

## COMMITTEE REPORT

---

### APPLICATION DETAILS

---

<b>APPLICATION No:</b>	<b>DM/21/02816/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Installation of a solar photovoltaic array/solar farm with associated infrastructure (Cross boundary site with Darlington Borough Council)</b>
<b>NAME OF APPLICANT:</b>	<b>Lightrock Power Ltd</b>
<b>ADDRESS:</b>	<b>Land West, North and East Of Whinfield Farm Brafferton DL1 3LE</b>
<b>ELECTORAL DIVISION:</b>	<b>Sedgefield Claire Teasdale</b>
<b>CASE OFFICER:</b>	<b>Principal Planning Officer 03000 261390 <a href="mailto:claire.teasdale@durham.gov.uk">claire.teasdale@durham.gov.uk</a></b>

---

### DESCRIPTION OF THE SITE AND PROPOSALS

---

#### The Site

1. Planning applications have been submitted to this Council and to Darlington Borough Council for the installation of a solar photovoltaic array/solar farm with associated infrastructure. The proposed scheme straddles administrative boundaries of the two Authorities hence the need for two planning applications. The majority of the site lies within the administrative boundary of County Durham, the whole scheme comprising 42.3 Hectares (ha) with 32 ha in County Durham and 10.3 ha in Darlington.
2. The site lies within open countryside and made up of gently undulating arable and improved pasture, but predominantly arable being Agricultural Land Classification Grade 3b, with old pre-enclosure field systems with established hedgerows.
3. Within County Durham the site is located some 1.3 km to the east of Aycliffe Village, 2.5km to the east of Aycliffe Industrial Estate and some 145m east of the A1(M) road at the closest point. Aycliffe East Quarry is 235m (at the closest point) to the proposed site and is separated by the A1(M). The A1(M) is approximately 128m to the east of the site at its closest point which is in County Durham. The East Coast Main Line lies some 1.3km to the west. The site is bisected by Lime Lane which runs in an east to west direction and forms the County boundary. Ricknall Lane bounds the northern edge of the Site. Preston le Skerne lies approximately 1km to the north. Brafferton, in Darlington is approximately 800km to the south west.
4. The application area is shown as three areas covering several fields, one area to the north of Lime Lane, (within County Durham) one to the south of Lime Lane (within Darlington Borough) with the temporary compound alongside it, and a smaller area alongside it, and an area to the south of Ricknall Lane (within County Durham).

5. There are several isolated residential properties in the vicinity of the proposed site. The proposed application boundary circles Whinfield House (in County Durham) and it is approximately 100m from the site boundary in all directions. Preston Tillery is approximately 25m to the north, Brafferton High House is approximately 114m to the south (in Darlington Borough), High Grange some 175m to the south west (in Darlington Borough) and Rye Close Farm (in County Durham) is approximately 250m north west. Slightly more distant are Lea Hall 544m to the north east and Preston Lodge and Oat Hill Farm (in Darlington) approximately 780m to the east. Lovesome Hill Farm lies some 640m to the south west.
6. The site is not covered by any national or local landscape designations. Trees within or adjacent to the site are not covered by a Tree Preservation Order. Within County Durham Areas of Higher Landscape Value lie some 900m to the west and north and 1.2km to the east. Trees within or adjacent to the site are not covered by a Tree Preservation Order.
7. There are no ecological designations within, adjacent or in the vicinity of the proposed site within County Durham or Darlington. The closest being Aycliffe Quarry Local Wildlife Site some 1.8km to the south west, Aycliffe Nature Park Local Wildlife Site and the Snipe Local Wildlife Site some 2km and 3km to the north west respectively. Railway Stell West Site of Special Scientific Interest is 1.9km to the north. Within Darlington the Newton Ketton Meadow Site of Special Scientific Interest is some 2km to the south east.
8. No water courses flow through the site. The site is in Flood Zone 1 as well as within a Groundwater Source Protection Zone 3 and Groundwater Vulnerability Area as defined by the Environment Agency.
9. There are no designated heritage assets within or in the immediate vicinity of the proposed site. Within County Durham, Aycliffe Village Conservation Area lies approximately 1.3km to the east separated from the site by the A1(M) and Aycliffe East Quarry, a former quarry being restored through landfill with restoration required by 2042 but with planning permission for other waste activities to extend beyond this period. There are two Scheduled Monuments (deserted village) which are located approximately 1 km north of the Site (deserted village with no above ground features). Within the wider area are Grade II listed buildings to the west at Aycliffe Village and the Windmill at Aycliffe Quarry between 1.1km and 1.8km from the proposed site. The closest is Preston Lodge Grade II Preston Lodge Farmhouse and Outbuilding Attached to Right at 780m to the east. Whinfield House is considered to be a non-designated heritage asset.
10. Within Darlington there are listed buildings in Brafferton and Coatham Mundeville as well as the Coatham Mundeville Conservation Area some 1.3km to the south west and the Scheduled Monument Coatham Mundeville medieval village, fishpond and areas of rig and furrow. Listed buildings are located at Stainton Grange and Great Stainton over 2.4km to the east. The site of the Medieval Village of Heworth is 890m to the north west separated by the A1(M) and agricultural field. Brafferton High House and Lovesome Hill Farm/Lovesome Hall are considered to be a non-designated heritage assets.
11. A high pressure gas pipeline (FM07 – Bishop Auckland to Sutton Howgrave) owned by National Grid goes through part of the eastern most part of the proposed site. A greater part of the site is covered by the 250m high pressure gas pipeline zones.
12. Within County Durham the site lies over two mineral safeguarding areas. One is in the northern area and relates to sand and gravel and the other to the west of the site relating to magnesian limestone.

13. Within Durham Bridleway No. 17 (Mordon Parish) runs along a route known as Green Lane, part of the route runs through the proposed site. Within Darlington Borough there are no rights of way but Footpath No.s 9, 7 and 8 (Brafferton Parish) lie to the east, west and south respectively of that part of the site within the Borough.

## The Proposal

14. The proposal is for a ground mounted solar farm with associated infrastructure including housing for inverters, transformers, battery storage containers and electrical equipment as well as fencing, security cameras, cabling and access tracks with an operational period of 40 years. The development would have an export capacity approximately 31 megawatts (MW).
15. The proposed development in County Durham needs to be considered in conjunction with the application submitted to Darlington Borough Council as the scheme is not related to administrative boundaries.
16. Indicative layout details have been provided with the application. The application states that typical elevations of the solar panels have been submitted as due to the rapid advancement of solar PV technologies it possible that the design of the solar panels may differ slightly from those shown on the plan. Any design changes are unlikely to alter the key parameters of the development such as the footprint of the development and the height of the panels.
17. The development would consist of solar panels arranged in rows (or strings) each panel would measure approximately 1.2m x 2.3m mounted on metal frames, likely to be screwed or driven into the ground to a depth of 1 - 2m depending on ground conditions or on concrete footings if archaeology is found. The panels would be set back from the site boundaries to allow for perimeter security fencing, CCTV coverage and maintenance access. The lower edge of each panel would be typically 0.8 m from the ground and the highest point of panel would be between 2.8 and 3m in height from the ground. There would be gaps between each row of 3 to 6m to avoid inter-panel shading and provide suitable access. The panels would be tilted at typically 15 to 25 degrees from the horizontal and would be orientated to face south towards the sun. 16 inverters and transformers housed in GRP enclosures or containers are proposed typically measuring 6.1 m x 2.5 m x 2.6 m (H). To the north of Lime Lane (within County Durham) there would be a substation compound that would include a Distribution Network Operator (DNO) substation measuring 18.3m x 7.4m x 4.5m containing a control room, switchroom and metering annexe, a client substation measuring 9.8m x 3.6m x 4.5m, container storage units 6.1m x 2.4m x 2.6m.
18. For security purposes a security system would be installed consisting of an approximately 2.4m high deer style fence and pole mounted security cameras installed around the fence perimeter located on 3m high poles. The proposed fencing would be fitted with small mammal gates fitted at appropriate points near the bottom of the fence to enable free access. Access tracks of circa 3.5m wide are also proposed but would be kept to a minimum across the site.
19. The expected construction period would be expected to last approximately six months. This would include the construction of access tracks and site preparation; delivery of materials; construction of the solar PV arrays, inverter substations, substation compound, underground cables etc.; testing and commissioning; and restoration of ground disturbed during construction and landscaping. The cabling that links the solar panels and inverters to the substation would be connected via a network of shallow trenches which would be backfilled. To minimise the period of construction and to allow

early restoration of disturbed areas as early as possible, most of these operations would be carried out concurrently. The temporary construction compound, located to the south of Lime Lane and within Darlington Borough, would be in place for the duration of the construction period and restored thereafter to farmland.

20. Proposed construction operations would be limited to the hours of 07:30 – 18:00 Monday to Friday and 07:30 – 16:00 on Saturdays with no working on Sundays or Bank Holidays.
21. At the end of the 40 year operational period the site would be fully decommissioned and restored. Decommissioning is estimated to take 6 months.
22. The site would be accessed via Junction 59 of the A1(M), accessing the A167, then utilise Lime Lane, Lodge Lane and Ricknall Lane which all border the site. Three site access points to facilitate access to the various parts of the site are proposed. Three accesses off Lime Lane are proposed. One to the south of Lime Lane to access the southern part of the site within Darlington Borough, one to the north close to the proposed Darlington Borough access to access part of the Durham site and one further to the east again to access the County Durham part of the site. In addition, there would be a temporary site access off Lime Lane to access the temporary site compound. Access would be via the existing field access points and then extended as needed to reach areas of panels further within the site. This would minimise the requirement for field entrances. Where new access tracks are required, they will be constructed approximately 3.5 m wide.
23. It is anticipated that construction would employ up to 80 - 100 staff. When operational the site would be subject to maintenance and the number of jobs reduced to 5 -10 with these being mostly remote.
24. It is estimated that the proposed 31 Megawatt (MW) array would generate approximately 28,000 megawatt hours per year (MWh/yr), which would offset the annual electricity usage of approximately 8,785 homes in the County Durham area or 8,300 homes in the Darlington Borough area. The development would be connected into the existing 33 kV overhead line that crosses the site in the approximate location of the proposed substation compound, no offsite grid connection is required.
25. The application is being reported to the County Planning Committee as it is major development.

---

## **PLANNING HISTORY**

---

26. There is no planning history for that part of the application site within County Durham and none affecting the part of the application site within Darlington.

---

## **PLANNING POLICY**

---

27. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.

28. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
29. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
30. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
31. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
32. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
33. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
34. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
35. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing

development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

36. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
37. *NPPF Part 17 - Facilitating the sustainable use of minerals*. It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

38. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; noise; planning obligations; renewables and low carbon energy; travel plans, transport assessments and statements; use of planning conditions; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

39. Other material considerations include EN:1 Overarching National Policy Statement for Energy (published in July 2011) and EN-3 National Policy Statement for Renewable Energy Infrastructure (published in July 2011). Both National Policy Statements are currently under review and the Draft Overarching National Policy Statement for Energy (EN-1) (September 2021) and Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (September 2021) are currently out for consultation. Draft EN-3 states that electricity generation from renewable sources of energy is an essential element of the transition to net zero). EN-3 reflects the important role that renewable will play in developing a low carbon economy and meeting the Government's targets of net zero.

#### **LOCAL PLAN POLICY: DURHAM COUNTY COUNCIL**

The County Durham Plan (October 2020)

40. *Policy 10 – Development in the Countryside* – states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
41. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources* – States that development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. Development proposals relating to previously

undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.

42. *Policy 21 – Delivering Sustainable Transport* – states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
43. *Policy 25 – Developer Contributions* – advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
44. *Policy 26 – Green Infrastructure* – states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.
45. *Policy 28 – Safeguarded Areas* – Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsley Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.
46. *Policy 31 – Amenity and Pollution* - sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
47. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land* – requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
48. *Policy 33 – Renewable and Low Carbon Energy* – states that renewable and low carbon development energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will

also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.

49. *Policy 35 – Water Management* – states that all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. This includes completion of a Flood Risk Assessment (FRA) where appropriate.
50. *Policy 39 – Landscape* – states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
51. *Policy 40 – Trees, Woodlands and Hedges* – Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
52. *Policy 41 – Biodiversity and Geodiversity* – states that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for.
53. *Policy 43 – Protected Species and Nationally and Locally Protected Sites* – states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
54. *Policy 44 – Historic Environment* – seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
55. *Policy 48 – Safeguarding Minerals Sites, Minerals Related Infrastructure and Waste Management Sites* – advises that existing and allocated minerals sites, minerals processing facilities and minerals related transportation infrastructure and important waste management sites shall be safeguarded and protected from all non-mineral and non-waste related development. Planning permission will not be granted for non-minerals or non-waste related development that would result in the loss of existing or allocated minerals processing facilities and minerals related transportation infrastructure and waste management sites unless certain criteria are met. All non-

exempt proposals within or adjacent to a Minerals and Waste Site Safeguarding Zone will be required to prepare a Minerals and/or Waste Infrastructure Assessment.

56. *Policy 56 – Safeguarding Mineral Resources* – states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

#### **NEIGHBOURHOOD PLAN:**

57. There is no Neighbourhood Plan for this area.

#### **LOCAL PLAN POLICY: DARLINGTON BOROUGH COUNCIL**

Borough of Darlington Local Plan (1997) (saved policies)

58. *Saved Policy E2 – Development Limits* – requires that most new development will be located inside development limits defined on the proposals map accompanying the local plan. Development for agricultural or forestry operations, and small scale development beneficial to the rural economy or to the needs of rural communities, the operational development of water, drainage and other utility service providers, and development for countryside-related sports or recreating activities will be permitted outside them provided that unacceptable harm to the character and appearance of the rural area is avoided.
59. *Saved Policy E12 – Trees and Development* – states that development proposals will be required to take full account of trees, woodlands and hedgerows on and adjacent to the site. The layout and design of the development should wherever possible avoid the need to remove trees and hedgerows and provide for their successful retention and protection during development. Where removal is unavoidable, any required landscape works should be so designed as to compensate, on or off the development site, for the loss of amenity of the area.
60. *Saved Policy E14 – Landscaping of Development* – requires development proposals to incorporate appropriate hard and soft landscaping which has regard to the setting of the development in its form, design and plant species, and which enhances the appearance of the development

Darlington Core Strategy Development Plan Document (2011)

61. *Policy CS2 – Achieving High Quality, Sustainable Design* – high quality, safe, sustainable and inclusive design will be promoted in all new developments. All development proposals should make efficient use of land, existing buildings and natural resources; reflect and/or enhance Darlington's distinctive natural, built and historic characteristics that positively contribute to the character of the local area and its sense of place; create a safe and secure environment incorporating the principles of Secured by Design; support inclusive communities by providing links to existing networks to

ensure safe, convenient and attractive access; easily connect to key social and community facilities and incorporate utilities provision, promoting sustainable neighbourhoods; incorporate measures to reduce carbon emissions, promote energy management and adapt to climate change through the use of sustainable design and construction techniques; create safe, attractive, functional and integrated outdoor spaces that complement the built form, relate well to the Borough's green infrastructure network, promote biodiversity and geological interest and incorporate public art; and provide vehicular access and parking suitable for its use and location, reflecting maximum parking standards set out in the Tees Valley Highway Design Guide.

62. *Policy CS3 – Promoting Renewable Energy* – states that the development of renewable energy schemes, including micro-generation, together with any ancillary buildings and infrastructure, will be supported and considered in the context of sustainable development and climate change. Significant weight will be given to the wider environmental, economic, and social benefits arising from the renewable energy schemes whilst considering the anticipated effects, individually or cumulatively, upon:

- (a) the surrounding natural, built, historic and cultural landscape and townscape including buildings, features, habitats and species of national and local importance;
- (b) residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access;
- (c) the operation of air traffic and radar systems.

Appropriate mitigation and/or compensation measures and monitoring to address any effects identified and considered will be required prior to any development proceeding.

63. *Policy CS14 – Promoting Local Character and Distinctiveness* – states that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected and, where appropriate, enhanced by:

- (a) Protecting and improving the distinctive character of Darlington town centre, the urban area and the countryside;
- (b) Protecting and enhancing the separation and the intrinsic qualities of the openness between settlements and between the main urban area's different neighbourhoods including (as relevant to this proposal):
  - The appearance and environmental value of Grade 1, 2, 3 agricultural land
  - Protecting and enhancing the distinct landscape character of Tees Lowlands, Durham Magnesian limestone plateau, Durham Coalfield Pennine Fringe
  - Protecting and enhancing the quality of the wide views of the North York Moors, upland Dales and the villages across the Tees Valley
  - Protecting, enhancing and promoting the quality and integrity of Darlington's distinctive designated national or nationally significant built heritage and archaeology including buildings, their settings and features of historic and archaeological local interest in Conservation Areas; buildings, features and landmarks on the local list; buildings and features that reflect Darlington's railway, industrial and Quaker heritage; and buildings on the local 'at risk' register

64. *Policy CS15 – Protecting and Enhancing Biodiversity and Geodiversity* states that the protection, restoration, extension and management of the Borough's biodiversity and geological network will be delivered to help achieve the target level of priority habitats and species set out in the UK and Durham Biodiversity Action Plans by:

- Conserving, restoring and enhancing the condition of sites and areas identified as having high biodiversity and geodiversity value

- Ensuring that new development would not result in any net loss of existing biodiversity value
- Restricting or managing access and use where appropriate, to conserve an areas existing biodiversity value
- Protecting and enhancing healthy ancient woodland, mature trees, street trees, hedgerows and community forestry; and
- Protecting and improving watercourses, buffer strips and wetland, incorporating integrated surface water management and food water storage, where appropriate.

65. *Policy CS16 – Protecting Environmental Resources, Human Health and Safety* states that new development should protect and, where possible, improve environmental resources, whilst ensuring there is no detrimental impact on the environment, general amenity and the health and safety of the community. Development which may have an adverse impact on environmental resources should be avoided. Exceptionally, development may be permitted to promote regeneration or provide for essential infrastructure. In these cases, it should comply with national planning guidance and statutory environmental quality standards for areas at risk from river flooding and at risk from surface water run off, groundwater, mine water and sewer flooding; air, land, light or noise pollution; and water quality of the River Tees, River Skerne and Cocker Beck and other water courses, and the Magnesian Limestone Aquifer. Development proposals must include an assessment appropriate to the type and extent of impact and any associated risks to the satisfaction of the relevant environmental body. Proposals will only be permitted where the impact and risks are, or can be mitigated appropriately for the proposed use.

#### Emerging Darlington Local Plan 2016 – 2036

66. Darlington Borough Council has advised that although it is expecting to adopt the Darlington Local Plan in 2022 the Authority is not giving weight to the policies within the plan at this current time. On the basis of this advice, policies within that Plan are not considered within this report.

*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/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan) *The Borough of Darlington Local Plan, Core Strategy and the emerging Darlington Local Plan 2016 – 2036* can be accessed at: <https://www.darlington.gov.uk/environment-and-planning/planning/planning-and-environmental-policy/>*

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

### **STATUTORY RESPONSES: DURHAM COUNTY COUNCIL AND DARLINGTON BOROUGH COUNCIL**

67. *Great Stainton Parish Council* – has no comments.
68. *Natural England* – has raised no objections. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
69. *Highway Authority* – raise no objection to the proposal on highways grounds following the removal of one of the proposed site accesses which addresses the highway concerns regarding road safety at this location and subject to a condition requiring a Construction Management Plan and/or Traffic Management Plan. Officers request that wherever possible vehicle movements should be planned to avoid peak periods to ease the impact on the A167/C34a Lime Lane junction. This should be incorporated in the

Construction Management Plan and/or Traffic Management Plan which officers would include methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen, wheel washing facilities, proposed road signage etc. This is in the interests of road safety

70. *Highway Authority (Darlington Borough Council)* – raise no highway objection to the proposal subject to conditions requiring the submission of a Construction Management Plan to consider those matters set out in the previous paragraph; to ensure that no loose material is pulled onto the highway from any access/internal roads; and requiring the submission of and approval of details for the installation of cut off drainage to prevent the discharge of surface water onto the highway. These conditions are considered necessary in the interest of highway safety.
71. *National Highways (formerly Highways England)* – has raised no objection subject to a condition requiring implementation of a Construction Traffic Management Plan (CTMP). The CTMP would include dust and noise management plans, pollution prevention measures, contractor parking, details of delivery arrangements, agreement with Highways England abnormal loads team on the suitability of proposals and measures to limit and manage transfer of debris on the highway.
72. *Lead Local Flood Authority (Durham County Council – Drainage and Coastal Protection)* – raise no objection advising that if the installation of the panels is in accordance with general guidance from research sources relating to drainage considerations for the construction and maintenance of varying types of solar/wind farms and also the applicants flood risk and strategy, there should be no increase in run-off from the proposal.
73. *Lead Local Flood Authority (Darlington Borough Council)* – following the submission of additional information relating to drainage within the temporary construction compound the LLFA advise that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. Officers raise no objection subject to conditions requiring the submission of a detailed design for the management of surface water run off from the proposed development.
74. *Teesside International Airport* – has no aerodrome safeguarding objections to the proposal based on the information provided.
75. *National Air Traffic Services (NATS)* – has raised no objections to the proposals advising that it does not conflict with its safeguarding criteria.
76. *Network Rail* – has no observations to make.
77. *Historic England* - do not wish to offer any comments and suggest that the views of the Council's specialist conservation and archaeological advisers are sought as relevant.
78. *Health and Safety Executive* – As the proposed development site currently lies within the consultation distance at least one major hazard site and/or major accident hazard pipeline (7855\_2112 National Grid Gas PLC), HSE needs to be consulted on any developments on this site. The HSE does not advise, on safety grounds, against the granting of planning permission in this case. As the proposed development is within the Consultation Distance of a major hazard pipeline the HSE advises that the pipeline operator is contacted before determination.
79. *National Grid* – raises no objection. National Grid advises that an assessment has been carried out with respect to National Grid Gas Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment

the area has been found to be outside the High Risk zone from National Grid Gas Transmission plc's apparatus and can proceed. Should the work area change or type of activity being undertaken, a new enquiry shall be submitted for assessment.

#### **INTERNAL CONSULTEE RESPONSES: DURHAM COUNTY COUNCIL**

80. *Spatial Policy* – Officers identify policies of importance to the assessment of the application noting that CDP Policy 33 (Renewable and Low Carbon Development) will be of particular relevance in assessing the application. Key determining factors are noted as being the low carbon and economic benefits of the proposals balanced against potential harm to the safeguarded minerals, and any risk from the gas pipeline. Officers note that advice from specialist colleagues would assist in determining these impacts, and what mitigation may be needed to make the proposals acceptable in planning terms. Officers recognise that while temporary the proposed solar farm is of a long duration it would not permanently sterilise the mineral it is proposed to overlie and provided any permission is granted on a temporary basis there is no conflict with CDP Policy 56.
81. *Environment, Health and Consumer Protection (Air Quality)* – has raised no objections to the proposals. Due to the scale and nature of the proposed development officers consider it would be unlikely to exceed national air quality objectives and EU Limit Values in relation to particulate matter. However, during the development phase dust escaping from the site could give rise to negative impact in the short term and also recognises the need to control such emissions; it is recommended that a condition requiring a Dust Management Plan is required, this could be incorporated into a Construction and Environmental Management Plan which may also be required to control noise and vibration during the construction phase. In relation to traffic movement the location of the proposed development is not within or in close proximity to the declared Air Quality Management Areas in Durham City and Chester le Street, officers consider it likely that this phase of the proposed development would be in compliance with national air quality objectives and of EU Limit Values. Again, in relation to dust emissions resulting from non-road mobile machinery (NRMM) a DMP plan should be developed by the developer to provide suitable control and mitigation. Whilst it is considered that the development would not lead to an adverse impact upon air quality, there may be short term issues in terms of dust that could be controlled through condition and the requirement for the submission of a Construction management Plan is recommended.
82. Amongst other matters the Construction Management Plan would include a Dust Action Plan, methods and means of noise reduction, where piling is required measures to suppress any associated noise and vibration; prevention of mud and other such material migrating onto the highway from construction vehicles; details of construction access and egress points; directional signage; contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure; parking provision during construction; routing agreements for construction traffic; security hoarding; waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works, and detail of measures for liaison with the local community and procedures to deal with any complaints received.
83. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals subject to appropriate conditions. Officers advise they are not aware of any issues regarding noise from Solar Farms in general terms and that the inverters have been positioned so the solar panels would help baffle any noise output but it is not envisaged the inverters would generate significant noise levels. During construction it is recommended that a condition regulating construction/delivery times.

Officers accept the findings of the submitted Glint and Glare Study. Officers consider the submitted information demonstrates that the application complies with the thresholds stated within the TANS and this would indicate that the development would not lead to an adverse impact. Officers confirm that they have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.

84. *Environment, Health and Consumer Protection (Contaminated Land)* – has raised no objections to the proposals having assessed the historical maps and available information with respect to land contamination. No requirement for a contaminated land condition is identified but an informative is recommended in the event of any unforeseen contamination is required.
85. *Design and Conservation* – has raised no objections to the proposals. Officers consider the submitted heritage impact assessment to be detailed, well considered and very helpful based on a sound methodology. It is considered that it has used an appropriate search area to identify heritage assets and has systematically identified the asset, its significance, the relationship of the CSA to the setting of each asset and then anticipated impact. The conclusion that there would be no harmful impact following landscape mitigation is wholly reasonable especially when considered against the impact of the presence of the A1M and the severing impact this has on the relationship of the application site and the setting of the majority of the assets identified. Officers note that the submitted heritage statement acknowledges that there would be substantial indirect harm to the significance of Whinfield House resulting from changes to the setting of the farmstead. Officers advise that the application should be determined in accordance with Paragraph 203 of the NPPF.
86. *Access and Rights of Way* – has raised no objections to the proposals. Officers note that Footpath No. 17 (Mordon Parish) transects the site, and it is acknowledged that panels are due to be set back from the bridleway with existing vegetation maintained for screening. Based on these measures, officers have no concerns.

#### **INTERNAL CONSULTEE RESPONSES: COMMON TO DURHAM COUNTY COUNCIL AND DARLINGTON BOROUGH COUNCIL**

87. Durham County Council has provided Landscape, Ecology and Archaeological advice to Darlington Borough Council. The responses are therefore identical for both applications in respect of these three matters.
88. *Landscape* – raise no objection subject to appropriate conditions. Officers advise that the effect on the present character of the site and visibility of some areas would be transformative and adverse introducing manmade, precision engineered solar arrays into an area which is rural in character. This would cause harm to the character, quality, and distinctiveness of the local landscape; however, due to the undulating topography and the screening effects of roadside hedges, and intervening woods, trees and field hedge lines, the adverse impacts would be localised with the largest impacts confined the local road network that bounds the site, the bridleway running through the site and the Public Rights of Way (PROW) to the south. Whether that harm would be unacceptable will in part depend on the balance of considerations but also the incorporation of adequate measures to mitigate the adverse landscape and visual effects. A revised Landscape and Biodiversity Management Plan (LBMP) and Landscape Mitigation Plan (LMP) have satisfied officers in relation to suitable mitigation and subject to conditions requiring strengthening of particular boundary hedges,

planting, monitoring and management of hedgerows, monitoring and replacing of ash trees, details of track surfaces and colours of cabinets.

89. *Ecology* – raise no objection subject to the delivery of an Outline Breeding Wader Mitigation Plan and Landscape and Biodiversity Management Plan (LBMP) secured through a Section 39 Agreement under the Wildlife and Countryside Act 1981. Officers consider that overall, the proposed development would result in a net gain for biodiversity and where possible impacts on extant species are minimised using appropriate method statements and avoidance of impacts. An updated LBMP has been submitted and considered by officers who consider it has included appropriate target habitats and conditions assessments alongside a monitoring regime / management specifications that would ensure that the target habitats are achieved. No further adjustments are required. Ecology has no outstanding issues with regards to the development and believes that it meets the requirements of the NPPF and protected species are adequately accounted for.
90. *Archaeology* – note that a geophysical survey has been carried out, which suggests that the archaeological potential for the area is low, but this still needs to be confirmed by trial trenching. Accordingly, officers advise that trial trenching should be carried out to confirm this, and that this could be carried out post-determination, but prior to the final layout being agreed. This could be secured by conditions which also allows for any follow up works if significant archaeological remains are encountered.

#### **INTERNAL CONSULTEE RESPONSES: DARLINGTON BOROUGH COUNCIL**

91. *Planning Policy* – There is in principle support within the current Local Plan Core Strategy (2011) for renewable energy projects and their associated infrastructure such as this proposed solar farm. Furthermore, the proposed site is not currently/proposed to be allocated for another use. The supporting evidence suggests that the development complied with development plan policies regarding environmental and amenity matters. The accompanying LVA indicates that the proposed development will not have an unacceptable long-term impact on local landscape character and the applicant has also demonstrated that the proposed site is not best and most versatile agricultural land, being graded ALC Grade 3b. Considering this and provided Teesside International Airport's requirement for a Bird Hazard Management Plan is implemented, the proposal is acceptable in principle.
92. *Environmental Health (Pollution)* – the Officer agrees with the conclusions of the Glint and Glare study submitted with the application and consider the development will not lead to an adverse impact in terms of glint and glare. In terms of impact on dwellings, the study predicts a moderate impact on two out of the 10 assessed dwellings (one in Darlington's area and one in Durham's area) because partial views of reflecting panels may be possible from upper floors. Further mitigation is not recommended because the ground floor is typically considered the main living space and has a greater significance with respect to residential amenity.
93. The submitted Design and Access Statement details how the final design of the development has been considered to ensure all sound-emitting plant associated with the development has been situated as far as is practicable from residential dwellings to minimise noise impact, and that the panels themselves act as noise barriers. Based on the information submitted, the Environmental Health Officer is satisfied that noise does not require any further consideration. Conditions would be required relating to the submission of a Construction Management Plan and limiting the hours of construction activities given the potential for construction activities to cause some disturbance in terms of dust, noise etc. The operational phase of the development will not result in any adverse air quality impacts.

94. The site is a greenfield site presently being used as agricultural land and for this reason, and taking into account the low sensitivity of the proposed development, land contamination will not require further consideration. An informative is recommended to deal with any unexpected contamination.
95. *Conservation* – there will be some impact on the non-designated heritage asset of Brafferton High House and Lovesome Hall. Revised plans have been submitted which makes amendments in respect of the proposed landscaping with additional landscaping now proposed, although there is no change to the layout of the proposed arrays. There will be a detrimental impact on the non-designated heritage assets, however in accordance with Paragraph 203 of the NPPF, the proposal will need to be balanced on the public benefits of the proposal against the impact on the non-designated heritage assets.
96. *Transport Policy* – as there will be no staff on site on an on-going basis there are no issues from a transport policy perspective. No objections are therefore raised and no conditions requested.
97. *Rights of Way* – Raise no objection, following confirmation that the surrounding rights of way are located on ground lower than the site or located at sufficient distance so that the intervening boundary hedges will provide sufficient screening to users of the rights of way network on horseback or bike.

#### **PUBLIC RESPONSES:**

98. The application has been advertised in the local press (the Northern Echo and the Darlington and Stockton Times) and by site notice as part of planning procedures. In addition, neighbour notification letters were sent to neighbouring properties.
99. 5 representations have been received. 2 to Durham County Council and 3 to Darlington Borough Council. The issues raised are set out below.
100. The owner of Rye Close Farm within County Durham raises concerns that the current underground piping and the open ditches would be insufficient to cope with the existing water from the site and surrounding land areas, in addition to the increased run-off from the solar panels themselves. It is requested that if planning permission is to be granted, that a condition is placed upon Lightrock Power Ltd to be required to install as is necessary, field drainage on Rye Close Farm and thereafter the drainage to the outflow, in such a manner that the field drains are left in a workmanlike condition and able to take both normal and peak flows from both the land and the solar farm as proposed. Assuming that this is agreed and accepted as part of the planning application then they have no further objection to the solar panels themselves. They consider that the drainage design is important in that they would do not want to see the arterial system through Rye Close Farm ultimately to the motorway and thereafter to the water courses to be overloaded or affected in an incorrect manner because of peak capacity and would have thought this would have been a planning issue of a concern.
101. The joint owners of High House Farm, Brafferton (Darlington Borough Council) have confirmed that additional information provided and additional landscape planting proposed in mitigation has largely addressed initial concerns regarding the impact of the proposal on the wider area and more specifically on High House Farm. Further information has been provided regarding proposals to deal with the management of surface water from the proposed development which at the request of the Drainage and Coastal Protection Team and the LLFA will be the subject of a condition requiring the

submission and approval of a surface water drainage strategy prior to construction. On this basis they have confirmed that they have no objection to the current proposal.

102. The tenants of High House Farm, Brafferton raise concerns regarding the effects of glint and glare on their property, on livestock, people at work on machinery and on users of the public footpaths. They also raise concerns regarding the potential for the proposed landscape planting to block drains and gutters. They are also concerned regarding the potential for drivers in elevated positions to be affected by glint and glare and conclude that areas a, b and c (nearest to High House Farm) should be curtailed, and more attention placed on road safety.
103. *The Council for the Protection of Rural England (CPRE)* – objects to the application made to Durham County Council. CPRE considers that the proposal would be an unacceptable intrusion into the countryside. It is questioned if the application site is an appropriate location taking into account the loss of a significant area of agricultural land; the potential impact on biodiversity, and the general amenity, especially during construction, of people such as cyclists using these roads. In addition, although the application includes plans for various structures that will be required onsite, there does not appear to be any detail for transmission lines or pylons. Given the relative isolated nature of this site, CPRE considers that this should be addressed.

*The above is not intended to repeat every point made and 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/simpleSearchResults.do?action=firstPage>*

#### **APPLICANTS STATEMENT:**

104. Considerable care has been taken in the design of the Development to ensure that environmental considerations are protected and biodiversity is promoted, achieved through open engagement with key stakeholders from the outset. We have found synergies with the Discover Brightwater partnership, and our partnership with the RSPB has enabled us to ensure sensitive design that can be considered an asset to the area's cultural and ecological heritage. The project has also been openly welcomed by local residents following a positive public consultation strategy.
105. We have directly responded to the few consultation comments that were received, making changes to the design of the development to deliver a final scheme which provides substantial positive benefits while limiting any adverse effects to be either very localised or only of short duration during construction. Areas of landscaping are proposed which deliver significant ecological enhancement, including new hedgerows, hedgerow trees, areas of woodland, a species rich grassland beneath the panels to be grazed by livestock and areas of wildflower mix. This has allowed the project to achieve 62.14% biodiversity net gain, significantly higher than the mandatory requirements set out in the recently passed Environment Act 2021. A specific area has also been set aside for wader enhancements.
106. The UK is legally bound through the Climate Change Act (2008) to reduce carbon emissions by 80% by 2050. The Development will generate around 28,000 megawatt hours of renewable electricity per year, the equivalent to the average consumption of approximately 8,785 Durham households or 8,300 Darlington households. It would result in a saving of 12,600 tonnes of CO<sub>2</sub> per year, contributing significantly to both Council's Carbon Reduction Strategies.
107. There are no objections raised by any of the Council's statutory consultees. In light of the climate crisis we are facing, and recent events around COP26, this is a substantial opportunity for the Council to make a significant contribution to tackling climate change

in response to the climate emergencies both Councils have declared. We consider this a well-designed renewable energy project in an excellent location.

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

108. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, residential amenity (noise and vibration, air quality and dust, lighting, contamination, glint and glare, health impact and visual impact), access and highway safety, landscape and visual impact, cultural heritage, ecology, flooding and drainage, agricultural land, recreational amenity and other matters.

### Principle of Development

109. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan within County Durham. Within Darlington Borough the statutory development plan comprises saved policies within the Borough of Darlington Local Plan and the Darlington Core Strategy Development Plan Document. These three plans are the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for County Durham until 2035. The Borough of Darlington Local Plan was adopted in 1997 and the Darlington Core Strategy Development Plan Document was adopted in 2011. The Emerging Darlington Local Plan 2016 – 2036 has not yet been adopted. Paragraph 66 above sets out Darlington Borough's position with regard to the emerging Plan.

110. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:

- c) approving development proposals that accord with an up to date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

111. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up to date

development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged and relevant Darlington Plan policies are considered in this report.

#### Key policies for determination

112. The key policies for the determination of this application in County Durham are CDP Policy 33 relating to renewable and low carbon energy, Policy 28 relating to safeguarded areas and Policy 56 relating to safeguarding mineral resources.
113. CDP Policy 33 supports renewable and low carbon energy development in appropriate locations. The Policy advises that significant weight will be given to the achievement of wider social, environmental and economic benefits. The Policy also advises that proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
114. Darlington Core Strategy Policy CS3 states the development of renewable energy schemes, including micro-generation, together with any ancillary buildings and infrastructure, will be supported and considered in the context of sustainable development and climate change. Significant weight will be given to the wider environmental, economic, and social benefits arising from the renewable energy schemes whilst considering the anticipated effects, individually or cumulatively, upon: the surrounding natural, built, historic and cultural landscape and townscape including buildings, features, habitats and species of national and local importance; residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access; the operation of air traffic and radar systems. Appropriate mitigation and/or compensation measures and monitoring to address any effects identified and considered will be required prior to any development proceeding.
115. The opening paragraph of CDP Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. These specific policies are set out in footnote 56 (of the CDP) and includes all applicable policies relating to low carbon and renewables. As this is a renewable energy development it is considered that CDP Policy 10 is not a relevant policy for the assessment of this proposal.
116. Borough of Darlington Local Plan Saved Policy E2 requires that most new development will be located inside development limits defined on the proposals map accompanying the local plan. Development for agricultural or forestry operations, and small scale development beneficial to the rural economy or to the needs of rural communities, the operational development of water, drainage and other utility service providers, and development for countryside-related sports or recreating activities will be permitted outside them provided that unacceptable harm to the character and appearance of the rural area is avoided.
117. Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
  - a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

118. It should be noted that the CDP has identified areas suitable for wind turbine development but not for solar.
119. The purpose of the proposed development is to generate renewable energy on a large scale. The location affords the space requirement without significant constraints that would break up or limit energy generation. CDP Policy 33 is permissive towards solar farm development, and it is therefore considered that the proposal is acceptable in principle. The social, environmental and economic benefits of the proposal are considered in the sections below. The acceptability of the development in relation to the issues set out below will assist in determining if the location of the development is appropriate in the context of CDP Policy 33 and Darlington Core Strategy Policy CS3.
120. CDP Policy 28 requires that within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsley Meteorological Officer radar. Of relevance to this development is criteria a) which states that development will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. Also of relevance is criteria b) which permits development within the defined Durham Tees Valley and Newcastle International Aerodrome Safeguarding Areas where it can be demonstrated that it would not prejudice the safety of air traffic and air traffic services. The Policy goes on to say that when considering relevant planning applications within the defined safeguarded areas the Council will ensure that developers always consider both potential individual and cumulative impacts. Where demonstrated to be necessary mitigation will always be sought to either remove or reduce the potential impact upon each safeguarded areas to acceptable levels. As stated above Darlington Core Strategy Policy CS3 requires consideration to be given to the operation of air traffic and radar systems.
121. A high pressure gas pipeline (FM07 – Bishop Auckland to Sutton Howgrave) owned by National Grid goes through part of the eastern most part of the proposed site. A greater part of the site is covered by the 250m high pressure gas pipeline zones. As the proposed development site currently lies within the consultation distance at least one major hazard site and/or major accident hazard pipeline (7855\_2112 National Grid Gas PLC), HSE needs to be consulted on any developments on this site. The HSE does not advise on safety grounds, against the granting of planning permission in this case. As the proposed development is within the Consultation Distance of a major hazard pipeline the HSE advises that the pipeline operator is contacted before determination. Nation Grid has no objection noting that following assessment the area is outside the High Risk zone from National Grid Gas Transmission plc's apparatus and can proceed. The applicant has advised that consultation has been undertaken with Cadent the location of the gas pipeline and the layout/design of the solar farm accounts for the location and the width of the easement corridor where no works are permitted. The applicant has been made aware of the specification for safe working in the vicinity of National Grid High Pressure Gas Pipelines. The nature of the development is such that intrusive works would be minimal, and it is considered likely that there would not be a conflict with CDP Policy 28.

122. The site is within the 13km protected surfaces safeguarding circle, 15km birdstrike safeguarding circle and, the 30km windfarm consultation area in respect of Teesside International Airport. The Airport has requested a planning condition requiring the implementation of an agreed Bird Hazard Management Plan (BHMP) throughout the life of the development to ensure mitigation of increasing number of birds on site due to attractant features for nesting or feeding during construction/earthworks and on completion. National Air Traffic Services (NATS) advises that the proposed development does not conflict with its safeguarding criteria and so has no safeguarding objection to the proposal. It is considered that the proposed development would not conflict CDP Policy 28, Policy CS3 of the Darlington Core Strategy and Part 8 of the NPPF.
123. Within County Durham the site lies over two mineral safeguarding areas. One is in the northern area and relates to sand and gravel and the other to the west of the site relating to magnesian limestone. Policy 56 advises that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area or which will sterilise an identified 'relic' natural building and roofing stone quarry as shown on Map C of the policies map document unless one of the following apply: a) it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value as it does not represent an economically viable and therefore exploitable resource; b) provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact on the environment, human health or the amenity of local communities and within a reasonable timescale; c) the non-minerals development is of a temporary nature that does not inhibit extraction within the timescale the mineral is likely to be needed; d) there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral; or e) it constitutes exempt development as set out in appendix C of the Plan.
124. As required by CDP Policy 56 a Mineral Assessment has been submitted, but it does not show the safeguarded resource in relation to the application site. Consideration has, therefore, been given to the extent of the safeguarded area on the CDP Policies Map. It appears that the application site partially intersects with a small area of safeguarded fluvial sand and gravel to the north of Whitfield House and a larger area of safeguarded magnesian limestone to the east of A1(M) and to the north of Lime Lane. This latter area was defined around Aycliffe Quarry and includes a stand-off around the quarry. The area of magnesian limestone underlying this safeguarded area is Ford Formation (Middle Magnesian Limestone) magnesian limestone which is not the principal part of the magnesian limestone succession, which is of primary importance for aggregate working, although deeper deposits of Raisby Formation (Lower Magnesian Limestone) would normally lie below the Ford Formation at depth. It is recognised that the magnesian limestone succession is highly variable in quality, in terms of both its physical and chemical properties and, therefore, its suitability for particular uses. However, this does not necessarily mean that Ford Formation limestone may not be suitable for lower grade aggregate or non-aggregate uses such as for agricultural lime.
125. The submitted Mineral Assessment does not assess the value of the mineral or how much mineral could be sterilised but instead seeks to argue that mineral extraction would not be possible considering that the location is unlikely to be considered suitable for such a facility in regards noise and air quality. However, there are many quarries in County Durham which are worked in close proximity to local communities without unacceptable adverse environmental or amenity impacts.
126. The submitted Assessment identifies material constraints to mineral working. The area of fluvial sand and gravel lies partially within the inner and also the within the outer consultation zone of the Bishop Auckland to Sutton Howgrave High pressure gas

pipeline and it is recognised that the working of such deposits could be problematic. Northern Gas Networks have previously published guidance concerning working near their assets. Similarly, the overhead electricity transmission lines that currently traverse the eastern part of the magnesian limestone mineral safeguarding area would similarly be a constraint on future working, unless they could be relocated.

127. CDP Policy 56 criterion c) is relevant in this case. Paragraph 5.553 of the CDP recognises that, *“Some types of development may be of a temporary nature and of short duration. Such development may be permissible overlying or adjacent to a MSA provided that it does not inhibit minerals extraction within the timescales that the mineral is likely to be required i.e., it can cease and be removed prior to the mineral extraction proceeding, thereby not permanently sterilising the mineral resource. However, it is recognised that some temporary development, such as wind turbines, wind farms or solar farms, which are required by planning conditions to be decommissioned, removed and the land reinstated, may nevertheless be of a long duration. Careful consideration will therefore need to be given to the siting of such development, to avoid mineral site allocations and to ensure that the possibility of extensions to existing mineral sites are not unnecessarily impeded, or economically important mineral resources sterilised”*.
128. It is recognised that whilst temporary, the proposed solar farm is of a long duration (40 years), it would not permanently sterilise the mineral it is proposed to overlie. In relation to the safeguarded area of magnesian limestone, the Council is not aware of any current proposals to extend Aycliffe Quarry, now being restored and used for waste management purposes and the proposed development would not introduce sensitive land uses adjacent to the quarry (CDP Policy 48 - Safeguarding Minerals Sites, Minerals Related Infrastructure and Waste Management Sites). In addition, the safeguarded area of Magnesian Limestone underlying the site is not the principal part of the magnesian limestone succession, which is of primary importance for aggregate working and permitted reserves within existing permitted quarries are currently considered more than sufficient to meet needs over the plan period. Furthermore, while there is a forecast shortfall of sand and gravel over the Plan period to 2035, as outlined in the Council’s Local Aggregate Assessment (2018 Permitted Reserves and Sales) (April 2021), the small area of sand and gravel which is proposed to be sterilised is considered to not be likely to be attractive to future mineral working due to both its size and its isolated nature from other deposits and its location near to the High Pressure Gas Pipeline and within its consultation zones. It is recommended that criteria c) should be considered applicable to the proposed development and, accordingly, that there is no conflict with CDP Policy 56 provided that any permission is granted on a temporary basis in line with criterion c).

#### Residential Amenity

129. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 186 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 187 of the NPPF advises that planning decisions should

ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).

130. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
131. Darlington Core Strategy Policy CS2 states that high quality, safe, sustainable and inclusive design will be promoted in all new developments. As set out above Darlington Core Strategy Policy CS3 promotes renewable energy whilst requiring consideration being given to anticipated effects, individually or cumulatively, upon the surrounding natural, built, historic and cultural landscape and townscape including buildings, features, habitats and species of national and local importance; residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access; the operation of air traffic and radar systems. Appropriate mitigation and/or compensation measures and monitoring to address any effects identified and considered will be required prior to any development proceeding.
132. The nearest residential properties to the application site are Whinfield House (in County Durham) and it is approximately 100m from the site boundary in all directions. Preston Tilery is approximately 25m to the north, Brafferton High House is approximately 114m to the south (in Darlington Borough), High Grange some 175m to the south west (in Darlington Borough) and Rye Close Farm (in County Durham) is approximately 250m north west. Slightly more distant are Lea Hall 544m to the north east and Preston Lodge and Oat Hill Farm (in Darlington) approximately 780m to the east. The A1(M) is approximately 128m to the east of the site at its closest point which is in County Durham.
133. Specific considerations in relation to residential amenity are noise and vibration, air quality and dust, lighting, contamination, glint and glare, health impact and visual impact and are considered below.

#### Noise and vibration

134. Solar development does not typically generate a significant amount of noise or vibration outside of the construction period and no specific noise or vibration assessment has been carried out. There is potential for noise from the construction and operational periods. During the construction phase there is potential for noise from traffic delivering the solar panels and associated equipment and installation of the panels. Traffic movements are set out in the 'access and highway safety' section and would be highest during the first month of the 6 month construction period and then reducing during the subsequent months. A traffic management plan is proposed setting out how traffic would be managed to ensure minimal disruption to residents. Such a plan can be required through condition. The solar panels would be installed quickly using only light plant (panel mounting structures installed utilising plant similar to agricultural fencing machinery) and hand tools and would not take place in any one area for a prolonged period and the separation distance from the closest PV panel locations to the nearest residential properties ranges between 40m to and 290m. During the construction period good practice measures would be put in place to manage the effects of noise. It is considered that a specific assessment of construction noise effects is not necessary.

135. The site is located close to the east of A(1)M, Aycliffe Quarry and Aycliffe Industrial Estate which will have an impact on background noise levels at the proposed site. The primary source of noise from the development during the construction phase would be the 16 inverter kiosks that would be spread throughout the array. The application notes that the panels themselves which make no noise and would act a noise barrier reducing noise from the inverter kiosks. The inverter kiosks would be connected to a distribution substation, via a client substation, located in the centre of the site. All sound-emitting plant has been situated as far as is practicable from residential dwellings and the bridleway through the site, in order to minimise the level of noise impact. The application notes that the level of sound emitted by the development would primarily be attributable to the inverter kiosks' cooling fans; the operation of these fans will be related to both the intensity of light incident upon the solar panels and the air temperature. During night-time periods, any sound emitted by the development would, therefore, be limited to the substation transformers. These design considerations are considered to be appropriate mitigation during the operational phase. Once operational the passive operation of the plant, it is very unlikely that there would be any perceptible noise from the site at the nearest residential properties. Vehicle movements during the operational phase would be minimal being for the purpose of supervising the operation and maintenance.
136. Durham County Council Environmental Health and Consumer Protection officers advise that to date they are not aware of any issues regarding noise from solar farms in general terms. It is noted noise has been considered as part of the application and whilst it is considered the solar panels do not make any noise, it accepts the inverters will generate some noise, however, from the submitted information they have been positioned so the solar panels would help baffle any noise output. As a result, Durham County Council Environmental Health and Consumer Protection officers would not envisage the inverters would generate significant noise levels. Furthermore, noise from construction has been considered and identifies compliance with BS 5228 will be adhered and best practice. Officers suggest a condition is imposed, which regulates construction/delivery times.
137. Proposed construction operations are 07:30 – 18:00 Monday to Friday and 07:30 – 16:00 on Saturdays with no working on Sundays or Bank Holidays. Darlington Borough Council Environmental Health officers originally recommended 08.00 to 18.00 Monday to Friday and 08.00 to 14.00 Saturday, but then considered the proposed hours to be acceptable. Working hours can be secured through condition.
138. Darlington Environmental Health officers consider that the layout of the final design of the development has been considered to ensure all sound-emitting plant associated with the development has been situated as far as is practicable from residential dwellings to minimise noise impact, and that the panels themselves act as noise barriers and on this basis are satisfied that noise does not require any further consideration. Conditions would be required relating to the submission of a Construction Management Plan and limiting the hours of construction activities given the potential for construction activities to cause some disturbance in terms of noise.

#### Air quality and dust

139. The proposed solar farm has very limited potential to create any unacceptable dust or light pollution impacts. Durham County Council Environmental Health and Consumer Protection officers have considered the proposals and due to the scale and nature of the proposed development consider that it would be unlikely to exceed national air quality objectives and EU Limit Values in relation to particulate matter. Whilst it is considered that the development would not lead to an adverse impact upon air quality, there may be short term issues in terms of dust that could be controlled through condition. Durham County Council officers note that during the development phase, the

operator recognises that dust escaping from the site could give rise to negative impact in the short term and also recognises the need to control such emissions. Durham County Council Environment, Health & Consumer Protection officers, therefore, recommend a condition requiring a Dust Management Plan, this could be incorporated into a Construction and Environmental Management Plan which may also be required to control noise and vibration during the construction phase.

140. Darlington Environmental Health officers concur that any impacts on air quality arising from dust during the construction phase of the development can be dealt with as part of the Construction Management Plan, to be secured by condition. They are satisfied that the operational phase of the development will not give rise to any concerns relating to air quality.

#### Lighting and Odour

141. In terms of lighting the application states that security lighting post-construction would be avoided, with the use of infra-red cameras used instead for security purposes. A small security light at the top of the Distribution Network Operator (DNO) substation would be motion-sensing. Nonetheless lighting details would be required to be submitted through a planning condition.

#### Contamination

142. Part 15 of the NPPF (Paragraphs 120, 174, 183 and 184) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
143. Durham County Council Environmental Health and Consumer Protection officers have considered contamination noting that they have no adverse comments to make and recommend an informative on any planning permission to deal with any unforeseen contamination.
144. Darlington Environmental Health officers similarly do not consider that land contamination requires further consideration but also recommend an informative be placed on any planning permission to deal with any unforeseen contamination.

#### Glint and glare

145. A glint and glare study has been undertaken to assess the potential impact of the proposed development on surrounding road users and dwellings, as well as aviation and has been submitted with the application. The study concludes that no significant impacts are predicted on aviation activity in the area and mitigation is not required. A moderate impact is predicted on some of the assessed sections of roads, because partial views of reflecting panels may be possible within a road user's primary horizontal field of view, but only for elevated road users. Further mitigation is not recommended considering the existing screening in the form of intervening terrain and/or existing vegetation, the types of roads, and the levels of traffic expected. A moderate impact is predicted on two out of the 10 assessed dwellings, because partial views of reflecting panels may be possible, but only from upper floors. Further mitigation is not

recommended because the ground floor is typically considered the main living space and, therefore, has a greater significance with respect to residential amenity.

146. The tenants of High House Farm, Brafferton have raised concerns regarding the effects of glint and glare on their property, on livestock, people at work on machinery and on users of the public footpaths as well as on road safety.
147. Durham County Council Environmental Health and Consumer Protection officers and Darlington Environmental Health officers accept the findings and conclusions of the study. It is, therefore, considered that the development would not lead to an adverse impact in terms of glint and glare. Highways officers from both Authorities have not raised concerns regarding glint and glare.
148. Teesside International Airport has commented in relation to ecology but has made no comment on glint and glare. National Air Traffic Services (NATS) has no safeguarding objection.

#### Health impact

149. A Health Impact Statement (HIS) accompanies the application and has been undertaken to consider key determinants to protect human health. The HIS concludes that the key determinants to the protection of human health, including mental health aspects associated with changes to amenity as a result of the development, have been considered. The outcome of the HIS indicates that the development is unlikely to negatively affect people's health and wellbeing in its widest sense. It concludes that there are no effects that cause potentially severe or irreversible negative effects, affect a large number of people, or specifically, may affect people who already suffer poor health or are socially excluded. As a result, no substantial negative effects are predicted for any phase of the development. Potential positive effects on health include effects the development would have on climate, by way of reducing emissions of carbon dioxide, and the benefit the development would have to people's enjoyment of local wildlife and biodiversity. Officers have no adverse comments to make regarding the HIS.
150. In terms of residential amenity, Durham County Council Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of potential nuisance, air pollution, lighting, land contamination and glint and glare. Officers note that the construction phase is the only time where noise and dust may be an issue and have requested the submission of a Construction and Environmental Management Plan (incorporating a dust action plan) to ensure that this is controlled. Durham County Council officers consider that the information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact. In addition, they are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance should planning permission be granted.
151. Darlington Environmental Health officers also agree that the proposal will not give rise to any unacceptable impacts prejudicial to the protection of human health that cannot otherwise be mitigated against by appropriate planning conditions and informatives.

#### Visual Impact

152. The area is sparsely populated, but there are a number of properties within 250m of the site. Whilst the aspect of these properties and the presence of intervening vegetation is likely to filter the proposal from the majority of the residential properties the LVA

concludes that *'there would be some important effects on four residential properties, the results of the Development would not result in unsatisfactory living conditions, leading to a property being regarded, objectively, as an unattractive (as opposed to a less attractive) place in which to live'*. Landscape officers do not disagree with this conclusion. Landscape and visual impact is considered further below.

#### Residential amenity summary

153. It is considered that the proposal would not create an unacceptable impact on health, living or working conditions or the natural environment. The development would not result in unacceptable noise, vibration, air quality, dust, light pollution, contamination and glint and glare and, subject to the imposition of the condition recommended above, the development would provide an acceptable standard of residential amenity in accordance with CDP Policies 31 and 32, Policies CS2, CS3 and CS16 of the Darlington Core Strategy and Part 15 of the NPPF.

#### Highway Safety and Access

154. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans. Darlington Core Strategy Policy CS2 relates to achieving high quality design and Policy CS3 requires consideration to be given to traffic generation amongst other matters when considering renewable energy schemes.

155. The site would be accessed via Junction 59 of the A1(M), accessing the A167, then utilise Lime Lane, Lodge Lane and Ricknall Lane which all border the site. Four site access points to facilitate access to the various parts of the site are proposed. Three accesses off Lime Lane are proposed. One to the south of Lime Lane to access the southern part of the site within Darlington Borough, one to north close to the proposed Darlington Borough access to access part of the Durham site and one further to the east again to access the County Durham part of the site. A further access is proposed off Ricknall Lane to access the eastern part of the site. In addition, there would be a temporary site access off Lime Lane to access the temporary site compound. Access would be via the existing field access points and then extended as needed to reach areas of panels further within the site. This would minimise the requirement for field entrances. It is estimated that 2,234 m of new access track with allowance for wider areas of track to accommodate turning would be constructed approximately 4m wide.

156. A Transport Statement (TS) has been submitted in support of the application. The TS provides an outline of existing conditions for the site, an analysis of the proposals and HGV vehicle movements. The TS concludes that construction of the development would generate approximately 10,354 vehicle movements during the 6 month construction period. It is expected that during the peak month of construction (month 4), 88 two-way vehicle movements per day would occur at the site, consisting of 80 car movements and 8 HGV movements on average. The peak month for HGV traffic would be month 1 where the daily average would be 29 two-way HGV movements. The TS considers that Lime Lane provides sufficient space for opposing HGVs to pass each other and is likely to see an increase in existing HGV traffic. However, the predicted increase is temporary and would cease following completion of the short-term construction of the development. Therefore, the predicted increase in traffic flow on routes within the study during construction of the development is expected to be of negligible effect. Traffic management procedures through a construction management

plan are proposed in the TS (including an approved traffic route to the site, temporary warning signage and wheel washing facilities if required in order to prevent the deposition of mud onto the public highway) which would ensure the safe operation of the approach route to the site during construction. Final details of the proposed traffic management measures could be secured through condition. Operational traffic is expected to be minimal and would be conducted by smaller vehicles. The impact of this on the wider highway network is therefore expected to be negligible.

157. Staff levels are likely to vary through construction depending on the operations being undertaken, car sharing is likely to reduce the calculated figures. Accessibly options for public transport, walking and cycling have not been considered but given the location these options are likely to be limited.
158. Durham County Council as Highway Authority has considered the proposal and find the access arrangements for both the construction and operational periods to be acceptable following the removal of a proposed access off Ricknall Lane originally intended to access the eastern part of the site and subject to submission of a Construction Management Plan and/or Traffic Management Plan. This would be secured through condition should planning permission be granted. The required plan could be separate or part of the Construction Management Plan which should also be approved before commencement on site and would include methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen, wheel washing facilities, proposed road signage etc.
159. Darlington Borough Council Highways officer likewise considers the proposal and the access arrangements for the construction and operational periods to be acceptable. A total of 4 access points are proposed to be located on Lime Lane which fall under the control of Darlington Borough Council Highways. Three of those accesses are to serve the site during both the construction and operational phases and one is to serve a temporary construction compound located to the south east of the site, opposite Whinfield Farm and to the north of High House Farm and would be removed following the end of the construction period. The Highways Officer recommends that a Construction Management Plan, as detailed in the previous paragraph, be submitted for approval prior to the commencement of development. Further conditions are also requested to prevent the spillage of loose materials onto Lime Lane and to prevent the discharge of any surface water onto the highway through the installation of cut off drainage.
160. Durham County Council Environmental Health and Consumer Protection officers advise that in relation to traffic movement the location of the proposed development is not within or in close proximity to the declared Air Quality Management Areas in Durham City and Chester le Street and having reviewed the TS consider it likely that this phase of the proposed development would be in compliance with national air quality objectives and of EU Limit Values. Again, in relation to dust emissions resulting from Non-road mobile machinery (NRMM) a Dust Management Plan should be developed by the developer to provide suitable control and mitigation.
161. National Highways (formerly Highways England) has raised no objection subject to a condition requiring implementation of a Construction Traffic Management Plan (CTMP). This being required to ensure that during the A1(M) motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of highway safety. The CTMP would include dust and noise management plans, pollution prevention measures, contractor parking, details of delivery arrangements, agreement with National Highway abnormal loads team on the suitability of proposals and measures to limit and manage transfer of debris on the highway. It is proposed to impose a planning condition

requiring a combined Construction and Traffic Management plan to satisfy the requirements of Highways England and Environmental Health and Consumer Protection officers, given some of the requirements overlap.

162. Whilst the development would generate a substantial number of construction traffic movements for the 6 month construction period it would be not be unacceptable in this location due to good access and existing highway capacity for this temporary period. Following construction, the site would be automated and would only be attended for monitoring and maintenance purposes. A construction traffic management plan would be secured by condition. A further condition is recommended to ensure that vehicles accessing the site are adequately cleaned before leaving to ensure that debris is not carried onto the public highway. It is considered that the proposal has been appropriately assessed through a TS and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion or air pollution. Subject to the conditions set out above the proposal is considered not to conflict with CDP Policy 21, Policies CS2 and CS3 of the Darlington Core Strategy and Part 9 of the NPPF.

#### Landscape and visual impact

163. Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.
164. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
165. CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will not be permitted that would result in the loss of, or damage to, woodland unless the benefits of the proposal clearly outweigh the impact and suitable replacement woodland planting, either within or beyond the site boundary, can be undertaken.
166. Borough of Darlington Local Plan Policy E12 requires account to be taken of trees, woodlands and hedgerows on and adjacent to the site and the layout and design of the development should wherever possible avoid the need to remove trees and hedgerows and provide for their successful retention and protection during development. Where removal is unavoidable, any required landscape works should be so designed as to compensate, on or off the development site, for the loss of amenity of the area. Policy E14 requires development proposals to incorporate appropriate hard and soft landscaping which has regard to the setting of the development in its form, design and plant species, and which enhances the appearance of the development. Darlington Core Strategy Policy CS2 relates to achieving high quality design and Policy CS3 requires consideration to be given to the surrounding natural, built, historic and cultural

landscape as well as residential amenity including visual intrusion. Darlington Core Strategy Policy CS14 states that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected and, where appropriate, enhanced by protecting and improving the distinctive character of the countryside. In addition, protecting and enhancing the separation and the intrinsic qualities of the openness between settlements and protecting and enhancing the quality of the wide views of the North York Moors, upland Dales and the villages across the Tees Valley.

167. Within County Durham the site is not within any landscape designation. Areas of Higher Landscape Value lie some 900m to the west and north and 1.2km to the east. Trees within or adjacent to the site are not covered by a Tree Preservation Order.
168. A Landscape and Visual Appraisal (LVA) has been submitted with the application. The LVA seeks to appraise the likely landscape and visual effects associated with the proposed development and has recorded and analysed the baseline landscape resource and visual amenity of the site and surrounding area, identified the landscape and visual receptors likely to be affected by the development, and determined the nature and extent of these effects. The LVA has considered cumulative impacts concluding that the study area does not contain any large-scaled solar schemes and there would not be any important cumulative effects with the existing, small solar scheme at Hauxley Farm 1.6 km to the east or any other operational, under construction or proposed solar sites.
169. The LVA concludes that the nature, scale and form of the development would result in some important, long-term and adverse effects on the landscape resource and visual amenity of the site and its surrounds. However, important effects would be limited to relatively small numbers of receptors located close to the site and would be reversible. Mitigation measures are proposed to help screen and soften views to the development, including management and supplementation of perimeter hedges to a height of 3m and new native species trees located in hedges. Mitigation would be secured through a suitably worded condition.
170. Durham County Council's Landscape officer has commented on the scheme on behalf of both Authorities.
171. The entire site lies within *Tees Lowlands* National Character Area (NCA 23). At a regional and local level, within County Durham the site lies within *Sedgefield, Windlestone & Aycliffe* Broad Character Area which belongs to the *Lowland Plain* Broad Landscape Type. Both of which form the larger *Tees Lowlands* County Character Area. Within Darlington, the site lies within *Great Stainton Farmland* Landscape Character Area. The site is made up of gently undulating arable and improved pasture, but predominantly arable, with old pre-enclosure field systems (which is defined as *Plain farmland: open arable* and *Plain farmland: pasture* Local Landscape Type within the Durham Landscape Character Assessment).
172. The *County Durham Landscape Value Assessment (2019)* identifies the area as *18c ix Preston South*, which is part of the wider Broad Character Area *BLT18 Lowland Plain* and has assessed the area as being of *low medium* value across the majority of attributes. Within County Durham, the arable areas of the site lie within an area identified in the *County Durham Landscape Strategy (2008)* as a *Landscape Improvement Priority Area* with a strategy of *enhance*. The pasture to the north of Whinfield House lies within a *Landscape Conservation Priority Area* with a strategy of *conserve and restore*.

173. The site itself lies amid undulating agricultural land, rising to its highest point in the south east corner of the site which borders Lime Lane. Due to the nature of the undulating topography and the screening effects of roadside hedges, and intervening woods, trees and field hedge lines, the site is relatively self-contained and is unlikely to be visible or will be heavily filtered from public vantage points in the wider landscape especially to the east, south and west of the site.
174. The principal views of the site are within 1km which includes the local road network and public rights of way. Ricknall Lane bounds the site to the north, Lodge Road to the east and Lime Lane bisects the south western part of the site. A bridleway (Green Lane) runs through the western part of the site; a number of public right of ways also lie to the south and south east of the proposal. There would also be longer views available to the north west of the site across the A1 in the vicinity of Heworth Lane.
175. Officers have considered landscape and visual effects. With regard to effects on landscape features it is considered that there would be limited changes to the landform of the site to accommodate foundations of access tracks, solar panels and other associated structures. The development would not result in the loss of trees or hedgerows within or adjacent to the application site and temporary protective fencing would be installed around trees and hedgerows (where required) in line with British Standards during the construction phase. In order to mitigate against landscape and visual impacts, additional tree and hedgerow planting has been proposed, which in the long term would bring about some localised positive landscape and biodiversity benefits.
176. With regard to potential effects on landscape character, the development would entail a substantial incursion into open countryside. The effect on the present character of the site would be transformative and adverse introducing manmade, precision engineered solar arrays into an area which is rural in character. The associated development including ancillary buildings, fencing and security cameras would increase the impact. The greatest impact would arise from the fields to the south of Lime Lane where there would be a clear visible change in the strongly rural character of area due to topography and lack of and/or condition of boundary vegetation around the southern boundary. This would be particularly evident from the PROW to the south.
177. The proposed landscaping and mitigation would offer some relief to the visual effects on the character of the landscape in due course, but in the interim period ( $\geq 10$  years, the length of time depending on the design, quality and performance of the planting) the impact on the local character would be marked. Mitigation measures are proposed in these areas due to the age and condition of the existing predominantly mature and leggy hawthorn hedges and Ash hedgerow trees in this location.
178. The effect of the site to the north of Lime Lane, whilst still transformative, would overall be of lower magnitude due to increased visual enclosure afforded to much of this part of the site by topography, surrounding woodland, trees and mature dense hedgerows bounding the site which would afford limited or heavily filtered views of the proposal from Lime Lane, Ricknall Lane, Lodge Lane and locations to the north-west. Proposed mitigation would also in time help further reduce the effects.
179. In terms of effects on designated landscapes and other designations, the proposed site is not within a designated landscape. Effects on the setting of non-designated heritage assets at Whinfield House, Brafferton High House and Lovesome Farm/Hall are considered in the cultural heritage section below. It is observed that the area of the proposed solar arrays closest to High House has a strong rural character which contributes to the setting of the farmstead.

180. Having regard to potential visual effects, the site would be largely screened from medium and longer distance views in the wider countryside by topography and intervening vegetation. The most significant effects would be obtained from the PROWs to the south and southeast, the local road network bounding the site and the Bridleway that bisects the site. The site to the north of Lime Lane already benefits from a degree of visual containment due to trees and mature thick hedgerows along most of its boundaries which would heavily filter or screen the site (more so in summer) from these near viewpoints, nevertheless at close range through sporadic sparser sections, existing gaps in the hedgerow or gateways, intermittent sequential prominent views of the proposal will be obtainable from the local road network and junction with Bridleway at Whinfield House. It is, however, considered that mitigation proposed following comments from officers would overtime reduce the significance of such effects.
181. The eastern end of this northern area is likely to be the most prominent part of the northern area and generate increased visual effects, especially when viewed from Ricknall Lane as it is likely to be seen over intervening vegetation (even when hedge allowed increase in height) due to the land raising to its highest point of the site there will therefore be residual impacts, however, these views would be for a relatively small section of the road and would likely be the rear of the structures rather than the reflective panels.
182. Again, the most significant effects would be generated from the southern parts of the site (to the south of Lime Lane), due to sparser intervening vegetation, condition, age and life expectancy of existing vegetation and rolling topography which falls in elevation from Lime Lane southwards; due to the orientation of the panels, the reflection of light and colour of the sky, and the appearance of the panels under different atmospheric conditions will add to the impact in the shallow views from PROW to the south. Mitigation planting has been proposed but again due condition, age and life expectancy of existing vegetation this will need to be reconsidered and increased, which has now been done.
183. At the time of development and for several years afterwards (the length of time depending on the design, quality and performance of the planting), given the current open and rural character of this part of the site, it is likely to be upwards of 10 years in which the development would be conspicuous in these views but once established and maintained at the required height of 3m, the panels would be heavily filtered or screened.
184. Officers originally considered that the design of the proposals originally submitted with the planning application required further consideration prior to determination of the application. A submitted revised Landscape and Biodiversity Management Plan (LBMP) and Landscape Mitigation Plan (LMP) have satisfactorily addressed matters raised by Landscape officers. Additional mitigation measures requested by Landscape officers can be secured through condition. These include strengthening the existing hedge boundary on the southern edge of the site within Darlington Borough area along with new 5m wide belt of native species scrub/small trees; augmenting the northern boundary opposite Preston Tilery within Durham with a strip of native shrub and native trees to maintain visual enclosure in the long term; monitoring and management of hedgerows throughout the site, building in coppicing, laying or re-planting as an ongoing programme; and monitoring and replacing ash trees affected by Die Back as an ongoing programme. Conditions are also requested to cover the track surfaces (which should be constructed of locally sourced aggregate) and the colour of the cabinets, containers and the substation's main structural elements which should be a dark green.
185. In summary, officers consider that the effect on the present character of the site and visibility of some areas would be transformative and adverse introducing manmade,

precision engineered solar arrays into an area which is rural in character. This would cause harm to the character, quality, and distinctiveness of the local landscape; however, due to the undulating topography and the screening effects of roadside hedges, and intervening woods, trees and field hedge lines, the adverse impacts are localised with the largest impacts confined to the local road network that bounds the site, the bridleway running through the site and the Public Rights of Way to the south. Whether that harm would be unacceptable depends in part on the balance of considerations, with the incorporation of adequate measures to mitigate the adverse landscape and visual effects, officers raise no objection. At the end of the 40 year operational period the site would be fully decommissioned and restored, details of which would be required through condition.

186. Within the site the proposals would involve a transformative change from open farmland to a solar farm dominated by features of a notably man-made/industrial character. The effects would be temporary and reversible but would last for a substantial period (40 years). Due to the location of the site, the character of the landscape, the shallow nature of views of the area and the screening effects of existing features, the effects of this change on the local landscape would be very localised and largely restricted to an area around 1km of the site. Much of the proposed development would be well screened from public vantage points and effects on visual amenity in the locality would be relatively low. No trees, woodlands or hedges would be lost as a result of the development and some hedgerow restoration and tree planting is proposed which would be beneficial. Mitigation measures would be secured by through condition or planning obligation under Section 39 of the Wildlife and Countryside Act 1981.
187. While there would be some harm to the character, quality, and distinctiveness of the local landscape it would be localised and would not be substantial. There would be no harm to important features or views. Given the benefits of the proposal in respect of renewable energy generation this level of harm is not considered to be unacceptable in the balance of considerations. The proposals incorporate appropriate mitigation measures to mitigate adverse landscape and visual effects and make some localised contribution to the conservation and enhancement of the local landscape. The proposal is therefore not considered to conflict with CDP Policies 39 and 40, Policies E12 and E14 of the Borough of Darlington Local Plan, Policies CS2, CS3 and CS14 of the Darlington Core Strategy and Part 15 of the NPPF.

#### Cultural heritage

188. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also 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. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
189. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.

190. Darlington Core Strategy Policy CS2 relates to achieving high quality design and amongst other matters, states that development proposals should reflect and/or enhance Darlington's distinctive natural, built and historic characteristics that positively contribute to the character of the local area and its sense of place. Darlington Core Strategy Policy CS14 Darlington Core Strategy Policy CS14 states that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected and, where appropriate, enhanced by protecting, enhancing and promoting the quality and integrity of Darlington's distinctive designated national or nationally significant built heritage and archaeology including buildings, their settings and features of historic and archaeological local interest in Conservation Areas; buildings, features and landmarks on the local list; buildings and features that reflect Darlington's railway, industrial and Quaker heritage; and buildings on the local 'at risk' register.
191. There are no designated heritage assets within or in the immediate vicinity of the proposed site. Within County Durham Aycliffe Village Conservation Area lies approximately 1.3km to the east separated from the site by the A1(M) and Aycliffe East Quarry, a former quarry being restored through landfill with restoration required by 2042 but with planning permission for other waste activities to extend beyond this period. There are two Scheduled Monuments (deserted village) which are located approximately 1 km north of the Site (deserted village with no above ground features). Within the wider area are Grade II listed buildings to the west at Aycliffe Village and the Windmill at Aycliffe Quarry between 1.1km and 1.8km from the proposed site. The closest is Preston Lodge Grade II Preston Lodge Farmhouse and Outbuilding Attached to Right at 780m to the east. Within Darlington there are listed buildings in Brafferton and Coatham Mundeville as well as the Coatham Mundeville Conservation Area some 1.3km to the south west and the Scheduled Monument Coatham Mundeville medieval village, fishpond and areas of rig and furrow. Listed buildings are located at Stainton Grange and Great Stainton over 2.4km to the east. The site of the Medieval Village of Heworth is 890m to the north west separated by the A1(M) and agricultural field.
192. A Heritage Impact Assessment (HIA) has been submitted in support of the application This includes a description of the assessment methodology, a description of known designated and non-designated heritage assets and a consideration of changes to setting that may affect the cultural significance of the designated heritage assets. The HIA incorporates a desk-based assessment to establish the archaeological baseline and assess the potential for direct effects tot the archaeological assets. The HIA states that there are no designated archaeological assets recorded within the site. Four non-designated heritage assets are recorded within the site relating to a series of ridge and furrow cropmarks, with an assigned date from the post-medieval period. There are two designated assets recorded within 1km of the site. These being the Scheduled Deserted village of Preston-le-Skerne which lies 1 km north and the Grade II Listed Preston Lodge Farmhouse and Outbuildings attached to right located 782m to the east. A further 95 heritage assets were recorded within 1km of the site with 94 records of cropmarks dating from the medieval to the post-medieval periods, and one flint findspot.
193. A two-part geophysical survey has been undertaken. Part 1 was undertaken in February 2021 which covered six fields. The survey positively identified a series of infilled features within the south and west of the application site which may be of archaeological origin with the report tentatively assigning this as a potential Iron-Age/Romano-British enclosure, however no intrusive survey has been undertaken. Part 2 was undertaken in April 2021 and did not identify any further potential features of archaeological origin. Based upon the results of the desk-based assessment and geophysical survey, the application site has some limited potential for subsurface archaeology to be encountered. The preferred mitigation strategy would be to mitigate

by design via the use of concrete footing and cable trays which would lie on the ground surface, essentially capping any archaeological features and preventing further disturbance via ploughing. Where this would not be possible, avoidance or preservation by record may be required. The implementation of the appropriate mitigation, either via concrete footings/avoidance or preservation by record, would be implemented as part of the post-consent detailed design stage. A programme of archaeological work, consisting of a post-consent trenching evaluation, would inform the locations for the mitigation strategy to be implemented.

194. Durham County Council's Archaeology officers have considered the application on behalf of both Authorities and raise no objection subject to appropriate conditions. Officers note that the geophysical survey that has been carried out suggests that the archaeological potential for the area is low, but this still needs to be confirmed by trial trenching. Archaeology officers advise that trial trenching should be carried out post-determination, but prior to the final layout being agreed. Officers advise that this could be secured by imposing planning conditions requiring a written scheme of investigation to be submitted setting out a phased programme of archaeological work and a further condition requiring that no part of the site is occupied until post investigation assessment has been carried out and also allows for any follow up works if significant archaeological remains are encountered.
195. The HIA states that there are 28 heritage assets within the 2km of the site considered for changes to setting comprising two Scheduled Monuments, 24 Listed Buildings and two Conservation Areas of which 2 are within 1km of the site (Scheduled Deserted village of Preston-le-Skerne which lies 1km north, The Windmill 1km to the west and the Grade II Listed Preston Lodge Farmhouse and Outbuildings attached to right located 782m to the east). The assessment was based on a consideration of each asset's cultural significance and the contribution of setting to that cultural significance and further informed by the Zone of Theoretical Visibility (ZTV) and site visits to the heritage assets. No changes to setting that affect the cultural significance were identified as the A1(M) Motorway to the west limits the connection to the application site to this part of the landscape. Areas to the north, east and south of the application site represent more dispersed farm settlements and agricultural land use, however, due to the presence of hedgerows and treelined field boundaries, there is limited to no visibility from the heritage assets to the application site. This would be further limited by the implementation of a Landscape Mitigation Plan that would enhance field boundaries within and around the application site so that the cultural significance of the designated heritage assets is unaffected. As such, the HIA concludes that there is no harm to any designated heritage assets and the proposed development complies with NPPF and local plan policies.
196. The HIA considers that Whinfield House would have substantial indirect harm from the proposed development. The building has key views to the south, with no screening to the north and east, and partial screening to the west. As such, it has mainly clear views across the landscape. As the proposed development would provide a break in the continuous use of the landscape for agrarian functions, a landscape mitigation plan which demonstrates vegetation screening would lower the harm to the building in line with the planning balance. Harm is further reduced by the Aycliffe Business Park and associated quarry 3.26 km south-east of the CSA, which has clear visibility in the landscape behind Whinfield House and, as such, already contributes to a pre-existing change in setting. The HIA states that the other four properties, including High House Farm, Brafferton, would potentially receive varying levels of indirect harm from visual effects of the proposed development, however, as the development does not lie within their setting, harm is reduced through distance as well as the role of pre-existing vegetation screening, with no continuous break in the post-medieval agrarian landscapes relating to each of the individual buildings, and the pre-existing change to

the wider landscape through infrastructure including the A1(M) Motorway and the Aycliffe Business Park.

197. Historic England advises that it does not wish to offer comments instead suggesting that the views of the Councils' conservation and archaeological advisers are sought.
198. Durham County Council's Design & Conservation officers raise no objection to the proposed development and are satisfied with the HIA and consider it is based on a sound methodology using an appropriate search area to identify heritage assets and systematically identifying the asset, its significance, the relationship of the application area to the setting of each asset and then anticipated impact. Officers consider that the conclusion that there will be no harmful impact following landscape mitigation is wholly reasonable especially when considered against the impact of the presence of the A1(M) and the severing impact this has on the relationship of the application site and the setting of the majority of the assets identified.
199. With regard to the impact of the proposal on non-designated heritage assets, Durham County Council's Design & Conservation officers note that the submitted HIA acknowledges that there would be substantial indirect harm to the significance of Whinfield House resulting from changes to the setting of the farmstead. The layout of the panels ensures key views of the associated landscape to the south are retained, however, the visual links to the agricultural landscape to the north and east and to a slightly lesser extent the west would be substantially interrupted. As a farmstead, this link to the surrounding agricultural landscape is a key part of setting. As the harm arises from visual changes associated with use, the use of planting as mitigation inflicts the same sort of harm but has the capacity to be permanent. Officers consider that the harm is lessened as it is temporary in nature and the traditional land use and links to the wider landscape can be reinstated on removal of the panels at the end of their lifespan.
200. Darlington Borough Council's Conservation officer, having assessed the site from various angles and site lines and considered the various settings, agrees with the findings of the HIA in that there will be limited to no impact on the setting or significance of the designated assets, including Conservation Areas, within the search area. The Coatham Mundeville Conservation Area is located a reasonable distance from the proposed site and with the topography of the area there are no clear views from or onto the site that could be considered to affect its setting. There are 2 listed assets within Brafferton village, located within the centre of the linear hamlet at Manor Farm. The setting of the assets is however within the main streetscape and then off to the south, south west and south east and as such it is not considered that the proposed array would impact upon the setting of the listed assets.
201. Darlington Borough Council's Conservation Officer does consider there would be some impact however on the setting of non-designated assets within the Borough on High House Farm, Brafferton, immediately to the south of the application site and to a lesser extent on Lovesome Hall which is located at a further distance some 670m from the southern boundary of the proposed array. The more immediate impact would however be on High House Farm, which features on the first edition OS mapping and is likely to date from the late 18<sup>th</sup> century. The proposed array located to the north west and west of the site, is considered to have a significant impact on the setting of the farmhouse which is currently, and has historically been, surrounded by open agricultural land which contributes significantly to its setting. As the site is within its immediate setting, even with mitigation the impact will be evident.
202. Although the HIA identifies no harm in relation to designated heritage assets following landscape mitigation and Durham County Council Design & Conservation officers

consider this to be reasonable, harm has been identified in relation to non-designated heritage assets. The application should, therefore, be determined in accordance with Paragraph 203 of the NPPF which states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. A balanced judgement must, therefore, be carried out having regard to the scale of any harm or loss and the significance of the heritage asset.

203. It is considered that, in most respects, the proposed development would have no impact to upon the significance of built heritage assets falling within the locality. However, the applicant, Durham County Council's and Darlington Borough Council's Design and Conservation officers agree that the proposal would result in substantial harm to a number of non-designated heritage assets. Paragraph 203 of the NPPF advises that that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and this is considered in the conclusion of this report.

## Ecology

204. Paragraph 180 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts.
205. Darlington Core Strategy Policy CS3 requires consideration to be given to the surrounding natural, built, historic and cultural landscape and townscape including buildings, features, habitats and species of national and local importance. Darlington Core Strategy Policy CS15 states that the protection, restoration, extension and management of the Borough's biodiversity and geological network will be delivered to help achieve the target level of priority habitats and species set out in the UK and Durham Biodiversity Action Plans by: conserving, restoring and enhancing the condition of sites and areas identified as having high biodiversity and geodiversity value; ensuring that new development would not result in any net loss of existing biodiversity value; restricting or managing access and use where appropriate, to conserve an areas existing biodiversity value; protecting and enhancing healthy ancient woodland, mature trees, street trees, hedgerows and community forestry; and protecting and improving watercourses, buffer strips and wetland, incorporating integrated surface water management and food water storage, where appropriate.
206. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European

Protected Species to apply three tests contained in the Regulations. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.

207. There are no ecological designations within, adjacent or in the vicinity of the proposed site within County Durham or Darlington. The closest being Aycliffe Quarry Local Wildlife Site some 1.8km to the south west, Aycliffe Nature Park Local Wildlife Site and the Snipe Local Wildlife Site some 2km and 3km to the north west respectively. Railway Stell West Site of Special Scientific Interest is 1.9km to the north. Within Darlington the Newton Ketton Meadow Site of Special Scientific Interest is some 2km to the south east.
208. An Ecological Assessment Report, an Ornithological Impact Assessment and Landscape and Biodiversity Management Plan have been submitted in support of the application. The Ecological Assessment Report provides a baseline study of the site including the proximity of designated sites, habitats and constraints within the site. The potential impacts to protected species has been considered, including birds, bats, Great crested newts, badger, reptiles, water vole, otter and White-clawed crayfish, amphibians and reptiles. The assessment notes that there several rabbit burrows present along field boundaries and evidence across the site and deer recorded 2km from the site.
209. The site is considered to have very low suitability for bats with no trees with potential to support roosting bats that would be impacted by the proposed development, nonetheless a number of bat boxes would be installed. In terms of Great crested newts (GCN), with no waterbodies on site, the distance from other waterbodies and limited amount of potential habitat, it is concluded that the site has only a limited potential for support and other amphibians and there is a likely absence of GCN in the local landscape. The long-term, operational effects of the development on GCN and other amphibians would be positive as terrestrial habitat quality and availability for foraging and sheltering amphibians would be significantly increased. Precautionary mitigation is to safeguard GCN and other amphibians during construction and to reduce the likelihood of legal offences and a Non-Licensed Method Statement is considered to be sufficient to mitigate the very low likelihood of impact/risk associated with works affecting specific and small areas of high-value GCN habitats. Suitable reptile habitat is restricted to marginal areas in the site and suitable mitigation to safeguard suitable habitat is proposed. No otter or water vole were recorded on site, as precautionary measure buffer zones from watercourses are incorporated into the design. Given the distance from the site of suitable habitats for White-clawed crayfish, it is concluded that they are unlikely to be a constraint to development. The development is not anticipated to result in a net loss of habitat that would adversely impact invertebrates.
210. The Ecological Impact Assessment concludes that no significant adverse ecological impacts are predicted in the absence of mitigation. To reduce ecological effects and the likelihood of legal offences, species-specific and general mitigation measures are recommended. It is considered that habitat creation and enhancement proposed as part of the development would provide significant benefits to a range of ecological features and increase the biodiversity value of the Site. This includes the installation of bat boxes, bird boxes and mammal gates (specifically for badgers) alongside new woodland planting and hedgerow enhancement. The LBMP sets out a range of habitat creation measures and enhancements that would provide significant benefits to the ecological features addressed in this report and which would constitute a net gain of 62.14% net gain under the NPPF.
211. Following the completion of the Extended Phase 1 Habitat Survey, further bird surveys were undertaken in November 2020 to June 2021 the results, assessment and

mitigation are detailed in the separate Ornithological Impact Assessment. Two assemblages, breeding waders and farmland birds of conservation concern were identified as important and potential impacts upon them have been assessed. Without mitigation and depending on the time of year that works are carried out, construction has the potential to negatively impact breeding birds and foraging habitats. However, subject to appropriate mitigation, compensation and enhancement measures (off-site habitat creation and/or management is recommended to compensate for this loss), it is concluded that there would be no significant adverse effects on these features or the wider bird assemblage at the site and the proposed development is expected to provide a long-term net gain for ornithology interests within the site.

212. A Landscape and Biodiversity Management Plan (LBMP) submitted with the application, that seeks to provide benefits to the ecological features addressed in Ecological Impact Assessment and would constitute a net gain of 62.14% net gain under the NPPF. The LBMP, updated during the course of consideration of the application, seeks to addresses recommendations set out in the Ecological Appraisal and thereby aims to ensure that: ecological resources are protected during construction of the development; enhancement measures are implemented at the beginning of the operational stage of the development; and existing biodiversity resources and proposed mitigation and enhancement measures are managed appropriately during the operational stage of the development. Such measures include hedgerow maintenance, management of trees, grassland, wildflower grassland strip management, bird cover strip management, mammal gate installation, and provision of bat and bird boxes and lighting. The LBMP would be a live document and be reviewed and revised (where applicable) before and during construction, as well as during the operational stage of the development, to ensure that it remains fit for purpose.
213. Furthermore, an Outline Breeding Wader Mitigation Plan has been submitted seeks to provide a suitable proposal to enhance habitat for breeding waders off site, and provide alternative resource to compensate lost habitat and minimise potential adverse effects on the local population. This includes undertaking habitat enhancement and an area of at least 1.5ha is proposed to be set aside for seasonal habitat improvement. The area identified is located to the east of that part of the site within Darlington Borough to the south of Lime Lane.
214. Durham County Council Ecology officers have considered the proposals for both Authorities. Officers raise no objection subject to the delivery of an Outline Breeding Wader Mitigation Plan and LBMP secured through a Section 39 Agreement under the Wildlife and Countryside Act 1981. Section 39 of the Wildlife and Countryside Act 1981 enables local authorities to enter into management agreements with the owner of land for its conservation (and for other related purposes) and is regarded as a suitable mechanism for securing long term land management in relation to biodiversity net gain. A condition is not regarded as a suitable mechanism due to the minimum 30 year timescales involved and a Section 39 is more suited to ensuring long term management
215. Officers consider that overall, the proposed development would result in a net gain for biodiversity and where possible impacts on extant species are minimised using appropriate method statements and avoidance of impacts. Based on the submitted information relation ecology and air quality it is considered that the proposal would not have a harmful effect on protected species or designated habitats. Lighting details would be required to be submitted through a planning condition and it would be ensured that any lighting would be directed away from potential bat habitats.
216. The site is located within the 13km radius bird circle of the safeguarded area for Teesside International Airport. Teesside International Airport originally raised no objections subject to a planning condition relating to the implementation of an agreed

Bird Hazard Management Plan (BHMP) throughout the life of the development to ensure mitigation of increasing number of birds on site due to attractant features for nesting or feeding during construction/earthworks and on completion. Following the submission of amendments to the scheme to remove one access point to the site and the landscape and biodiversity management plan the Airport has advised that they would have no further impact on the airport's safe operations, in accordance with the CAA ADR - Aerodromes Regulation 139-2014. The Airport notes that the developer has also acknowledged that any nesting or associated debris are a concern for the developer as well, as it would substantially hinder the performance of the panels and could have health and safety implications for the maintenance team. In the unlikely event that this would occur, pest control specialists would be consulted to address the issue. The Airport advises that this would be a satisfactory solution in relation to the previously suggested condition for implementation of an agreed BHMP. As a result, Teesside Airport has no other aerodrome safeguarding objections to the proposal based on the information provided. A suitably worded condition could be applied should planning permission be granted.

217. The proposal would provide biodiversity enhancement to the site and, whilst there may be temporary displacement of ground nesting birds, appropriate nesting areas would be provided within the site and the net increase in biodiversity value would adequately mitigate any residual harm. It is considered that the proposal would not impact upon any nationally or locally protected sites. The proposal is therefore considered not to conflict with CDP Policies 25, 41 and 43, Policy CS15 of the Darlington Core Strategy and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

#### Flooding and drainage

218. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.
219. CDP Policy 35 requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
220. Darlington Core Strategy Policy CS16 states that new development should protect and, where possible, improve environmental resources, whilst ensuring there is no detrimental impact on the environment, general amenity and the health and safety of the community. Development which may have an adverse impact on environmental resources should be avoided. Development proposals must include an assessment appropriate to the type and extent of impact and any associated risks to the satisfaction of the relevant environmental body. Proposals will only be permitted where the impact and risks are, or can be mitigated appropriately for the proposed use.
221. Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk

assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.

222. The application is accompanied by a flood risk assessment (FRA) which identifies that the application site is located entirely within Flood Zone 1 this being an area assessed as having a less than 1:1,000 annual probability of river or sea flooding in any year. The FRA concludes that the use of vegetation under the PV array drip line would reduce the potential for surface water runoff related to the PV array units. The substation and transformer and inverter units would be underlain by concrete foundations and bounded by permeable aggregate. The implemented aggregate would comprise a shallow trench at the points of potential runoff to intercept any runoff emanating from the units. The residual risk of the development flooding from all sources (pluvial (surface water), fluvial (river), tidal, groundwater, reservoirs and flooding from drainage is considered to be negligible, where little or no risk is identified.
223. No water courses flow through the site. The site is in Flood Zone 1 as well as within a Groundwater Source Protection Zone 3 and Groundwater Vulnerability Area as defined by the Environment Agency. OS Mapping indicates there is a land drain running adjacent to Leehall Lane approximately 260m east of the site, emanating from the River Skerne 1.3km north-west of the site. A land drain is shown to be located along the northern boundary of the site, which serves the site and land surrounding the A1(M). The drain is assumed to emanate from the wider surrounding hydrological network associated with the River Skerne. A land drain is located approximately 100 m south of the site, serving agricultural land to the south-east of the site.
224. The owner of Rye Close Farm within County Durham have raised concerns that the current underground piping and the open ditches would be insufficient to cope with the existing water from the site and surrounding land areas, in addition to the increased runoff from the solar panels themselves. They have requested that a condition be imposed should planning permission be granted to install as is necessary, field drainage on Rye Close Farm and thereafter the drainage to the outflow, in such a manner that the field drains are left in a workmanlike condition and able to take both normal and peak flows from both the land and the solar farm as proposed.
225. The applicant does not consider that the proposed development would result in a significant increase in surface water runoff above baseline conditions given the limited hardstanding and proposed ground cover in the form of species rich grassland beneath the panels. The FRA document submitted with the planning application provides outline mitigation measures for Rural surface water drainage strategy for the management of surface water. The FRA identifies that permeable aggregate would be utilised for access tracks and PV arrays would be situated along ground contours to enable surface water to be dispersed evenly between rows. In response to the comments received from the Drainage and Coastal Protection Team and the LLFA, the applicant would anticipate the need for further detailed drainage requirements to be subject to a planning condition for the preparation of a surface water drainage strategy to be agreed with the LLFA and Council prior to construction. As the information / assurance requested by Rye Close Farm regarding surface water management would be detailed as part of the surface water drainage strategy. The surface water drainage strategy would ultimately ensure existing field drains and open ditches are routinely maintained and any additional runoff from the site as a direct result of the Development would be appropriately managed. Durham County Drainage and Coastal Protection officers are satisfied with the comments made by the applicant and as long as the developer complies with the guidance and incorporate into the strategy, officers would have no objections to the

proposal, the land would then be greenfield by definition and would need no further drainage works.

226. Durham County Council Drainage and Coastal Protection officers have considered the proposals and raise no objections. Officers advise that if the installation of the panels is in accordance with general guidance from research sources relating to drainage considerations for the construction and maintenance of varying types of solar/wind farms and also the applicant's flood risk and strategy, there should be no increase in run-off from the proposal. Should planning permission be granted then the development would be required to be carried out in accordance with the submitted flood risk assessment and a surface water drainage strategy to be required through condition.
227. The tenant of High House Farm, Brafferton, also raises concern regarding the potential for the proposed landscape planting scheme to cause the blockage of drains and gutters and be detrimental to the drainage of surrounding areas. The impact of the proposed development on field drains and open ditch management would be detailed as part of the surface water drainage strategy and would ensure that they are routinely inspected and maintained as well as how additional run off from the site as a result of the development would be routinely managed in the longer term.
228. Stockton Borough Council acting as technical advisors to Darlington Borough Council as Lead Local Flood Authority advise that that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area and raise no objection subject to conditions requiring the submission of a detailed design for the management of surface water run off from the proposed development.
229. Subject to the proposed condition being adhered to, the proposed development would not lead to increased flood risk, both on and off site, and through the use of SUDs would ensure there is no net increase in surface water runoff for the lifetime of the development. The proposal is, therefore, considered to not conflict with CDP Policy 35, Darlington Local Plan Policy CS16 and Part 14 of the NPPF with regards to flood risk.

#### Agricultural Land

230. Paragraph 174 of the NPPF seeks to protect best and most versatile land. CDP Policy 14 states that development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
231. Strategy Policy CS14 states that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected and, where appropriate, enhanced by protecting and improving the distinctive character of the countryside. In addition, protecting and enhancing the separation and the intrinsic qualities of the openness between settlements including the appearance and environmental value of Grade 1, 2, 3 agricultural land.
232. The proposed development would occupy approximately 42.3ha of agricultural land. An Agricultural Land Classification (ALC) assessment has been carried out for 41ha of the site. The assessment includes a desktop study and fieldwork analysis with the conclusion that all of the soils on the site are Grade 3b. The site is therefore not comprised of best and most versatile land. Although the development would temporarily remove a significant portion of land from arable use it would still be available for low intensity grazing. The proposal would not conflict with CDP Policy 14, Darlington Core Strategy Policy CS14 or Part 15 of the NPPF in this respect.

## Recreational amenity

233. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. CDP Policy 26 states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets. Paragraph 100 of Part 8 of the NPPF states that planning decision should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way.
234. Darlington Core Strategy Policy CS2 the promotion of high quality, safe, sustainable and inclusive design in all new developments requires that it would relate well to the Borough's green infrastructure network.
235. Within Durham Bridleway No. 17 (Mordon Parish) runs along a route known as Green Lane, part of the route runs through the proposed site. Within Darlington Borough there are no rights of way but Footpath No.s 9, 7 and 8 (Brafferton Parish) lie to the east, west and south respectively of that part of the site within the Borough.
236. Durham County Council's Access and Rights of Way officers have raised no objections stating no effect to any public right of way and there would, therefore, be no loss of, or deterioration in the quality of any public right of way. It is therefore considered that the proposal would not conflict with CDP Policy 26, Policy CS2 of the Darlington Core Strategy and Part 8 of the NPPF.

## Other Matters

237. Network Rail advises that it has no observations to make.
238. CPRE has objected to the application made to Durham County Council. Matters raised relate unacceptable intrusion into the countryside, the appropriateness of the location, loss of agricultural land, potential impact on biodiversity, and the general amenity, especially during construction, of people such as cyclists using these roads and lack of detail transmission lines or pylons. The matters raised by CPRE are addressed in this report.

---

## **CONCLUSION**

---

239. The proposed development would provide a significant renewable energy source using solar power sufficient to provide clean energy for approximately 8,785 homes in the County Durham area or 8,300 homes in the Darlington Borough area whilst also reducing dependence on fossil fuel power stations. This would equate to a reduction of 12,600 Tonnes per year equating to 504,000 tonnes over the proposed 40 years operating period when compared to fossil fuel power stations. Further benefits would be direct employment to the construction industry for the 6 month construction period with a project investment of circa £20 million. Local businesses would benefit from increased trade. Additional benefits of the scheme include biodiversity and landscape improvements to the site.

240. There would be some localised harm to the character, quality, and distinctiveness of the local landscape but it would not be substantial. There would be no harm to important features or views. Much of the proposed development would be well screened from public vantage points and effects on visual amenity in the locality would be low. The proposals incorporate appropriate mitigation measures to reduce adverse landscape and visual effects. Mitigation measures proposed for biodiversity would ensure that there was no net loss of biodiversity and that on balance the proposals would be beneficial. Landscape and biodiversity mitigation measures would be secured by through condition or planning obligation under Section 39 of the Wildlife and Countryside Act 1981. The site would be restored upon completion of its operational life.
241. The proposal would constitute development in the countryside resulting in a degree of landscape harm as well as harm to three non-designated heritage assets, one of which (Whinfield Farm) is within County Durham. However, efforts have been made to screen the solar arrays and from most views the visual impact would be minimal. The level of indirect harm to Whinfield is considered to be substantial and it is considered that it cannot be further mitigated with landscaping and as such this must be weighed in the planning balance. Notwithstanding this, the harm is lessened as it is temporary in nature and the traditional land use and links to the wider landscape can be reinstated on removal of the panels at the end of their lifespan. Furthermore, it is considered that the proposal offers an opportunity to contribute to renewable energy requirements and the harm can be reversed in due course. As the proposal is considered acceptable in other matters, then this temporary harm does not in itself justify refusal of this application. Having regard to the requirements of CDP Policy 44 and Paragraph 203 of the NPPF as well as the CDP Policy 33 which advises significant weight will be given to the achievement of wider social, environmental and economic benefits, it is considered that the proposed development would not conflict with CDP Policy 44, Darlington Core Strategy Policies CS2 and CS14 and Part 16 of the NPPF.
242. Furthermore, the site is not subject to active nature conservation designations, and it is not considered that there would be an adverse impact on designations close by, a view endorsed by the ecological consultees. Nor is it considered that there would be an adverse impact upon flora or fauna, including protected species. Consideration has also been given to the impact of the proposals upon recreational amenity, hydrology and hydrogeology, access and highway safety and, subject to appropriate conditions where appropriate, the impacts are considered to be acceptable.
243. The site is not best and most versatile and although it would not be available for arable production it could, to some degree, be used for grazing. Upon decommissioning the site would be restored and put into productive agricultural use.
244. There would inevitably be some disturbance and disruption from temporary construction operations for those living close to the proposed extension but for a limited six month period and suitable mitigation measures would be secured through site design and condition.
245. The proposal has generated some public interest. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and public benefits.
246. The proposed development is considered to broadly accord with the relevant policies of the County Durham Plan, the Borough of Darlington Local Plan, Darlington Core Strategy and relevant sections of the NPPF.

## RECOMMENDATION

247. That the application made to Durham County Council be **APPROVED** subject to the following conditions and completion of a planning obligation under Section 39 of The Wildlife and Countryside Act 1981:

1. The development hereby permitted shall begin not later than three years from the date of this decision.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which places a time limit on when any permitted development may start by as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.*

2. The Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development

*Reason: To ensure the development is carried out in accordance with the approved documents.*

3. This consent is granted for a period of 40 years from the date of this permission when the buildings, structures and infrastructure works hereby approved shall be removed and the land restored to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority. The approved details shall then be implemented in full within 6 months of approval of those details.

*Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14 and 31 Amenity and Pollution, Policies CS14 and CS16 of the Darlington Core Strategy and Part 15 of the National Planning Policy Framework.*

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

Plan	Drawing No.	Date Received
Site location plan	4003-REP-037	06/08/21
Typical PV panel section	4003-WHF-P-0001	06/08/21
Inverter/transformer	4003-WHF-P-0002	06/08/21
Security fencing and CCTV	4003-WHF-P-0004	06/08/21
Security gate	4003-WHF-P-0005	06/08/21
Access track cross section	4003-WHF-P-0006	06/08/21
Container storage units	4003-WHF-P-0007	06/08/21
Indicative temporary construction compound	4003-WHF-P-0008	06/08/21
Client substation	4003-WHF-P-0009	06/08/21
DNO substation	4003-WHF-P-0010	06/08/21
Landscape mitigation plan	4003-DR-LAN-101	28/10/21
Indicative site layout	4003-WHB-DR- PRE-0002D	28/10/21

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 10, 14, 21, 26, 28, 31, 33, 35, 39, 40, 41, 43, 44, 48 and 56 of the County Durham Plan, Saved Policies E2, E12 and E14 of the Borough of Darlington Local Plan, 1997 and Policies CS2, CS3, CS14, CS15 and CS16 of Darlington Core Strategy Development Plan Document, 2011 and Parts 2, 4, 6, 8, 9, 14, 15, 16 and 17 of the National Planning Policy Framework.*

5. Prior to the commencement of any part of the development or any works of demolition, a Construction and Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed, as a minimum this should include, but not necessarily be restricted to, the following:
  1. A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
  2. A Noise Management Plan and details of methods and means of noise reduction
  3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
  4. Details of measures to prevent and manage pollution and to prevent mud and other such material migrating onto the highway;
  5. Designation, layout and design of construction access and egress points;
  6. Details for the provision of directional signage (on and off site);
  7. Details of contractors' compounds and parking, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure and their removal upon completion of the construction phase of development;
  8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
  9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
  10. Details of delivery arrangements including details of construction hours, number of construction workers, methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen, measures to minimise traffic generation (particularly at peak hours), measures to control timings and routings of deliveries and construction traffic (including abnormal loads) and pedestrian routes to the site;
  11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: In the interests of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to Policies 21 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. To ensure that during the A1(M) motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1981, in the interests of highway safety. In the interests of highway safety in accordance with Policy 21 of the County Durham Plan, Policy CS2 of the Darlington Core Strategy and Part 9 of the National Planning Policy Framework. Required to be pre-commencement to agree traffic movements ahead of any development and the details of the construction management statement must be agreed before works on site commence.*

6. Prior to the commencement of development precise details of the colours and finishes for all buildings, fixed plant and machinery shall be agreed in writing with the Local Planning Authority and the development carried out in accordance with agreed details.

*Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of visual amenity in accordance with Policy 39 of the County Durham Plan, Policies CS2 and CS14 of the Darlington Core Strategy and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.*

7. Prior to the commencement of development precise details of the track surfaces shall be agreed in writing with the Local Planning Authority and the development carried out in accordance with agreed details. In order to ensure that no loose material is pulled onto the highway the first 12m of each access/internal road should be constructed in a sealed material (i.e. not loose gravel)

*Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of visual amenity and highway safety in accordance with Policies 21 and 39 of the County Durham Plan, Policies CS2 and CS14 of the Darlington Core Strategy and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.*

8. Prior to completion of the development a scheme to deal with birds nesting within the solar arrays shall be submitted to and approved by the Local Planning Authority and be implemented for the duration of the development.

*Reason: To ensure minimal birdstrike risk and ensure no further risks due to amendments to the agreed site layout, BHMP or landscaping design that has the potential to increase the risk of birdstrikes at the aerodrome. This is in compliance with CAA CAP 772 Wildlife Hazard Management at aerodromes, CAP 738 Safeguarding of aerodromes and CAA ADR - Aerodromes Regulation CAP 139/2014. Further guidance*

9. Notwithstanding the submitted information, no development shall commence until, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following:
- a. Any trees, hedges and shrubs scheduled for retention, including method of protection in accordance in BS.5837:2010.
  - b. Details soft landscaping including planting species, sizes, layout, densities, numbers.
  - c. Details of planting procedures and/or specification.
  - d. Finished topsoil levels and depths.
  - e. Details of temporary topsoil and subsoil storage provision.
  - f. The timeframe for implementation of the landscaping scheme.
  - g. The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan, Saved Policy E14 of the Borough of Darlington Local Plan, Policies CS2, CS3 and CS15 of the Darlington Core Strategy and Parts 12 and 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure planting takes place as soon as practicable.*

10. No development shall commence until a written scheme of investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

*Reason: To safeguard any Archaeological Interest in the site, and to comply with Policy 44 of the County Durham Plan Policy, Policy CS14 of the Darlington Core Strategy and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.*

11. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

*Reason: To safeguard any Archaeological Interest in the site, and to comply with Policy 44 of the County Durham Plan Policy, Policy CS14 of the Darlington Core Strategy, and Part 16 of the National Planning Policy Framework.*

12. Construction operations shall only take place within the following hours:  
07.30 to 18.00 Monday to Friday  
07.30 to 16.00 Saturday

No operations including the maintenance of vehicles and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of

emergency when life, limb, or property are in danger. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

*Reason: In the interests of residential amenity in accordance with Policies 21 and 31 of the County Durham Plan, Policies CS3 and CS16 of the Darlington Core Strategy and Parts 9 and 15 of the National Planning Policy Framework).*

13. The development shall be carried out in accordance with the submitted document entitled 'Flood Risk Assessment' dated June 2021 prepared by Arcus Consultancy Services. The mitigation measures detailed with the flood risk assessment shall be fully implemented prior to development being brought into use. These measures shall be retained and maintained thereafter throughout the lifetime of the development.

*Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure there is no increase of flood risk elsewhere as a result of this development in accordance with Policy 35 of the County Durham Plan, Policy CS16 of the Darlington Core Strategy, and Part 14 of the National Planning Policy Framework.*

14. No development shall commence until a scheme for the provision of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

*Reason: To ensure that surface is adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan, Policy CS16 of the Darlington Core Strategy and Parts 14 and 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to reduce the risk of flooding to the proposed development and future occupants and to ensure there is no increase of flood risk elsewhere as a result of this development.*

15. All vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud, dirt, and treated or untreated waste is not transferred onto the public highway.

*Reason: In the interests of residential amenity and highway safety in accordance with County Durham Plan Policies 21 Delivering Sustainable Transport and 31 Amenity and Pollution, Policy CS16 of the Darlington Core Strategy and Part 15 of the National Planning Policy Framework.*

16. In the event that the solar farm is inoperative for a period of 6 months or longer, a scheme for the restoration of the site, including the buildings, structures and infrastructure works, dismantling and removal of all elements, shall be submitted to and be approved in writing by the Local Planning Authority not later than 12 months following the last export of electricity from the site. The approved scheme shall be carried out and completed within 6 months of approval of the scheme.

*Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14 and 31 Amenity and Pollution, Policies CS14 and CS16 of the Darlington Core Strategy and Part 15 of the National Planning Policy Framework.*

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

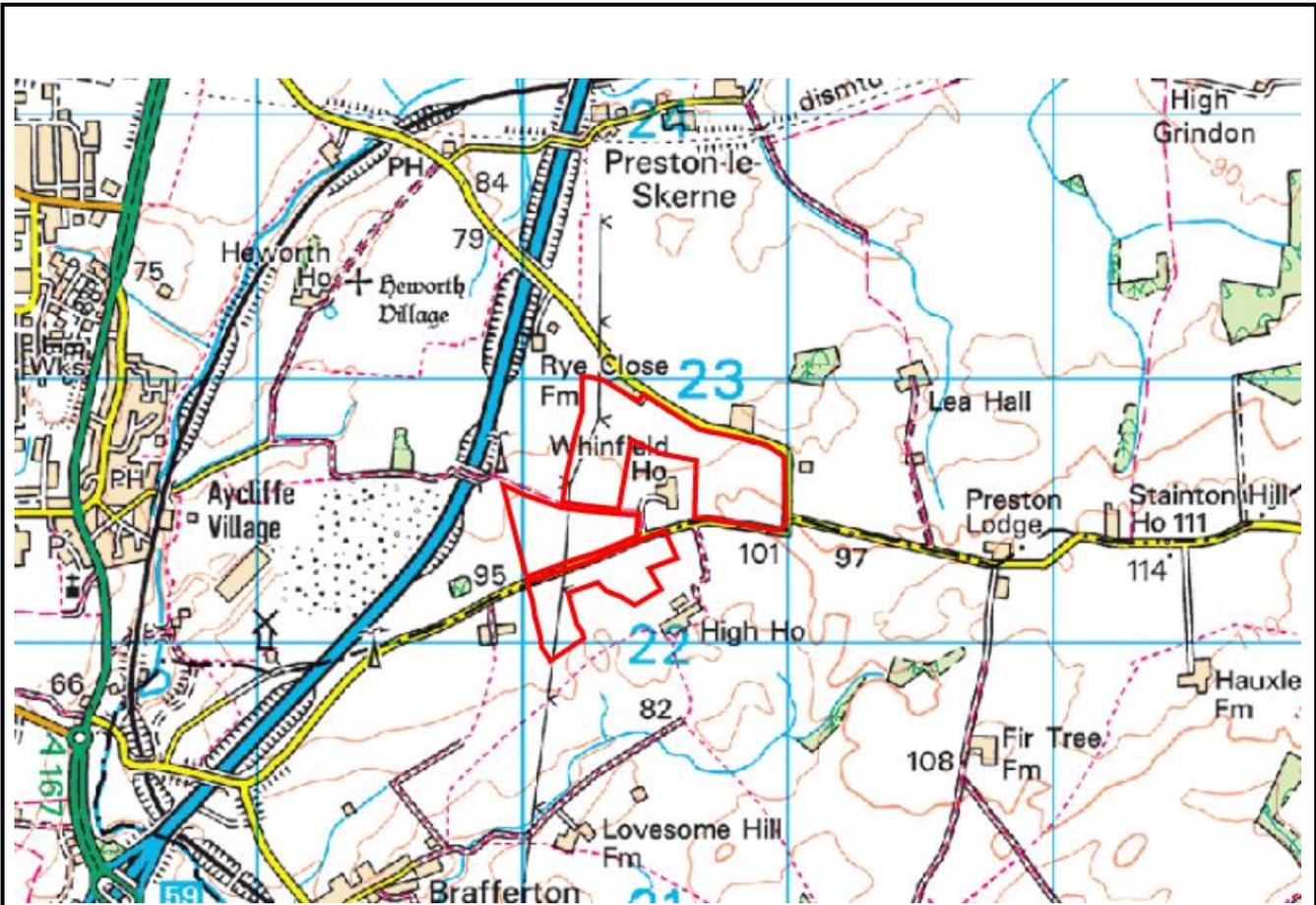
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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.

---

## **BACKGROUND PAPERS**

---

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes
- County Durham Plan
- Borough of Darlington Local Plan
- Darlington Core Strategy Development Plan Document
- Emerging Darlington Local Plan 2016 – 2036
- EN:1 Overarching National Policy Statement for Energy (published in July 2011)
- EN-3 National Policy Statement for Renewable Energy Infrastructure (published in July 2011)
- Draft Overarching National Policy Statement for Energy (EN-1) (September 2021)
- Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (September 2021)
- Statutory, internal and public consultation responses



**Planning Services**

**DM/21/02816/FPA**

**Installation of a solar photovoltaic array/solar farm with associated infrastructure (Cross boundary site with Darlington Borough Council)**

**Land West, North and East Of Whinfield Farm, Brafferton, DL1 3LE**

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

**Comments**

**Date**  
**November 2021**

**Scale** Not to Scale