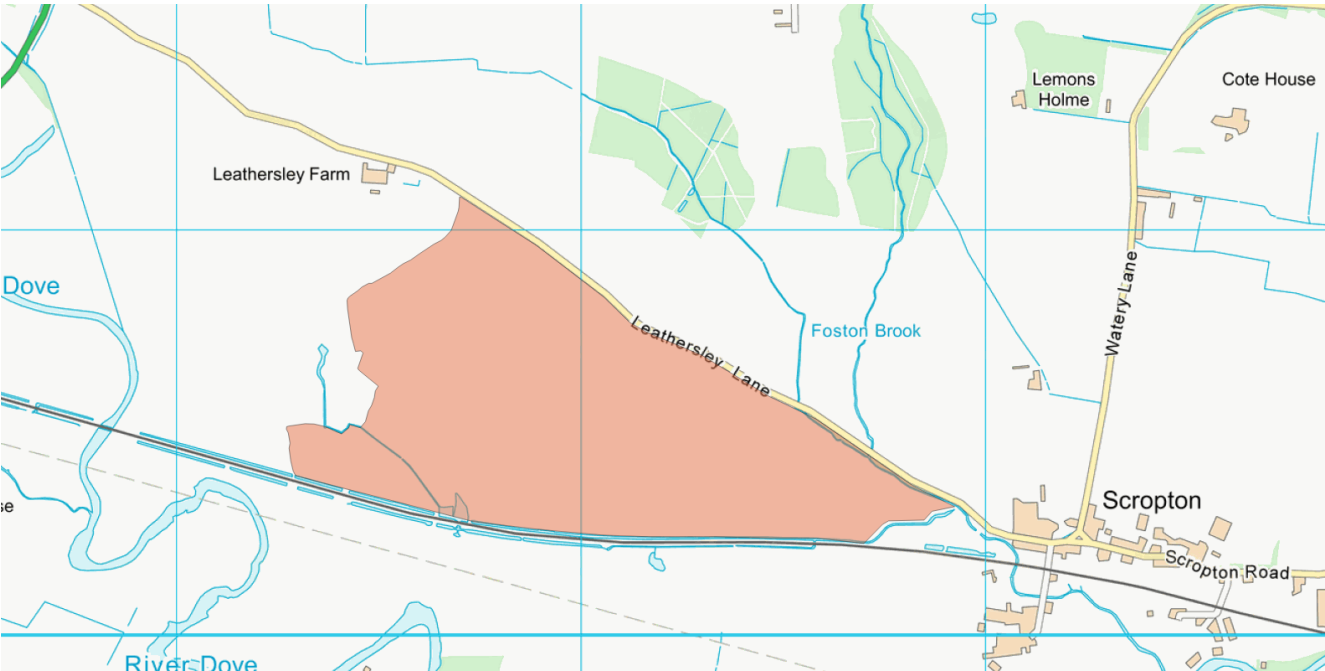
Elvaston



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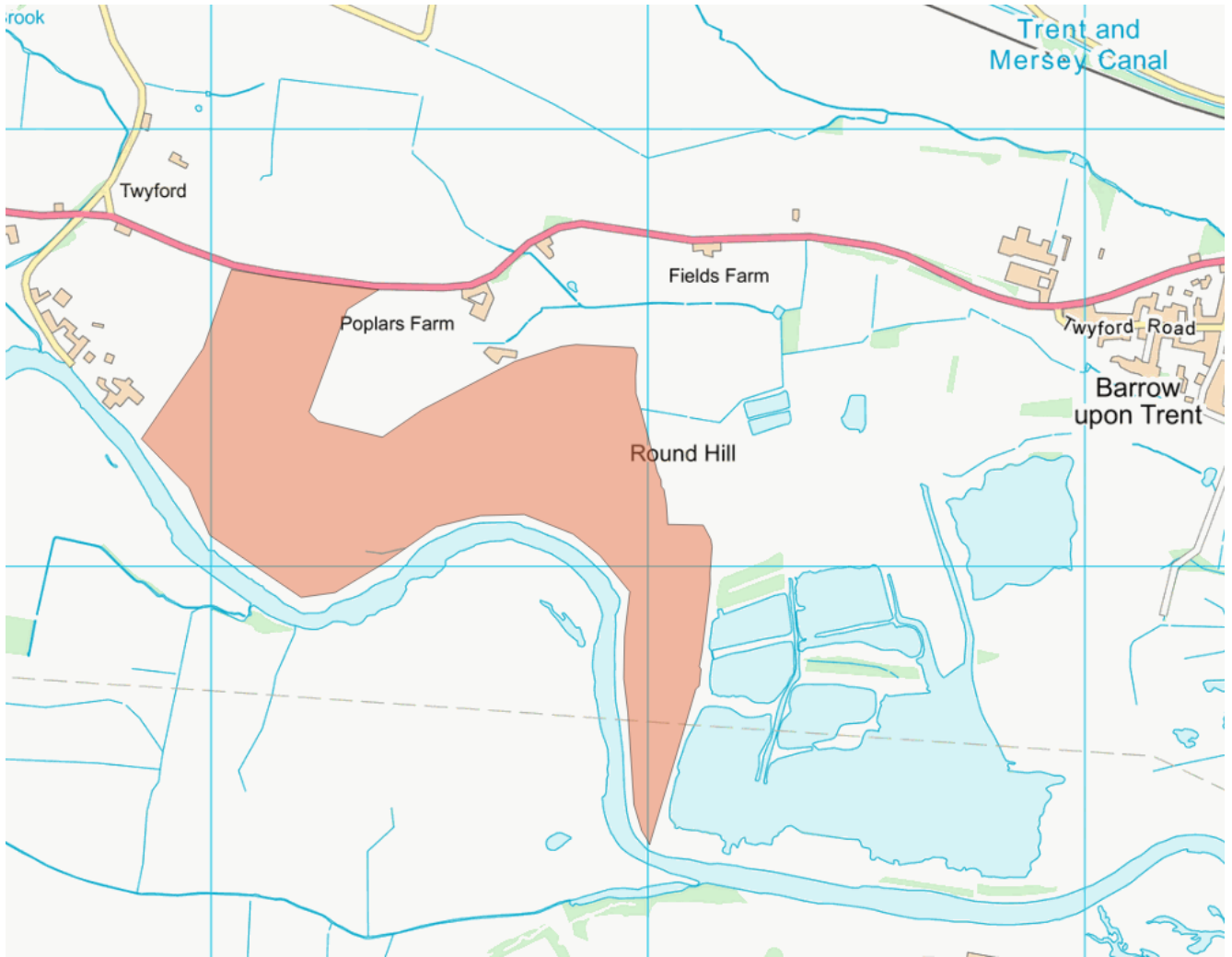
Foston



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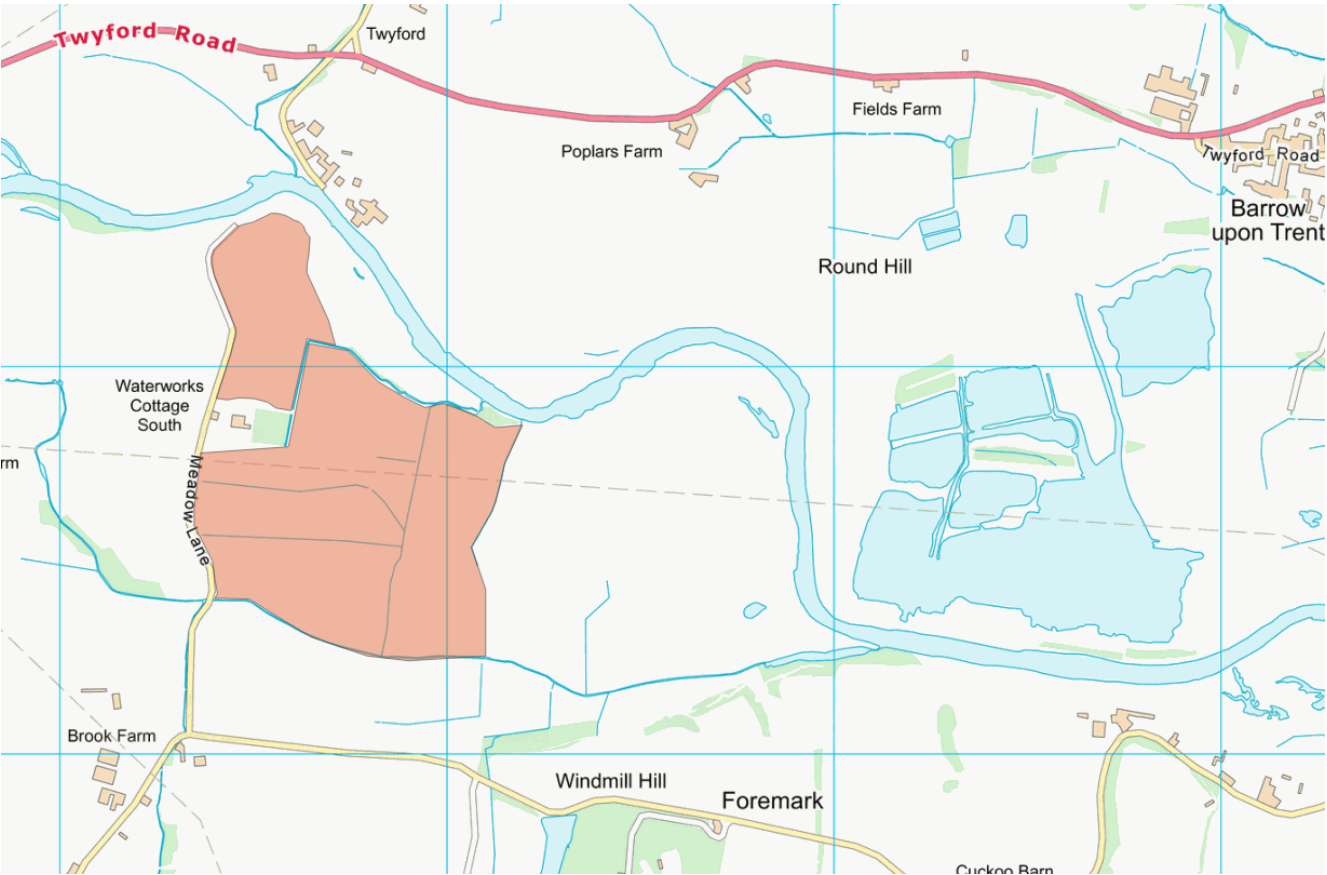
Swarkestone North



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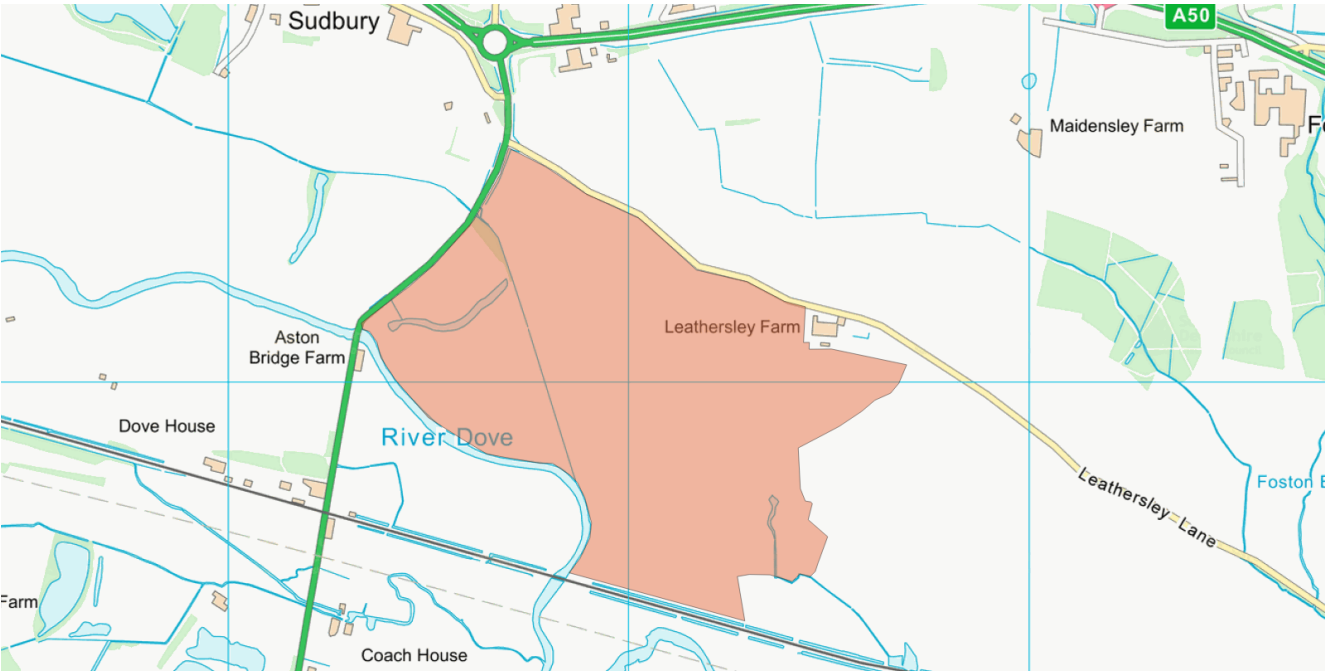
Swarkestone South



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Sudbury



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Sand and Gravel Deliverability Schedule

Total Estimated Production 18,610,000 tonnes

Site	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038
Shardlow (permission)	350	350	350	350	350	350	350	350									
Sudbury				250	250	250	250	250	250	250	250						
Foston									400	400	400	400	400	400	400	300	
Swarkestone (Permission)	320	320	320	320	320	320	200										
Swarkestone (SW extension)								320	320	320	320	320	320	320	320		
Swarkestone North																320	320
Willington (permission)																	
Willington (extension)	350	350	200														
Elvaston (Permission)							300	300	300	300	300	300					
Elvaston (extension)													300	300	300	300	300
Mercaston	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70
Reserves likely to be worked in Plan period	1090	1090	940	990	990	990	1170	1290	1340	1340	1340	1090	1090	1090	1090	990	690

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Principal Planning Requirements for new sand and gravel allocations (reproduced from Draft Minarals Local Plan Appendix A)

Elvaston

1) An assessment of how the site would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts, taking into account the location of the site within the Green Belt and therefore the need to maintain the openness of area. Some properties on the southern edge of Borrowash, may have views across the northern part of the site. Beechwood camping/caravan site which lies to the south of the site would be screened by trees/hedgerows on its northern boundary. There are open views from several residential properties and from the main entrance to Elvaston Castle and Country Park which lie immediately across the road which forms the western boundary.

2) An ecological assessment of any designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site's development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network. There is unimproved pasture and remnant hedgerows on the northern part of the site adjacent to the River Derwent. Arable fields are in the centre of the site and improved pasture to south. There are occasional scattered trees of varying age and condition and a group of willows and evidence of lost hedgerows. The condition of hedgerows is generally variable. There are no records of designated wildlife sites.

3) An assessment of the effects on the historic environment, including designated sites and settings and archaeological remains. In terms of designated sites and settings, Elvaston Castle Country Park is situated across the road from the site's western boundary and forms a well-used and valuable local recreational amenity. The Castle and Gardens are Grade II* Listed Buildings. The Eastern Avenue, which adjoins the southern boundary is an integral component of the gardens. A significant stand-off would be required to create a landscape buffer to help protect the setting of this historic asset. This would require detailed discussions with the Council's Planning and Archaeology Officers.

4) In terms of archaeology, there are some remnants of ridge and furrow adjacent to the river. There are vestigial remains elsewhere of once very extensive open fields. There are palaeochannels adjacent to the river which may have considerable potential. Appropriate evaluation and subsequent treatment of on-site archaeological and geo-archaeological/palaeo-environmental remains would be required.

5) An assessment of the effects of the development on the water environment. The site lies in flood zone 3 which has the highest possibility of flooding but in accordance with PPG, sand and gravel working is classed as water compatible development, which is classified appropriate development in flood zone 3. There should be no excavations within 45 metres of the River Trent, or flood defences, particularly around meanders which are a zone of active erosion.

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- 6) A detailed flood risk assessment (FRA) showing how, through all development phases (Construction, Operation and Restoration), that there will be no increase in flood risk to the site and to others. Opportunities to provide betterment in flood risk, and other environmental enhancements at the restoration stage, should be explored.
- 7) A detailed management plan highlighting the necessary pollution mitigation measures during the construction and operation of the quarry to ensure the protection of watercourses, surface water quality and groundwater quality.
- 8) A plan showing how the restoration of the site will provide multifunctional environmental enhancements, including, but not limited to, reducing the impacts of flood risk to others, providing significant biodiversity net gain and providing water quality improvements.
- 9) Prior to making a planning application, applicants should discuss water abstraction issues with the Environment Agency.
- 10) An assessment of the landscape and visual impact of the site, including the provision of suitable landscaping measures. The northern part of the site directly south of the River Derwent and north-east of Elvaston Castle comprises of unimproved pasture with remnant hedgerows. The central area is predominantly arable fields with improved pasture to the south. There are occasional scattered trees of varying age and condition, a group of willows and evidence of lost hedgerows. Hedgerow condition is very variable. The proposed site has a few characteristics that accord with the established character of the Riverside Meadows and the condition is considered to be generally poor.
- 11) A Transport Assessment would need to accompany any application to assess the access to this site and the impact of traffic generated by the site on the surrounding highway network. It is expected that this site would be worked through the existing plant and access arrangements so the impact on the surrounding area in this respect is likely to be unchanged.
- 12) An account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.
- 13) The restoration of the site should take into account the Restoration Strategy for the Trent Valley, as set out in Policy SP19, to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the mitigation, restoration and aftercare of sand and gravel sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.

Foston

- 1) An assessment of how the site would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts – The nearest communities are the villages of Scropton, Foston and Sudbury. Leathersley Farm is located approximately 185m to the northwest of the site. This will include an assessment of visual impact (including light pollution), noise and vibration, dust and air quality.

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2) An ecological assessment of the designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site's development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network. The site is dominated by arable farming, and historic mapping would suggest that agricultural intensification has resulted in the removal of many internal hedges previously present on site. The remnant hedgerows on site do contain some hedgerow trees which may be of some interest, although the hedgerows otherwise appear to be intensively managed. Small areas of semi-natural habitat may persist at the southern end of the site, although there are no notable habitats or designated sites recorded within or immediately adjacent to the site. Protected and notable species records are very limited within and around the site, with only one old record for water vole seemingly relevant.

3) An assessment of the effects on the historic environment including designated sites and settings and archaeological remains. There are two records for cropmarks within the site, suggestive of Iron Age/RomanoBritish field systems and enclosures. A number of palaeo-channels are also mapped. Two records of ridge and furrow appear to be ploughed out. The Dove Valley is associated with deep alluvial deposits which can blanket archaeological and palaeo-environmental remains, so the surface-visible resource may underestimate the true extent and complexity of buried remains.

4) Tutbury Castle (Scheduled Monument and Grade 1 listed) is 2.3km from the site. It is situated on a natural promontory with expansive views overlooking the floodplain of the River Dove, and the site forms an integral part of the setting of this monument. It will be vital therefore that the impact of the proposal on the setting of this designated monument is considered carefully. The following requirements (5-8) should be complied with to help ensure the protection of this asset.

5) To help ensure the protection of the setting of Tutbury Castle, the working of this site should be staged i.e., proposals will need to include a working and restoration scheme which provides for the working and progressive restoration of the site to minimise the amount of land disturbed at any one time.

6) The site will be expected to be worked and restored within eight years of commencement, to help ensure that the impact on this part of the setting of Tutbury Castle is for as short a time as possible.

7) The processing plant should be located in the eastern part of the site which offers greater potential for screening and is less prominent in views from Tutbury Castle than the more western part of the site. This will also help to protect the setting of Leathersley Farmhouse, a Grade II listed building, situated 200m from the western boundary of the site.

8) The site should be restored to recreate the existing landscape type, creating a natural flood plain setting, to help conserve the setting of Tutbury Castle. Evidence should be provided that the required fill material to enable this will be available.

9) The site is 2km from the Grade I Listed Sudbury Hall and its Grade II Registered Park. and although are generally screened from the site, the sensitivity of this historic area means the potential impact of the proposal on this area should be considered carefully.

10) Appropriate evaluation and subsequent treatment of on-site archaeological and geo-archaeological/palaeo-environmental remains will be required.

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11) The site lies in flood zone 3 which has the highest possibility of flooding but in accordance with PPG sand and gravel working is classed as water compatible development which is appropriate development in zone 3.

12) ***The site lies within a flood storage area constructed by the Environment Agency as part of the Lower Dove Flood Risk Management scheme in 2012/13. This scheme defends Scropton, Hatton and other villages downstream from flooding. A geotechnical assessment (which has been reviewed by a Reservoir panel engineer) of the potential impact of the development on the flood defences and reservoir will be undertaken required.*** This includes the Reservoir Flood Defence Embankment adjacent to the eastern boundary of the site and the part of the site which is included within the Lower Dove Flood Storage Scheme. This includes the Reservoir Flood Defence Embankment adjacent to the eastern boundary of the site and the part of the site which is included within the Lower Dove Flood Storage Scheme. Appropriate ***extraction area*** stand offs ***which will be subject to these assessments (minimum 16m)***, will be proposed as a result to ensure the protection of the flood defences.

13) ***A detailed flood risk assessment (FRA) to be provided showing how, through all development phases (Construction, Operation and Restoration), that there will be no impact upon the operation of the existing Lower Dove Flood Storage Scheme. Opportunities to provide betterment in flood risk, and other environmental enhancements at the restoration stage, should be explored, however these should not have any detrimental impact upon the existing Lower Dove Flood Storage Scheme.***

14) ***A detailed management plan highlighting the necessary pollution mitigation measures during the construction and operation of the quarry to ensure the protection of watercourses, surface water quality and groundwater quality.***

15) ***A plan showing how the restoration of the site will provide multifunctional environmental enhancements, including, but not limited to, reducing the impacts of flood risk to others, providing significant biodiversity net gain and providing water quality improvements.***

16) ***Prior to making a planning application, applicants should discuss water abstraction issues with the Environment Agency.***

17) ***Applicants should contact the Environment Agency to discuss any permitting requirements, and where required, should look to parallel track these permit applications alongside the planning application.***

18) An assessment of the landscape and visual impact of the site, including the provision of suitable landscaping measures. The proposed allocation is located within the Riverside Meadows LCT; a landscape typically farmed as permanent pasture. Evidence suggests that there has been significant boundary loss as a result of agricultural intensification and today this site is comprised of a small number of very large arable fields. Hedgerows are well managed but lack hedgerow trees. In terms of visual impact, although Leathersley Farm is located approximately 185m to the north west and Scropton is approximately 190m to the east, the site is generally well contained by existing vegetation and would not be visible from these areas to any significant extent. Two residential properties on the western edge of Scropton lie about 200m from the eastern edge of the site and are the only properties that may have direct views onto a proportion of the site (the eastern third of the site). Views of the

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site are predominantly from Leathersley Lane and Brooms Lane and the railway, which runs along the southern boundary of the site. A public footpath also runs parallel to Leathersley Lane through part of the site from where views of the site would be evident. Views from Foston and the A50 to the north are obscured by dense woodland. Tutbury Castle and grounds, which is a scheduled monument and lies on higher ground to the south, could, potentially, have distant views of the site. Overall, there are some/few visual receptors and potentially large parts of the site would be visible given the lack of internal hedgerows.

19) A Transport Assessment would need to accompany any application to assess the impact of traffic generated by the site on the surrounding highway network, particularly A515/A50 junction and include details of proposed measures to ensure that HGV traffic generated by the development do not turn right out of the site towards Scropton and do not use the main road through Sudbury village. Leathersley Lane is within an area wide Weight Restriction and forming an access within the limit will give any HGV the legitimate right to 'access' the site via any of the routes throughout the restricted area. The means of access would therefore need to be located outside of the restriction, to direct HGVs via the suitable routes of A50 and A515. With the restriction starting immediately on entering Leathersley Lane, this is likely to require a modification to the existing order, which would be subject to public consultation. Early engagement with the Local Highways Authority and National Highways will be required should planning applications be submitted for the sites at Sudbury and Foston.

20) If proposals come forward that would result in both Sudbury and Foston sites operating concurrently, then the Transport Assessment for the second site proposal that comes forward will need to assess the cumulative impacts on the Major Road Network and Strategic Road Network from both sites and demonstrate that these will be acceptable.

21) It will be necessary for a joint condition survey to be undertaken to agree the condition of the road before it accepts the additional HGV movements so that all parties understand the condition at the time of its first operation.

22) An account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.

23) The restoration of the site should take into account the Restoration Strategy for the Trent Valley, as set out in Policy SP19, to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the mitigation, restoration and aftercare of sand and gravel sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.

Swarkestone North

1) An assessment of how the site would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts. There are several properties which have the potential to be affected by the working of this site. There are properties in Twyford to the north-west and several individual residential properties to the north of the site, including a number of dwellings at the converted Poplars Farm and Fields Farm, which stand close to the northern site boundary of the site. Part of the site is also visible from properties in Ingleby to the south.

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2) An ecological assessment of any designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site's development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network. The majority of site is arable land with localised improved pasture adjacent to Twyford and possibly semi-improved in field by the river with palaeochannels. There are limited mature/veteran trees in centre of the site. There are no records for priority habitats on this site.

3) An assessment of the effects on the historic environment, including designated sites and settings and archaeological remains. In terms of designations, the 'Round Hill' henge and barrow, designated as a Scheduled Monument is located in the northern part of the site. Consideration will need to be given to the setting of this monument with a view to providing additional stand-offs to protect its setting. Consideration should be given to the protection of heritage assets at Twyford.

4) In terms of archaeology, cropmarks are recorded north and south of the scheduled monument. Localised palaeochannels are present and evident along the southern fringe of the site, visible as an existing stream line. Appropriate evaluation and subsequent treatment of on-site archaeological and geo-archaeological/palaeo-environmental remains will be required to be undertaken.

5) An assessment of the effects of the development on the water environment. The site lies in flood zone 3 which has the highest possibility of flooding but in accordance with PPG sand and gravel working is classed as water compatible development which is appropriate development in flood zone 3. There should be no excavations within 45 metres of the River Trent, or flood defences, particularly around meanders which are a zone of active erosion.

6) A detailed flood risk assessment (FRA) showing how, through all development phases (Construction, Operation and Restoration), that there will be no increase in flood risk to the site and to others. Opportunities to provide betterment in flood risk, and other environmental enhancements at the restoration stage, should be explored.

7) A detailed management plan highlighting the necessary pollution mitigation measures during the construction and operation of the quarry to ensure the protection of watercourses, surface water quality and groundwater quality.

8) A plan showing how the restoration of the site will provide multifunctional environmental enhancements, including, but not limited to, reducing the impacts of flood risk to others, providing significant biodiversity net gain and providing water quality improvements. It will also be required to show specific sensitively designed restoration to enhance the currently degraded setting of the Round Hill Scheduled Monument.

9) Prior to making a planning application, applicants should discuss water abstraction issues with the Environment Agency.

10) An assessment of the landscape and visual impact of the site, including the provision of suitable landscaping measures. In terms of the landscape, the site crosses two Landscape Character Types but is poorly representative of each. The majority of the land is usually down to arable with some localised pasture associated with smaller fields adjacent to Twyford and immediately adjacent to the River Trent. Hedgerows are generally poor, in some places missing and generally species poor. There is a general lack of tree cover associated with

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field boundaries and the river. Trees are mostly associated with the semi-improved areas near the river. The overall condition of the site is considered to be average to poor. There is an isolated burial mound and some localised ridge and furrow (poor condition) within the site. In terms of visual impact, there are several properties from which the site is visible. There are properties in Twyford to the north-west and several individual residential properties to the north of the site, including properties at Poplars Farm and Fields farm on Twyford Road, close to the northern site boundary of the site. Part of the site is also visible from properties in Ingleby to the south.

11) A Transport Assessment would need to accompany any application to assess the access to this site and the impact of traffic generated by the site on the surrounding highway network. It is expected that this site would be worked through the existing plant and access arrangements so the impact on the surrounding area in this respect is likely to be unchanged.

12) An account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.

13) To help ensure the continued safe operation of overhead electricity transmission lines, the applicant will be required to discuss its proposals with National Grid.

14) The restoration of the site should take into account the Restoration Strategy for the Trent Valley, as set out in Policy SP19, to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the mitigation, restoration and aftercare of sand and gravel sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.

Swarkestone South

1) An assessment of how the site would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts, taking account of the following. Properties at Twyford have partial views across the river of part of the site. A residential nursing home adjoins the site to the west and has open views of the western part of the site. There are seven properties at the converted Old Waterworks and three at the converted New Waterworks which have open views of the site. There are also views from Anchor Church (historic caves) to the south-east of the site boundary and from a few properties in Ingleby and Foremark, including Foremark Preparatory School and also from Ingleby Road. A Public Right of Way (PROW) runs along the eastern boundary of the site and this forks to the north-west through the site. Meadow Lane is also a PROW, which is used on a frequent basis. The majority of the site is visible from these PROW.

2) An ecological assessment of any designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site's development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network. Hedgerows are intact and close cut, but are species poor, lacking notable hedgerow trees. Prominent trees and mixed species hedge (oak and some poor ash) associated with the green lane on the eastern boundary of the site. A stream runs west to east, lined with mature alder/willow. Some palaeochannels exist in improved

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pasture. Although limited in extent there remain some valuable characteristic habitats of a Natural Area.

3) An assessment of the effects on the historic environment, including designated sites and settings and archaeological remains. In terms of designated sites, Grade II Listed 'Anchor Church' is close to the site, with designed views over the extraction site associated with the cave's reinterpretation within the 18th century park at Foremark Hall. Additional stand-off areas, using existing field boundaries will be required to create a landscape buffer to help protect the group of heritage assets at Twyford. This would require detailed discussions with the Council's Planning and Archaeology Officers.

4) In terms of archaeology, there is possibly some remnant ridge and furrow and indications of the parish boundary. There are also visible palaeochannels within the site. Appropriate evaluation and subsequent treatment of on-site archaeological and geo-archaeological/palaeoenvironmental remains will be required.

5) An assessment of the effects of the development on the water environment. The site lies in flood zone 3 which has the highest possibility of flooding but in accordance with PPG, sand and gravel working is classed as water compatible development, which is classified appropriate development in flood zone 3. There should be no excavations within 45 metres of the River Trent, or flood defences, particularly around meanders which are a zone of active erosion.

6) A detailed flood risk assessment (FRA) showing how, through all development phases (Construction, Operation and Restoration), that there will be no increase in flood risk to the site and to others. Opportunities to provide betterment in flood risk, and other environmental enhancements at the restoration stage, should be explored.

7) A detailed management plan highlighting the necessary pollution mitigation measures during the construction and operation of the quarry to ensure the protection of watercourses, surface water quality and groundwater quality.

8) A plan showing how the restoration of the site will provide multifunctional environmental enhancements, including, but not limited to, reducing the impacts of flood risk to others, providing significant biodiversity net gain and providing water quality improvements.

9) Prior to making a planning application, applicants should discuss water abstraction issues with the Environment Agency.

10) An assessment of the landscape and visual impact of the site, including the provision of suitable landscaping measures. In terms of the landscape, the site is poorly representative of the established character of the Riverside Meadows Landscape Character Type, with large parts of the site now down to arable or improved pasture. Hedgerows are mostly intact and close cut, generally species poor and lacking in notable hedgerow trees. The most prominent trees (oak and some poor quality ash) are associated with the green lane on the eastern boundary of the site and connects to the river. There is some localised ridge and furrow and palaeochannels within areas of improved pasture and a small section of mixed species hedgerow associated with the green lane. Overall, the landscape character is considered to be weak, although there are some attractive features, some of which are in good condition. In terms of visual impact, there are a number of residential properties in close proximity to the site which will need to be considered. The undulating topography to the south screens the

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majority of site from Repton and Milton. A Public Right of Way (PROW) runs along the eastern boundary of the site and this forks through the north-west section of the site. Meadow Lane, which forms the western boundary of the site is also a PROW. The majority of the site is visible from both of these public rights of way.

11) A Transport Assessment would need to accompany any application to assess the access to this site and the impact of traffic generated by the site on the surrounding highway network. It is expected that this site would be worked through the existing plant and access arrangements so the impact on the surrounding area in this respect is likely to be unchanged.

12) An account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.

13) To help ensure the continued safe operation of overhead electricity transmission lines, the applicant will be required to discuss its proposals with National Grid.

14) The restoration of the site should take into account the Restoration Strategy for the Trent Valley, as set out in Policy SP19, to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the mitigation, restoration and aftercare of sand and gravel sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.

Sudbury

1) An assessment of how the site would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts – the nearest community is the village of Sudbury 300m to the north west of the site. This will include an assessment of visual impact (including light pollution), noise and vibration, dust and air quality. Leathersley Farm is located adjacent to the north east boundary of the site. Given the flat topography, large tracts of the site would be visible from these and other individual properties in the surrounding area, although visibility would be less from receptors to the west as a result of the lines of willow trees in the south west section of the site. There could also be higher level views from Tutbury Castle, which is a scheduled monument. No public rights of way cross the site.

2) An ecological assessment of any designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site's development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network. The site assessment showed that the site has limited priority ecological value with the exception of the Wildlife Site (a feature which could be enhanced). There are some established hedgerows, though not generally species rich and some mature oak and ash – possible veterans.

3) An assessment of the effects on the historic environment including designated sites and settings and archaeological remains. Leathersley Farmhouse is (Grade II Listed) immediately adjacent to the site and a buffer zone would be required to help protect this asset from the impacts of quarrying. Sudbury Hall (Grade I Listed) is within 1km, with its Grade II Registered Park at around 740m. The proposal could have an impact on Sudbury conservation area and

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the setting of the Grade I Sudbury Hall and its Grade II Registered Historic Park and Garden and consideration should be given to this.

4) In terms of archaeology, there are HER records for earthwork ridge and furrow within the site although there is evidence this appears to have been ploughed out. The Dove is a very active floodplain with substantial alluviation, and there is consequently potential for geo-archaeology (palaeochannels etc) with well-preserved remains and early archaeology beneath the alluvium. Appropriate evaluation and subsequent treatment of on-site archaeological and geo-archaeological/palaeo-environmental remains will be required.

5) An assessment of the effects of the development on the water environment. The site lies in flood zone 3 which has the highest possibility of flooding but in accordance with PPG sand and gravel working is classed as water compatible development which is considered to be appropriate development in flood zone 3.

6) The site straddles a flood defence embankment which controls flows into a flood storage area, constructed by the Environment Agency as part of the Lower Dove Flood Risk Management scheme in 2012/13. This scheme defends Scropton, Hatton and other villages downstream from flooding. A detailed assessment of the potential impact of the development on these flood defences will have to be undertaken as part of any submission for the development of this site. ***Development will only be acceptable where these detailed assessments show no impact upon the existing flood defences and the wider operation of the Lower Dove Flood Defence Scheme. Should planning permission be granted, appropriate extraction area stand offs, which will be subject to these assessments (minimum 16m), will be proposed to ensure the protection of the flood defences.***

7) ***A detailed flood risk assessment (FRA) showing how, through all development phases (construction, operation and restoration), that there will be no impact upon the operation of the existing Lower Dove Flood Storage Scheme. Opportunities to provide betterment in flood risk, and other environmental enhancements at the restoration stage, should be explored, however these should not have any detrimental impact upon the existing Lower Dove Flood Storage Scheme.***

8) ***A detailed management plan highlighting the necessary pollution mitigation measures during the construction and operation of the quarry to ensure the protection of watercourses, surface water quality and groundwater quality.***

9) ***A plan showing how the restoration of the site will provide multifunctional environmental enhancements, including, but not limited to, reducing the impacts of flood risk to others, providing significant biodiversity net gain and providing water quality improvements.***

10) ***Prior to making a planning application, applicants should discuss water abstraction issues with the Environment Agency.***

11) ***Applicants should contact the Environment Agency to discuss any permitting requirements, and where required, should look to parallel track these permit applications alongside the planning application.***

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12) An assessment of the landscape and visual impact of the site, including the provision of suitable landscaping measures. The site is dominated by small scale arable fields enclosed by hedgerows with scattered hedgerow trees. The site retains a strong landscape character with an intact network of small fields, albeit land use has changed from meadow to arable with the loss of associated ridge and furrow. In terms of visual impact, given the flat topography, large tracts of the site would be visible from the properties and roads close to the site, although visibility would be less from receptors to the west as a result of the lines of willow trees in the south west section of the site. There could also be higher level views from Tutbury Castle, which is a scheduled monument.

13) A Transport Assessment would need to accompany any application to assess the impact of traffic generated by the site on the surrounding highway network, particularly the A515/A50 junction and include details of proposed access measures to ensure that HGV traffic generated by the development would not turn right out of the site along Leathersley Lane towards Scropton and would not use Main Road through Sudbury village and Conservation Area, including (as far as possible) at times when traffic is diverted through the village due to a temporary closure on the A50. Further safety improvements at Sudbury roundabout should be considered. Leathersley Lane is within an area wide Weight Restriction and forming an access within the limit will give any HGV the legitimate right to 'access' the site via any of the routes throughout the restricted area. The means of access would therefore need to be located outside the restriction, to direct HGVs via the suitable routes of A50 and A515. With the restriction starting immediately on entering Leathersley Lane, this is likely to require a modification to the existing order, which would be subject to public consultation. Early engagement with the Local Highways Authority and National Highways will be required should planning applications be submitted for the sites at Sudbury and Foston.

14) If proposals come forward that would result in both Sudbury and Foston sites operating concurrently, then the Transport Assessment for the second site proposal that comes forward will need to assess the cumulative impacts on the Major Road Network and Strategic Road Network from both sites and demonstrate that these will be acceptable.

15) Additional HGVs can result in increased maintenance requirements, and it will be necessary for a joint condition survey to be undertaken to agree the condition of the road before it accepts the additional HGV movements so that all parties understand the condition at the time of the site's first operation.

16) An account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.

17) The restoration of the site should take into account the Restoration Strategy for the Trent Valley, as set out in Policy SP19, to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the mitigation, restoration and aftercare of sand and gravel sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.

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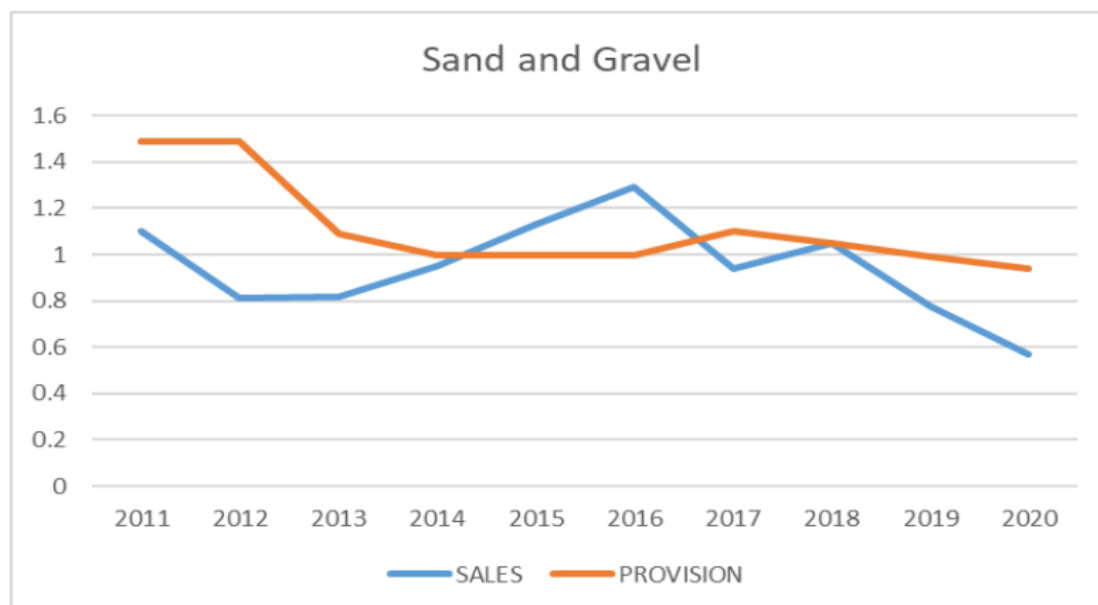
Trent Valley Restoration Study Area



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Figure 3: Sales of Sand & Gravel 2012-2021 against past and current provision rate (figures in million tonnes)



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Sand and Gravel Site Assessment Summary

Ref.	Site	Economic score	Economic ranking	Social score	Social ranking	Environment score	Environment ranking	Combined ranking total	Overall potential for working
SG02	Swarkestone North	16	7.5	29	2	12	8	17.5	High
SG09	Sudbury	15	5	32	7.5	4	4	16.5	High
SG04	Elvaston	16	7.5	30	4	4	4	15.5	High
SG06	Foston	13	1.5	31	6	6	6	13.5	Medium
SG05	Swarkestone South	15	5	30	4	4	4	13	Medium
SG03	Twyford (incl. Swarkestone N)	13	1.5	30	4	8	7	12.5	Medium
SG08	Foremark	14	3	32	7.5	2	2	12.5	Medium
SG07	Egginton	15	5	28	1	1.5	1	7	Low

Low potential for working= 3-8

Medium potential for working = 9-14

High potential for working = 15-20

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REPORT TO:	ENVIRONMENTAL & DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	20 APRIL 2023	CATEGORY: RECOMMENDED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	SEAN MCBURNEY HEAD OF CULTURAL & COMMUNITY SERVICES Sean.mcburney@southderbyshire.gov.uk	DOC:
SUBJECT:	DERBYSHIRE ROAD VERGES PROJECT	
WARD (S) AFFECTED:	ALL WARDS	TERMS OF REFERENCE: EDS

1.0 Recommendations

- 1.1 That the Committee acknowledges the scope of this project and supports the Councils involvement in this trial.
- 1.2 That the Committee approves the proposed project plan and the areas of road verge to be included in this scheme.

2.0 Purpose of the Report

- 2.1 To give background and details on this project.
- 2.2 To present the proposed project plan for approval (table 1).

3.0 Executive Summary

- 3.1 Following the County Road Verge Conference, Derbyshire County Council announced that the Council would be looking at how it commissions road verge maintenance work so that we can have healthier and more biodiverse grassland verges throughout the County.
- 3.2 Road verge maintenance is mainly undertaken by District and Borough Councils on behalf of the County Council under the specifications set out in Agency Agreements. It is important every opportunity is taken to make sure maintenance work is done in the right way, at the right time, for the right money and fulfils the Council's legal duties, including the duty to biodiversity.

- 3.3 The Environment Act 2021 has extended existing 'biodiversity duties' which apply to local planning authorities. All public authorities must review how their activities can affect or improve biodiversity, and to plan for how they can conserve and enhance biodiversity as they carry out their work.
- 3.4 The Nature Recovery Network (NRN) is a major commitment in the government's 25 Year Environment Plan. The NRN will help deal with 3 big challenges: biodiversity loss, climate change and wellbeing.
- 3.5 Derbyshire County Council are looking to work with two District Councils in the trial project to test how changing specifications of road verge management impacts on work programmes, efficiencies, and cost.
- 3.6 Also grass cut later in the growing season, less frequently and removing the cuttings creates greater diversity of species, better structure and provides resources to pollinating insects.
- 3.7 South Derbyshire District Council has been approached to be a trial area due to our involvement in Biodiversity work and our Action Plan for Nature. As well as our noted success of 'No Mo May' last year.

4.0 Detail

The project requires SDDC to put 100km of grass verges (50km of road is verges on both sides) into conservation management this summer. These to be verges we manage on behalf of DCC in the District but would ideally include a range of conditions, for example 'rural', suburban, urban, high visibility, low visibility.

- 3.8 These areas have been identified and have been selected by Ground Maintenance Supervisor and team with consultation from our outgoing Bio Diversity Officer. These areas are ones that have been assessed from a Health & Safety point of view and from an ecological aspect. Where we are able to create wildlife corridors to link some of these verges with areas that will be involved in No Mo May or wildflower meadows.
- 3.9 There is a lead project officer from DCC who will be liaising with us throughout the project. They will lead on Public and stakeholder reaction. We will be channelling comments, and correspondence to them so they can respond and collate.
- 3.10 There will be a communication plan to notify residents in the areas as well as signage on selected verges to explain the project.
- 3.11 The initial first cut of the season will be planned as normal as an opportunity to litter pick and clear the verges prior to the start of the project.

3.12 The list of areas is as follows.

Table 1

Village/Parish	Verge Number	Street Name
ASTON ON TRENT	1	SHARDLOW ROAD
BARROW ON TRENT	2	CHURCH LANE,
	3	SWARKESTONE ROAD,
	4	TWYFORD ROAD,
CALDWELL	5	MAIN STREET,
	6	SANDY LANE,
CASTLE GRESLEY	7	BURTON ROAD,
	8	CASTLE ROAD,
	9	MOUNT PLEASANT ROAD,
	10	SWADLINCOTE LANE,
CHURCH GRESLEY	11	BRUNEL WAY,
	12	CASTLE ROAD,
	13	GRESLEY WOOD ROAD,
	14	OLD HALL GARDENS,
	15	SWADLINCOTE LANE,
ETWALL	16	ASHVIEW CLOSE,
	17	BELFIELD ROAD,
	18	CHESTNUT GROVE,
	19	CHURCH HILL,
	20	EGGINTON ROAD,
	21	GERARD GROVE,
	21	HILTON ROAD,
	23	LAWN AVENUE,
	24	MAIN STREET,
	25	SANDYPITS LANE,
	26	SPRINGFIELD ROAD,
	27	SUTTON LANE,
	28	THE BANCROFT,
	29	WILLINGTON ROAD,
	30	WINDMILL ROAD,
FINDERN	31	DOLES LANE,
	32	HEATH LANE,
	33	WILLINGTON ROAD,
HARTSHORNE	34	WOODVILLE ROAD,
HATTON	35	DERBY ROAD,
	36	FIELD AVENUE,
HILTON	37	BACK LANE,

	38	DERBY ROAD,
	38	EGGINTON ROAD,
	39	MAIN STREET,
	40	PEACROFT LANE, HILTON
	41	THE MEASE, HILTON
LINTON	42	CALDWELL ROAD,
	43	CEDAR GROVE,
	44	COTON PARK,
	45	HIGH STREET,
	46	PRINCESS AVENUE,
	47	SEAL VIEW,
	48	THE CLOSE,
	49	THE CREST,
	50	WARREN DRIVE,
	51	WINCHESTER DRIVE,
	52	WINDSOR ROAD,
MIDWAY	53	BURTON ROAD,
	54	DUNSMORE WAY,
MILTON	55	MAIN STREET,

5.0 Financial Implications

5.1 There are no financial implications directly arising from being part of this project. However, we will be collating data and information. To help generate a per km cost to amenity cut a grass verge (current situation) and to conservation cut. Also to help determine the costs (reasonable estimate) of running a dual system where some verges need to remain in amenity cut management and others are conservation managed. Also determining If there are savings to be made through conservation cutting, how could they be reinvested, for example into the rural network, purchase of machinery etc.

6.0 Corporate Implications

Employment Implications

6.1 There are no employment implications arising from this report.

Legal Implications

6.2 This project and the Action Plan for Nature (APN) Work Programme provides a measurable opportunity to adhere to its legal 'Biodiversity Duty' under the Environment Act 2021 to 'conserve' and 'enhance' biodiversity.

- 6.3 This project and Work Programme contributes to the Corporate Plan Priorities and Key Aims including:

Our Environment

- a. Improve the environment of the district
 - i. Enhance biodiversity across the district
- b. Tackle Climate Change
 - i. Strive to make South Derbyshire District Council carbon neutral by 2030
- c. Enhance the attractiveness of South Derbyshire
 - i. Improve public spaces to create an environment for people to enjoy

7.0 Risk Impact

- 7.1 The Action Plan for Nature and this project provides a measurable and accountable strategy of The Council's legal 'Biodiversity Duty' under the Environment Act 2021 and therefore reduces the risk of not complying with this legislation.

8.0 Community Impact

- 8.1 An output of this project will be encouraging local communities to connect with nature through environmental projects and education appreciate bio diversity.

9.0 Equality and Diversity Impact

- 9.1 None known.

10.0 Social Value Impact

- 10.1 The APN and this project promote 'investment in nature' which can create opportunities for nature-based solutions such as climate adaptation and resilience, flood alleviation, the improvement and expansion of green spaces, and connection to nature. Nature-based solutions therefore have the potential for significant positive impacts to society.

11.0 Environmental Sustainability

- 11.1 This project and Work Programme promotes Environmental Sustainability at its core. Investing in nature is critical to sustaining a healthy environment for generations to come.

Appendix 1 – project overview

END

Derbyshire Road Verges Project

Following the County Road Verge Conference, the Leader of Derbyshire County Council announced that the Council would be looking at how it commissions road verge maintenance work so that we can have healthier and more biodiverse grassland verges throughout the County.

Road verge maintenance is mainly undertaken by District and Borough Councils on behalf of the County Council under the specifications set out in Agency Agreements. It is important every opportunity is taken to make sure our maintenance work is done in the right way, at the right time, for the right money and fulfils the Council's legal duties, including the duty to biodiversity.

If we want to increase the wildlife value of highway verges, it is likely that the number and timings of grass verge cuttings will change, and we will have to find ways of dealing with cuttings differently. We know that this is not as easy as it may seem at first.

Changing how verges are maintained means we must look at safety for pedestrians and road users. We must also review the equipment used and available, who does the work now and how changing one part of a maintenance crew's work impacts on the whole annual programme.



Why are we doing this?

The Environment Act 2021 has extended existing 'biodiversity duties' which apply to local planning authorities. All public authorities must review how their activities can affect or improve biodiversity, and to plan for how they can conserve and enhance biodiversity as they carry out their work.

The Nature Recovery Network (NRN) is a major commitment in the government's 25 Year Environment Plan. The NRN will help us deal with 3 of the biggest challenges we face: biodiversity loss, climate change and wellbeing.

Highway verges are linear habitats that deliver on all the NRN commitments. In our towns and villages, they are mostly managed in the same way as we would recreational grasslands – frequently mown with the cuttings left in place. In the countryside however, verges are often cut much less frequently – often once every three years – but this also isn't ideal for many wildflower species. But we don't have to manage our verges this way and there are many good reasons to do it differently.

There are more than 5,600km of Highway in Derbyshire, and even with only a one metre verge on either side of these roads, this would amount to an area of land greater than 160 football pitches. We cannot ignore the opportunity this much grassland could provide to wildlife, the benefits this could offer for air quality, and the beauty that could be added to our streets and roads.

Having the right the equipment in place and reducing the number of cuts carried out in heavily managed areas could create a long-term financial saving for the Councils in urban areas. Although some kinds of wildlife-friendly verge management, particularly on the rural roads, could be more expensive than the current practices. We must find wildlife-friendly ways to manage our verges that balance costs and environmental improvements and do this in a way that helps the District and Borough Councils to appropriately manage their budgets too.

What we are doing

A Project Officer has been appointed to deliver a two year programme of work. This project will:

- Clarify and document current practice on the delivery of verge management under the Agency Agreements.
- Review and report back on innovations in verge management already underway in Districts and Boroughs and through Derbyshire Wildlife Trust's Road Verge Reserve project.
- Identify national good practice in road verge maintenance.
- Review and report back on the legal duties there are around verge maintenance, including safety.
- Identify the opportunities available within the existing Agency Agreements and through the application of Cultivation Licences.
- Work with two Districts or Boroughs, one broadly urban and one rural to develop and test a different road verge management schemes.
- Work with stakeholders, including Derbyshire Wildlife Trust and the Peak District National Park Authority to develop a strategy that is both robust and sustainable.
- Establish what equipment is available and best suited to 'cut and collect' operations on the Highway. This will include examining the short and long term cost implications.
- Look at other schemes and proposals that may change how Highways verges are managed. This could include trees, water, and recreational uses.
- Look for ways to manage the arisings collected from the verges if we are to move away from the current system.
- Examine if, where and how changing the verge maintenance regime could benefit biodiversity and save money and identify where biodiversity improvements would incur extra expenses.
- Produce a report which sets out recommendations for management that could be implemented in Derbyshire, taking account of practical considerations, costs, equipment requirements and more
- Develop and implement a system for surveying and monitoring verges before, during and after a change in management.
- Develop a policy and specification for the creation of new verges associated with development.

A project Sponsor will be appointed to ensure that cross-service provision is in place, to have an oversight in progress of the project, to champion the project at a strategic level.

A Steering Group will be set up to support the Project Officer in delivering the project, offer guidance and ensuring that work is timely and to plan.

Two District Councils will be invited to pilot the project, to test how changing specifications impacts on work programmes, efficiencies, and cost, measure the effectiveness of management decisions, and identify resource requirements.

Key Supporting Documents

Managing grassland road verges. A best practice guide. Plantlife <https://www.plantlife.org.uk/uk/our-work/publications/road-verge-management-guide>

Derbyshire County Council statement, Verges, trees and hedges beside roads and footways

<https://www.derbyshire.gov.uk/transport-roads/roads-traffic/road-maintenance/grass-cutting/trees-hedges-and-grass-verges.aspx>

DCC Highways Network Management Plan and Highways Infrastructure Asset Management Plan



REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	20 APRIL 2023	CATEGORY:
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	
MEMBERS' CONTACT POINT:	STEFFAN SAUNDERS Steffan.saunders@southderbyshire.gov.uk	DOC:
SUBJECT:	NSIP CONSULTATION FOR OAKLANDS SOLAR FARM	REF:
WARD(S) AFFECTED:	LINTON AND SEALES	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That the Committee consider and resolve the District Council's approach to securing relevant expert input into topic areas relating to the Oaklands Solar Farm project. Up to this point the District Council has relied upon specialist officers within Derbyshire County Council (DCC) to inform the relevant topics arising from the project where they have expertise which the District Council does not, with the intention that if there are any gaps in specialist advisers with no appropriate in-house expert officers either within the District Council or DCC, then to seek to jointly secure the services of a third-party specialist to advise both authorities on those matters. That the Committee consider and resolve the merits of the alternative approach to securing expert input into topic areas, which would mean the District Council procuring their own third-party expertise from other sources.
- 1.2 That the Committee consider and resolve the District Council's approach to securing a Planning Performance Agreement (PPA) associated with the project and whether that would be a joint PPA in conjunction with DCC, or a separate PPA just relating to the District Council.
- 1.3 That the Committee consider and resolve the District Council's comments on a targeted re-consultation on recent changes made to the proposals including the additional highways impacts as a result of potential delays to the opening of the Walton bridge.

2.0 Purpose of Report

- 2.1 This report has been prepared for the Committee to consider the merits of the District Council's approach to securing expert input into the topic areas of the project. The NSIP in question is called Oaklands Solar Farm which is a proposal to develop a solar farm in the general location of south of Drakelow, east of Walton on Trent, west of Rosliston and north of Coton in the Elms. SDDC have previously

worked alongside DCC and made use of their inhouse specialist advisors, where SDDC do not have such, to assist in its consideration of proposals. The alternative to this would be to secure alternative third-party specialist advisers on topic areas for this project independent of the County Council.

- 2.2 The report asks the Committee to consider the options of entering into a PPA with the Applicant to ensure that the District Council can appropriately participate in the NSIP process, and for it to ensure the District Council's views are fully informed with appropriate evidence. The report also asks Committee to consider in principle whether any PPA should be exclusive with SDDC, or whether it should include partners (in this instance DCC).
- 2.3 That the Committee consider the changes made to the proposal set out in paragraph 3.3 below and consider the need for further comments on those changes are necessary.

3.0 Background

- 3.1 NSIPs were introduced by the Government through the Planning Act 2008 in the fields of energy, transport, water, wastewater, and waste. Due to the scale of these applications, they do not follow the usual planning application process, but go through a Development Consent Order (DCO) process whereby the application is made directly to the Planning Inspectorate who carry out consultation on the application, hold an examination into the merits of the case, before making a recommendation to the relevant Secretary of State on whether the development should go ahead or not. The District Council is one of the consultees in the process rather than the decision-making authority.
- 3.2 This NSIP is still currently still at the 'pre-application' stage, and previously the District Council made a joint statement alongside DCC to the Applicant on 6th June 2022 to the consultation on the proposal and the Preliminary Environmental Information Report (PEIR) (see appendix 1).
- 3.3 A further period of pre-application consultation is currently in process following changes made to the original proposals by the Applicant. Those changes consist of:
 - 1. The Project substation has been moved to the middle of the site adjacent to the energy storage facility/batteries.
 - 2. All panels removed from the Park Farm site in the north of the site.
 - 3. The 132kV cable preferred route from the site substation to Drakelow has been assessed and confirmed. The cable will be undergrounded for its entire length (approximately 2km).
 - 4. Access onto site during construction has been revised to include a new temporary access from Walton Road through land to the north of the site, and straight across Rosliston Road into the Oaklands Site. This is due to the change of weight limit on Chetwynd Bridge making southern construction access from Catton unsuitable for HGVs (lighter vehicles will use this route)

5. The previously proposed construction access off Burton Road into Park Farm has been removed. Use of Burton Road will therefore be restricted, meaning no HGVs will use this route.

6. As a result of the traffic and access changes, additional information related to potential construction traffic routes to site has been confirmed.

7. A permissive footpath to create a new link to the Cross Britain Way from the public right of way at Catton Lane/Lads Grave in the south-east of the solar farm has been included.

8. The changes will result in the overall project footprint and planning boundary being reduced significantly and the panels and supporting infrastructure will now occupy approximately 165 hectares.

9. Additional planting has been confirmed across the site to increase ecological benefits and reduce landscape and visual impacts.

10. The payment of an annual community benefit of £55,000 for the 40-year life of the project which will amount to over £2m over the project's lifespan.

The closing date for any comments to be received is 21st April 2023.

- 3.4 Whist the comments in the PEIR which were submitted by SDDC and DCC (see appendix 1) are still considered valid, it is considered appropriate to raise the issue of potential additional traffic and transport issues that may arise due to the potential delays in the construction of Walton bridge.
- 3.5 At this point in time, no date has been set for the submission of the application, but once the application has been formally submitted to the Planning Inspectorate by the Applicant, and the Planning Inspectorate have accepted the application, the District Council will then have further opportunities to provide comments on the application including producing a Local Impact Report (LIR).

4.0 Detail

- 4.1 Consideration of large scale and complex development proposal such as this will require many topic areas to be explored and considered. The District Council is not the only consultee, there are other statutory consultees, and DCC is one of those. There will also be involvement by other public and private bodies, as well as the general public.
- 4.2 For some of the topic areas that would be considered, and for which the District Council will have the opportunity to comment on, the District Council would normally rely solely on DCC to provide that specialist input. In the case of the Oaklands Solar Farm NSIP those topic areas would be Transport and Access, Landscape and Visual Impact, Water Resources, Flood Risk and Ground Conditions, Public Rights of Way, Minerals Consultation Areas.
- 4.3 There are other topic areas for which both the District Council and DCC have expertise available within each of their organisations and for which both would have an input into those topic areas, such as Heritage, Environmental Health and Noise,

Climate Change and Carbon Reduction, Biodiversity, Ecology and Trees, and Community Benefits.

- 4.4 Out of all of the topic areas that will arise during consideration of the application, the topic area of Glint and Glare and agricultural land quality are likely to be the only two areas for which neither the District Council nor DCC have in-house specialist officer available to make comments. On a solar farm of this scale, it is considered prudent for a third-party specialist to provide input into these topic areas to guide the District Council, potentially in conjunction with DCC.
- 4.5 A table summarising the situation where in-house expertise is available or not is attached at appendix 2.
- 4.6 A PPA is a means by which local planning authorities affected by Nationally Significant Infrastructure Projects can participate and engage in a positive way with developers and reach a fully informed view on the local impacts of proposals. A PPA does not fetter the District Council in the view they take on the merits of the proposal, but it does allow them, however, to be better resourced to ensure the views and concerns of local communities are given a voice within the planning process, which is essential given that the ultimate decision on the proposals will be made at a national level.

5.0 Financial Implications

- 5.1 The potential to incur costs associated with engaging with third party specialists to provide expert advice to the District Council where ordinarily the District Council would have relied upon the specialist advisers at Derbyshire County Council where such specialist advisers are available.

6.0 Corporate Implications

Employment Implications

- 6.1 None directly arising from this report

Legal Implications

- 6.2 None directly arising from this report.

Corporate Plan Implications

- 6.3 None directly arising from this report.

Risk Impact

- 6.4 None directly arising from this report.

7.0 Community Impact

Consultation

- 7.1 The Applicant is undertaking the requisite public consultation associated with the process.

Equality and Diversity Impact

- 7.2 None directly arising from this report.

Social Value Impact

- 7.3 None directly arising from this report.

Environmental Sustainability

- 7.4 None directly arising from this report.

8.0 Conclusions

- 8.1 It may be considered appropriate for specialist officers within DCC to provide professional input into the process to inform the relevant topics arising from the project where the District Council does not have in-house specialist officer and for specialist officers within both the District Council and DCC to provide professional input into the process to inform the relevant topics arising from the project where both the District Council and DCC have in-house specialist officers. Where there are no specialist officers both the District Council and DCC to provide professional input into the process to inform the relevant topics arising from the project then to seek to jointly secure the services of a third-party specialist to advise both authorities on those relevant matters.
- 8.2 These objectives can be realised via a PPA and the merits of using this jointly with DCC amounts to potential cost savings and utilising expertise already available to both Councils. The advantage of a PPA for the District Council in isolation is remaining fully in control of this part of the process with the risk of insufficient money to secure the necessary expertise at the Local Impact Report stage.
- 8.3 It is considered that the revisions to the proposed development, whilst different to those originally submitted, would not, in general terms, fundamentally alter the merits of the proposal. The comments sent on the 2nd June 2022 (see appendix 1) in relation to the PEIR are still considered to be valid when taking into account the changes made to the proposed development, however, potential additional traffic and transport issues that may arise due to the potential delays in the construction of Walton bridge need to be considered.

8.0 Background Papers

None

Appendices

Appendix 1 – Joint Preliminary Environmental Information Report Response 6th June 2022.

Appendix 2 - Summary of in-house specialist officers available with the District Council and DCC.



Derbyshire County Council
County Hall, Matlock
DE4 3AG

South Derbyshire District Council
Civic Offices, Civic Way,
Swadlincote, DE11 0AH

Sent via email to:

Ashley.mcinnnes@baywa-re.co.uk

and

info.oaklands-solarfarm@baywa-re.co.uk

6th June 2022

Dear Mr McInnes,

Preliminary Environmental Information Report consultation

The statement below is submitted to Barton Wilmore/Baywa r.e UK Limited jointly by Derbyshire County Council (DCC) and South Derbyshire District Council (SDDC).

DCC Member Comments

Consultation on the proposal and Preliminary Environmental Information Report (PEIR) has been undertaken with DCC's Elected Members Stuart Swann (Linton Electoral Division), and Carolyn Renwick (Cabinet Member for Infrastructure and Environment, Eckington and Killamarsh Electoral Division) asking for their comments on the scheme.

Councillor Swan has stated that "balancing the requirement to address the huge challenges of climate change, and its impacts, with the need to achieve both energy and food security for the UK is a key aspect to be considered. Clearly, constructing solar farms on good quality agricultural land would mean prioritising renewable energy generation above food production.

Residents have expressed concerns in respect of the sheer size and scale of the proposed solar farm, along with plans for similar facilities within the local area and thus making them a dominant feature of the local environment. Additional traffic, particularly in the construction stage, is also a key matter of concern for local communities.

Furthermore, among other issues, there remains some scepticism regarding the impact of the proposal on wildlife and biodiversity locally.

Importantly, I trust that the comments and submissions of all local residents, parish councils, and other groups in the area are taken fully on board and their material concerns addressed as part of the planning application process."

Any further member comments subsequently received will be forwarded to you for your information.

SDDC Member Comments

Members of SDDC Planning Committee were made aware of the consultation through your own consultations, as well as through South Derbyshire District Council's Planning Committee on 31st May 2022. Members have raised a number of objections which are summarised below:

- The proposal will lead to the loss of good quality agricultural land.
- This agricultural land is valuable and is important nationally to ensure food security.
- The scale of the proposal is too large and will have a significant impact on the area, which is considered to be an attractive rural area of South Derbyshire.
- The traffic routings proposed are unacceptable, the small roads from the A38 (through Catton and Coton in the Elms) will not be able to cope with the traffic and the large vehicles required.
- Concern over loss of biodiversity and trees, and disruption to the earth during construction.

Councillor Wheelton (Ward member for Seales) has stated “the proposed development is large and industrial in both scale and nature, it would dominate the rural setting. It will not enhance or benefit the area giving rise to unacceptable impacts on landscape character and quality, ecology, biodiversity and the historic environment of local conservation and heritage assets. This [proposal] cannot be integrated into the landscape sympathetically due to its size and industrial character. The cumulative effect of solar farms is damaging the rural environment and threatening national food security”.

Officer Comments

In addition to the feedback highlighted above, the two Councils have technical comments to make. For some technical officers, not enough information is available at this stage to give detailed responses, but as much feedback as possible has been collated which we hope will be useful to you.

For your information, there appear to be a number of errors in the identification of figures throughout the PEIR, although the relevant figures are present, they are not consistently numbered as referenced. The numbering of figures should be resolved throughout the document to assist in the identification of relevant information and aid understanding of the documents.

Scope and methodology of the EIA

The PEIR covers the topics agreed by PINS and other consultees to have the potential to give rise to significant effects as a result of the proposed development, along with an additional list of issues which it is felt could not be scoped out in the absence of more detailed information. These additional topics include: major accidents and disasters, telecommunications and utilities, human health and air quality (during construction). Derbyshire County Council and South Derbyshire District council agrees with the inclusion

of these additional topics subject to the provision of further information demonstrating that issues may be scoped out. The matters of Human Health and Air Quality during construction are more appropriately considered by SDDC Environmental Health officers.

It is also agreed that while there are changes to the red line boundary for the proposed development, particularly the extension to include Drakelow Power Station and areas of woodland east of Park Farm, these changes are not a material change to the development and any resulting impacts will be within the scope of the proposed EIR.

Cumulative impacts

The cumulative impacts have been considered in light of a number of developments, at application stage, consented, under construction or operational, within 5km of the site. These include a hybrid application for mixed-use development, and a number of renewable energy related proposals in the form of solar arrays, energy from waste and energy storage facilities. The cut-off date for data collection relating to potential developments giving rise to cumulative impacts was March 2022.

Two of the developments identified relate to ground mounted solar installations, although on a smaller scale of around 50MW capacity, still occupying an extensive site. The cumulative impacts of these, particularly in relation to landscape and visual impacts and the effects of glint and glare, should be fully explored in the relevant sections of the EIR, as noted below. Of particular importance is the potential for viewpoints where multiple solar sites are visible or where glint and glare from multiple sites may be apparent from operational sites.

The cumulative impacts of traffic, in particular the potential to encourage infringement of the 7.5t Environmental Weight Limit on local roads, are discussed in the relevant section below.

Transport and Access

A key issue is the construction phase traffic and its implications for the local road network. The location is close to the proposed new Drakelow/Walton By-pass scheduled to commence in late summer/early autumn 2022. The new road is another major infrastructure provision in the area and is inevitably going to generate significant levels of HGV movement within the surrounding area, over a prolonged period. The Highway Authority already receives persistent enquiries relating to the contravention of the 7.5t Environmental weight limit in which the proposal sits, even before the additional associated site traffic is introduced. It is appreciated that HGVs accessing the solar site will have a legitimate reason for accessing through the weight limit, however, concerns regarding the perception that this will generate at a local level which will need to be carefully managed if further HGV through traffic is not to be generated 'piggy-backing' on use of the highway network for legitimate access. Traffic monitoring and marshalling identified in the Construction Traffic Management Plan should be designed to contribute to enforcement of environmental weight limits.

Appendices 10.1 to 15.2 include traffic data and a Framework Construction Traffic Management Plan (FCTMP) detailing the routing and timing of construction and freight traffic to enable safe, efficient and timely delivery of plant and materials during the construction phase. Freight traffic will be restricted as far as possible to outside peak traffic flow periods, with most HGV movements anticipated between 0930 and 1500 hours.

Primary access to the site will be via the A38 from the West or the A511/A444 if from the East. Upon leaving the 'A' road network construction traffic will be required to follow designated routes to avoid as much as possible transiting villages. It is accepted that there are circumstances where routing of large indivisible loads may pose specific difficulties and short periods of disturbance of inconvenience to local residents.

The FCTMP includes a comprehensive set of construction traffic impact mitigations measures including marshalling HGVs and monitoring predicted and actual HGV movements and timings.

A number of elements of the FCTMP will require negotiation with the Highway Authority including the use of Temporary Traffic Management Orders, Highway Condition Surveys, weight restrictions and potential impacts on highway structures.

The routing and delivery of indivisible abnormal loads will require further discussion with the highway authority to confirm the suitability of the proposed route and those measures necessary to ensure accessibility and the protection of highway (and other) infrastructure.

Clearly, DCC needs to establish that there are safe and satisfactory means of access to each of the individual compounds comprising the wider site. This should include vehicle swept path analysis for each of the access points, however, it is understood that the applicant will be providing this information in due course. The DCC Highway Development Control Team will then establish whether the highway authority has any safety concerns regarding access

Once operational there will be very little in the way of generated traffic. Obviously, the Highway Authority will need to be satisfied that there are no fundamental safety related considerations regarding the wider highway network. This will need to be addressed

through the evolving Construction Environmental Management Plan (CEMP). It is understood that the applicant has been in discussion on this matter with relevant officers at DCC. Obviously, this dialogue needs to continue to agree, or otherwise, to arrive at any statement of common ground regarding the CMP.

There may be some fundamental highway safety considerations arising from the glint and glare assessment. Unfortunately, the Highway Authority does not have the necessary expertise to advise the authority on this matter, however, it is possible that the authority may consider engaging outside expertise to confirm the conclusions of the PEIR in this respect.

Heritage

SDDC Officer

The following heritage assets may be impacted upon directly:

- [GATE PIERS, ADJOINING WALLS AND ATTACHED PIERS AT DRAKELOW LODGE ENTRANCE TO DRAKELOW POWER STATION, Drakelow - 1158871 | Historic England](#)
- [GROVE FARMHOUSE, Drakelow - 1096453 | Historic England](#)
- Possible Roman Road (conjectural route of), Ibstock (Leicestershire) to Ryknield Street (Staffordshire), South Derbyshire: [Heritage Gateway - Results](#)

There is also potential impact on the setting to the following heritage assets:

- [CHURCH OF ST MARY, Rosliston - 1159242 | Historic England](#)
- [STABLEBLOCK AND COTTAGES TO FORMER DRAKELOW HALL AT SK 241203, Drakelow - 1096454 | Historic England](#)
- [Walton on Trent Conservation area, and those Listed Buildings within the boundary](#)
- [Slight univallate hillfort 230m south west of Old Hall Cottages, Walton upon Trent - 1017742 | Historic England](#)

DCC Officer

Proposed development and site context

The proposed development essentially comprises a solar farm including photovoltaic (PV) panels, an energy storage facility and other associated infrastructure. It will occupy two separate parcels and will connect to the national electricity network by a new overhead cable to Drakelow Substation. The expected generating capacity of the project at this stage is 163 megawatts of solar power, and 37.5 megawatts of energy storage capacity.

The PV panels are illustrated as being arranged in rows which are to be mounted on metal frames/tables secured into the ground via (2m depth) piled metal stanchions. The PV panels are illustrated to measure approximately 2.7m above finished ground level. The energy storage facility would comprise of 15-20 shipping containers, containing numerous batteries and other electrical components, covering 2 acres of the site. Each container measures approximately 3m in height and 10m long.

Historic Built Environment

We are satisfied that the PEIR meets the requirements of the NPPF (para 194) in terms of describing the significance of any heritage assets potentially affected by the development. It is evident that this has been suitably assessed in Chapter 7 'Historic Environment', together with supporting Appendix 7.1 'Historic Environment Assessment'.

Chapter 7 (C7) establishes a wider study area of 5km although it argues that it is less likely that any significant visual effects are likely to be felt outside the 2.5km study area used for the LVIA. Given the nature of the surrounding landscape we generally concur with this assessment and agree that a 2.5km Core Study Area (CSA) is suitable for contextual data gathering and assessing potential impacts on built heritage features. Within this CSA various built heritage designations have been comprehensively identified, described and the potential impacts of the development assessed. In summary, while the site is not host to any listed buildings there are numerous historic environment related receptors in its surroundings. However, of those identified within the CSA I generally concur with the findings of C7 in that the most susceptible of these to change are likely to be the following, during both the construction and operational phases:

- Grove Farmhouse (HE LEN 1096453): Grade II listed building: referred to in C7 as 'Park Farm'.
- Gate Piers, Adjoining Walls and Attached Piers at Drakelow Lodge Entrance to Drakelow Power Station (HE LEN 1158871): Grade II listed building and adjacent non-designated lodge building.
- Walton on Trent Conservation Area and associated heritage assets; those most sensitive to the proposed development include:
 - o Church of St Laurence (HE LEN 1159347): Grade II* listed building, and
 - o Walton Hall and attached Stable Range and Garden Wall (HE LEN 1159300); Grade II* listed building, including its undesignated parkland setting.
- Borough Walls Iron Age hillfort – Scheduled Monument.
- Oaklands Farm – farmhouse and attached storage range plus Oaklands Farm Cottages, both non-designated.
- Church of St Mary, Rosliston (HE LEN 1159242) – Grade II* listed building.
- Church of St Mary, Coton in the Elms (HE LEN 1096452) – Grade II listed building.

Construction phase impacts

The construction phase is set to last for a period of 16 months. C7 identifies that with the presence of construction activities, including plant equipment, within the site may be visible from some of the listed buildings identified above. However, we concur with the conclusion drawn in para 7.76 that any change experienced in the setting of these will be temporary and short term and therefore no harm should arise.

Operational phase impacts

The operational period for which permission is being sought is 40 years. According to para 7.81 those heritage assets identified above have the potential for their setting to be impacted on because of the proposed development. Para 7.82 sets out that the assessment of effects related to such changes in setting is based on the Proposed Development ZTV and photomontages.

Given the nature of the proposed development it is agreed that the effects on setting are reversible following the removal of the PV panel arrays and associated above-ground infrastructure. DCC is also generally in agreement that, during the operational phase, the impact on the setting of the above designations will result in the level of harm ascribed in Table 7.4 'Summary of Effects'. Very generally speaking it is agreed that this level of harm is likely to fall towards the lower end of less than substantial harm.

However, DCC is less certain over the potential impacts on the setting of Park Farm (GII). While this authority does not disagree that it is likely to fall into the category of less than substantial harm it is not presently clear exactly where within this category it is likely to fall. Our uncertainty over this stems from the observation that the closest PV array is shown to be located on fields just a few hundred metres away on what appears to be, from Google Earth imagery, gently rising ground to the southeast of the farmhouse. It is therefore not entirely inconceivable that these may be quite visually prominent features of the immediate landscape setting of the farmhouse. With the absence of any 3D visuals within the photomontages, it is unclear as to how visible and prominent these are likely to be.

It is somewhat contradictory that the impact on the setting of some of those heritage assets identified as being 'susceptible to change' in para 7.81 will result in 'no harm done'. The designations ascribed with this level of harm include:

- Church of St Laurence (HE LEN 1159347): Grade II* listed building, and
- Walton Hall and attached Stable Range and Garden Wall (HE LEN 1159300); Grade II* listed building, including its undesignated parkland setting.
- Borough Walls Iron Age hillfort (alternative name used by DCC for 'Slight univallate hillfort 230m south west of Old Hall Cottages') – Scheduled Monument

The basis for this judgment appears to have been made, generally speaking, from the view that it is unlikely that there will be any intervisibility experienced between them and the proposed development. However, notwithstanding this, it is our opinion that direct intervisibility does not necessarily need to be encountered within their setting for it to contribute to their significance.

Their landscape setting, of which the proposed development site arguably forms a significant proportion, plays an important role in forming an understanding of their historic rural context. When journeying between these various designations it is our opinion that a landscape carpeted with a significant area of PV arrays will alter the perceptual qualities of their landscape setting. This is because PV arrays are alien to this rural landscape, as industrial non-organic features, but also because the current sense of sense of isolation as part of nucleated development patterns will be eroded to some degree.

It is, however, granted that this effect may only represent a small harmful change, owing to the fact that the layout seems to have been designed so as not to be overly visible from the road infrastructure around it. This largely appears to be achieved through screening provided by existing landscape features such as hedgerows and tree plantations. In the longer term it is anticipated that this will be further reduced as new planting matures and helps to screens it from view. But nonetheless this change will result in a harmful effect and therefore this should be reflected in the assessment made in C7. It is our opinion that the amount of harm will be towards the lower end of less than substantial harm under the definitions provided in the NPPF.

For the same reasons expressed by my colleague in landscape, it is difficult to appreciate exactly the extent of the visibility of the PV arrays and subsequent change based on the photomontages. As the landscape issues here are very much linked to the setting of the aforementioned designations, DCC are therefore supportive of our Landscape Architects' suggestions to add greater clarification to this. We would like to add to this by suggesting that it may be helpful to see a 3D rendered representation of the PV arrays on the photographs in viewpoint locations where they are likely to be visible through and/or between landscape features.

While we appreciate that this is likely to be outside the scope of this particular application, it may be worth considering, as part of future similar applications, the use of drone technology in conjunction with augmented reality to help provide a better impression and understanding of how such proposals would be located in the landscape. For example, the drone could begin at 'street view' and then move higher to illustrate its surroundings which would help to provide a better cognitive understanding of the site and its relationship to its surroundings. These locations could be plotted onto an interactive map, as agreed viewpoints, to allow viewers to click on a URL to view each video clip.

In order to keep the visual impacts of the scheme to an absolute minimum it is also urge the applicant considers the choice of colour for the supporting infrastructure very carefully. It is advised that any perimeter fencing, substation equipment, inverter cabinets, battery storage units and such like are supplied in a very dark colour, preferably a very dark grey

(i.e. RAL 7021 or similar) or black. DCC is also very supportive of the advice provided by our colleague in landscape that all power cables should be placed underground as opposed to the installation of overhead pylons to help future mitigate the visual impact of the scheme.

Landscape and Visual Impact

SDDC Officer

It is requested that the landscape assessment also includes within the assessment methodology –

- National and Regional Landscape Character Assessments;
- A visual assessment and impacts, of the construction phase of the project;
- All viewpoint visual assessments to be summer and winter;
- Assessments to be made from all residential properties, farmsteads, and local settlements, a valuation for all these receptors is required.

It may be good to increase the suggested 13 viewpoints, given the size of the application. In terms of landscape mitigation planting, we would wish to see, tree belts and buffer zones to certain field boundaries of at least 5m, as well as buffer zones to any PROW that would allow for substantial tree planting and give greater ecological enhancement. There is an opportunity to plant several pocket woodlands within the surrounding area, which would give a greater screening, and longevity, and enhance the impact for wildlife. The usual mitigation would be to state, that the existing hedgerows would be allowed to increase in height to 3m and be maintained at this height. This is a difficult height to maintain a good quality hedgerow and is not in keeping with many landscape characters. We would wish the mitigation to be substantial tree planting, given the relationship of South Derbyshire and the National Forest.

DCC Officer

The following officer comments are based on the information provided comprising: the landscape and visual amenity considerations in the form of the Landscape and Visual Impact Assessment (LVIA), the Residential Visual Amenity Assessment (RVAA) and supporting appendices including the draft landscape strategy for the development and, in the absence of a site visits, supporting information obtained using Google Maps Streetview.

The LVIA has been produced in accordance with the relevant guidance and has taken account of the relevant information that should inform the landscape and visual baseline. This has involved a review of the Landscape Character of Derbyshire publication and the accompanying Technical Support Documents relating to Areas of Multiple Environmental Sensitivity (AMES), Tranquillity and Monitoring Landscape Change.

The landscape and visual impact assessment is refreshingly honest and concludes that there would be long-term impacts on the landscape character of the site and its immediate setting as a result of this development proposal. I would concur that this is a fair judgement given the scale and nature of the development, the rolling nature of the landscape and its general openness at the present time, and whilst I might argue that the impact on the wider landscape character type might be greater than suggested, overall I don't believe these effects would be significant. The LVIA goes on to state that there would also be longer term visual impacts associated with certain visual receptors (people) around the site at certain locations where views of the development would be obtained. Some of these effects at certain locations can be mitigated through reinforcing existing hedgerows, allowing some hedgerows to grow taller and through strategically placed new woodland planting but on the whole the site is surprisingly well screened from the main settlement locations by both intervening landform and vegetation. The overall approach to landscape and visual mitigation is supported and has attempted to maintain some aspects of the current character of the wider landscape. At this stage the only additional mitigation

that I would like to see considered and committed to, is the colour finish of certain components of the development. Whilst there is reference to security fencing being finished in a dark green colour there is no similar commitment to finishing the new substation, battery storage facility or transformers in equally dark and recessive colours, which I would suggest is required if these features are to be accommodated within this relatively rural setting.

So, in the round, we have a LVIA that suggests that even allowing for landscape mitigation we have a development proposal that would continue to have some long-term landscape and visual effect and in some regards is probably at odds with the local planning policy context when considering landscape and visual impacts and development in rural areas. In that respect, I wonder to what extent the proposed development could and should provide greater landscape benefit to add to the planning balance, for example through its ability to contribute to the wider aims and objectives of the National Forest. This is an evolving landscape as a consequence of the National Forest designation and a more robust wooded landscape framework would certainly go a long way to containing a development of this type and scale. It may be difficult to deliver these benefits within the current red line boundary, but I would ask that the applicant considers additional off-site planting to further reinforce the overall approach to landscape and visual mitigation and enhancements to wider landscape character. For example, the photomontage at VP5 shows a framed view of the development from the Cross Britain Way, a promoted recreational route adjacent to the site, that could be more adequately mitigated if the foreground boundary in the view was reinforced by additional planting. I would certainly suggest that all boundaries within the site boundary should be replanted/gapped up and not just those that have been highlighted as being the most important for visual mitigation to reinforce and strengthen existing landscape characteristics and perhaps some of the field corners currently identified for species rich grassland could be planted as small woodland copses as an alternative strategy particularly given that existing fields containing the panels will be managed as unimproved grasslands throughout the period of the development.

In terms of the overall presentation of material, it is difficult to precisely locate the viewpoints due to the scale of the plans provided in the PEIR. Similarly, although a direction of view bearing is indicated on the image, an arrow indicating the direction of view on the plans may assist in their interpretation. Furthermore, although the horizontal extent of the solar panels was annotated by a line across the photograph, I found it difficult to precisely judge where the PV panels would be within the view and consequently the extent to which they might be visible. Where a photomontage isn't produced for a particular viewpoint to show where the panels would be, then it is suggested that the agricultural fields affected by the development should be identified in some way so that the viewer can better appreciate the full extent of any impact. Also, It is not clear if only PV panels are displayed on the photomontages excluding other elements such as the substation, battery storage facility and possible overhead pylons. With regard to the latter point, I would urge that the applicant seeks to secure underground cable connections to negate the need for any additional overhead structures that would introduce more visual clutter to the current scene.

Environmental Health and Noise

SDDC Officer

No significant concerns in principle are raised at this stage, but officers would look to comment at full application stage, once the design of the scheme and proposed plant has been selected.

DCC Officer

The noise and vibration assessment and methodology presented is welcomed and it is accepted that in the main, the construction methods employed are unlikely to generate significant noise or vibration at the most sensitive receptors.

Operational noise generated by the proposal is effectively limited to that of sub-stations and transformers. DCC supports the review of the location and acoustic screening of the energy storage facility and transformer sub-stations to further reduce the possible impacts of noise while accepting that there is only very limited likelihood for adverse impact on specific receptors. The evidence provided in the form of acoustic contours relating to the predicted operational worst-case day-time noise levels (plate 11.1) and predicted worst case night-time noise levels (plate 1.2) suggests that the noise impacts at the nearest receptor are expected not to be above the threshold of hearing.

The users of Public Rights of Way crossing the site, including the Cross Britain Way and proposed permissive route, will experience noise levels greater than at the closest residential receptors, although transitory in nature, due to progression along the route. The use of such routes is also unlikely to be frequent during the hours of night-time. It is therefore agreed that the operational impacts of noise are therefore unlikely to be significant.

Climate change and carbon reduction

SDDC Officer

This proposal would make a huge contribution to carbon emission reduction and would support South Derbyshire's route to carbon neutrality by 2050. It would be a large-scale renewable energy source for South Derbyshire with considerable financial investment. It would be connected to a 40MW battery storage capacity which is classed as large scale and will make the solar farm much more efficient.

It is estimated that for every 5MW installed, a solar farm will power 1,515 homes for a year and save 2,150 tonnes of CO₂. So based on these estimates this 165MW renewable energy source has the potential to power approximately 50,000 homes, which could reduce carbon emissions across the district by around 70,000 tonnes of CO₂ when compared to using fossil fuels.

Mitigation for utilising agricultural land appears to be proposed, along with continuation of grazing and retention of trees and hedges. Surface water run-off would also have to be properly mitigated. A query is raised in terms of soil compaction and how this will be avoided? Normally sites as large as this will have some parts that will be graded, as well as storing heavy machinery, so the soil compaction may also lead to surface water run-off which would need to be addressed.

DCC Officer

There is an error in paragraph 13.19 of the PEIR in that the climate change strategy is a Derbyshire County Council document, not South Derbyshire District Council as referred to.

A Carbon Management Plan, which aligns with the requirements set out in PAS 2080, should ideally be developed for a scheme of this nature and size as part of the Construction Environmental Management Plan (CEMP). DCC's expectations relating to the purpose and content of a Carbon Management Plan would be:

- To clearly set out ownership of targets and actions
- As well as emissions from construction and operation, the Plan should consider indirect emissions, such as from business overheads which can be attributable to the Scheme and business miles associated with the Scheme's construction and operation (including employee commuting miles)
- The Plan should set out how the approach to delivery will support the relevant net zero targets
- The Plan should establish a baseline carbon footprint against which future targets will be based
- The Plan should detail the framework and methodology for calculating the baseline and future assessments, providing references and justifications for the methodologies adopted
- The Plan should identify carbon reduction targets for the first contract year, detailing how these targets are to be met (as a minimum for all listed activities)

Under the proposed mitigation measures for the GHG assessment (13.52), ensuing the development is designed for resilience and durability should be considered as a measure,

as well as any opportunity for off-site assembly and the efficient transportation of materials to site.

Under the Climate Change Adaptation (Resilience) assessment, DCC would expect to see an assessment of any potential the proposed development might have to exacerbate climate change impacts, such as drought, flood risk or overheating due to a reduction in shading and cooling from vegetation loss.

Biodiversity, ecology and trees

DDC Officer

Regarding the River Mease SAC and SSSI, only a very small area covered by the proposed site and comprising PV tables and associated fencing. Given the nature of the proposal, no significant impact on the catchment, SAC or SSSI. The remainder of the site lies outside the R Mease SAC/SSSI catchment is anticipated.

Baseline ecological surveys have been undertaken and the potential for, or existence of, species of interest, including protected species has been taken into account. Buffers are proposed around sites of ecological interest including potential and identified bat roosts and badger setts. The protection of species rich hedgerows and important trees is welcomed.

Further comments can be found in the landscape comments above relating to the provision of species rich grassland meadows in some locations, consideration here should be given to strengthening or increasing tree cover with the aim of enhancing the local landscape character in the context of the National Forest designation and in light of the extent of grassland that will be retained between and beneath the proposed solar arrays.

The existing site land use is agricultural, and it is accepted that while the proposed use will take the land out of agricultural production, it will give the land time to rest, effectively in a fallow condition. However, there is concern that construction and eventually decommissioning plant traffic associated particularly with cabling and drainage will contribute to compaction of the soils and damage to soil structure.

As stated in the comments of the local Councillor above, residents have voiced concern that site fencing will restrict the movement of wildlife across and through the site. It is accepted that for security reasons fencing is required and that such fencing will need to prevent access by deer to prevent damage to the PV panels. With this in mind, consideration should be given to the design of the fencing, particularly the ground level panels, to enable the passage of smaller mammals such as badgers, foxes and hedgehogs while maintaining site security.

SDDC Officer

The Applicant has submitted a range of ecological surveys and assessments as part of their Preliminary Environmental Information Report (PIER) to inform the consultation process for the above proposed Nationally Significant Infrastructure Project (NSIP). Following consultation and finalisation of the project design, an Environmental Statement (ES) is proposed to be formally submitted with the Development Consent Order (DCO) application, which will inform the final assessment of impacts.

The proposed development site (the Site) comprises Park Farm to the north and Oaklands Farm to the south, which are referred to in the Ecology Chapter of the PIER, Chapter 6. I have reviewed Chapter 6 including the identified appendices and figures. My comments and recommendations are set out below, appropriate to the current consultation stage of the EIA process.

All recommendations have been bullet pointed and are **bold**.

OVERVIEW OF SUBMITTED BASELINE

The PIER is supported by an extensive ecology baseline provided in separate reports within the relevant appendices. Overall, the supporting survey work appears to have been generally undertaken in accordance with best practice guidance and in most cases provides a suitably robust baseline to inform the PIER and depending on submission timescales, the ES.

- **The ES submission should ensure all ecological survey work has been undertaken within the appropriate timeframes and lifespans as dictated in best practice guidelines**

DESIGNATED SITES

The PIER identifies no designated sites within the Site boundary. A Local Wildlife Site (LWS) and area of Ancient Woodland (Grove Wood – cable route only) are identified as being present within proximity to the Site, however, the PIER sets out appropriate mitigation measures to control construction and operational impacts which can be further developed for the ES submission.

The River Mease SAC and SSSI is located 4.4km to the south of the Site. A shadow screening and appropriate assessment report has been appended to the PIER, to determine the potential for likely significant impacts to the River Mease SAC arising from the NSIP proposal.

In summary, the shadow screening assessment was *‘unable to rule out the potential for likely significant effects associated with water quality and quantity, spread of invasive non-native species, and disturbance to otter during construction, alone or in-combination on the River Mease SAC’*, however, the shadow appropriate assessment concluded that *‘the avoidance and mitigation measures which will be secured in relation to the construction of the NSIP will provide certainty that harmful effects associated with contaminated runoff, changes in surface water flow, and disturbance to otter, will be avoided entirely, thereby eliminating any potential for adverse effects on the integrity of the River Mease SAC either alone or in-combination with other plans and projects’*.

CONSIDERATION OF CABLE ROUTE

A High Voltage cable route is proposed to connect the Oaklands and Park Farm sections of the solar installation, with a further cable route to the National Grid at Drakelow Power Station, just to the north of Park Farm. The PIER identifies that the cable routes have not be subject to detailed ecology survey, given that the proposed route is not fixed. However, where the cable will be underground the impacts would be short-term and temporary; the PIER additionally outlines appropriate broad mitigation measures to control impacts to sensitive habitats and species.

- **The ES should specify in appropriate detail the likely ecological impacts arising from the fixed cable routes and the mitigation measures required to adhere to relevant statutory legislation and best practice guidelines, in respect of habitats and species**

HABITATS

Given the nature of the NSIP proposed for the site (a solar farm) ecological impacts arising from construction and operational phases are likely to be comparatively lower than other

forms of NSIP or major development due to the shorter construction periods, reduced ground disturbance/damage and the static nature of the installation.

The NSIP is proposed to predominantly impact improved grassland and arable fields of low ecological value. The PIER identifies a probable requirement to remove a small number of trees and localised sections of hedgerow for access tracks and site infrastructure. Several ancient and veteran trees have been identified within the Site but are proposed to be retained and buffered, likewise hedgerows and other boundary features such as woodlands. There are several ponds within the Site, however, the PIER does not clearly state whether these features will be retained and enhanced.

A biodiversity metric (i.e. Metric 3.0/.1) has not been submitted with the PIER, however, the proposed Landscape Strategy (appended to the PIER) proposes a range of habitat compensation and improvement measures including restoring and creating hedgerows, woodland understory planting with trees and species-rich grassland, as well as increasing scrub planting and woodland connectivity through the Site. The proposed Landscape Strategy would also enhance habitats for a variety of faunal species within the Site, including most of the species identified within the PIER baseline.

The PIER includes outline mitigation measures to protect habitats during the construction phase, which are proposed to be included within a Construction Environmental Management Plan (CEMP) for the ES submission. Appended within the PIER is an outline Landscape and Ecological Management Plan (LEMP), which provides in part outline measures for the long-term management of restored and created habitats.

- **The ES should clearly identify whether ponds are to be affected by the NSIP and further specify any enhancement and mitigation measures, likewise for any drains and watercourses**
- **The PIER states that retained veteran/ancient trees will be protected with a 15m buffer. This is an incorrect interpretation of Natural England's standing guidance, which requires '*the buffer zone to be at least 15 times larger than the diameter of the tree*'. The ES should ensure that ancient and veteran trees are buffered in accordance with the correct statutory guidance (as correctly noted in the submitted Arboricultural Report, appended to the PIER)**
- **The ES should include a biodiversity metric utilising the latest approved Natural England calculator tool (currently Metric 3.1) to suitably measure the biodiversity impact of the NSIP in accordance with current best practice. It is vital that the submitted Metric is directly supported by appropriately annotated plans to ensure that retained, removed, created and enhanced habitats are clearly defined in a transparent manner**
- **The outline mitigation measures should be further refined within the proposed CEMP to ensure all habitats are suitably protected during the construction phase in accordance with current best practice. It is recommended that a habitat constraints plan or similar is produced for the CEMP, which clearly defines buffer zones to sensitive features such as ancient/veteran trees, other retained trees, ponds, watercourses, hedgerows and woodlands etc**

- **The outline LEMP should be further refined for the ES submission to ensure all habitats are suitably managed to maximise ecological potential over the operational period of the NSIP, in accordance with current best practice**

BREEDING BIRDS

The PIER outlines standard protection measures for nesting birds during the construction phase, which can be further refined for the CEMP.

Whilst the proposed Landscape Strategy associated with the NSIP has the potential to improve Site habitats for many breeding and foraging bird species, there is an increasing evidence-base to suggest that solar installations may negatively impact for ground nesting birds, particularly in respect of nesting fidelity (Montag, Parker and Clarkson, 2016; Solarview, 2019 & 2020). This is primarily due to solar arrays creating a 'closed-habitat' landscape, whereas ground nesting birds prefer 'open-habitat' landscapes to maintain predator sightlines.

The supporting baseline for the PIER (Arcus 2020 Breeding Bird Survey Report, appended) has identified the presence of x28 breeding territories for skylark within the Oakland Farm part of the Site, together with x1 breeding territory for lapwing – both are ground nesting birds. No evidence of skylark breeding territories was found within the Park Farm part of the Site (Luc 2022 Breeding Bird Survey Report, appended), considered most likely due to the dominance of intensively grazed grassland, however, a single breeding territory for lapwing was thought to partly encapsulate the Site.

Skylark and lapwing are both 'Priority Species' under the NERC Act 2006. Public Bodies have a legal duty to consider these species when exercising their functions with a view to conserving biodiversity. This legal duty has recently been strengthened to an additional requirement to 'enhance', mandated under the Environment Act 2021. Skylark and lapwing are also Red Listed species and therefore of most conservation concern.

The PIER identifies potential impacts to 'birds' as being 'not significant' during the construction phase and 'significantly beneficial' (at a local level) during the operational phase. The PIER outlines no separate impact assessment in respect of ground nesting birds. It is questionable whether the areas of open habitat wildflower grassland proposed within the PIER Landscape Strategy would be of a sufficient area to compensate for potential impacts to ground nesting birds arising from the solar installation.

Additionally, the supporting baseline (LUC 2022 Breeding Bird Survey Report, appended) appears to identify the presence of a nesting barn owl within tree T24 of the Oaklands Farm part of the Site, although the report makes several inconsistent statements in this respect (Sections 3.10, 4.6, 4.7). The PIER makes no reference to barn owl or the potential nesting site, specifically whether the tree would be retained and whether appropriate mitigation measures in respect of disturbance have been considered, given that this species is listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended).

- The ES should provide separate consideration on likely significant impacts to ground nesting birds, particularly ‘Priority Species’, arising from the solar installation and the compensation measures which are to be delivered ¹
- The ES should clarify whether barn owl has been identified as nesting within a Site tree; and if nesting has been identified, mitigation and compensation measures should be prescribed to adhere to statutory legislation and best practice guidelines during construction and operational phases

GREAT CRESTED NEWTS (GCN)

In respect of the NSIP proposal, the PIER determines ‘*a likely absence of (GCN) and therefore adverse impacts are considered extremely unlikely*’. The survey limitations section of the PIER (6.47) identifies that ‘*it was not possible to survey all ponds within 250m of the Site, and outside of the site boundary, due to access restrictions*’ but this ‘*was not considered a constraint to the survey as extensive eDNA survey effort was undertaken for numerous ponds within 250m of the Site, which were recorded as negative for GCN*’.

The detailed GCN baseline for the Oaklands Farm part of the Site is provided within an appended report - Arcus 2020 PEA Report. Of the x9 accessible ponds within the Site (on-site ponds), x6 were dry and x1 was of limited suitability for GCN. The x2 remaining on-site ponds were subject to eDNA water sampling which tested negative for GCN. Critically, the Arcus 2020 PEA identifies a further x15 off-site ponds within 250m of the Site boundary which could not be surveyed as no access was granted from landholders, therefore, presence or absence of GCN could not be determined within all off-site ponds.

The absence of GCN survey data for the x15 off-site ponds is a significant constraint to the survey baseline and assessment of likely significant effects to GCN for the Oaklands Farm part of the Site. Natural England standing guidance requires impacts to GCN to be considered from a minimum 250m buffer of the development boundary. Whilst offsite ponds clearly cannot be surveyed if access has not been granted, the Arcus 2020 PEA simply states that ‘*it is considered unlikely that GCN are present on site and are unlikely to be a constraint to the Development design*’. No consideration of the absence of GCN survey data for the x15 offsite ponds have been considered in this assessment.

In respect of the Park Farm part of the Site, the LUC 2022 GCN Survey Report presents a more comprehensive baseline in respect of GCN, mainly due to most ponds within 250m being located within the Site boundary or within accessible land. Most ponds within 250m were found to be either dry or resulted in a negative eDNA result, which appropriately concluded presence of GCN to be unlikely.

- In respect of the Oaklands Farm part of the Site, the ES should consider in more detail the implications of an absence of GCN survey data for off-site ponds and furthermore, the likely significant impacts arising from the construction phase of the solar installation following the precautionary principle. Additional compensation and mitigation measures may be required to suitably control the potential for killing and injuring GCN during the construction phase.

¹ A compensatory approach which has gained significant traction in respect of solar developments within England over the last two years has been to secure ‘skylark plots’ within off land utilised for production of cereal crops <https://www.gov.uk/countryside-stewardship-grants/skylark-plots-ab4>.

BADGERS

The submitted Badger Survey Report is correctly identified as a confidential document, but it has not been possible to view the detail of the baseline evidence to date. The PIER summarises the presence of setts within the Site, stating that all setts would be retained and buffered from the solar panels by 30m, in accordance with accepted best practice. In addition, gaps are proposed within the perimeter fencing to allow ingress and egress of badgers and small mammals. The PIER identifies appropriate mitigation measures for badgers and their setts during the construction phase, which can be further refined for the CEMP.

- **The ES should clarify the location and specification of badger access gaps within the perimeter fencing, which should ideally be plotted on an approved site plan**

BATS

The PIER outlines an extensive baseline for bats to determine patterns of foraging and commuting across the Site (detailed within an appended Bat Survey Report). Given the proposed NSIP seeks to retain and improve most boundary features within the Site, as well as create areas of species-rich grasslands, impacts to foraging and commuting bats are not considered to be significant.

The PIER identifies several 'medium' and 'high' potential bat roosting trees across the Site, although detailed surveys found no evidence of bat habitation. Several 'low' potential bat roosting trees were also identified, some of which are proposed for removal. The PIER describes appropriate outline mitigation measures to protect potential roosting bats during tree removal, which can be further refined for the CEMP.

REPTILES

The PIER outlines the results of reptile sampling surveys along boundary habitats within the Site, where no evidence of reptiles was identified (detailed within an appended Reptile Survey Report). Given the dominance of intensively managed agricultural habitats across the Site, the proposed mitigation measures outlined within the PIER, which can be further refined for the CEMP, would provide appropriate protection measures to control residual impacts to opportunistic and transient reptile species, where present during the construction phase.

WATER VOLE AND OTTER

The PIER identifies limited potential for water vole and otter within the Site due to the lack of suitable watercourses (detailed within an appended Water Vole and Otter Survey Report). The proposed CEMP can provide suitable mitigation measures to control residual impacts to opportunistic and transient water voles and otter, where present during the construction phase.

At the east side of the site (abutting n/w corner of Rosliston Forestry Centre), the boundary of the proposed development is part of 'Conker Alley' and Lime Avenue (TPOs). This is part of a mile long stretch of avenue trees which was a community & landowner project in 2010 and features on South Derbyshire's website. Lime Avenue was created in between and eventually to replace Conker Alley – a half mile run of mature horse chestnut trees. We would like to see the remaining horse chestnut trees and the new lime trees named as protected trees. The horse chestnuts are very important to the local community. As they decline they need to be managed down to standing deadwood following established good practice in forestry (rather than allowing to die back and cause a highway hazard which would then potentially be used as an excuse for complete removal).

Further details on biodiversity enhancement would be welcomed, as well as evidence that local conditions and species records have been researched. Reference to best practice might be useful.

Clarification on the term 'where appropriate', when stated that 'wildlife meadows will be planted throughout the solar farm where appropriate'. What will be in place to ensure this takes place?

Water Resources, Flood Risk and Ground Conditions

DCC Officer

Regarding the PEIR and Non-technical Summary, in particular the Flood Risk Assessment and Outline Drainage Strategy (FRA) included in appendix 8.1 of the PEIR, the Lead Local Flood Authority have the following concerns and comments:

- In order to maximise infiltration, a soil management plan should be developed which demonstrates how damage to soil horizons and ground cover will be mitigated and remediated during and after construction and for future decommissioning.
- Paragraph 7.5 of the FRA indicates that chisel ploughing will be undertaken on completion of construction works to improve infiltration and counter compaction. How could this be carried out with the solar arrays in place?
- In order to ensure flood risk is not increased during construction, a construction phase surface water management plan should be incorporated.
- Paragraph 6.2 of the FRA indicates that there will be gaps within each array to allow for thermal expansion of the individual panels and that rainwater will be able to fall through these gaps thereby avoiding a concentrated flow onto the ground. Nevertheless, it is likely that the majority of the flow would fall from the bottom of the arrays, particularly when individual panels are in an expanded condition. Measures should be incorporated to mitigate against potential erosion of the ground underneath the lower edges of the arrays. Any surface water drainage system should be sustainable and with multiple benefits.
- Ordinary watercourses within the site should be modelled to ensure infrastructure is kept outside areas of risk.
- As requested by the Environment Agency, there should be a minimum 8m easement between the top of any watercourse bank and any infrastructure.
- Any watercourse crossings, or changes to existing crossings, may need Land Drainage Consent from the LLFA and should be designed so as to not impede drainage.
- The drawings of the battery storage and transformer details in appendices F & G of the FRA do not appear to show the gravel bases referred to in paragraphs 5.6 & 5.7.

Public Rights of Way

DCC Officer

The site is crossed by a limited Public Rights of Way network which has been accommodated within the site layout. While the user experience of the landscape will undoubtedly be impacted by the proposal, including by the noise associated with the solar park plant and battery storage facility, those sections of the PRow are not extensive and scope exists for the screening of the more significant views, without creating a sense of enclosure. Further, additional permissive routes are proposed with and through the solar park creating greater potential for circular routes in the locality.

Planning Officer

SDDC Officer

Most of the site contains Grade 3 (good to moderate) agricultural land, with some areas also containing Grade 2 (very good), according to the PEIR and Natural England Agricultural Land Classification Map (2010). Policy BNE4 'Landscape Character and Local Distinctiveness' states that the Council will seek to protect soils that are 'Best and Most Versatile' (Grades 1,2, and 3a in the Agricultural Land Classification) and wherever possible direct development to areas with lower quality soils. The applicant is advised to consider utilising land which would not lead to the loss of Grade 2 and 3 agricultural land (albeit on a semi-permanent basis).

South Derbyshire District Council request that consideration is given to the adopted Local Plan Part 1 and Part 2. The following policies are most relevant to the application and will form the basis for the Council's response at later stages of the process:

Local Plan Part 1 and 2 (adopted 13th June 2016 and 2nd November 2017)

- S1 Sustainable Growth Strategy
- S2 Presumption in Favour of Sustainable Development
- SD1 Amenity and Environmental Quality
- SD2 Flood Risk
- SD3 Sustainable Water Supply, Drainage and Sewerage Infrastructure
- SD6 Sustainable Energy and Power Generation
- BNE1 Design Excellence
- BNE2 Heritage Assets and BNE10 Heritage
- BNE3 Biodiversity
- BNE4 Landscape Character and Local Distinctiveness
- INF2 Sustainable Transport
- INF8 The National Forest
- BNE7 Trees, Woodland and Hedgerows

Glint and Glare

DCC Officer

While glint and glare issues potentially affecting local residents, air traffic, highway and rights of way users have been considered and expert evidence provided to confirm that glint and glare are not identified as significant, with the exception of a limited number of residential receptors, for whom mitigation is identified, it should be noted that this authority does not have the in-house expertise to assess the data included in the PEIR appendices.

SDDC

As above, this authority does not have the in-house expertise to assess the data included in the PEIR appendices.

Major Accidents and Disasters and Telecommunications and Utilities

DCC Officer

DCC agrees that adherence to applicable industrial and regulatory standards in the specification, design and use of plant and equipment proposed to be installed at, and used in the construction of, the proposal will greatly reduce the potential for adverse impact on telecommunications systems, utilities or lead to an increased risk of major accidents and disasters. It is therefore accepted that, in the absence of contradictory information, that these issues are scoped out of the ES.

Minerals Consultation Areas

DCC Officer

Part of this site to the northeast of Walton on Trent is indicated to be underlain by resources of sand and gravel and is therefore covered by the Mineral Consultation Area (MCA), as defined in the Derby and Derbyshire Minerals Local Plan. The MCA ensures that minerals of economic importance are safeguarded and are, therefore, taken into account in the assessment of applications for non-mineral development to avoid their needless sterilisation.

The NPPF sets out that Local Plans should define Mineral Safeguarding Areas and include policies to ensure that known locations of specific mineral resources are not needlessly sterilised by non-mineral development. The emerging Minerals Plan for Derbyshire will include policies to this effect.

Policy MP17 of the Derby and Derbyshire Minerals Local Plan should be taken into account in the assessment of this application. This states that the mineral planning authority will resist proposals for development which would sterilise economically workable mineral deposits, except where there is considered to be an overriding need for the development, and it is shown that prior extraction of the mineral cannot reasonably be undertaken or is unlikely to be practicable or environmentally acceptable.

It is considered in this case that the nature of a solar park development means it could be removed relatively easily (unlike built development with foundations etc), and it is unlikely therefore that it would lead to the permanent sterilisation of the sand and gravel resource i.e. the sand and gravel would still be readily available should the development be removed. Also, the area has never been promoted by mineral operators, and is not identified as being required for sand and gravel extraction in the period for the emerging Minerals Local Plan, which will cover the period to 2038.

As a result, on balance, DCC would not have any objections to this proposal in terms of its impact on the sand and gravel resource.

Community Benefits

DCC Officer

The NPPF indicates that where new developments raise concerns regarding their likely harm to the environment, particularly important heritage assets, this likely harm should be balanced against any public benefits that may be generated by the development proposals.

In this respect, it is noted that in Paragraph 12.134 of the PEIR, reference is made to the applicant's proposals to administer an annual community benefit fund, which is welcomed and supported by the County Council. Further details should be provided in the applicant's DCO ES submission, particularly regarding the scale of funding and how such a fund is likely to be administered in consultation with local community groups. Early dialogue with such groups could establish a list of potential projects that could be funded, should the scheme be granted consent.

It is noted that paragraph 12.136 of the PEIR also indicates that the proposed development could provide a valuable educational resource for the local area in consultation with the local community, to establish how best to provide such educational materials on site. Examples of good practice are referred to including the use of interpretation boards, explaining solar energy and the work going on onsite, which could be placed at strategic locations such as along PRow; and that visits could also be arranged for local schools / community groups. These proposals are also welcomed and supported by the County Council and again, it is expected that further details should be provided by the applicant in its DCO ES submission.

Miscellaneous comments

There is a general feeling that while solar energy is supported to tackle climate change, large warehouses (especially new ones) should be utilised as a priority, instead of agricultural land.

Rosliston Forestry Centre, which is adjacent to the proposal to the east, have asked whether there would be scope to incorporate solar power energy in their education sessions and possibly work with the company to enable that to happen. If biodiversity measures were found to be exemplar, they would be keen to share expertise in this area also.

SDDC Parish Council comments

Coton in the Elms Parish Council
Drakelow Parish Council
Lullington Parish Council
Netherseal Parish Council
Overseal Parish Council
Rosliston Parish Council
Walton on Trent Parish Council

The above Parish Councils have made SDDC aware of their response to this consultation, and their responses have been summarised below.

- Concern regarding the loss of BMV agricultural land and impact on sustainable food production with the Ukraine war an example of food insecurity.
- Alternative power provision site nearby at Drakelow – could this be used instead?
- Suggestion of utilising roof spaces of commercial development instead which would not lead to the loss of agricultural land.
- Scale of development is too imposing and would have a negative impact on the landscape – it will be larger than the villages of Rosliston, Walton on Trent, Coton in the Elms and Drakelow combined. This would result in urbanisation/industrialisation of a rural area.
- Concern over constant low amplitude noise, and noise during construction.
- Concern over traffic impact at construction phase, especially on narrow lanes with weight restrictions, this could also lead to verge and ditch damage.
- Potential loss of agricultural employment
- Site is too close to another solar farm proposal between Coton and Lullington
- Concerns regarding the impact on wildlife, and the natural migration of wetland birds.
- Potential impact on a medieval archaeological site
- Potential loss of ponds and ditches during the construction
- Solar occupies significant land space, there are environmental questions around the manufacture and later the decommissioning of the panels, as well as questions regarding the efficiency of solar units in the northern hemisphere.
- 4m high hedges will completely alter the landscape and make public rights of way appear like tunnels.
- Restricted transport routes – particularly through Catton and Coton in the Elms
- The emphasis is on national energy security and there is no creative consideration of local benefit. Locally the impact is likely to be overwhelmingly negative. Can consideration be given to giving the community access to green sourced energy?
- Current national policy is relatively silent on the solar power, it would suggest that this proposal is inconsistent with national policy.

Yours sincerely,

Chris Henning

Executive Director of Place
On behalf of Derbyshire County Council

and

Steffan Saunders

Head of Planning and Strategic Housing
On behalf of South Derbyshire District Council

APPENDIX 2

SUMMARY OF IN-HOUSE SPECIALIST OFFICERS AVAILABLE WITH THE DISTRICT COUNCIL AND DCC.

ES TOPIC AREAS	SDDC SPECIALIST AVAILABLE	DCC SPECIALIST AVAILABLE	EXTERNAL SPECIALIST REQUIRED
Transport and Access	NO	YES	NO
Heritage	YES	YES	NO
Landscape and Visual Impact	NO	YES	NO
Environmental Heath and Noise	YES	NO	NO
Climate Change and Carbon Reduction	YES	YES	NO
Biodiversity, Ecology and Trees	YES	YES	NO
Water Resources, Flood Risk and Ground Conditions	NO	YES	NO
Public Rights of Way	NO	YES	NO
Glint and Glare	NO	NO	YES
Minerals Consultation Areas	NO	YES	NO
Community Benefits	YES	YES	NO
Geology, Soils, and Agricultural Land	NO	NO	YES

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 9
DATE OF MEETING:	20 APRIL 2023	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	DEMOCRATIC SERVICES 01283 595889/5722 democraticservices@southderbyshire.gov.uk	DOC:
SUBJECT:	COMMITTEE WORK PROGRAMME	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: G

1.0 Recommendations

1.1 That the Committee considers and approves the updated work programme.

2.0 Purpose of Report

2.1 The Committee is asked to consider the updated work programme.

3.0 Detail

3.1 Attached at Annexe 'A' is an updated work programme document. The Committee is asked to consider and review the content of this document.

4.0 Financial Implications

4.1 None arising directly from this report.

5.0 Background Papers

5.1 Work Programme.

Environmental & Development Committee 20 April 2023 Work Programme

Work Programme Area	Date of Committee meetings	Contact Officer (Contact details)
Reports Previously Considered by Last Three Committees		
Service Base Budgets	03 January 2023	Charlotte Jackson Head of Finance (01283) 595901
Work of the Corporate Environmental Sustainability Group	26 January 2023	Matt Holford Head of Environmental Services (01283) 595856
Authority Monitoring Report	26 January 2023	Steffan Saunders Head of Planning and Strategic Housing 07971604326
Designation of Neighbourhood Area	26 January 2023	Jessica Cheadle Planning Policy Assistant (01283) 595820
Revision to Action Plan For Nature Work Programme	26 January 2023	Christopher Worman Parks and Green Spaces Manager (01283) 595774
Toyota City	26 January 2023	Mike Roylance Head of Economic Development and Growth (01283) 595725
Corporate Plan Performance Report Q3	02 March 2023	Clare Booth Corporate Performance & Policy Officer (01283) 595788
South Derbyshire Economic Development and Growth Strategy	02 March 2023	Mike Roylance Head of Economic Development and Growth

		(01283) 595725
Consultation Response to Proposed Changes to the NPPF.	02 March 2023	Steffan Saunders Head of Planning and Strategic Housing 07971604326
Provisional Programme of Reports To Be Considered by Committee		
Pre-Submission Draft Derbyshire and Derby Minerals Local Plan	20 April 2023	Richard Groves Planning Policy Officer (01283) 595738
Derbyshire Road Verges Project	20 April 2023	Sean McBurney Head of Cultural and Community Services 07435 935050
NSIP Oaklands Solar Farm	20 April 2023	Steffan Saunders Head of Planning and Strategic Housing 07971604326
East Midlands Airport Airspace Redesign Consultation (changing the flight paths)	TBC	Planning Policy Team Leader (01283) 595749
Gypsy and Traveller Accommodation Assessment Report	TBC	Planning Policy Team Leader (01283) 595749
Statement of Community Involvement	TBC	Planning Policy Team Leader (01283) 595749