

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/02336/FPA
FULL APPLICATION DESCRIPTION:	Construction of underground electricity cables and associated infrastructure to connect Hulam Solar Farm (DM/19/03959/FPA) to the existing substation near Hart in Hartlepool.
NAME OF APPLICANT:	Lightsource BP
ADDRESS:	Hulam Farm Hutton Henry Hartlepool TS27 4SA
ELECTORAL DIVISION:	Blackhalls
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site would link the approved Hulam Solar Farm (DM/19/03959/FPA) to a substation to the south. The proposed cable route begins at the southern boundary of the site to the east of Hulam Farm. The cable route follows a broadly south-easterly direction along field boundaries and follows the edge of Porrit's Close Plantation for approximately 1.4km before reaching a corner on Bellows Burn Lane. This corner of Bellows Burn Lane links to Byway No. 18 (Sheraton with Hulam Parish) to Bridleway No.20 (Sheraton with Hulam Parish). From the corner of Bellows Burn Lane the cable route follows Bridleway No.20 (Sheraton with Hulam Parish) along Bellows Burn Lane for approximately 390m.
2. The application boundary for the proposed electricity cable straddles the administrative boundaries of Durham County Council and Hartlepool Borough Council hence the need for two planning applications for the proposed development, but the majority of the site lies within Hartlepool Borough.
3. The length of the cable route within County Durham would be approximately 1.8km, running through a mixture of agricultural fields, field boundaries and roads. The maximum length of the cable route within Hartlepool would be approximately 2.2km. The total length being 4km. The total area of the application site is approximately 15 hectares with approximately 5.39 hectares being within County Durham and the remaining 9.45 hectares being in Hartlepool.
4. The nearest residential properties to the cable route within County Durham are located within the Hulam Farm farmstead approximately 100m to the west, Sheraton Hill Farm and associated properties approximately 750m to the west and Hart Moor Farm and associated properties approximately 500m to the west. The nearest properties in

Hartlepool are Hart Moor Farm approximately 150m to the west and Thorpe Bulmer Farm approximately 270m to the north east.

5. The proposed cable route would not be within any ecological designations in County Durham or Hartlepool. Hart Bog SSSI is located approximately 210m to the south, Hesledon Dene LWS and Thorpe Bulmer Dene Ancient Woodland is located immediately to the east of the final length of the route within County Durham. Approximately 450m of the route within County Durham is within an Area of Higher Landscape Value.
6. The cable route would with Flood Zones 2 and 3 for a short section of the Bellows Burn and would also be required to cross this watercourse. The remainder of the site is within Flood Zone 1.
7. There are no designated heritage assets within the boundary of the site. The Grade II Sheraton Hall and Sheraton Hall Cottage are located approximately 1km to the west within the settlement of Sheraton. A Scheduled Monument (Sheraton medieval settlement and open field system) is positioned to the east of the A19 and approximately 950m south east of the site at its closest point. There are no Conservation Areas in the vicinity of the site.

Proposal

8. The proposed development is for an underground cable route that would connect the approved Hulam solar farm (DM/19/03959/FPA) to the grid via a substation within Hartlepool. The proposal initially included a substation, but this was subsequently removed, and all works would be underground once completed.
9. The proposed cable would be buried at a minimum depth of approximately 0.75m. The cables would be laid within a uPVC duct and marked with markers. The routing of the cable has given specific consideration to making use, wherever possible, of the existing gaps in field boundary vegetation. Open cut trenches would be utilised where appropriate and where the cable route meets any vegetation underground directional drilling could be used as an alternative where necessary.
10. It is envisaged that the cable would be installed at the same time as the construction of the solar farm which limits the need for additional plant and equipment to be brought to site independently. The construction period would take between 8 to 12 weeks.

PLANNING HISTORY

11. DM/19/03959/FPA Installation of ground mounted photovoltaic (PV) solar energy generation system (Solar Farm), associated infrastructure and the creation of an electricity substation (132kV) Approved 17th June 2020

PLANNING POLICY

NATIONAL POLICY

12. 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.

13. 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.
14. *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.
15. *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.
16. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. 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 community facilities and services should be adopted.
17. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
18. *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.
19. *NPPF Part 15 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, site of biodiversity or 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.
20. *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.

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

21. 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; listed 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; renewable 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>

22. 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:

The County Durham Plan (October 2020)

23. *Policy 10 – Development in the Countryside* – States that development in the countryside will not be permitted unless allowed for by specific policies within the Plan or within an adopted neighbourhood plan relating to the application site or where the proposed development relates to the stated exceptions.
24. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.
25. *Policy 26 – Green Infrastructure* – States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
26. *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 the development can be effectively integrated 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 to an acceptable level.

27. *Policy 33 – Renewable and Low Carbon Energy* – States that renewable and low carbon 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.
28. *Policy 35 – Water Management* – 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.
29. *Policy 39 – Landscape* – States that proposals for new development will only 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 are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.
30. *Policy 40 – Trees, Woodlands and Hedges* – States that 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. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
31. *Policy 41 – Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
32. *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. 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.

33. *Policy 44 – Historic Environment* – Requires development proposals to contribute positively to the built and historic environment. Development should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets.

Hartlepool Local Plan (HLP) (adopted May 2018)

34. *Policy CC2 – Reducing and Mitigating Flood Risk* - Confirms that development proposals need to demonstrate how they will minimise flood risk to infrastructure, property and people.
35. *Policy CC5 – Large Scale Photovoltaic Developments* – States that proposals for large scale (over 0.5MW) ground based solar photovoltaic developments which contribute towards the achievement of national renewable energy targets and the reduction of CO2 emissions will be supported subject to consideration of various acceptability criteria. Details should also be provided for the site would be restored at the end of it's operational life.
36. *Policy QP4 – Layout and Design of Development* - Sets out a series of design measures which should be considered in all developments to ensure that proposals are designed to a high quality and positively enhance their setting and location.
37. *Policy RUR1 – Development in the Rural Area* – States that the Borough Council will seek to ensure the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. Development outside the development limits will be strictly controlled.
38. *Policy NE1 – Natural Environment* - Confirms that Hartlepool's natural environment will be protected, managed and enhanced
39. *Policy NE4 – Ecological Networks* - Confirms that Hartlepool Borough Council will seek to enhance and maintain the ecological networks identified throughout the Borough. Four priority sections of the ecological network are identified in Policy NE4.
40. *Policy HE1 – Heritage Assets* – States that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Proposals which will achieve this or better reveal the significance of the asset will be supported.
41. *Policy HE2 – Archaeology* – States that the Borough Council will seek to protect, enhance and promote Hartlepool's archaeological heritage and, where appropriate, encourage improved interpretation and presentation to the public.

NEIGHBOURHOOD PLAN:

42. There is no Neighbourhood Plan for this area.

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 Hartlepool Local Plan can be accessed at: https://www.hartlepool.gov.uk/info/20209/local_plan/312/local_plan_planning_policy

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

43. *Hartlepool Borough Council* - has not provided any comments.
44. *National Highways (formerly Highways England)* - has raised no objections to the proposal subject to the imposition of conditions relating to the control routing of vehicles on to the A19.
45. *Durham County Highway Authority* - has raised no objections to the proposal. Conditions have been requested to require highway condition surveys of Bellows Burn Lane both pre and post development and a final construction traffic management plan. Information is also provided in relation to the County Council of Durham Road and Street Works Permit Scheme.
46. *Natural England* - Has raised no objections to the proposal. Based on the plans submitted, Natural England considers that the proposed development would not damage or destroy the interest features for which the Hart Bog SSSI has been notified and has no objection. The localised construction techniques and short-term impact will result in minimal disturbance to the nearby designated sites
47. *Lead Local Flood Authority (Drainage and Coastal Protection)* - has raised no objections to the proposal. Officers initially raised concerns regarding the permeability of the crushed stone for the base of the substation and access track, but these elements have now been removed. Advice has also been provided in relation to Environmental Permitting for crossing watercourses, if necessary.
48. *Environment Agency (EA)* - has raised no objections to the proposal subject to conditions being imposed to require the submission of a construction environmental management plan. It is requested this includes the recommendations set out in the submitted Ecological Assessment Report. Informatives have been provided in relation to crossing the Bellows Burn and in relation to Great Crested Newts. The EA has also advised that the proposal would not have an increased risk of on or off-site flooding.

INTERNAL CONSULTEE RESPONSES:

49. *Archaeology* - has raised no objections to the proposal subject to investigation works being carried out. Pre-commencement conditions are recommended to secure these works
50. *Ecology* - has raised no objections subject to the proposed mitigation measures being secured by condition.
51. *Environmental, Health and Consumer Protection (Air Quality)* - has raised no objections to the proposal. Officers have confirmed that the development would not lead to an adverse impact on air quality. Officers have raised the potential issue of cumulative construction traffic arising if both the solar farm and cable route had cumulative peak daily traffic flows of more than 500 LGV's or 100 HGV's. The applicant has confirmed that peak daily traffic flows would be approximately 30 HGV's in total and therefore there is no further action required in terms of air quality assessment. Officers have requested a dust action plan be submitted by condition. This would form part of the wider Construction Management Plan criteria.

52. *Environment, Health and Consumer Protection (Nuisance Action)* - has raised no objections to the proposal.
53. *Landscape* - has raised no objections to the proposal. Concern was initially raised in respect of the substation, which was subsequently removed from the application.
54. *Public Rights of Way* - has raised no objections to both proposals. Officers have stated that Bridleway 20 and Footpath 14 (both Sheraton with Hulam Parish) may be temporarily affected by construction, and it may be necessary to apply for a temporary closure of the public right of way.

PUBLIC RESPONSES:

55. The application was advertised in the local press, by site notice and by direct notification to neighbouring properties. One letter of objection has been received from a neighbouring land owner concerned about the impact to Bellows Burn Lane from HGV construction traffic. It is stated that the road would need significant work to cope with the development.

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/applicationDetails.do?activeTab=documents&keyVal=QLH3JWGDKZE00&documentOrdering.orderBy=documentType&documentOrdering.orderDirection=ascending>

APPLICANTS STATEMENT:

Not provided.

PLANNING CONSIDERATIONS AND ASSESSMENT

56. 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 development, landscape, access and traffic, residential amenity, flooding and drainage, ecology, recreational amenity and cultural heritage.

Principle of Development

57. 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) and Hartlepool Local Plan (HLP) are the statutory development plan and is 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 the County up until 2035. The Hartlepool Local Plan was adopted in 2018.
58. 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.
59. The key policy for the determination of this application is CDP Policy 33 relating to renewable and low carbon energy. This Policy supports renewable and low carbon energy development in appropriate locations, including transmission lines. 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. Due to the cross-boundary nature of the cable route HLP Policy CC5 relating to large scale photovoltaic developments is also relevant.
60. 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.
61. 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.
62. It should be noted that the CDP has identified areas suitable for wind turbine development but not for solar.
63. The purpose of the proposed development is to transmit renewable energy from an approved solar farm to the national grid. CDP Policy 33 and HLP Policy CC5 are permissive towards infrastructure relating to 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.

Landscape

64. 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.
65. 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.
66. 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.
67. HLP Policy QP4 sets out a series of design measures which should be considered in all developments to ensure that proposals are designed to a high quality and positively enhance their setting and location. HLP Policy CC5 states that proposals for large scale (over 0.5MW) ground based solar photovoltaic developments which contribute towards the achievement of national renewable energy targets and the reduction of CO2 emissions will be supported subject to consideration of various acceptability criteria. Details should also be provided for the site would be restored at the end of its operational life.
68. The cable route site is an existing agricultural holding within the open countryside. It lies in the East Durham Limestone Plateau County Character Area which forms part of the larger East Durham Magnesian Limestone Plateau National Character Area. It lies in the Sheraton Broad Character Area which belongs to the Coastal Limestone Plateau Broad Landscape Type. The surrounding countryside is for the most part gently undulating, though strongly undulating in places, forming discrete low knolls. It is a predominantly arable landscape with old pre-enclosure hedgerow networks, locally heavily fragmented. There are occasional small broadleaved copses with larger tracks of ancient woodlands in the incised denes. Part of the site lies in an Area of Higher Landscape Value and is adjacent to an Ancient Woodland.
69. Landscape officers raised initial concerns regarding the substation that initially formed part of this application due to its size and location with an Area of Higher Landscape Value. The substation was subsequently removed from the application and officers have no further concerns.

70. The proposed cable route would be underground for the full length. Whilst there may be some visual intrusion during construction this would be for a temporary period and would be remediated as part of the construction works. The limited intrusion into the Area of Higher Landscape Value would be temporary and would not cause permanent harm. The design of the scheme would avoid loss or harm to trees and hedgerows where possible. The benefits of the scheme in terms of facilitating a renewable energy project would outweigh the temporary harm. It is therefore considered that the proposed cable route would not conflict with CDP Policies 39 and 40, HLP Policies CC5, RUR1 and QP4 and Part 15 of the NPPF.

Access and Traffic

71. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all users. 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.
72. It is anticipated that the proposed cable would be installed concurrently with the construction of the approved solar farm. Vehicle movements associated specifically with the cable route would be negligible in relation to the solar farm and in total would peak at approximately 30 HGV movements per day. Access to the site would be via Bellows Burn Lane to the north.
73. Concerns have been raised by a local resident in relation to the impact that construction traffic would have on Bellows Burn Lane. It has been stated that the road is not wide enough for HGV traffic and is already in a deteriorated condition.
74. Highways officers have considered the proposal and find the access arrangements to be acceptable. Officers have, however, requested that pre and post development condition surveys of Bellows Burn Lane be imposed as a planning condition. In the event that the road condition has deteriorated during the construction period this would need to be rectified to the satisfaction of the Local Planning Authority. A final construction traffic management plan is also requested by condition.
75. National Highways has also raised no objections to the proposal and has requested conditions to restrict construction traffic associated with the development from crossing the central reservation of the A19 road to either enter or exist Bellows Burn Lane.
76. The proposed cable route would have a very limited highway impact for the temporary construction period and no impact following construction. Subject to conditions it is considered that the proposed cable route would not conflict with CDP Policy 21 or Part 9 of the NPPF.

Residential Amenity

77. 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).

78. 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.
79. 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.
80. The nearest residential properties to the cable route are located within the Hulam Farm farmstead approximately 100m to the west, Sheraton Hill Farm and associated properties approximately 750m to the west and Hart Moor Farm and associated properties approximately 500m to the west. The nearest properties in Hartlepool are Hart Moor Farm approximately 150m to the west and Thorpe Bulmer Farm approximately 270m to the north east.
81. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of potential nuisance but have requested a dust management plan be submitted by condition. In accordance with standard practice, it is proposed that through condition a Construction Management Plan is submitted to ensure that dust, noise, access, routeing and community liaison are managed amongst other matters.
82. It is considered that the proposed development would not create an unacceptable impact on health, living or working conditions or the natural environment. The proposals would not result in unacceptable noise or dust and, subject to the imposition of the conditions recommended above, it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policy 31 and Part 15 of the NPPF.

Flooding and Drainage

83. 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 167 of the NPPF states that 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 (and the sequential and exception tests, as applicable.) 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.

84. 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.
85. HLP Policy CC2 confirms that development proposals need to demonstrate how they will minimise flood risk to infrastructure, property and people.
86. A Flood Risk Assessment has been submitted in support of the application which confirms that as the cable route is below ground it will not be affected by any flooding which may occur. Part of the site is within Flood Zones 2 and 3 and there would be a requirement to cross over the Bellows Burn watercourse. As the development is considered to be essential infrastructure related to an electricity generating scheme it is considered to be appropriate development within Flood Zones 2 and 3. With respect to the Exception Test the development provides a wider sustainability benefit to the community by assisting in the generation of “green” electricity. The cable itself is “safe” from flooding and there is no increase in flood risk elsewhere. On this basis the Exception Test is satisfied in accordance with Paragraph 167 of the NPPF.
87. Drainage and Coastal Protection officers initially requested additional information to confirm the permeability of the crushed stone base for the substation and access track, but these elements were subsequently removed from the development. Officers also noted the requirements for a permit to cross over the watercourse and this would be added as an informative. The Environment Agency has suggested conditions relating to construction management and have also noted the requirement for a permit to cross the watercourse. Subject to the recommended conditions being imposed it is considered that the proposal would not conflict with CDP Policy 35, HLP Policy CC2 and Part 14 of the NPPF.

Ecology

88. 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.

89. HLP Policy NE1 confirms that Hartlepool's natural environment will be protected, managed and enhanced. HLP Policy NE4 states that Hartlepool Borough Council will seek to enhance and maintain the ecological networks identified throughout the Borough.
90. 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.
91. The proposed cable route would be within any ecological designations. Hart Bog SSSI is located approximately 210m to the south, Hesledon Dene LWS and Thorpe Bulmer Dene Ancient Woodland is located immediately to the north and east of the cable route before it crosses the boundary into Hartlepool.
92. An Ecological Assessment Report has 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 and includes an extended Phase 1 habitat survey and wintering bird survey. The potential impacts to protected species has been considered, including birds, bats, badger, otter, water vole, amphibians and reptiles. The assessment notes that the site may also support brown hare and hedgehog. The assessment does not identify any likely harm to protected species or habitat.
93. Ecology officers have considered the proposals and raised no objections. Officers have requested that the mitigation measures set out in the Ecological Assessment Report be secured by condition. Natural England has considered the proposals and also raised no objections noting that the proposal would not harm the European designated site. Subject to the recommended condition it is considered that the proposed development would not conflict with CDP Policies 41 and 43, HLP Policies NE1 and NE4 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Recreational Amenity

94. 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.
95. The application site would follow the route of Byway No. 18 (Sheraton with Hulam Parish) to Bridleway No.20 (Sheraton with Hulam Parish). From the corner of Bellows

Burn Lane the cable route follows Bridleway No.20 (Sheraton with Hulam Parish) along Bellows Burn Lane for approximately 390m. These routes may be temporarily affected by construction and it may be necessary to apply for a temporary closure of the public right of way during the construction period.

96. Access and Rights of Way officers have raised no objections to the proposal. Officers have advised that the temporary impacts to Bridleway No. 20 (Sheraton with Hulam Parish) and Byway No. 18 (Sheraton with Hulam Parish) can be mitigated through a diversion or temporary closure of the right of way. It is therefore considered that both the proposals would not conflict with CDP Policy 26 and Part 8 of the NPPF.

Cultural Heritage

97. 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 must be given considerable importance and weight by the decision-maker.
98. 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.
99. HLP Policy HE1 states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Proposals which will achieve this or better reveal the significance of the asset will be supported. HLP Policy HE2 states that the Borough Council will seek to protect, enhance and promote Hartlepool's archaeological heritage and, where appropriate, encourage improved interpretation and presentation to the public.
100. There are no designated heritage assets within the boundary of the site. The Grade II Sheraton Hall and Sheraton Hall Cottage are located approximately 1km to the west within the settlement of Sheraton. A Scheduled Monument (Sheraton medieval settlement and open field system) is positioned to the east of the A19 and approximately 950m south east of the site at its closest point. There are no Conservation Areas in the vicinity of the site.
101. An Historic Environment Desk Based Assessment has been submitted in support of the application. This assessment shows that the northern part of the study site has a known potential to contain buried remains likely to date to the late Iron Age to Romano-British periods, as well as artefactual remains from the Saxon period. There is a moderate potential for the presence of peripheral remains associated with the potential Roman Fortlet, although at present the full nature and significance of this feature is not well understood. There is a general potential for the presence of other Roman remains, such as field boundaries and artefacts, as well as the potential road from Sheraton to Hart, as well as for the presence of the remnants of Medieval and Post-Medieval agricultural activity. A WWII spigot mortar base is also located within the study site, opposite to Bellows Burn Lane, 1km to the southeast of Hulam Farm.

102. The available evidence suggests that the buried archaeological remains that could be affected by the proposed development are of no more than local interest. It is therefore considered that the impact to the Iron Age/Romano-British occupation site, peripheral remains associated with the potential Roman fortlet and any other as yet unknown remains could be adequately mitigated by a programme of archaeological works prior to the construction works. This could comprise archaeological monitoring works secured via planning condition.
103. The Council's Archaeology officers have stated that the desk-based assessment provided has identified heritage assets which may be impacted by the proposed development including a prehistoric settlement. As this site has been evaluated in the past, the proposed mitigation of archaeological monitoring of the cable trenches would be acceptable with conditions to secure this work
104. Due to the proposed development being entirely underground and at a distance of at least 950m, it is considered that the proposal would not cause harm to the Sheraton Medieval Settlement or any designated heritage assets and controls would be in place to record and protect any archaeological remains. It is therefore considered that the proposed development would not conflict with CDP Policy 44 and HLP Policies HE1 and HE2 and would cause no harm to heritage assets in accordance with Part 16 of the NPPF.

CONCLUSION

105. The proposed cable route, once constructed, would have negligible environmental impact as it would be entirely underground. The temporary impact to the Area of Higher Landscape Value during the construction phase would be time limited and any potential amenity and highway safety impacts would be controlled by conditions. The proposed cable route would have the benefit of facilitating the generation of renewable energy from the approved solar farm.
106. The proposed development has generated one public representation. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and public benefits.
107. The proposal is considered to broadly accord with the relevant policies of the County Durham Plan, Hartlepool Local Plan and relevant sections of the NPPF.

RECOMMENDATION

108. That the application made to Durham County Council be **APPROVED** subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*
2. The 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 in accordance with a scheme to be submitted to and approved by the Local Planning Authority, and such scheme as approved shall be completed within 6 months of the date of the 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 31 and 39 and Part 15 of the National Planning Policy Framework.

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

UK_Hulam Castle Eden Cable Route_LP1-IDL_03	UK_HUL-CR_LP1-IDL	11/11/21
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Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 21, 31, 33, 39 and 41 of the County Durham Plan and Parts 9, 14 and 15 of the National Planning Policy Framework.

5. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

-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;

-Details of methods and means of noise reduction;

-Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;

-Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.

-Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;

-Designation, layout and design of construction access and egress points;

-Details for the provision of directional signage (on and off site);

-Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;

-Details of provision for all site operations for the loading and unloading of plant, machinery and materials;

-Details of provision for all site operations, including visitors and construction vehicles for parking and turning within the site during the construction period;

-Routing agreements for construction traffic;

-Details of the erection and maintenance of security hoarding;

- Details of construction and decommissioning working hours;
- 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.

Geomorphology of the river (to be included if a direct cable route crossing is required through the Bellows Burn watercourse)

Invasive species

o Water Framework Directive (to be included if a direct cable route crossing is required through the Bellows Burn watercourse)

The Construction Management Plan 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. Required to be a pre-commencement condition and the details of the construction management statement must be agreed before works on site commence.

6. Construction operations shall only take place within the following hours:
07.30 to 19.00 Monday to Friday
07.30 to 12.00 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 and highway safety in accordance with the County Durham Plan Policy 21 and Part 15 of the National Planning Policy Framework.

7. The development shall be carried out in accordance with the submitted flood risk assessment (L491-DOC05 FRA: June 2021) 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 CC2 of the Hartlepool Local Plan and Part 14 of the National Planning Policy Framework.

8. The development shall be carried out in accordance with the mitigation and avoidance measures set out in the Ecological Assessment Report (Pegas-075-1502).

Reason: To prevent harm to biodiversity interests within and around the site in accordance with County Durham Plan Policies 41 and 43 and Part 15 of the National Planning Policy Framework.

9. Prior to the commencement of development a condition survey of Bellows Burn Lane shall be carried out and submitted to the Local Planning Authority. Following the completion of the development a further condition survey of Bellows Burn Lane shall be carried out. In the event that there has been any degradation in the condition of the road a scheme shall be produced to return the road to its pre-development condition (or better) and submitted to the Local Planning Authority for approval in writing. The approved scheme shall be completed in full within 12 months of the development being brought into use.

Reason: In the interests of residential amenity and highway safety in accordance with the County Durham Plan Policy 21 and Part 15 of the National Planning Policy Framework. Required to be pre-commencement as the works must consider condition prior to development work being undertaken.

10. 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 the County Durham Plan Policy 21 and Part 15 of the National Planning Policy Framework.

11. HGV movements accessing the site from Bellows Burn Lane from the south are to utilize the A19/B1281 interchange and return on the A19 South for further exit onto Bellows Burn Lane. All HGV movements leaving Hulam Farm at the A19/Bellows Burn Lane junction are required to turn left and head south to further turn on to the A19/A171-B1280 interchange in order to head north and eliminate the need to use gaps in the central reservation.

Reason: In the interests of highway safety in accordance with County Durham Plan Policy 21 and Part 9 of the National Planning Policy Framework. Required to be pre-commencement to agree traffic movements ahead of any development.

12. Prior to the commencement of development, 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' shall be submitted to the Local Planning Authority for approval in writing. 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 in accordance with County Durham Plan Policy 44, Policy HE2 of the Hartlepool Local Plan 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.

13. No part of any individual phase of the development as set out in the agreed programme of archaeological works shall be brought into use 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 in accordance with County Durham Plan Policy 44, Policy HE2 of the Hartlepool Local Plan 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.

14. 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, a scheme for the removal of infrastructure works 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.

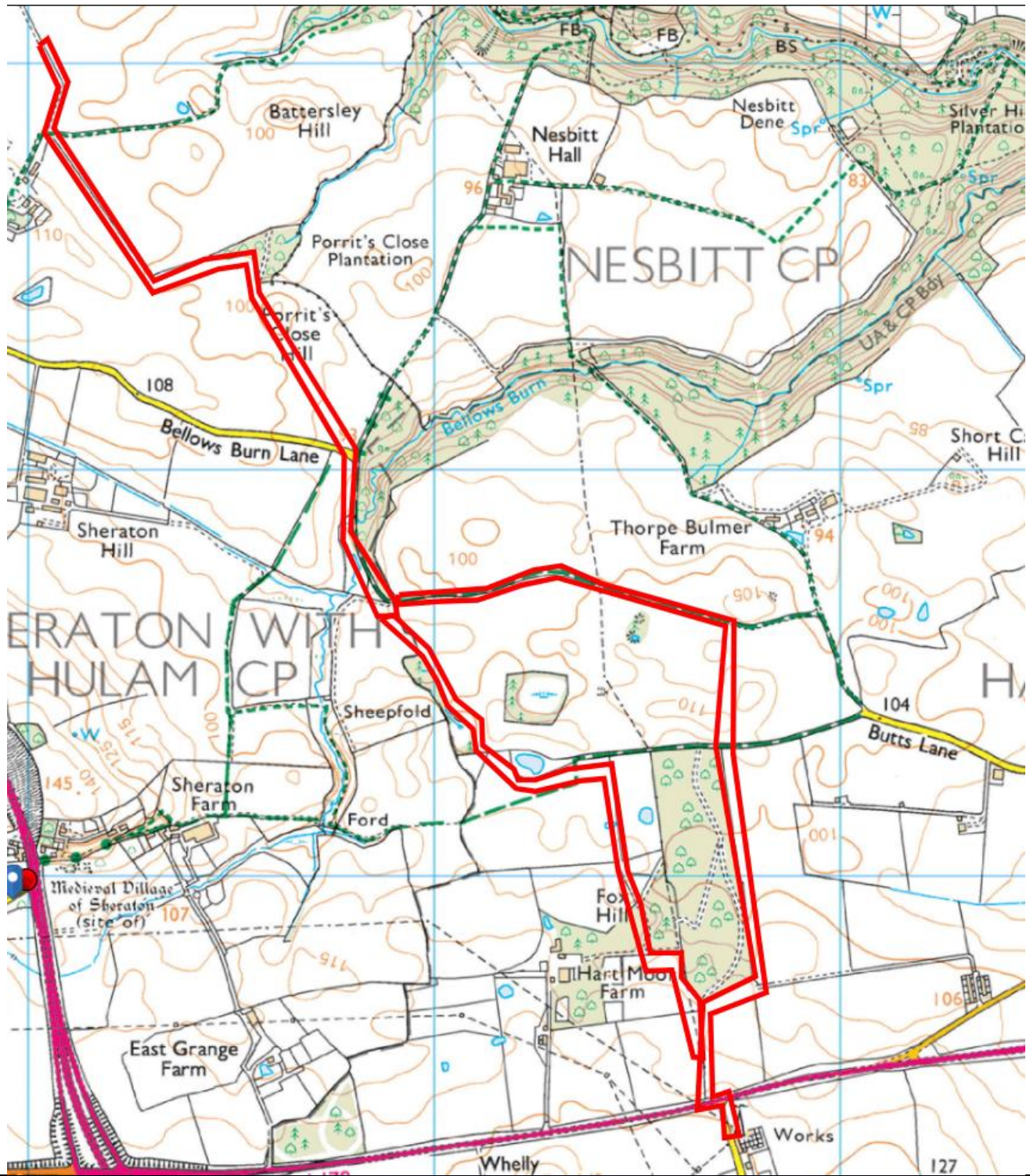
Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 31 and 39, Policy CC5 of the Hartlepool Local Plan and Part 15 of the National Planning Policy Framework.

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
- 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 response



Planning Services

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DM/21/02333/FPA - Construction of underground electricity cables and associated infrastructure to connect Hulam Solar Farm (DM/19/03959/FPA) to the existing substation near Hart in Hartlepool

Comments

Date December 2021

Scale Not to Scale