

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/02990/FPA
FULL APPLICATION DESCRIPTION:	Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure
NAME OF APPLICANT:	Lightsource BP
ADDRESS:	Croxdale Farms, Hett Moor Farm, Hett, Durham, DH6 5LJ
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The site of the proposed solar farm occupies an area of 108 hectares (ha) comprised of a series of agricultural fields, with some hedges and vegetation present adjacent to the site boundaries. Thinford Lane (A688) runs in an east to west direction and divides the smaller southern parcel of land from the remaining site. Hett Mill Lane runs in a broadly north to south direction and divides the land positioned to the north of Thinford Lane. The edge of the settlement of Spennymoor is positioned approximately 550m west of the site boundary. Overhead power lines cross the site in several places. An existing substation is positioned adjacent to the site boundary to the north of Thinford Lane and an additional substation is located to the south of Thinford Lane in close proximity to the site boundary. Access to the site is from two existing field gates on Hett Mill Lane.
2. The site does not lie in an area covered by any national or local landscape designations. An Area of Higher Landscape Value (AHLV) is located to the immediate north of the site.
3. The Carrs Site of Special Scientific Interest (SSSI) is positioned approximately 1.8km south of the southern site boundary. Thrislington Plantation SSSI, Special Area of Conservation (SAC) and National Nature Reserve (NNR) cover the same area and are positioned approximately 2.5km south-east of the southern site boundary. Additional SSSIs are located beyond 3km of the site boundary. Cow Plantation Local Nature Reserve (LNR) is located within Spennymoor approximately 2.4km west of the western site boundary, Ferryhill Carrs LNR and Local Wildlife Site (LWS) is positioned approximately 1.2km south of the southern site boundary and Coxhoe Quarry LNR is located approximately 2.5km north-east of the site.

4. The majority of the site is within Flood Zone 1 with a small area in the north eastern field of the application site is identified as being at risk of flooding from fluvial or coastal events and is therefore within Flood Zone 2 and 3. The site is entirely within a minor Groundwater Vulnerability area.
5. The Wilton to Grangemouth Sabic Ethylene Pipeline passes through the site on the south western boundary.
6. There are no designated heritage assets within the solar farm application boundary. The Grade II Listed Pigeon-Cote Circa 50m north-west of Brandon Farmhouse is located approximately 600m east of the eastern site boundary. Additionally, two further Grade II Listed Buildings are located within the nearby settlement of Hett. Croxdale Hall is a Grade II* Registered Park and Garden located approximately 1.5km north-west of the northern site boundary. The settlement of Hett, located to the north of the application site, is a Conservation Area.
7. There are a number of public rights of way within the site boundary. Footpath No. 31 (Croxdale and Hett Parish) passes through the site from Hett Moor Mill in an easterly direction before turning and routing south to meet Thinford Lane (A688). Bridleway No.28 (Croxdale and Hett Parish) follows the western boundary of the site before joining Thinford Lane. Footpath No. 32 (Croxdale and Hett Parish) runs along the northern boundary, this PRow joins Broom hill Farm to Hett Mill Lane. The public rights of way within and in close proximity to the site would be retained and protected as part of this planning application.
8. The nearest residential properties to the proposed solar farm are Hett Moor Farm, which is located to the site, Mount Huley Farm and East Farm are located approximately 700m to the west, Falls Farm is located approximately 300m to the north and Broom Hill Farm is located approximately 200m to the east. The settlement of Hett is located approximately 800m to the north west, Metal Bridge is located approximately 100m to the south, Spennymoor is located approximately 1km to the west and Ferryhill is located approximately 1.4km to the south.

Proposal

9. The proposed development comprises solar panels arranged into linear arrays facing to the south. The solar panels would be composed of photovoltaic cells designed to maximise the absorbency of the sun's rays and to minimise solar glare. Since being submitted the scheme has been amended to reduce the size of the development by approximately 13.3ha by removing the area to the south of Thinford Road which was originally proposed.
10. The development would consist of solar panels fitted on metal framework to form arrays with a maximum height of 3m, 11 switchgear substations spaced around the adjoining the internal access roads, 22 inverters and 22 transformers adjoining the switchgear substations. Within the northern part of the site, adjacent to the existing Electricity Distribution Site, there would be a compound area including a Distribution Network Operator (DNO) substation, a customer substation, an auxiliary transformer, storage building, monitoring and communications building with associated weather station and communications equipment and a composting toilet. The site would have crushed aggregate internal access tracks.
11. The solar panels would be set back from the site boundaries to allow for perimeter security fencing, CCTV coverage and maintenance access. A corridor would be created around Footpath No.31 (Croxdale and Hett Parish) to ensure that it would remain accessible. The solar panels would be mounted on a metal framework

supported by pile driven foundations, without the need for concrete foundations. Between each line of solar panels there would be a gap of approximately 3.6m to avoid overshadowing from one solar panel to another. The solar panels would be tilted at 20 degrees from the horizontal axis and orientated south. The height of the solar panels would be to a maximum height of 3 metres above ground level, with the lower edge of the solar panel elevated to 1.4 metres off ground level.

12. The solar PV installation would require supporting infrastructure including gravel maintenance tracks, transformers, switchgear substations and security systems. 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. The arrays would be set within a 2m high timber & post / deer stock fence around the application site. The stock fence is fitted with small mammal gates fitted at appropriate points near the bottom of the fence to enable free access. CCTV cameras will be positioned to cover the site access points in order to provide security to the site and prevent unauthorised access by members of the public. The proposal would also include additional native tree planting and native hedgerows.
13. The construction phase of the development would create 100 full time equivalent (FTE) on site jobs and a further 135 indirect and induced FTE jobs from the supply chain and related services. The construction phase of the development would last for approximately 5-6 months. Working hours for construction are proposed to be 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturdays. There would be no work undertaken on Sundays or Bank Holidays.
14. The solar PV installation would result in a reduction in carbon emissions associated with energy generation equating to approximately 9,771 tonnes of CO₂ per annum which is the equivalent of the removal of approximately 5,338 standard family cars from the road each year. The proposed solar PV installation of up to 49.9MW is the equivalent to providing for the energy needs of approximately 13,861 homes within the UK. The development would occupy the site for a temporary period of 40 years, after which the equipment would be removed and the land reinstated.
15. The application is being reported to Planning Committee as it is a major development with a site area greater than 1 hectare

PLANNING HISTORY

16. No previous planning applications have been submitted on the application site.

PLANNING POLICY

NATIONAL POLICY

17. 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.
18. 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.

19. *NPPF - 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.
20. *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.
21. *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.
22. *NPPF - Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
23. *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.
24. *NPPF - 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.
25. *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.

26. 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>

27. 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)

28. *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.
29. *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.
30. *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.
31. *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.

32. *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.
33. *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 Moorsely Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.
34. *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.
35. *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.
36. *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 associate 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.
37. *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.
38. *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.

39. *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.
40. *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.
41. *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.
42. *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.

NEIGHBOURHOOD PLAN:

43. 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:

44. *Croxdale and Hett Parish* – has objected to the proposal due to the impact to residents health and wellbeing, lack of benefit to the local community, impact to the Hett Conservation Area and impact to wildlife in the area and public rights of way.
45. *Ferryhill Town Council* – has objected to the proposal due to the impact to the landscape and biodiversity.

46. *Network Rail* – has raised no objections to the proposals but has requested that a condition be imposed relating to glint and glare monitoring.
47. *Highway Authority* – has raised no objections to the proposals. Officers have stated that the main impact of this site on the Highway network would be during the construction phase when there are expected to be around 1300 HGV movements over a 6 month period. This equates to around 15 deliveries per day (30 vehicle movements), on a road which carries 23,000 two way trips per day. A construction management plan has been provided with the application, and should permission be granted, a condition would be required that construction be carried out in accordance with that CMP. Once the construction phase is completed, the site would generate around 20 trips per year for maintenance of the site. Therefore the impact of the development post construction phase would be negligible.
48. *Natural England* - Has raised no objections to the proposed solar farm. Based on the plans submitted it is stated that the proposed development would not have significant adverse impacts on designated sites or landscapes and has no objection. Officers also provided general advice in respect of protected species and other natural environment issues.
49. *Environment Agency* – has raised no objections to the proposals. Advice has been provided to the applicant in respect of standoffs in relation to watercourses and pollution prevention.
50. *Lead Local Flood Authority (Drainage and Coastal Protection)* – has raised no objections in relation to the proposed solar farm. Officers have provided standard guidance that applications conform with.
51. The Coal Authority – initially objected to the development and requested that the applicant revise the proposal having regard to the conclusions and recommendations of the Preliminary Risk Assessment and Coal Mining Risk Assessment. Further investigation was carried out and an exclusion zone created around the area where there may be a former mine entrance. After assessing the additional information, the Coal Authority has confirmed that the objection is withdrawn.
52. *Health and Safety Executive* – as the proposed solar farm site currently lies within the consultation distance at least one major hazard site and/or major accident hazard pipeline (6904_ Operated by SABIC), 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.
53. *SABIC* – has raised no objections to the proposals. Officers have identified that the proposed development is located in the inner, middle and outer zone of the Wilton to Grangemouth Ethylene Pipeline. Should planning permission be granted the developer would need to work with SABIC to ensure that their conditions of working in close proximity to the ethylene pipeline are met. A planning condition would be imposed to require the developer to engage with SABIC prior to the commencement of development.
54. *Northern Power Grid* – has raised no objections to the proposals but has provided information to the applicant showing the locations of overhead power lines and advice in relating to working in proximity to them.

INTERNAL CONSULTEE RESPONSES:

55. *Archaeology* – has raised no objections to the proposals. An initial phase of trial trenching was carried out and showed there to be no significant archaeological remains within the assessed areas. Officers have agreed that the remaining trial trenching works could be carried out prior to commencement of the development and conditions are recommended to secure this.
56. *Design and Conservation* – has raised no objections the proposals but have raised concerns that the development would have an urbanising effect on the area and may lead to a coalescence of the settlements of Thinford, Hett and Metal Bridge. Officers have considered the impact of the development on designated assets and the Hett Conservation Area and concluded that the impact would be minor and not at a level to cause harm to significance.
57. *Ecology* – has raised no objections to the proposals. Officers requested increases to breeding bird habitat and to ensure that long term management of the site is secured. Additional habitat was subsequently provided for breeding bird habitat, to the satisfaction of Ecology officers.
58. *Environmental, Health and Consumer Protection (Contaminated Land)* – has raised no objections in relation to the proposed solar farm. Officers have recognised that there are some small areas on the site identified as areas of potential land contamination. Conditions are recommended to investigate and, if necessary, remediate these areas.
59. *Environmental, Health and Consumer Protection (Air Quality)* – has raised no objections to the proposals. Officers have confirmed that the development would not lead to an adverse impact on air quality.
60. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals. Officers have considered the submitted information in relation to noise and glint and glare and found this to be acceptable. The submission of a Construction Management Plan is noted, and a request is made that this is secured by condition.
61. *Landscape* – Officers have not specifically objected to the proposals but have stated that the development would cause harm to the character, quality and distinctiveness of the local landscape and to important views from high ground to the east. While some of the harm in local views could be mitigated to some degree in the medium term, the effects in views from high ground could not. Officers have stated that the proposals would conflict with CDP Policies 10 and 39 unless the benefits of the development are considered to outweigh the harm.
62. Following revisions to the development Landscape officers commented that changes made to the landscaping plan were welcomed but reiterated that there was a requirement to provide some offsite screening adjacent to the A688 road. A condition to require a landscaping scheme would be recommended. Officers also note the removal of the section of the site from the south of Thinford Lane and have stated that this would have some benefit in terms of views from Ferryhill.
63. *Public Rights of Way* - has raised no objections to the proposals. Officers note that Croxdale & Hett Footpath Nos 31, 34 and Bridleway No. 28 are all to be retained and protected. The supporting documents mention additional planting to ensure appropriate screening is in place for PRow users, this measure is welcome to mitigate any glint and glare effects on users of the paths, particularly Footpath No. 31 which

runs through the middle of the site. Further planting was requested on the western boundary of Croxdale & Hett Bridleway No.28.

64. *Spatial Policy* – has raised no objections to the proposed solar farm. Officers identify the key planning policies and their current status relevant to the consideration of this proposal. Comments also highlight any policy related material considerations relevant to the consideration of this proposal in terms of national policy, guidance and locally derived evidence bases. Officers consider that the key determining factors will be the renewable energy and economic benefits of the proposals balanced against potential harm to the countryside, and possible surface water issues that could result from the development.

PUBLIC RESPONSES:

65. The solar farm application has been advertised in the local press and by site notice as part of planning procedures. In addition, neighbour notification letters were sent to 389 neighbouring properties.
66. One letter of objection has been received from a local resident. The objector states that the development would ruin the landscape, would be in the green belt and create a change of use from agricultural to industrial. It has been stated that the proposed planting would not be adequate to screen the site. It has been suggested that existing abandoned brownfield sites should be used for solar farms.
67. *The Council for the Protection of Rural England (CPRE)* – object to the solar farm application. Concerns have been raised that although the site is classified as being Grade 3b land, it is necessary to recognise the intrinsic character and beauty of the countryside. It is stated that there is insufficient information regarding the potential impact to AHLV's at Hett and Quarrington Hill. Clarification is also sought regarding the inclusion of a battery storage unit on the site. Requests have been made for cyclists to be protected from road traffic during construction works. The provision of bird and bat boxes is noted but considered to be too low and there does not appear to be any mitigation for skylark and curlew on the site and no proposals to increase this particular type of biodiversity.

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:

68. Lightsource bp is a global leader in the development and management of solar energy projects. Lightsource bp work closely with local businesses and communities to supply clean, dependable and competitively priced energy, and are dedicated to securing a low-carbon future, in the UK and worldwide.
69. The proposed solar farm will make a significant positive contribution to increasing renewable energy generation and reducing carbon emissions in the context of a nationally and locally declared Climate Emergency.
70. The application will help to meet national commitments and obligations to Net Zero, including those set out by the Government in its 'Net Zero Strategy' as well as the recently published 'energy security strategy'. The generation of solar power is one of many initiatives that will play an important role in meeting the Government's 2035 target for all our electricity to come from low carbon sources.

71. Safe, secure and low impact domestic energy supply has never been more of necessity as it is today in the face of climate change and geopolitical events pushing supplies to the brink. This month the UN reiterated the message that it is truly 'now or never' to act on climate change, stressing global emissions of CO2 would need to peak before 2025 at the latest. The solar industry and Lightsource bp are ready to act.
72. The Hett Moor Solar Farm will deliver a significant amount of renewable energy alongside a range of other benefits:
- 14,341 tonnes of carbon emissions avoided every year,
 - enough clean solar energy to power the equivalent of 13,861 homes,
 - the equivalent of taking 7,908 family cars off the road,
 - enabling agricultural co-use of the site with grazing opportunities,
 - contributing to the future and long-term viability of farming at Hett Moor Farm,
 - planting of 3,950m linear metres of new hedgerow,
 - securing a range of ecological enhancements including a 155% biodiversity net gain.
73. Solar is a tried and tested passive technology which doesn't produce any harmful by-products and importantly the application seeks planning permission for a temporary period. At the end of the projects operational period the land can be returned to its current agricultural use with panels and associated components removed and recycled.
74. Lightsource bp held an online community information event in November 2020. Fifteen members of the public attended the virtual event. In general, the local community supported the principle of renewable energy, and the proposed site. However, there were a number of questions and concerns relating to the visibility of the project; the impact on the rural character; employment; and construction traffic. These were considered and responded to through the course of the application process, and included the removal of the field south of the A688 and significantly increased the proposed planting to reduce the landscape and visual impacts.
75. The NPPF is clear that planning has a key role in supporting renewable energy. Paragraph 152 sets out the planning system should support the transition to a low carbon future. This is reflected in the County Durham Local Plan with Policy 33 for renewable energy development, stating that these benefits will be given great weight in the decision-making process.
76. There will remain parts of the site that are visible, within a very localised area. It is considered that the residual landscape changes would be significantly and demonstrably outweighed by the significant benefits of the development in terms of energy supply and security, support for renewable energy and biodiversity enhancement and accordingly, planning permission should be granted.

PLANNING CONSIDERATIONS AND ASSESSMENT

77. 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, cultural heritage, agricultural land, safeguarded areas, other matters and public sector equality duty.

Principle of Development

78. 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 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.
79. 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.
80. 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.

Key policies for determination

81. 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.
82. 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 54 (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 the development could be allowed for by specific policies in the plan

(CDP Policy 33). The development therefore does not have to demonstrate an exception to CDP Policy 10 but the acceptability criteria are engaged.

83. CDP Policy 10 states that new development in the countryside must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for, result in the merging or coalescence of neighbouring settlements, contribute to ribbon development, impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for, be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport, be prejudicial to highway, water or railway safety; and impact adversely upon residential or general amenity. Development must also minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding; and where applicable, maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value.
84. The potential impacts of the development will be considered in the sections below.
85. 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.
86. It should be noted that the CDP has identified areas suitable for wind turbine development but not for solar.
87. 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 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.

Landscape

88. 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.
89. CDP Policy 10 states that development in the countryside must not give rise to unacceptable harm intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for and must not result in the merging or coalescence of neighbouring settlements.

90. 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.
91. 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.
92. The site lies in the Wear Lowlands County Character Area which forms part of the larger Tyne & Wear Lowlands National Character Area (NCA 14). It lies in the Eastern Valley Terraces Broad Character Area which belongs to the Lowland Valley Terraces Broad Landscape Type. The site is made up of open, undulating arable farmland sloping eastwards bounded by low clipped thorn hedges dating from early post-medieval enclosure of Hett Moor (Terrace farmland: open arable Local Landscape Type, Old enclosure Subtype). Hedgerow trees are absent or infrequent.
93. The site forms part of a wider tract of open farmland of a similar character. Although for the most part strongly rural, the local landscape in the west of the site and south of the A688 Thinford Lane contains a number of strategic overhead powerlines and electricity substations which, together with the busy A688, give it an urban fringe quality in those areas.
94. The site does not lie in an area covered by any national or local landscape designations. An Area of Higher Landscape Value (AHLV) does however lie adjacent to the northern site boundary. Hett Conservation Area lies to the northwest of the site.
95. The site occupies low lying gently undulating farmland falling eastwards to the shallow valley of the Coxhoe Beck from a high point at the southwest of the site. Due to the nature of the topography views of the locality are generally shallow. Receptors in that area include the A688 Thinford Lane, Hett Mill Lane, public footpaths and bridleways and scattered isolated properties. It is visible in slightly deeper views from land that it falls towards to the immediate east including the A688 and A177 around Tursdale roundabout and a section of the East Coast Main Line.
96. It is overlooked from the higher ground of the Limestone Escarpment including the Limestone Escarpment Ridge to the south and the southern spurs of the Northern Limestone Escarpment to the east. Receptors in that area include properties in parts of Ferryhill, Cornforth, Coxhoe, Quarrington Hill, minor roads (C37, C23, C24) public rights of way and Crow Trees and Coxhoe Quarry Wood Local Nature Reserves.
97. The site and the local landscape are of broadly medium sensitivity: a combination of low-moderate value and a medium susceptibility to development of this kind. While the wider landscape has a settled character with a number of detractive elements,

including busy highways and energy infrastructure, this leaves the rural dimension to its character relatively fragile and susceptible to further impacts. The landscape of the site itself is for the most part strongly rural although powerlines and the electricity substation in the west give it a more urban fringe quality in that area.

98. At the level of the site and its immediate surroundings the proposals would involve a transformative change from open arable 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 40 years. As noted in the Landscape and Visual Assessment, the magnitude of the effect at site level would be high and would remain so even with mitigation as the planting proposed would not alter the overall effects upon the character of the site.
99. The transformative effect on landscape character within the site would be strongly evident from Footpath 31 which crosses the eastern part of the site, footpath 34 which defines the northern boundary and passes through the north-eastern part of the site and bridleway 28 which runs along the western boundary.
100. The effects would be notable in views from Hett Mill Lane which crosses the site and from where there would be intermittent shallow views of both the eastern and western parts of the site. While these would be limited in places by roadside hedges, views would still be afforded over lower clipped hedges, through sporadic sparser sections, and through gaps and gateways. This would be particularly the case for land west of the road which is on rising ground. The effects of development would be less apparent in the landscape north towards Hett where views are typically shallow and development would be largely screened by intervening topography and vegetation.
101. From the immediate south along Thinford Lane (A688) the effects of development would be visible in sequential views of varying character. In some views the site would be screened by roadside hedgerows and cuttings and in others parts the development would be open to view and prominent where hedges are gappy, absent or low. In some views the effect on character would be substantial. The site would be open to view more or less in its entirety from a section of the A688 north of the Tursdale roundabout on land falling towards the viewer from where the effect would be substantial. Parts of the site would be visible in the view ahead for traffic approaching the A688 roundabout on the A177 from the east.
102. Within the wider landscape the site is overlooked from higher ground on the Limestone Escarpment to the south and east. The development would have some notable effects on the character of the landscape in these views due to the topography of the site, which slopes eastwards towards the escarpment, and the large scale of the proposals. In views from the Limestone Escarpment Ridge to the south-west on the edge of Ferryhill the site is largely screened by topography and vegetation and photomontages indicate that the effect on the character of the landscape would be low. In views from the spur and vale topography of the escarpment to the east the development would be conspicuous and the effect on character would be higher. In views from Quarrington Hill, the development would be visible as an extensive tract of notably artificial land cover replacing a large area of open farmland. While the view is across a settled landscape and takes in existing infrastructure and built form, including the large Amazon warehouse, the effect would be of built form visually coalescing across a wide area and would be of a medium-high magnitude. In these views mitigation measures would not materially alter the appearance of the site or its effects on landscape character.
103. Landscape officers have stated that the visual effects would be high for users of the local footpath network within the site (footpaths 31 and 34 (Croxdale and Hett Parish)

or in proximity to the site boundary (Bridleway 28 and Footpath 34 (Croxdale and Hett Parish) in particular). The proposed development would be located either side of Footpath 31 and whilst offset, the solar panels and associated fencing would be seen in close proximity and the proposals would dominate the users experience resulting in an adverse visually impact and significant loss of amenity when using this path. Landscaping has been proposed to help provide visual screening, however 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 character of this location and undulating nature of the topography in this location, this is likely to be upwards of 10 years in which the development would be conspicuous and harmful. The proposed development would also be clearly noticeable in views from Bridleway No. 28 in the short term, however with careful management of the existing hedge between the bridleway and the site, together with the proposed mitigation planting, the visual impacts would be reduced in the medium term.

104. There would be some notable visual effects as noted above, in longer distance and elevated views from the Limestone Escarpment to the east. These include views from public vantage points such as the local nature reserves at Coxhoe Quarry Wood and Crow Trees enjoy commanding panoramic views across the Wear Lowlands. These are considered to be important views having regard to the number of people who access these areas and the fact that appreciation of the view, and of the landscapes it takes in, are clearly valued. While these views are of visually complex settled landscape, the development would be conspicuous and would detract from the appearance and quality of the landscape to a notable degree.
105. To mitigate against landscape and visual impacts additional tree, shrub and hedgerow planting has been proposed. In the long term this would make some localised contribution to the conservation and enhancement of the local landscape and these measures could be secured by an agreement under Section 39 of the Wildlife and Countryside Act 1981.
106. The visibility of the development within the immediate locality, and therefore its effects on the character of the local landscape, would be reduced over time by a combination of tailored management of existing trees and hedges and the planting of new trees, hedges and native shrubs which would help integrate the proposals with the surrounding area. It would also reinforce the existing landscape framework and enhance character to a lesser degree. The time taken to achieve this would vary. In some cases, allowing hedges to grow taller would be effective in a few years, in other cases where new planting was proposed it would take longer – particularly from footpaths crossing the site and elevated sections of road. In some views mitigation measures would have a negligible effect.
107. Taken in the round, the effect on the character of the local landscape would be high initially, reducing to a medium magnitude within around 10 years but with some high but localised residual effects.
108. Landscape officers consider that the proposals would not cause harm to the special qualities of the adjacent AHLV. Hett Conservation Area lies to the northwest of the proposal. The rural setting of the village contributes to the character of the Conservation Area. Intervisibility at a local level would to be limited due to the orientation of the solar arrays, topography, intervening hedgerows and the nature of the shallow views, however in views from the escarpment to the east, both would be seen in conjunction. It is considered that the value of the value of the Conservation Area is not appreciated in such long distance views and would therefore not be harmed.

109. A landscaping scheme has been submitted with the application and has seen revisions throughout the consideration of the application. Planting would be provided to improve screening by gapping up hedgerows on the site boundaries and a large area of woodland planting on the eastern boundary.
110. The proposals would cause some harm to the intrinsic character and beauty of the countryside. Whilst the proposals incorporate measures which would mitigate the harm to some degree in the medium term there would be notable longer term residual harm and particularly in respect of valued views from high ground to the east. Notwithstanding this, the views from the east are from a distance of more than 4km and limited to focal point within a range of alternative views from this location. It is therefore considered that there would be limited but not unacceptable harm to the intrinsic character and beauty of the countryside, in accordance with CDP Policy 10.
111. It is noted that Landscape officers consider the proposals would cause unacceptable harm to the character and quality of the landscape, however, it is considered that this harm is primarily drawn from distant views and is less significant in closer proximity to the site. To assist in mitigating this harm the applicant has proposed additional woodland planting and the protection and enhancement of hedgerows within the development site in accordance with the requirements of CDP Policy 40. Further planting to the east of the site has also been requested by condition. Notwithstanding this, it is considered that the proposal would be in conflict with CDP Policy 39 and Part 15 of the NPPF.

Access and Traffic

112. 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.
113. The east and west sides of the site would be accessed from existing field entrances on Hett Lane (Unclassified Road UNC 27.2) that would be widened and improved to accommodate the construction and site traffic.
114. A Transport Statement (TS) has been submitted in support of the solar farm application. The TS has identified that the construction period for the development would be approximately 5 to 6 months with a typical maximum number of HGV deliveries being 15 per day (15 in and 15 out). There would be a total of approximately 1305 deliveries to the site during the 5-6 month construction period. This is likely to be similar for the decommissioning of the site. During the operational period the site would only need to be visited 10-20 times per annum by a car or van.
115. Highways officers have considered the proposal and find the access arrangements for both the construction and operational periods to be acceptable. Officers have requested that the Construction Management Plan be secured by condition. CPRE has requested that provisions be made for cyclists to be protected from road traffic during construction work
116. Whilst the proposed solar farm would generate a degree of construction traffic for the 5-6 month construction period it would be not be unacceptable in this location due to good access and existing highway capacity. Following construction, the solar farm would be automated and would only be attended for monitoring and maintenance

purposes. 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. No objection is raised by the Council as Highways Authority subject to appropriate conditions. It is considered that the proposals have been appropriately assessed through a Transport Statement 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 condition set out the development would not conflict with CDP Policy 21 and Part 9 of the NPPF.

Residential Amenity

117. 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).
118. 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. CDP Policy 10 states that new development in the countryside must not impact adversely upon residential or general amenity.
119. The nearest residential properties to the proposed solar farm are Hett Moor Farm, which is located to the site, Mount Huley Farm and East Farm are located approximately 700m to the west, Falls Farm is located approximately 300m to the north and Broom Hill Farm is located approximately 200m to the east. The settlement of Hett is located approximately 800m to the north west, Metal Bridge is located approximately 100m to the south, Spennymoor is located approximately 1km to the west and Ferryhill is located approximately 1.4km to the south.
120. Objections have been received from one local resident, Hett and Croxdale Parish Council, Ferryhill Town Council and CPRE. In relation to residential amenity the objections focus on visual amenity and landscape impact.
121. A Glint and Glare Assessment has been submitted in support of the application. This provides background information for the review of legislation, assessment methodology including identification of receptors, baseline conditions and an impact

assessment. The assessment identified where there was potentially an impact to receptors from the development and modifications were made (pre-submission) to either remove areas of solar panels or to provide mitigation planting. Following revisions the risk of impact to residential receptors was reduced to none.

122. Landscape impact has been assessed in the section above, but it is acknowledged that those people living near to the site experience landscape harm as a constant rather than passing impact. Notwithstanding this, the removal of the southern section of the scheme has significantly reduced the potential visual impact from residents of Ferryhill and there are very few other properties that would have a view of the site, none of which have objected to the proposal. Whilst the development would have a transformative impact the site would still retain green space and additional planting is proposed to lessen the visual impact. Given the existing screening and limited impact to residential properties it is considered that the visual impact of the site in terms of amenity would not be unacceptable.
123. The proposed solar farm has very limited potential to create any noise, dust or light pollution impacts. The panels themselves would be of the static variety that are silent in operation. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of potential nuisance, air pollution or glint and glare. Officers note that the construction phase is the only time where noise may be an issue and have requested that hours of operation be conditioned. 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 amongst other matters.
124. 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, odour, vibration or light pollution 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 Policies 10 and 31 and Part 15 of the NPPF.

Contamination

125. 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.
126. A Preliminary Risk Assessment has been submitted in support of the application. This assessment concludes that there may be possible sources of contamination associated with backfilled sandstone quarry in the north of the site. The proposed solar farm development is considered to be of low sensitivity with respect to Human Health, therefore the risk from any ground contamination is considered to be low. Risks to groundwater are also considered to be low given the relatively low environmental sensitivity of the site. The backfilled quarry and shallow mine workings/ entries are potential sources of ground gas which will need to be assessed as part of a ground investigation.

127. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of land contamination. Conditions have been recommended to require investigation of potential areas of ground contamination
128. It is considered that the proposed development would be suitable for the proposed use and would not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 32 and Part 15 of the NPPF.

Flooding and Drainage

129. 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.
130. 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.
131. 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. CDP Policy 10 states that new development in the countryside must minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding.
132. The application is accompanied by a flood risk assessment (FRA) which identifies that the application site is located almost entirely within Flood Zone 1. A small section of the north eastern corner of the site is located within Flood Zones 2 and 3 but this area would not contain any of the site infrastructure. The Tursdale Beck runs to the east of the site but there are no watercourses within the site. A sustainable drainage strategy, involving the implementation of SuDS in the form of infiltration trenches, is proposed for managing the disposal of surface water runoff from the proposed development on the site. The proposed infiltration trenches would have an overall combined length of approximately 1679m, with a base width of 0.5m, a 0.5m design depth and a 0.15m freeboard. They would be filled with crushed rock with a void ratio of 20%. It would provide a total storage volume of approximately 83.95m³. This is greater than the volume of additional runoff generated as a result of the impermeable buildings (61.0m³).
133. Drainage and Coastal Protection officers have provided general guidance in relation to flood risk in but have not specifically commented on the information provided in the

application. Notwithstanding this, it is considered that submitted FRA and flood mitigation measures would meet with policy requirements. The Environment Agency has raised no objections to the proposals. It is therefore considered that the proposed solar farm 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. It is therefore considered that the proposals would not conflict with CDP Policies 10 and 35 and Part 14 of the NPPF.

Ecology

134. 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.
135. 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 in order to determine whether a licence is likely to be granted. 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.
136. An Ecological Impact Assessment has been provided with the application. The assessment provides a baseline study of the site including the proximity of designated sites, habitats and constraints within the site and includes a Phase 1 habitat survey. A subsequent breeding bird survey was submitted to accompany the initial assessment. The potential impacts to protected species has been considered, including birds, bats, badger, otter, water vole, amphibians and reptiles.
137. The assessment states that no suitable features for roosting bats were present within the footprint of the proposed solar PV array. Occasional mature trees within boundaries may provide suitable features for occasional roosting bats, although no trees had obvious features for large number of roosting bats, such as hollow main stems. Badger have been recorded in the vicinity of the site and there were recent signs of foraging. Perimeter fences would have mammal gaps to allow for access and egress by badger and other mammal species, should they return.
138. The site is considered to have negligible suitability for otter and water vole and no evidence of either species was noted during the assessment. The biological records search included Great Crested Newt records. However, there are no ponds within the development site and field ditches were unsuitable being either overgrown or with

running water. A very small pond is thought to be present on the edge of a farmyard 230 metres to the north east of the development site. This pond is isolated by farm buildings and arable habitat, with no functional linkage along hedgerows or similar out into the landscape. No other ponds are present within 1km and it is near-certain that this small pond does not support great crested newt which live in meta-populations across several ponds. There is negligible potential for Great Crested Newt to be present, although occasional common and widespread amphibians may be present.

139. The Ecological Assessment concludes that proposed development would have no direct effects on neighbouring waterbodies including ponds with historic confirmed GCN presence. Similarly, with standard good practice pollution prevention and runoff control measures in place during construction and operation, off-site ponds and the species they support would be suitably protected from the risk of adverse effects during the construction phase. As a result of habitat enhancements, including the creation of structurally diverse grasslands under and around the panels and new hedgerow planting, the completed solar farm would provide higher value and better connected terrestrial habitat for amphibians (and reptiles if present) than is currently present. As a result, the proposed development and associated new habitat creation is considered likely to have a positive effect on the favourable conservation status of the local amphibian population and reptiles if present. The likely risk of presence of a European Protected Species has been adequately ruled out, the requirement for a license, and hence application of the derogation tests in this instance is therefore not required.
140. A Biodiversity Mitigation and Enhancement Plan has been submitted setting out the ecological baseline for the site, provides mitigation measures and ecological enhancement and also includes a monitoring and management schedule.
141. Biodiversity enhancement for the site would include approximately 3950m of new, mixed native species hedgerows and a further 260m enhanced. There would also be the creation of species rich grassland on land occupied by the solar arrays and installation of at least 20 bird boxes and 20 bat boxes of different varieties to suit different species. These enhancements are all set out in the Biodiversity Management Plan.
142. CPRE have commented that the provision of bird and bat boxes is noted but considered to be too low and there does not appear to be any mitigation for skylark and curlew on the site and no proposals to increase this particular type of biodiversity. Additional breeding bird surveys were carried out and noted the presence of skylark. Areas of the site have now been allocated as breeding bird habitat and would be managed appropriately.
143. Ecology officers have considered the proposals and raised no objections subject to appropriate long term management of the site. It is recommended that the biodiversity enhancement would be 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 40 year timescale of the solar farm development and a Section 39 is more suited to ensuring long term management.
144. The proposed solar farm would provide biodiversity enhancement to the site and, whilst there may be temporary displacement of wildlife during the construction process, the net increase in biodiversity value would adequately mitigate any residual

harm. It is considered that the proposed solar farm would not impact upon any nationally or locally protected sites. Suitable mitigation would be secured through Section 39 agreement. It is therefore considered that the proposals would not conflict with CDP Policies 25, 41 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Recreational Amenity

145. 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.
146. There are a number of public rights of way within the site boundary. Footpath No. 31 (Croxdale and Hett Parish) passes through the site from Hett Moor Mill in an easterly direction before turning and routing south to meet Thinford Lane (A688). Bridleway No.28 (Croxdale and Hett Parish) follows the western boundary of the site before joining Thinford Lane. Footpath No. 32 (Croxdale and Hett Parish) runs along the northern boundary, this PROW joins Broom hill Farm to Hett Mill Lane. The public rights of way within and in close proximity to the site would be retained and protected as part of this planning application.
147. Access and Rights of Way officers have considered the proposals and raised no objections noting that Croxdale and Hett Parish footpaths 31 and 34 and Bridleway 28 are all to be retained and protected. Support is given for additional planting to protect users of the footpaths and additional planting was requested to screen bridleway 28. The applicant has now included additional planting on the western boundary of the site adjacent to bridleway 28.
148. Subject to the submitted landscaping plan being implemented it is considered that the proposed development would not result in the loss of deterioration in quality of existing public rights of way in accordance with CDP Policy 26 and Part 8 of the NPPF.

Cultural Heritage

149. 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.
150. 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.

151. A Heritage Assessment has been submitted in support of the application. This assessment provides baseline information including a description of the site and development, methodology and consideration of potential archaeological remains and designated heritage assets. The assessment concludes that there are no recorded heritage assets within the site boundary and, due to the location of the development, topography and screening it is considered that the development would not result in any harm to the significance of any designated heritage assets.
152. Following the receipt of comments from Design and Conservation and Archaeology officers the applicant produced an addendum to the Heritage Assessment that further considers the impact of the development in relation to Hett Conservation Area and further consideration of the potential for archaeological remains within the site. In addition, an Archaeological Written Scheme of Investigation (WSI) was submitted setting out proposed trial trenching and reporting for the site.
153. Design and Conservation officers have considered the proposal and heritage assessments and agree with the conclusions that the development would have no harm to the significance of designated heritage assets or the Hett Conservation Area. Archaeology officers have raised no objections to the proposals noting that the initial phase of trial trenching showed there to be no significant archaeological remains within the assessed areas. Officers have agreed that the remaining trial trenching works could be carried out prior to commencement of the development and conditions are recommended to secure this.
154. Subject to the imposition of conditions requiring further trial trenching and evaluation it is considered that the proposed solar farm would not conflict with CDP Policy 44 and would cause no harm to heritage assets in accordance with Part 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Agricultural Land

155. 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.
156. The proposed solar farm development would occupy approximately 108 hectares of agricultural land. An Agricultural Land Classification (ALC) assessment has been carried out for 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 proposed solar farm would not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

Cumulative Impact

157. Paragraph 185 of the NPPF advises that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative 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. 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.

158. The application site is currently comprised of agricultural fields, interspersed with associated farm buildings. On the periphery of the site are electrical substations and in the wider context there are the settlements of Hett, Spennymoor, Metal Bridge and Ferryhill. Significant development has occurred in recent years at Thinford to the west and Turisdale to the east, in particular the development of the Integra 61 site has created a significant landscape and use change for the area. Development is currently under way for a battery storage development to the immediate south west of the site and an application is being considered for a further battery storage development to the south of Thinford Lane.
159. The proposed solar farm included a section to the south of Thinford Lane but this has since been removed from the scheme.
160. A small solar farm was approved as part of the Integra 61 development to the north east of the site but this has not been constructed.
161. Concerns have been raised by Design and Conservation and Landscape officers that the proposed development would result in a coalescence of the settlements of Hett, Metal Bridge and Spennymoor via the recent developments at Thinford and Durham Gate. This may be how the development is interpreted in plan view but it is considered the from the ground the solar farm would not be read as a continuation of settlements and built development, but as a separate entity. The proposed solar farm actually has the effect of temporarily sterilising the site against permanent built development and therefore prevents a physical coalescence of settlements.
162. The proposed solar development would cumulatively add to the amount of energy infrastructure in the surrounding area which could lead to potentially significant cumulative effects arising from the existing substations, recently approved Battery Storage (DM/16/02869/FPA) facilities, but also current application for battery storage units (DM/22/00120/FPA). The level of cumulative impact and overall perceptions of the change in the character of the landscape has the potential to be notable especially in the short-medium term until any landscape proposals became established, although there is likely to be residual harm. These effects are likely to be particularly felt along Thinford Lane (A688) where would be some inter-visibility and/or sequential views of this developments and in wider views such as the Limestone Escarpment Ridge to the south on the edge of Ferryhill where there is likely to be some intervisibility between existing and proposed.
163. As described above, the proposed development would be viewed in the context of other energy developments and large scale commercial developments. However, the proposed solar panels would be of a modest height themselves and the associated screening would bring benefits to the site, as well as limiting intervisibility between developments. It is therefore considered that whilst there would be a cumulative impact, this would not be unacceptable or overbearing. It is therefore considered that the solar farm proposal would not conflict with CDP Policy 31 and Part 15 of the NPPF.

Safeguarding Areas

164. Paragraph 45 of the NPPF states that Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them. 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 Moorsely 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. 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 area to acceptable levels.

165. A high pressure gas pipeline (6904_ Operated by SABIC) goes through part of the western side of the proposed solar farm. 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 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. SABIC have been consulted and have provided guidance to the applicant in relation to working in proximity to pipelines. Subject to avoidance of the gas pipeline, in accordance with the submitted site layout plan, it is considered that there would not be a conflict with CDP Policy 28 or Part 4 of the NPPF.

Other Matters

166. Objectors have suggested that the site is in the Green Belt but this is not the case and the nearest part of the Green Belt is located approximately 800m to the north of the site. It has also been suggested that solar development should be located on brownfield or previously developed land. Applicants are welcome to select previously developed land for solar development but there is no policy requirement to do so.
167. The site is located approximately 60m from the East Coast Mainline (at its nearest point). CDP Policy 10 states that new development in the countryside must not be prejudicial to railway safety. Network Rail have been consulted on the application and raised no objections subject to a condition for monitoring and potential implementation of remedial measures in the event that glint and glare from the site affects signal sighting or driver distraction. The submitted glint and glare assessment that the impact to rail receptors would be low or no impact. Subject to the proposed condition it is considered that the proposal would accord with CDP Policy 10 in this respect.
168. CPRE raised concerns that there is a mention of a 'battery unit' within the Design and Access statement. The purpose of the Design and Access statement is to show the evolution of the site design up to the point at which it is submitted as a planning application. It is likely that a battery unit was initially considered for the site but then subsequently removed. For clarity, there is no proposal to include battery storage as part of the development.

Public Sector Equality Duty

169. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and

persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.

170. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

171. Although there would be unacceptable landscape harm in conflict with CDP Policies 10 and 39 it is considered that the benefits of the proposal outweigh this harm. The proposed solar farm development would provide a significant renewable energy source using solar power sufficient to provide clean energy for up to 9,444 homes whilst also reducing dependence on fossil fuel power stations. Further benefits of the scheme include significant biodiversity and landscape improvements to the site and direct employment to the construction industry. Officers consider that the proposed solar farm would accord with CDP Policy 33.
172. Although changes have been made to the proposed solar farm during the course of consideration of the application, it would still constitute development in the countryside resulting in landscape harm sufficient to conflict with CDP Policy 39. Efforts have been made to screen the solar arrays and from many public viewpoints the arrays would be obscured by vegetation or topography. In more open, and distant views the solar arrays would be seen as a developed feature within a semi-rural landscape that could not be mitigated by screening. All other material considerations have been taken into account in the determination of the solar farm application and found to be acceptable.
173. Whilst it is accepted that the proposed solar farm would have an impact to the landscape it is considered that the benefits of the development in terms of energy supply and security, support for renewable energy, biodiversity enhancement and job creation would outweigh that harm and planning permission should be granted.
174. The proposed development has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, environmental and economic benefits.
175. The solar farm proposal is considered to broadly accord with the relevant policies of the County Durham Plan and relevant sections of the NPPF.

RECOMMENDATION

176. That application no. DM/21/02990/FPA for the installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure be **APPROVED** subject to the following conditions and completion of an agreement under Section 39 of The Wildlife and Countryside Act 1981 to secure biodiversity management for the life of the development:
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.

- 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.

- This consent is granted for a period of 40 years from the date of energisation of the Solar Farm to 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, 31 and 39 and Part 15 of the National Planning Policy Framework.

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

GBR_Hett Moor Farm_LP3-BDL-PL_05-A3	Site Layout Plan
P20-0319.005	Detailed Landscape Proposals
UK_EPD_RCS	Road Cross Section
UK_EPD_SWG	Switchgear / Production Substation
PNL.4L-25-6665	Panel Elevation
UK_EPD_FNC	Fence Detail
UK_EPD_GTD	Gate Detail
UK_EPD_DNO	DNO Substation
UK_EPD_CSS	Customer Substation
UK_EPD_MTR	GRP Cabinet
UK_EPD_INV	Inverter Detail
UK_EPD_MH/CB	Monitoring House
UK_EPD_S40	Spare Parts Storage
UK_EPD_TLT	Toilet
UK_EPD_TFM	Transformer
UK_EPD_WMF	Weld Mesh Fence
UK_EPD_WMG	Weld Mesh Gate
UK_HUL&SRT_EPD_66kv	66KV Substation

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.

- 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.

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 construction 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. The mitigation measures detailed with the flood risk assessment shall be fully implemented prior to commencement of operations of the 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 and Part 14 of the National Planning Policy Framework.

8. 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.

9. Within 24 months of the completion and commencement of operations of the development hereby approved (such a date as to be notified to the LPA) in the event of any complaint to the Council from Network Rail relating to signal sighting safety or driver distraction, upon notification to the LPA, the applicant or operator of the solar farm shall as soon as possible and not later than 28 days, submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

Reason: To ensure the safety, operational needs and integrity of the railway in accordance with County Durham Plan Policy 10 and Part 9 of the National Planning Policy Framework.

10. 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 County Durham Plan Policy 39 and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.

11. Prior to the commencement of development, a landscaping scheme shall be submitted for approval in writing. This scheme shall include provision for tree planting on the western edge of the roundabout connecting the A688 and A177 road at Tursdale with provision for long term management for trees within the site boundary. The approved landscaping scheme shall be implemented on site in the first planting season following the development being brought into use. Any tree or shrub which may die, be removed or become seriously damaged within a period of 5 years from the first implementation of the approved landscaping scheme shall be replaced in the first available planting season thereafter.

Reason: In order to provide landscape enhancement and screening for the development in accordance with Policy 39 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the 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 Written Scheme of Investigation.

Reason: To safeguard any Archaeological Interest in the site in accordance with County Durham Plan Policy 44 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 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 in accordance with County Durham Plan Policy 44 and Part 16 of the National Planning Policy Framework.

14. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

15. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with 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.

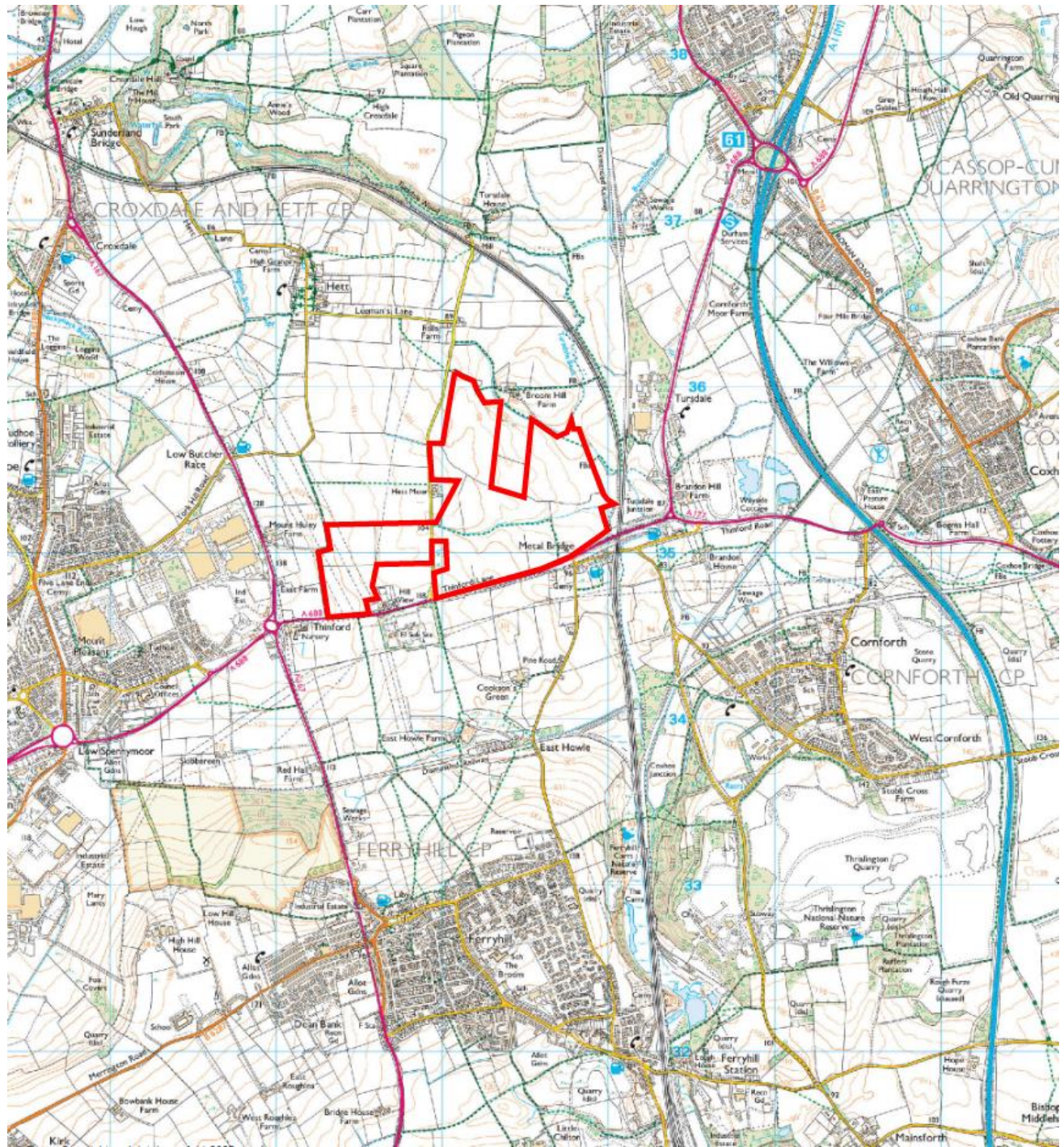
Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14, 31 and 39 and Part 15 of the National Planning Policy Framework.

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 Policy for Waste
- 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

DM/21/02990/FPA

Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure

Croxdale Farms, Hett Moor Farm, Hett, Durham

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Comments

Date May 2022

Scale Not to Scale