

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/02290/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Development of a 5 MW solar farm
<b>NAME OF APPLICANT:</b>	Mr D Lord
<b>ADDRESS:</b>	Land North Of Mill Hill, North West Industrial Estate, Peterlee
<b>ELECTORAL DIVISION:</b>	Easington
<b>CASE OFFICER:</b>	Peter Herbert, Senior Planning Officer 03000 261391, <a href="mailto:peter.herbert@durham.gov.uk">peter.herbert@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### Site

1. The application site comprises 10.12ha of arable and grazing land of Grade 3 agricultural classification immediately to the north of the North West Industrial Estate, Peterlee. To the north of the site lies further agricultural land and an underground Water Authority reservoir, with the north east-west running B1283 Durham Lane beyond. To the south lies the industrial estate with a public footpath (Footpath No. 10 Easington Village Parish) running in an east-west direction between the application site and the industrial estate's northern boundary. To the east lies a second underground reservoir with the north-south running A19 beyond. To the west lies agricultural land.
2. The site is well contained within local views and only visible at distance from the north, and then obliquely. The boundaries are defined by a combination of post and wire fencing and broken mature hedgerows. The two underground reservoirs to the north and east are topped by artificial land formations that are noticeable within the landscape.
3. The site lies outside any nationally or locally designated landscape, heritage or ecologically designated area. Within 2km there are a scheduled ancient monument (Yoden Medieval Settlement 1.95m to the south – east), several listed buildings (Grade 1 Seaton Holme and the Church of St Mary, Grade II\* Seaton Holme farmhouse and barn, and Grade II Jacksons Mill), and the Easington Village Conservation Area.
4. The closest residential properties are Holmlea - 500m, Calf Close Farm - 540m (both to the north), Moor House Farm to the north - west (585 m) and Westmoor Farm (880 m) to the west.

## The Proposal

5. The installation of up to 20,000 solar panels is proposed within a site of approximately 10.12ha. The panels would be mounted on fixed frames at 25 degrees to the horizontal with a maximum height of 2.5m. They would have a maximum installed capacity of 5.0 megawatts, generating approximately 5000 megawatt hours per year, sufficient to meet the energy requirements of 1,390 UK households. Based on a simple comparison with coal alone, the minimum potential CO<sup>2</sup> saving approximates to 59,540 tonnes over the 30 year life of the project. At the end of this period the solar panels and ancillary infrastructure would be dismantled and removed from site.
6. The site would be enclosed by a 2 m high metal security fence. The fence would be positioned behind existing hedge lines, maintaining a gap of at least 5 m, which would be reinforced by native species hedge planting. The hedgerows would be allowed to grow to a height of 2.5 m to provide effective screening. They would also support local wildlife, enhancing biodiversity. A number of infra-red sensitive security cameras, focused on the site interior, discretely located at approximately 50 m intervals on 3 m high poles.
7. Three inverter substations measuring 2.5m in height, 5.8m in width and 2.5m in depth, would be positioned strategically within solar panel rows. These convert direct current (DC) into alternation current (AC). A single Distributor Network Outlet (DNO) substation measuring up to 3m in height, and 3-5m square in width and depth would be positioned towards the north east corner of the site. This steps up the voltage for onward transmission while minimising losses in the cables, all of which would be underground. Power generated would be connected to a local business within the neighbouring industrial estate (Caterpillar), with surplus electricity going into the National Grid.
8. Vehicular access to the site would be taken via an existing reservoir access track running from the B1283 to the north. All equipment necessary for the installation of the solar farm would be transported on HGVs with no special requirements for abnormal loads. In total, up to 165 deliveries (330 vehicular movements) are anticipated to be required, at the rate of 8 to 10 deliveries per day (16 to 20 vehicle movements per day). The construction phase is expected to take up to three months.
9. The application is reported to the County Planning Committee as it involves renewable energy development of 1,000sqm or more.

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## **PLANNING HISTORY**

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10. There is no planning history specific to this site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in

achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

12. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal.
13. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Decisions should support existing business sectors, taking account of whether they are expanding or contracting.
14. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
15. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
16. *NPPF Part 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
17. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
18. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, Local Planning Authorities should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance. In determining applications LPAs should take account of; the desirability of sustaining and enhancing the significance of the asset and putting them to viable uses consistent with their conservation, the positive contribution conservation of heritage assets can make to sustainable communities and economic viability, and the desirability of new development making a positive

contribution to local character. Opportunities for new development within Conservation Areas that enhance or better reveal their significance should be treated favourably, acknowledging that not all elements of a Conservation Area contribute to its significance.

19. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf> (NPPF)

20. Accompanying the NPPF the Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This provides planning guidance on a wide range of matters. Of particular relevance to this development proposal is the practice guidance with regards to visual impact, glint and glare, loss of agricultural land, impact upon heritage assets and the use of planning conditions with respect to renewable energy projects, and specifically solar farms.

<http://planningguidance.planningportal.gov.uk/> (National Planning Practice Guidance)

#### **LOCAL PLAN POLICY:**

District of Easington Local Plan (DELP) adopted 2001

21. *Policy 1 – General Principles of Development* – permits development that accords with the principles of sustainable development together with any benefits to the community and local economy.
22. *Policy 3 – Protection of the Countryside* – defines development outside settlement boundaries as in the countryside. This is not permitted unless allowed for by other policies.
23. *Policy 18 – Species and Habitat Protection – Species And habitat Protection* – precludes development that would have a significant adverse effect on protective species or their habitat without special justification and mitigation.
24. *Policy 35 – Design and Layout of Development* – requires the design and layout of development to embody the objective of energy conservation, reflect the scale and character of the area, be screened appropriately where required, and have no serious amenity impact.
25. *Policy 36 – Design for Access and the Means of Travel* – requires the design and layout of development to provide (inter alia) safe and adequate access capable of serving the amount and nature of traffic to be generated.
26. *Policy 74 – Footpaths and other Public Rights of Way* – requires public rights of way to be (inter alia) protected from development.

#### **RELEVANT EMERGING POLICY:**

The County Durham Plan

27. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to

which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at:*

<http://www.durham.gov.uk/article/3271/Teesdale-Local-Plan>  
(Teesdale District Local Plan)

<http://durhamcc-consult.limehouse.co.uk/portal/planning/> (County Durham Plan)

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

28. *Easington Village Parish Council* - No objection is raised. However, a planning condition is requested to secure screening by native hedging.
29. *Highways England* – No objection is raised. It is considered that there would be no adverse impact on the A19 Truck road. They advise that the proposal adequately deals with site access during construction by accessing the development site via the local road network, and the proposed level of traffic using a suitable access for routine monthly visits during operation is not such that it would cause a safety issue.
30. *Highway Authority* – No objection is raised. Subject to an appropriate planning condition securing the upgrading of the proposed access point on the B1283, the proposal is considered to be acceptable. Officers also advise that an informative be attached to advise that the upgrading of the existing vehicular access must be carried out in accordance with the requirements of the Highways Act 1980.
31. *Ministry of Defence* – No airspace safeguarding objections are raised.
32. *Durham Tees Valley Airport* – No objection is raised. Given the location of the proposed solar farm no distraction to pilots would result.
33. *Newcastle Airport* – No objection raised. Given the location of the proposed solar farm in excess of 30 km from NIA, the scheme would not result in any distraction to pilots of trafficking aircraft, nor would it present itself as an obstruction to NIA's navigational aids.
34. *Northumbrian Water* – No objection is raised. However it is highlighted that that a water main crosses the site and may be affected by the proposed development. It would be necessary to protect a water main relating to the adjacent reservoir during the solar farm's construction, but this would be agreed between NWA and the applicant under Water Industry Act powers.
35. *The Coal Authority* – Raises no objection noting that the application falls within the defined Development Low Risk Area. The Coal Authority advises that if the proposal is granted planning permission then it would be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety

## **INTERNAL CONSULTEE RESPONSES:**

36. *Landscape* – No objection is raised. The site lies outside any locally or nationally designated landscape. Officers consider that there would be some limited visibility from the B1283 to the north, but the biggest visual impact will be from the footpath that passes immediately to the south of the site. The applicants photomontages show the oblique nature of the views from the north and the limited visual effect in these views. The proposed hedge planting will in time screen the view from the footpath completely and I would expect this to be achieved in about five to ten years. The photomontage shows trees growing behind the hedge, but these are not part of the proposed planting scheme. The details of the hedge planting and maintenance are considered satisfactory. Officers consider that there would not be any conflict with landscape related policies.
37. *Tree Officer* – No objections are raised.
38. *Archaeology* – No objection is raised. Officers note that a geophysical survey has been carried out which suggests features likely to be an enclosure settlement of prehistoric date are present within the area of the proposed solar farm. Mitigation measures have been discussed and should take the form of avoidance through non-invasive techniques over the area where the potential enclosure has been identified, with testing of the blank areas through % sample trenching and monitoring of groundworks for the inverter building and substation. Conditions to secure this requirement are recommended along with a condition requiring reporting and archiving.
39. *Design and Conservation* – No objection is raised. It is noted that the site is not within a conservation area and contains no listed buildings, but within a 2km radius are several listed buildings and the Easington Village Conservation Area to the east. The applicant has submitted a heritage statement analysing the potential impact on the nearby listed buildings and conservation area. Officers concur with the conclusions of this assessment that the proposed development would have no definable adverse impact upon their setting.
40. *Drainage and Coastal Protection* – No objection raised. It is not anticipated that any significant impermeable area would result from this proposal.
41. *Ecology* – No objection is raised. The findings of a submitted Ecological Appraisal are accepted, and it should be a condition of any planning permission that the Method Statement and habitat enhancements contained within the report are implemented.
42. *Environmental Health and Consumer Protection (Contaminated Land)* – Officers cannot foresee any contaminated land implications as there is no risk to human health.
43. *Access and Rights of Way* – No objection raised. Officers consider the proposal to be acceptable so long as hedge maintenance alongside the public footpath (responsibility of the landowner) is possible with the fence on its proposed line.
44. *Sustainability Strategy* – Officers advise that they have no specific concerns in terms of the site location. Officers do though query how the energy produced by the proposed plant would be distributed.

## **PUBLIC RESPONSES:**

45. The application was advertised in the press, by site notices and letters to neighbouring residents. No representations have been received from the general public.
46. *The Campaign to Protect Rural England (CPRE)* objects to the proposal. They query the agricultural grade of the land, in that if the site is Grade 3a, then they consider this this would be a substantial ground for objection, having regard to the Planning Practice Guidance.
47. *Ramblers Association* – No objection is raised. Care must be taken not to either block the neighbouring public footpath or restrict its use. In this regard it is considered essential that pedestrian safety be maintained at all times, particularly during the development's construction phase, by the avoidance of materials being stored on the public right of way.

#### **APPLICANTS STATEMENT:**

48. Extensive assessment work has been carried out to confirm the suitability of the Site, to minimise its impact and to add enhancement where possible. The layout of the scheme has evolved significantly during the design process in response to the various assessments.
49. Several environmental assessments have been carried out to assess the impacts of the Development. The Development will not have adverse impacts on landscape, ecology, flooding, access, glint and glare, or heritage assets.
50. The Proposal is a temporary development with relatively low impact and potential for some lower intensity agricultural activity. The solar arrays are no more than 2.9m high from the ground, with the inverter-transformers up to 2.5m. The Site will be restored at the end of its operation life. The site would continue to be available for agricultural use through grazing through the life span of the project. It would create enough power for 1,930 UK households and offset 2,220 tonnes of carbon dioxide equivalent, per year.
51. Given the Proposal's acceptability in planning policy and other terms, we trust that the planning application will receive the Council's full support.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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52. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, use of agricultural land, landscape and visual impact, impact on the historic environment, impact on public rights of way, highways, ecology and other matters.

## Principle of development

53. The UK Government is committed to increasing domestic renewable energy provision to address the projected growth in global energy demand and concern over long term fossil fuels supplies (NPPF Part 10). Together, these issues place long term energy supply at risk. In addition to these trends, global warming and climate change necessitates ensuring that renewable resources are brought forward to provide a secure basis for the UK's future energy needs. These aims were reflected in the 2009 UK Government Energy Strategy White Paper which states within its Executive Summary that: "We need to radically increase our use of renewable electricity, heat and transport. (The Strategy) sets out the path for us to meet our legally-binding target to ensure 15% of our energy comes from renewable sources by 2020: almost a seven-fold increase in the share of renewables in scarcely more than a decade.
54. Solar photovoltaic (PV) energy generation is a renewable power technology that uses solar panels to convert light from the sun directly into electricity. The electrical output of PV solar panels is dependent upon the intensity of the light to which it is exposed and this part of the country experiences good light levels that make solar panels an efficient form of renewable energy production. Photovoltaic cells do not need to be in direct sunlight to work, so even on overcast days PV solar panels will still generate a limited level of energy output.
55. It is now widely accepted that climate change is actively progressing and that carbon emissions from the use of fossil fuels are a key contributory factor. The increased production of energy from renewable sources, such as solar PV, has very real benefits in off-setting carbon dioxide (CO<sub>2</sub>) emissions and reducing the potential impact of greenhouse gases on climate change. It will also ensure a constant and affordable source of energy, contribute to economic stability and provide a further form of farm diversification to support rural economies.
56. Producing electricity with PV emits no pollution, produces no greenhouse gases and uses no finite fossil-fuel resources. Where, as has been generally recognised, the current consumption of and reliance on fossil fuels is considered to be unsustainable, there is a very real need to find a viable long term alternative solution.
57. Solar power is considered to be such a solution. Despite the coverage of ground based sites they are, as a whole, one of the most low-key types of renewable energy generators available. The low height of the arrays, the lack of noise and the minimal maintenance required all ensure that, once installed, the system causes no disturbance to the occupants of properties in the surrounding area.
58. Ideally, large scale solar PV arrays should be directed towards previously developed land. However, with there being relatively few sites of appropriate size in the County, it is considered that, subject to other considerations set out below, the principle of the proposed photovoltaic development on this undeveloped site in the countryside is endorsed by planning policy as a suitable source of obtaining renewable energy to meet the energy demands of County Durham.
59. The National Planning Policy Framework (NPPF) states at paragraph 98 that applications for renewable energy developments should not be required to demonstrate the need for renewable or low-carbon energy and that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Applications should be approved if the project's impacts are, or can be made, acceptable.



60. The Planning Practice Guidance (PPG) includes dedicated guidance with regards to renewable energy and in principle also supports renewable energy development considering that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable
61. The scheme is designed to produce renewable energy sufficient to meet the needs of Thorpe Farm, with any surplus exported to the local electricity grid. This would result in economic benefits through lower operating costs for the farm and its associated businesses, and make a contribution, albeit modest, to mitigating the effects of climate change. This would materially add to the County's renewable energy provision and national targets for the achievement of a diverse energy supply, as well as tackling the effects of climate change, and these are benefits that attract very considerable weight.
62. Consequently, it is considered that the proposal is sustainable in principle, and in accordance with relevant national policy contained within the NPPF in this respect.

#### Use of Agricultural Land

63. The loss of productive agricultural land must be weighed against the merits of the proposal. Paragraph 111 of the NPPF encourages the use of previously used sites where possible, while paragraph 112 requires account to be taken of the economic and other value of the 'best and most versatile' land. Where significant development is proposed, poorer quality agricultural land should be used rather than higher quality. This does not preclude the development of such land, but is a material consideration to be weighed in the balance.
64. An Agricultural Land Classification has been carried out in support of this application (Soil Environment Services Ltd September 2015). It concludes that overall the site is Grade 3, of which 6 ha is 3a (good quality) and 4.9 ha 3b (moderate quality).
65. Whilst slightly more than half of the site is categorised as Grade 3a best and most versatile agricultural land, it should be recognised that less than 10 % of the ground within the overall site would be disturbed as the solar panels sit on legs, raising them approximately a metre above the ground at their lowest point. This would result in more than 90% of the ground area remaining available for grazing.. The development would be for a temporary period, after which the site would be restored to full agricultural use.
66. Accordingly, the proposed development would not result in the permanent or irreversible loss of high quality agricultural land, or indeed preclude agricultural activity alongside, including sheep grazing within the space beneath the solar array, with any temporary impact decisively off-set by significant renewable energy electricity generation.
67. The CPRE opposes the use of any Grade 3a best and most versatile land, and has stated that consideration should first be given to roof mounted solar panels in line with the Written Ministerial Statement of 25 March 2015 concerning renewable energy proposals. The issue of the use of 3a land has been addressed in paragraphs 56 – 60, while the industrial buildings closest to the site do not have rooflines compatible with the type and size of solar power generation proposed.
68. Therefore, and on balance, the development of a comparatively modest area of agricultural is not considered to undermine the site's primary agricultural function. Accordingly, on the basis of national planning policy advice contained within paragraph 112 of the NPPF it can be reasonably concluded that the temporary

removal of land from agricultural production in this particular case is not a reason for planning permission to be withheld as there would be no conflict with Local Plan Policy.

## Landscape and Visual Impact

69. In its broadest sense it could be argued that any development of this scale and nature represents the introduction of alien structures that are at odds with the intrinsic natural characteristics of the open countryside. However, in balancing policy objectives (not least that of supporting the provision of renewable energy), there will inevitably be some locations and sites within the countryside where the local landscape has a greater capacity to accommodate such forms of development than others. The application site is not within a designated landscape, therefore it falls within an area of lower sensitivity.
70. A Landscape and Visual Appraisal has been submitted in support of this application (White Young Green September 2015). This concludes that impact on the landscape of the completed scheme would be limited, and is supported by photomontages.
71. Whilst a new element is being introduced into landscape, existing elements such as trees and hedgerows would be retained and reinforced, providing substantial screening. This is agreed by the Council's Landscape Architect. Submitted photomontages demonstrate the oblique nature of views of the site from the north, and the limited visual effect of these views. Proposed hedge planting will in time screen the development completely from the public footpath to the south. So overall landscape impact would be no more than slight.

## Historic Environment Impact

72. A Heritage Statement has been submitted in support of this application. That Statement concludes that although several listed buildings and the Easington Village Conservation Area lie within 2 km of the application site, no definable adverse impact upon their setting would result from this proposal, this being a result of intervening topography, and the low level nature of the proposal. The Council's senior Design and Conservation Officer concurs with this conclusion. Accordingly no harm would result and there would be no conflict with the objectives of Part 12 of the NPPF or the Planning (Listed Buildings and Conservation Areas) Act 1990. This imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Act also requires that special attention is paid to the desirability of preserving or enhancing the character and appearance of a conservation area.
73. A geophysical survey has been carried out which suggests the presence of an enclosure settlement dating from prehistoric times within the area covered by the application site. In accordance with Paragraph 135 of the NPPF consideration has been given to the effect of the application on the significance of the non-designated heritage asset. Proposed mitigation measures would take the form of ground impact avoidance through non-invasive development implementation techniques, and sample trenching prior to substation groundworks. This can be controlled by planning condition. On this basis the Council's Senior Archaeologist is content with this proposal. Accordingly no conflict arises with Part 12 of the NPPF.

## Public rights of way

74. Footpath No. 10 (Easington Village) runs just outside the application site's southern boundary. The footpath is in poor condition and not well used, possibly as a result of the eastern extremity of this particular section terminating at the edge of the A19, continuation eastwards necessitating the crossing of a Trunk Road. An existing hedge line along the footpath's northern edge would remain and be reinforced, with a 5m gap between hedge and application site perimeter fence to the north. It is therefore concluded that free passage along the footpath would not be prejudiced, and no objection to the scheme has been raised by the Council's Footpaths and Rights of Way Officer. Similarly the Ramblers Association does not object to the application provided the footpath's use is not impeded. Public footpaths are protected by the Highways Act, therefore any obstruction resulting from this development would be addressed under the powers conveyed by the Highways Act. Accordingly no conflict arises with Policy 74 of the DELP and Part 4 of the NPPF.

#### Highways Impact

75. No highway issues are raised by this proposal subject to access road entrance improvements, and these can be secured by planning condition. Highways England has also confirmed that there would be no adverse impact on the adjacent A19 Trunk Road. Glint and glare complies with BRE guidelines in respect of Glare and Dazzle for glass and mirrored buildings as the most of the incident light would be absorbed rather than reflected. This is accepted by Highways England relative to traffic traversing the nearby A19 Trunk Road. Accordingly no conflict arises with DELP Policies 1, 3 and 36 and Part 4 of the NPPF. Policy 3 is partially compliant with the NPPF by being too restrictive, the other above policies are fully compliant with the Framework.

#### Ecology

76. Measures have been incorporated in the design of the solar farm to minimise the impact on the identified ecological receptors and the finding of these baseline surveys have been used to inform the final design and layout of the solar farm. Measures have been incorporated in the design of the solar farm to minimise the impact on the identified ecological receptors and the finding of these baseline surveys have been used to inform the final design and layout of the solar farm.

An ecological appraisal submitted with the application concludes that the solar array would be within improved grassland, which is of negligible conservation value. Furthermore there would be no other habitats are likely to be directly affected by the proposal. There would be no significant adverse effects on habitats or protected species from the proposed development. Through a Biodiversity Management Plan habitat enhancement measures for the site are provided which seek to enhance the vegetation diversity across the site, and also improve the habitats for a number of protected or notable species. Ecology officers raise no concerns regarding the proposal subject to the implementation of the habitat enhancements. The proposal would not conflict with DELP Policies 1 and 18 or Part 11 of the NPPF.

#### Other Matters

77. The closest residential property, Holmlea, is over 500m from the application site with other properties more distant. Inverters associated with the proposal would be housed within buildings thus minimising the potential for any noise nuisance. The proposal would not conflict with DELP Policies 1 and 35 and paragraph 123 of the NPPF.
78. The Development is located in Flood Zone 1. A Flood Risk Assessment (FRA) has been submitted with the application which has reviewed all potential flood hazards to the site and confirmed that the area is not at risk from tidal flooding and at low risk of fluvial, pluvial and groundwater flooding. The FRA notes that the storage reservoirs

that border the north-eastern corner of the application site should be subject to regular maintenance and safety inspections. As such it is considered unlikely that a breach event would occur from either reservoir and consequently the site is at low risk of a potential flood event from artificial sources. It is recommended that runoff from the site should be regularly monitored to ensure infiltration is not decreasing as a result of concentrated runoff from the solar panels, to an extent that could exacerbate off-site drainage. No objections are raised by the Council's Drainage and Coastal Protection Team. The proposal would not conflict with DELP Policy 1 or Part 10 of the NPPF

79. No issues concerning land contamination are raised by this proposal, as confirmed by Environmental Health and Consumer Protection officers. The application site falls within the defined Development Low Risk Area as defined by the Coal Authority. No objections are raised by the Coal Authority and standing advice would be added to any grant of planning permission in the interests of public health and safety. No conflict arises with DELP Policy 1 and Part 11 of the NPPF in terms of these matters.

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## **CONCLUSION**

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80. National planning policy is supportive of energy generation by renewable means, and this includes solar energy development. Therefore there is a presumption in favour of such planning applications. Part 10 of the NPPF states that such proposals should be approved if impact is, or can be made, acceptable.
81. The site lies within undesignated landscape. There would be limited negative landscape impacts, but these are judged to be slight, localised, and capable of mitigation through hedge planting which can be conditioned.
82. Although there are heritage assets within the vicinity of the site, these have been identified, impact upon them assessed, and no harm found to result from this proposal. To minimise archaeological impact non-invasive techniques and ground investigation can be secured by planning condition. The reporting and archiving of findings will also be secured by condition.
83. The site can be safely accessed for construction traffic, and thereafter the solar farm would require little maintenance. In addition it is considered that there would be no adverse ecological, flood risk or residential impact.
84. No impact on the residential amenity is likely to take place due to intervening distances and topography, and no objections to the application have been received. Best and most versatile land would not be lost as a result of the PV panels, and the site's current use for grazing could continue during the life of the development.
85. Planning considerations raised by the CPRE have been fully appraised, and any perceived harm resulting from this proposal is judged to be slight and decisively outweighed by both the implicit benefits of renewable energy and the economic benefits in terms of sustainable energy creation for a local industry.
86. Therefore, overall, this proposal is considered to represent sustainable development fully in line with national and local planning policy.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following conditions

1. The development hereby approved must be begun no later than the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out in accordance with the following approved plans and documents:

SITE LOCATION  
SITE LAYOUT ZV/PL/1  
PANEL ELEVATIONS ZV/PL/2  
FENCE DETAIL ZV/PL/3  
STANDARD DNP SUBSTATION ZV/PL/5  
INVERTER SUBSTATION ZV/PL/6  
LANDSCAPING MASTERPLAN A093729-4 LA08A  
BIODIVERSITY MANAGEMENT PLAN  
(MACARTHUR GREEN 10 SEPTEMBER 2015)

*Reason: To ensure a satisfactory form of development in accordance with the objectives of Policies 1, 18, 35 & 36 of the District of Easington Local Plan and Parts 1, 4, 7, 10, 11 & 12 of the NPPF.*

3. No development shall take place until a scheme for the improvement of the site entrance from the B1283 has been submitted to, and agreed in writing by, the Local Planning Authority. Thereafter, implemented shall take place in accordance with the approved scheme prior to any use in connection with the hereby approved development.

*Reason: In the interests of highway safety in accordance with the objectives of Policy 36 of the District of Easington Local Plan and Part 4 of the NPPF. This Condition is required to be pre-commencement of development due to the necessity for a safe access to be provided in advance of any operations on site*

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.

ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.

iii; Post-fieldwork methodologies for assessment and analyses.

iv; Report content and arrangements for dissemination, and publication proposals.

v; Archive preparation and deposition with recognised repositories.

vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.

vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

*Reason: To comply with para 135 & 141 of the NPPF because the site is of archaeological interest. This Condition is required to be pre-commencement of development due to the necessity for a safe access to be provided in advance of any operations on site.*

5. The archaeological mitigation shall be carried out in accordance with the approved details and timings.

*Reason: To comply with para 135 & 141 of the NPPF because the site is of archaeological interest. This condition is required to be pre-commencement of development due to the necessity for a safe access to be provided in advance of any operations on site.*

6. Prior to the development becoming operational , a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record and the receiving archive.

*Reason: to comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.*

7. The planning permission hereby granted is for a 30 year period commencing from the approval date. Within 6 months of the cessation of energy generation from the site, all infrastructure associated with the solar farm will be removed from the site and the land restored to its present condition.

*Reason: In the interests of defining the planning permission period and the visual amenity in accordance with paragraph 112 of the National Planning Policy Framework.*

8. During the first planting season following the hereby approved development's installation, a scheme of native species hedge screen planting, the details of which to be submitted to and agreed in writing by the Local Planning Authority, shall be implemented and maintained during the operational life of the installation.

*Reason: In the interests of visual amenity and in accordance with the objectives of Policies 1, 3 and 35 of the District of Easington Local Plan and part 11 of the NPPF.*

9. Not later than 6 months prior to the expiry of the 30 year period of planning permission, or 6 months prior to the cessation of electricity generation from the site, whichever is sooner, a scheme for the restoration of the site, including the dismantling and removal of all elements above ground level and the removal of the concrete piling, shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be carried out and completed within 6 months from the date that the planning permission hereby granted expires.

*Reason: In the interests of visual amenity in accordance with paragraph 112 of the National Planning Policy Framework.*

10. All electrical cabling between the solar farm and the on-site connection building shall be located underground. Thereafter the excavated ground shall be reinstated within

3 months of the commissioning of the solar farm to the satisfaction of the Local planning authority.

*Reason: In the interests of local amenity in accordance with Policies 1 and 35 of the District of Easington Local Plan and paragraph 112 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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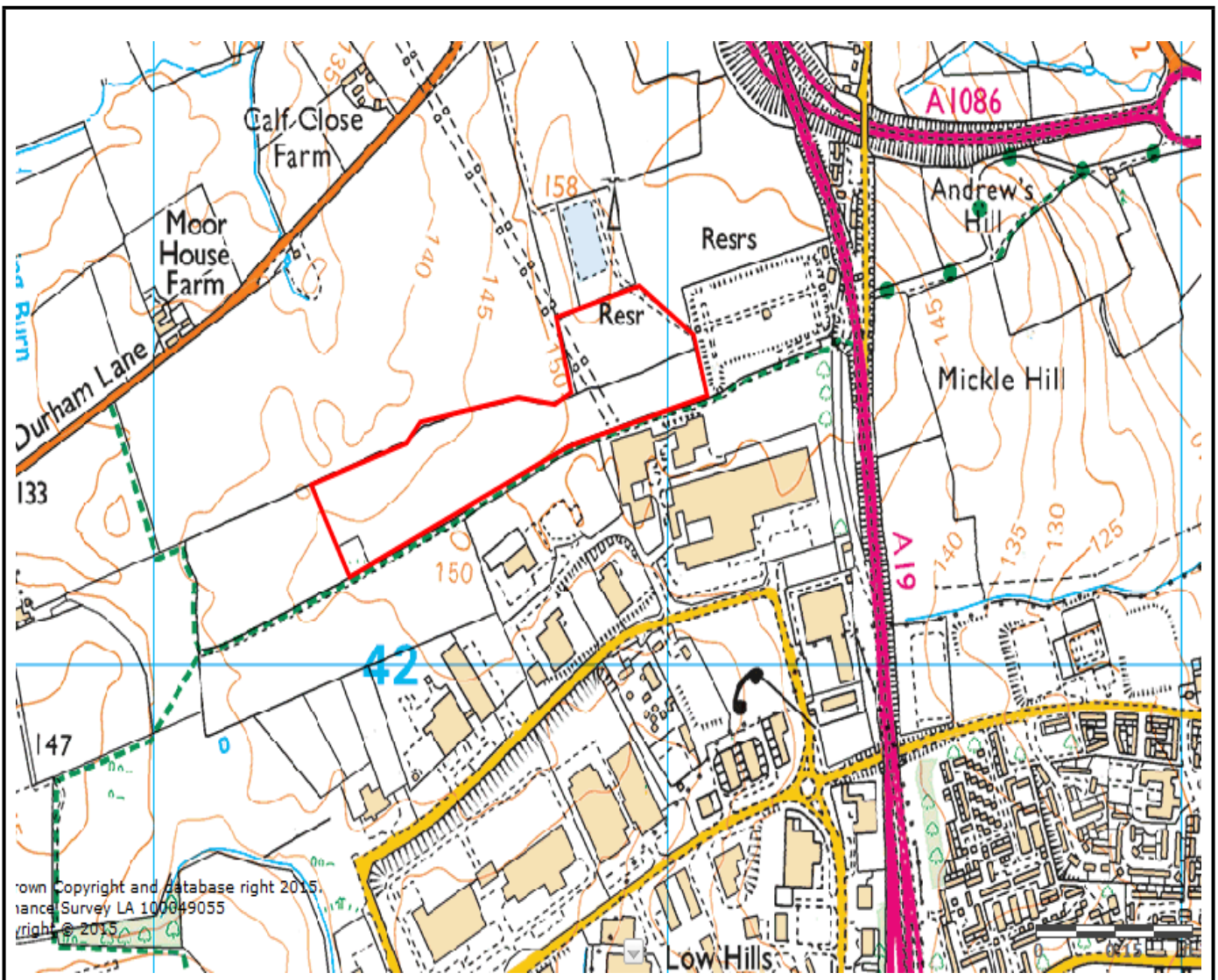
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)*

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- District of Easington Local Plan
- Statutory, internal and public consultation responses.



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Development of a 5 MW solar farm, Land to the of North West Industrial Estate, Peterlee (DM/15/02290/FPA)

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**Comments**

**Date** December 2015

**Scale** Not to scale