

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/01769/FPA
FULL APPLICATION DESCRIPTION:	Installation and operation of a ground mounted photovoltaic (PV) solar energy generation system (solar farm), battery storage facility, electrical substation and associated infrastructure.
NAME OF APPLICANT:	Lightsource BP
ADDRESS:	Land East of Edge Lane, Maiden Law, DH7 0RY
ELECTORAL DIVISION:	Lanchester
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 <u>chris.shields@durham.gov.uk</u>

DESCRIPTION OF THE SITE AND PROPOSALS

1. The site of the proposed solar farm occupies an area of around 92.6 hectares (ha) and largely comprises a series of agricultural fields and areas of dense woodland (varying in width between 30-180 metres). The woodland would be retained and enhanced and serve to enclose and break up the arrangement of the proposed solar panels into a series of fields. Edge Lane runs in a north-west / south-east direction and binds the western boundary of the proposed development site. Green Lane, which runs in a broadly north to south direction, is situated to the immediate east of the site. The edge of the settlement of Burnhope is positioned approximately 200m south of the application red line boundary. An existing substation is within the defined boundary of the site and is situated to the immediate east of Lanchester Road (A6076). Edge Lane would act as the primary access point during the construction and operational phases of the proposed development. A secondary access point off Green Lane would also be used for occasional maintenance purposes during the operation phase of the solar farm.
2. The site does not lie in an area covered by any national or local landscape designations. An area of Higher Land Value (AHLV) is located immediately to the west of Edge Lane, leading down to Lanchester, known as the 'Browney Valley'.
3. The Green Croft and Langley Moor Site of Special Scientific Interest (SSSI) is located around 250m to the north of the site and Chapman's Well Local Nature Reserve (LNR) is situated to the immediate north. Burnhope Pond Local Wildlife Site (LWS) is located around 190m south/west of the site. There are no other national or local landscape designations within 3km of the proposed solar farm site.
4. The entirety of the site is within the lowest risk flood area, Flood Zone 1.

5. There are no designated heritage assets within the solar farm application boundary. The Grade II Listed Burnhope War Memorial is around 260m to the south of site, and is the closest heritage asset. Additionally, the Grade II* listed Little Holmside is situated around 1.3km to the east of the development site. Lanchester Conservation Area lies approximately 1.2km to the west at its nearest point and there are a number of listed buildings within this designation.
6. There are public rights of way within the site boundary, all of which are in Burnhope Parish. Whilst not distinguishable on the ground, the Council's Definitive Map shows that Footpath No. 24 passes through the site from the access point at Edge Lane and routes south-east into Burnhope village via Footpaths No. 25 and 28. Footpath No. 26 stems broadly in an east-west direction along the southern boundary of the main parcel of land where solar panels are proposed and links to Footpaths No. 24, 25 and 28. Situated outside the defined boundary of the site, Bridleway No. 22 and 23 run in an east-west direction between Edge Lane and Green Lane, and separate the main parcel of land where solar panels are proposed from the northern areas of the site.
7. The nearest residential properties are Morrow Edge to the east of Green Lane and Tait's House to the east of Edge Lane, which are both around 85m from the development site. The nearest settlement is Burnhope, which is located approximately 200m south of the application red line boundary. Additional nearby settlements include Maiden Law approximately 800m north-west, Quaking Houses and Stanley approximately 1km and approximately 2.5km north-east, Lanchester approximately 1.6km west, and Annfield Plain approximately 2.5km north.
8. The entirety of the site is located on an area that has been designated as Mineral Safeguarding Areas for coal and the site is also entirely within a Coalfield Development High Risk area.

Proposal

9. The proposed development comprises solar panels arranged into linear arrays facing to the south-west. The solar panels would be composed of photovoltaic cells designed to maximise the absorbency of the sun's rays and to minimise solar glare. The proposed development site extends across 92.6 ha of land in total, with around 32 ha being occupied by the solar array panels. The layout has been amended during consideration of the application.
10. The solar panels would be mounted on a metal frame supported by pile driven foundations, without the need for concrete foundations. Between each line of solar panels there would be a gap of approximately 2.5m to avoid overshadowing from one solar panel to another. All solar arrays would be tilted at 25 degrees from the horizontal axis with a maximum height of around 3m.
11. In addition, 24 inverters and 24 transformers with adjoining switchgear substations would be constructed. The north-western corner of the site includes the 66kv substation, battery storage facility made up of six battery containers, and 12 conversion energy systems, two auxiliary transformers, storage building, monitoring and communications building with associated weather station and communications equipment, and composting toilet. The solar farm and battery storage unit would require a connection to the electrical transmission network, which would be provided by a proposed 66kV substation in the north west of the site. The substation would include a Distribution Network Operator (DNO) telecoms mast, a 50MVA transformer, access roads, a DNO compound area, a control room, a client switch house, and three parking spaces. The substation would be located within a stock fence and palisade fence, with the DNO telecoms mast being the tallest structure at around 15 meters in

height and located in the south west corner. An underground 66kv cable would extend north along Edge Lane and north-east along Lanchester Road to connect the 66kv substation to the DNO substation

12. The solar panels would be set back from the site boundaries to allow for perimeter security fencing, CCTV coverage and maintenance access. The panels would also be set back from existing Footpaths and Bridleways that surround the site.
13. 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 and post / deer stock fence around the application site. The openings within the mesh of the stock fence, and mammal gates located throughout the fencing, would enable free movement of hedgehogs and other wildlife such as amphibians, hare and badger. CCTV cameras would be positioned to cover the site access points in order to provide security to the site and discourage unauthorised access by members of the public.
14. Four new native species-rich hedgerows and two new native species-rich hedgerows with trees would be planted throughout the site. Species-rich wildflower meadow would be planted around the footprint of the panels and the surrounding land within the site, creating large borders of diverse grassland. Two ecological enhancement areas, measuring approximately 8.16ha combined, would be created in the south east and south west parts of the site, comprising species-rich neutral grassland to provide meadow for a range of bird species.
15. The construction phase of the development would create up to 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 would last for approximately six months.
16. The PV installation would result in a reduction in carbon emissions associated with energy generation equating to approximately 14,341 tonnes of CO2 per annum. This is the equivalent to removing around 7,908 cars from the road each year, powering over 33,138 electric vehicles per year, or meeting the energy needs of over 13,861 homes per year.
17. The development would occupy the site for a temporary period of 40 years, after which the equipment would be removed and the land reinstated.
18. The application is being reported to Planning Committee as it is a major development with a site area greater than 1 hectare

PLANNING HISTORY

19. The site has been subject to surface coal mining (Chapmans Well, 1985) and subsequent restoration works. There is no recent planning history for the site.

PLANNING POLICY

NATIONAL POLICY

20. 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.
21. 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.
22. *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.
23. *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.
24. *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.
25. *NPPF - Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
26. *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.
27. *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.

28. *NPPF - Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

29. 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>

30. 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)

31. *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.
32. *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.
33. *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.

34. *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.
35. *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.
36. *Policy 28 – Safeguarded Areas* – Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsley Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.
37. *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.
38. *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.
39. *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.
40. *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.

41. *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.
42. *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.
43. *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.
44. *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.
45. *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:

46. 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:

47. *Burnhope Parish Council* – objects to the proposal due to the development being excessively large and detrimental to local residents, impacts to wildlife and agricultural land. They are also concerned about the loss of connectivity for wildlife, possible loss of public footpaths, and the lack of evidence for job creation. The council feels that the planning gain is inadequate, given the site's scheduled 40-year use, and requests that the application be refused, but if it is approved, they ask for a larger financial benefit for residents.
48. *Greencroft Parish Council* – objects to the proposal and have stated that the need for renewable energy and sustainability must be balanced with the health and well-being of the population and surrounding nature. The proposed site is considered not to be suitable for a solar panel installation, and greenfield agricultural land should be used as a last resort. The loss of productive agricultural land will exacerbate the UK's inability to be self-supporting in food production. Previously industrialized areas, such as the one surrounding Burnhope, need to be preserved for the mental benefit of the population.
49. *Highway Authority* – has raised no objections to the proposals. Officers have confirmed that the applicant's proposal to upgrade the access to highway standards on Edge Lane as part of the solar farm works is acceptable. During the construction phase, it is anticipated that the amount of movements in and out of the access will not exceed 15 daily movements, and a transport statement and construction management plan have been prepared. The access must be upgraded in accordance with the requirements of Section 184(3) of the Highways Act 1980, and developers must adhere to The County Council of Durham Road and Street Works Permit Scheme, which permits access to the public highway
50. *Natural England* – has raised no objections to the proposals. Officers have commented that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites.
51. *Lead Local Flood Authority (Drainage and Coastal Protection)* – has raised no objections to the proposals. Officers have provided advice to the applicant in respect of flood mitigation.
52. *Northern Power Grid* – has raised no objections to the proposals. Plans have been provided showing safe digging areas within the application site.
53. *National Grid* – has advised that there are no National Grid assets that would be affected by the proposals.

INTERNAL CONSULTEE RESPONSES:

54. *Archaeology* – has raised no objections. Officers have stated that there may still be potential for archaeological remains on the site, despite geophysical survey results showing otherwise. They recommend conducting pre-commencement trial trenching to confirm the survey results and assess the potential for any remains. A standard phased works condition for archaeological work is recommended, which would allow for multiple phases of work if required. Officers have advised the client to be aware of the risk of encountering significant remains during trenching and to be willing to accept this risk.

55. *Ecology* – has raised no objections: Officers have commented that the mitigation measures for waders have been improved with a larger area designated for habitat creation and management, which meets the National Planning Policy Framework (NPPF) and Local Plan requirements for Biodiversity Net Gain (BNG) and is not expected to have any negative impact on protected species. To ensure compliance with the mitigation plan, an appropriate legal agreement should be put in place for the production and delivery of a Biodiversity Management and Monitoring Plan that outlines habitat establishment, management, monitoring, and review for a minimum period of 30 years and aligns with ecological reports and landscape plans.
56. *Environmental, Health and Consumer Protection (Contaminated Land)* – has raised no objections to the proposals. Officers note that there is a potential risk associated with land contamination and ground gas and recommend a condition to require further assessment prior to the commencement of development.
57. *Environmental, Health and Consumer Protection (Air Quality)* – has raised no objections. Officers have commented that the Transport Statement for the construction phase of the development estimates 1,305 HGV deliveries for materials, but notes that the limited number of vehicle movements would not have a significant impact on pollutant concentrations. The Construction and Decommissioning Method Statement contains measures to manage air quality and dust issues. During the operational phase, there will be negligible trip generation and no notable emissions to air, except for limited vehicle movements associated with maintenance.
58. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals. Separate advice has been provided in relation to noise and glint and glare. Officers have advised that a condition be imposed to require mitigation measures set out in Section 7 of the Glint and Glare Assessment be carried out. Officers have also recommended a condition to restrict noise levels to 7dB above background during daytime hours (0700 – 2300) and 0dB above background during night time hours (2300 – 0700) for noise sensitive receptors.
59. *Landscape* – has raised no objections to the proposals. Officers have commented that the revisions to the site layout reflect some of the issues raised in discussions. The changes would have some localised benefits to landscape features and landscape character and would locally reduce visual effects on users of some sections of PROW, drivers on Edge Lane and residents on the western edge of Burnhope. However, officers remain of the opinion that the installation of solar panels within the currently open and attractive countryside site would create a major change in the visual environment currently experienced locally by receptors.
60. *Public Rights of Way* – has raised no objections but have raised some concerns. Officers have commented that the perimeter fence will be set back from the footpath, but there are concerns about the potential maintenance liability of the footpath due to vegetation growth. The proposed main vehicular access and maintenance vehicle access tracks could impact the quiet and enjoyable routes for horse riders, cyclists and pedestrians. The public rights of way have high aesthetic and recreational value, and the proposed development could result in a reduction in aesthetic quality of both the public rights of way directly affected by the proposal and the wider network.
61. *Low Carbon Economy* – supports the proposals. Officers have commented that the UK needs to increase its percentage of renewable energy installations and this development will help to achieve the medium-term ambitions of a decarbonised electricity grid, helping to reduce reliance on foreign imports of oil and gas. Solar PV is regarded as temporary development and as such can be removed if there is a need

to bring land back into arable production, however there is likely to be a biodiversity net gain if the grass is managed appropriately.

62. *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:

63. 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 788 neighbouring properties. 466 objections and 19 letters of support have been received in response to the consultation and subsequent reconsultation.

Objection

64. Nearly all objections to the development raise impact to landscape as the main issue. This is both from views from residential properties and from public rights of way within and around the site.
65. Objectors have stated that the proposed development is not appropriate for the character, function, form, and setting of Burnhope, as it is over 2.5 times the acreage of the village and contradicts the principles and policies of the County Durham plan. The development is also not temporary and will dominate the village for longer than the lifetime of the majority of the residents. The development will also take away the opportunity for residents to walk in the beautiful countryside, which is important for their health and wellbeing, as the proposed screening will take over 10 years to grow and be rarely more than 2m in width. Furthermore, many residents are elderly and have mobility difficulties, and the proposed development will take away the only safe and level walking available, condemning them to walk on narrow paths enclosed by high fences staring at rows of steel and glass.
66. Issues are raised in respect of harm to biodiversity on and around the site, particularly birds with a suggestion that some birds may collide with the panels. It has been suggested that biodiversity value of the site would take many years to recover. The Chapman's Well local nature reserve in County Durham was created from land given by the Coal Board after opencast mining. The proposed solar development in the adjacent fields will destroy the interconnected habitat and affect the wildlife including deer, birds, and the quality of the soil. Security fencing will remove traditional pathways for transitory animals and change the nature of the local wildlife. The loss of habitats suitable for ground nesting will have a devastating impact on endangered species such as curlews.
67. The loss of farmland for food production has been raised and objectors have stated that the UK is not self-sufficient in terms of food and that this should be prioritised. Objectors have stated that the County Durham Plan does not give much attention to agriculture and food production, but it is essential to increase our self-sufficiency in food production due to the costs and complexities of Brexit and the war in Ukraine. The UK is losing over 100,000 acres of land every year to development, while yields are declining due to climate change. We import 40% of our food, and this could rapidly increase to 50%, making it costly and not readily available. The fields in the proposed

site are suitable for cereals and grass with high yields, which can be grazed or harvested over most of the year. Solar developments are taking away our farmland, which is a finite resource, and food security is critical. Instead, solar developments should be placed on the vast untapped roof space in the UK.

68. In respect of residential amenity, it has been stated that the development would be noisy both during construction and in operation and that residents would be exposed to glare once the site is operational. Residents are also concerned about safety risks from electrical equipment including radiation and the potential for fire, explosion and toxic fumes. It has been requested that if the development is permitted that noise limits be restricted.
69. Objectors have raised the concerns about the inefficiency of solar panels and have stated that better alternatives are available. It is suggested that coastal sites and brownfield sites would be preferable, along with installing panels on factory roofs. It is also suggested that wind turbines away from the general public and residential areas would be preferable.
70. Concerns have been raised regarding damage to greenhouses and outside structures from flying glass (presumably from damaged solar panels)
71. Several objectors have raised concerns about the safe operation of battery storage on the site.
72. Impact to house prices has been raised as an issue and queries have been made about compensation if houses devalue as a result of the development.
73. It has been stated that the proposed community fund is insufficient.
74. *Councillor Oliver (Lanchester)* – supports solar power but cannot support the proposal due to its vast size and the concerns raised by residents about the impact on the village, wildlife, and walking routes. Concerns are also raised about the lack of sufficient community benefit relative to the operator's revenue stream.
75. *The Council for the Protection of Rural England (CPRE)* – objects to the development due to concerns about the amount of agricultural land, whatever its agricultural grade, being lost to purposes such as this. In addition, it will potentially impact on the landscape (including an AHLV) and PROWs in a detrimental way. It is also stated that there is insufficient information relating to Biodiversity Net gain or Battery Storage.
76. *Royal Society for the Protection of Birds (RSPB)* – objects to the development due to the potential impact on priority bird species, including curlew, lapwing, and skylark, and notes that the proposed mitigation plan is inadequate in size and placement to sufficiently provide habitat for these birds. The mitigation areas are also not ideal for waders and lack reference to further enhancement works or long-term management plans. It is also stated that compensating measures, such as seeding the land with meadow mixture, are not realistic solutions.
77. *Durham Wildlife Trust* – objects to the proposals due to a lack of mitigation for breeding birds, lack of reassurance regarding Biodiversity Net Gain and the absence of a Landscape and Ecological Management Plan and Monitoring Plan.

Support

78. Support is offered from landowners who have explained that the soil structure across the site is poor, making it difficult to grow arable crops and that it is too wet for winter

livestock. In addition, animals kept on the site have been scared by dogs and fences/gates have been cut or left open allowing animals to escape with instances of them being knocked over on roads.

79. The majority of the support letters cite renewable energy to be the main benefit and the wider benefits that would flow from this.

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=QLH3JWGDKE00&documentOrdering.orderBy=documentType&documentOrdering.orderDirection=ascending>

APPLICANTS STATEMENT:

80. 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.
81. The proposed solar farm will make a significant contribution to increasing renewable energy generation and reducing carbon emissions in the context of a nationally and locally declared Climate Emergency.
82. Durham County Council declared a Climate Emergency in 2019 and subsequently adopted a Climate Emergency Action Plan, which commits to making County Durham carbon neutral by 2045. The application will make a significant contribution towards achieving these goals.
83. 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. The UN have 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.
84. The Government have set out ambitions to deliver Net Zero and secure our energy sufficiency and they recognise the importance of solar in achieving these aims, particularly as it is the cheapest and quickest form of renewable energy to deploy.
85. The Burnhope 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 the land to remain in agricultural use through co-use of the site with grazing opportunities,
 - contributing to the future and long-term viability of the landowners, all of whom are local farmers,
 - Contribution of £500,000 towards the local community through the provision of a Community Benefit Fund, with an investment structure that ensures access to funds exists in perpetuity,
 - planting of new hedgerows, trees and shrubs,
 - securing a range of ecological enhancements including an 80% biodiversity net gain.

86. 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.
87. Lightsource bp held a public consultation event in April 2022, with approximately forty members of the public attending. In general, the local community supported the principle of renewable energy, however, there were concerns regarding the visibility of the project, impacts on public rights of way and ecology and local employment opportunities. These were considered and responded to through the course of the application process and included the removal of panels from the field which is closest to the boundary of Burnhope.

PLANNING CONSIDERATIONS AND ASSESSMENT

88. 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 and visual impact, access and traffic, residential amenity, flooding and drainage, ecology, recreational amenity, cultural heritage, agricultural land, cumulative impact, safeguarded areas, community fund, other matters and public sector equality duty.

Principle of Development

89. 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.
90. 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.

91. In light of the 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

92. 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.
93. 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.
94. 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.
95. The development would not result in the coalescence of settlements or adversely impact on the townscape of neighbouring settlements. The proposals would also not constitute ribbon development.

The site is within flood zone 1 and would not increase offsite risk of flooding. The purpose of the development is to generate renewable energy and it would therefore be inherently resilient to the impacts of climate change.

96. 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.

- 97. It should be noted that the CDP has identified areas suitable for wind turbine development but not for solar.
- 98. 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 and Visual Impact

- 99. 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.
- 100. 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.
- 101. 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.
- 102. 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.
- 103. The site lies in the West Durham County Character Area which forms part of the larger Durham Coalfield Pennine Fringe National Character Area. It lies in the Browney Uplands Broad Character Area which belongs to the Coalfield Upland Fringe Broad

Landscape Type. The south-west area of the site is made up of Sub Type Reclaimed Land (High ridge & valley farmland: walled pasture Local Landscape Type). The central and northern area are made up of Sub Type Reclaimed Land (High ridge & valley farmland: wooded pasture Local Landscape Type).

104. The site is not covered by any national or local landscape designations. The site does not lie in an area identified in the County Durham Plan as an Area of High Landscape Value (AHLV). Trees within the site are not covered by a Tree Preservation Order (TPO).
105. The site comprises agricultural fields, bounded by ditches, hedgerows and belts of woodland. Existing fields could potentially be grazed by livestock but would be visually concealed by solar panel installations, associated buildings and infrastructure over an operational period of 40 years. The development would require access roads for inspection and maintenance which would require the removal of a 4m section of hedgerow from the mid-south section of the site.
106. The site currently comprises small to medium wooded and walled pastoral fields, which form a rural landscape, intercepted by public rights of way and farm access tracks. The change in appearance from rural fields to a fenced solar installation comprising the above constructed elements has the potential to bring about significant adverse and temporary landscape effects locally.
107. The LVIA concludes that the landscape of the site and surrounding area is generally of medium sensitivity and that the magnitude of change would be high resulting in moderate adverse effects. These effects would be considered significant, particularly in the early stages of the development but would ultimately be temporary and have the potential to reduce over time due to the establishment of landscape planting. It is also a consideration that a solar farm would be transformational in terms of landscape character cumulatively and depending on the locations of other solar farms there could be potential landscape effects on the wider county and national character areas.
108. The County Durham Landscape Value Assessment (2019) indicates that the land within the site is typical of the landscape unit known as 7a xiv Chapman's Well character area. Contributors to landscape value within this sub-area are assessed by consideration and judgements on the following attributes: Landscape condition: medium, Scenic quality: medium Rarity: medium, Representativeness: medium, Conservation interests (natural): high, Conservation interests (historic) low to medium, Recreational value: high, Perceptual aspects: low to medium and Cultural associations: not assessed. The results of the 2019 assessment confirm that the landscape within and surrounding the site does have some special qualities of value.
109. The south-western areas of the site are visible from Edge Lane, which forms the south-west site boundary. The existing woodland plantation opposite Tait's House currently screens the site. Considering the proposed 40 year operational period, the longevity of this plantation in its current state should be given reduced weighting, as felling of the trees would create an open aspect akin to the rest of the land adjoining Edge Lane, which would increase the visibility of the wider proposed site. The site is currently visible in varying degrees due to the undulations in the road levels which form crests, making the site more visible to receptors. There are sequential views of the site when travelling along Edge Lane in both directions.
110. The site is visible at close range from the public rights of way which pass through the site. These routes include Public Bridleway 22 (Burnhope Parish) from Edge Lane to Green Lane past Morrow Edge farm. The proposed site is visible with close range and sequential views to the north-west and south-east. Public Bridleway 23 (Burnhope

Parish) runs parallel to and south of Bridleway route 22 offering close range views of the site mainly to the south but also to the north due to gaps in adjacent woodland. Public footpath 21 (Burnhope Parish) approaches the site from the north offering sequential views of the north-west edge of the site. Public Footpath 24 (Burnhope Parish) connects Edge Lane with land to the south-east and passes through the site to connect with Burnhope and to public footpaths 25, 26 and 28 (Burnhope Parish) located to the north-west of Burnhope. These routes offer close range and more distant views of the proposed site. Public Footpath 38 (Burnhope Parish) is located on higher ground and potentially offers views of the site to the south-west. Public Footpath 2 (Lanchester Parish) emerges from land to the south-west onto Edge Lane and the proposed site is visible from this location.

111. Chapman's Well Local Nature Reserve (LNR) is situated to the north of the site and the site would be visible to receptors within this area. Burnhope Pond Local Wildlife Site (LWS) is located to the south of the proposed site and the site would also be visible to receptors within this area.
112. Residences outside of adjacent settlements from where the site could be visible include Chapman's Well Farm to the north-west of the site, Morrow Edge Farm and Bank Top Cottage to the north and within the site and Stream Valley Farm to the east of the site.
113. There are intervening hedgerows between the north-western edge of the village of Burnhope and some areas of the site would be visible from this adjacent settlement, particularly during the winter months. Areas within the centre of the site are visible in distant views from settlements on the higher ground to the north and north-west for example around the A6076 North of Maiden Law, Annfield Plain and Harelaw. These are distant views and relatively small areas of the site are visible as distant elements from a small number of locations. This is due to visual containment from plantations and variations in topography within the site and the surrounding landscape.
114. The LVIA concludes that '*a number of sensitive residential, recreational and road receptors could experience major to moderate adverse effects from the development particularly in the short-term... However, it should be noted that these receptors are all either within, adjacent to or near to the site. The new planting mitigation will assist with reducing these effects in the long-term.*' The extent of landscape mitigation proposed would without doubt screen and filter the development from local sensitive receptor locations in the longer term following the establishment of the vegetation at approximately 7 to 10 years after planting.
115. Landscape officers have stated that the site, as an area of attractive countryside, offers open and unimpeded views from receptor location such as rights of way and these views contribute to the visual, residential and general amenity of the locality. The proposals to install solar panels within these open views followed by the creation of an enclosed network of rights of way would create a major change in the visual environment currently experienced locally by receptors, which would be detrimental and should be considered within the planning balance.
116. 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.
117. 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 is proposed it would take longer – particularly from footpaths crossing the site and elevated sections of Edge Lane. In some views mitigation measures would have a negligible effect.

118. The proposed site does not lie within an Area of Higher Landscape Value (AHLV) and comprises reclaimed land that now forms pastoral fields, flanked by hedgerows and woodland plantations which create an appealing landscape composition. An AHLV does, however, lie to the immediate west of the site. The proposals include landscape and visual mitigation, to compensate for the change brought about by the proposed solar farm and to facilitate visual screening, ultimately resulting in a more industrial and enclosed landscape character which would be transformational, given the existing baseline landscape. The proposals would be more noticeable locally and would be detrimental to visual amenity due to a loss of rural views and this would be harmful to general amenity.
119. The land within the development site forms an attractive area of countryside and the proposed development would give rise to some changes in character with adverse effects, with the potential to reduce over time. There would be adverse effects on visual amenity and general amenity. However, additional areas of planting would be created and all existing recreational routes within the site would remain open. 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.
120. It is noted that Landscape officers consider the proposals would have an impact to visual amenity, particularly from local and recreational viewpoints but this is not unusual for a development of this scale. The proposed location on a relatively flat and raised position within the wider landscape would limit the impact of such a development. To assist in screening the development the applicant has proposed additional woodland planting and the protection and enhancement of hedgerows within the development site. It is therefore considered that the proposal would not conflict with CDP Policies 39 and 40 and Part 15 of the NPPF.

Access and Traffic

121. 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.
122. The construction access for the site would be from Edge Lane on the western side of the site and there would be an additional maintenance access from Green Lane to the north east of the site.
123. 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 7 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 1355 deliveries to the site during the 7 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.

124. Highways officers have considered the proposal and find the access arrangements for both the construction and operational periods to be acceptable. Officers have advised that the site access from Edge Lane must be upgraded and constructed in accordance with the requirements of Section 184(3) of the Highways Act 1980 should planning permission be granted.
125. Whilst the proposed solar farm would generate a degree of construction traffic for the 7 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.
126. 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

127. 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).
128. 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.

129. The nearest residential properties are Morrow Edge to the east of Green Lane and Tait's House to the east of Edge Lane, which are both around 85m from the development site. The nearest settlement is Burnhope, which is located approximately 200m south of the application red line boundary. Additional nearby settlements include Maiden Law approximately 800m north-west, Quaking Houses and Stanley approximately 1km and approximately 2.5km north-east, Lanchester approximately 1.6km west, and Annfield Plain approximately 2.5km north.
130. 466 objections have been received in response to the proposal including responses from the Burnhope and Greencroft Parish Councils. Many of the objections raise the issues of noise, glint and glare and visual impact.
131. 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.
132. A Noise Impact Assessment has been submitted in support of the application. The report assesses the potential noise impact of the development on nearby noise-sensitive receptors, using the British Standard 4142:2014+A1:2019 methodology. The assessment finds that the development would generate noise levels that are typically equal to or below existing background sound levels and would not cause any observed adverse effect on behaviour, attitude, or other physiological responses. Therefore, the development meets national policy requirements and should not be constrained by noise, provided it is constructed and operated according to the assumptions of the report.
133. 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. 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 impact to a limited number of residential properties it is considered that the visual impact of the site in terms of residential amenity would not be unacceptable.
134. 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 have, however, recommended a condition to control noise levels from the site. This would require the rating level of noise emitted from fixed plant/machinery on the site to not exceed the background (LA90) noise levels as detailed within the Noise Impact Assessment, at 1m from the façade of any noise sensitive receptor, by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00.
135. 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

136. 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.
137. 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.
138. 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
139. 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

140. 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.
141. 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.
142. 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.

143. The site is located entirely within Flood Zone 1. The impermeable area created by the development is small relative to the site area and will only have a small impact on the runoff rates from the site. A Sustainable Drainage System (SuDS) scheme, including a swale system, has been proposed to reduce the runoff rate to less than the undeveloped rates. The submitted Surface Water Drainage Scheme concludes that the proposed development is appropriate in Flood Zone 1 and with the recommendations adopted, the capacity to manage surface water runoff from the development onsite without causing a detrimental risk to the groundwater is possible.
144. 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. 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

145. 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.
146. CDP Policy 25 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.
147. 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.

148. The Green Croft and Langley Moor Site of Special Scientific Interest (SSSI) is located around 250m to the north of the site and Chapman's Well Local Nature Reserve (LNR) is situated to the immediate north. Burnhope Pond Local Wildlife Site (LWS) is located around 190m south/west of the site. There are no other national or local ecological designations within 3km of the proposed solar farm site.
149. 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, breeding bird survey and eDNA survey. The potential impacts to protected species has been considered, including birds, bats, badger, otter, water vole, amphibians and reptiles.
150. The site does not have ponds and the adjacent ones have negative or inconclusive results for Great Crested Newts (GCN). However, there is evidence of amphibians present within the zone of influence, and they could use the limited suitable habitats on the site terrestrially. The proposals would not impact upon local protected and notable amphibians species. With the addition of proposed enhancement areas and wildflower/grassland field margins, opportunities for shelter, hibernating, and commuting may even be improved for amphibians. Precautionary working methods to avoid potential disturbance of terrestrial amphibians should be implemented through a Construction and Environmental Management Plan. Overall, it is considered that the scheme would not have a significant impact on the local amphibian populations.
151. Although no evidence of badgers was found directly on the site, two "push-throughs" and two setts were identified near the site. It is likely that badgers use the site for foraging and commuting, and the site is considered to be of local ecological importance for badgers. In the absence of badger setts on site it is concluded in the Ecological Impact Assessment that no mitigation is required for this species.
152. The proposed solar farm site is considered of negligible importance for bats due to lack of suitable habitat and features. The boundaries will remain unlit, and retained trees will have bat boxes installed. Habitat enhancements such as native hedgerow planting and wildflower meadows will improve the site for invertebrates that bats feed on. Safeguards, such as a root protection zone buffer, will be put in place to protect potential bat roosts within boundary trees during construction. The scheme is not expected to have a significant impact on bats and may even provide improved habitat.
153. The site is of local ecological importance for breeding birds, including five priority bird species. The proposed development will result in the loss of some breeding bird habitat, particularly for ground nesting bird species. However, the proposal includes the creation of two large ecological enhancement areas to compensate for the habitat loss, which will be located in the south-western and south-eastern corners of the site. Hedgerows and hedgerows with trees, where dunnock and song thrush are likely to breed, will be retained as part of the proposal. The site was considered of negligible importance for wintering birds. The proposal involves creating shallow depressions called 'wader scrapes' in the lower lying areas of the enhancement area to support breeding waders and their chicks. The areas surrounding the solar panels shall be planted with meadow/wildflower mixtures to create improved nesting opportunities for ground nesting birds. The planting of additional native species hedgerows and trees shall provide additional nesting and foraging opportunities for various bird species.

The proposal also includes the installation of two barn owl boxes. Vegetation removal and groundworks are recommended to be scheduled between September and February to avoid impacting ground nesting birds and birds nesting within woody vegetation. If not possible, an ecologist will check for active nests prior to any works. Some bird species may nest year-round, so due diligence is required by contractors when felling trees even outside the core nesting season.

154. There are no suitable habitats for otter within the site boundary, with the small ditches considered to provide suboptimal habitat for otter. There are barriers for dispersal of this species, with a number of main roads and large expanses of farming fields, between the River Browney and the site. It is therefore considered that the site is of negligible importance for otter.
155. The site is considered to unlikely to support any other protected/ notable species, therefore mitigation measure are not required. However, enhancement measures being implemented for other species, such as the ecological enhancement areas and meadow planting, will also provide improved habitat for other protected and notable species such as brown hare, a Durham BAP species
156. The Ecological Impact Assessment concludes that the proposed development is considered to conform to relevant policy and legislation, and no features of significant ecological importance have been identified within the site. The loss of habitats to be developed upon is considered negligible, and compensation would be made through proposed habitat creation and enhancements. The mitigation and enhancement strategy, including the creation of two ecological enhancement areas, should improve habitat for protected and notable species identified during the assessment. The proposed development is expected to contribute to an 80.15% Biodiversity Net Gain at the site, provided that appropriate planning controls are implemented, including a Construction Environmental Management Plan, a precautionary method of working for GCN, and a Landscape and Ecological Management Plan.
157. CPRE and the RSPB have both objected to the proposal due to the potential impact to priority bird species and lack of adequate mitigation. Durham Wildlife Trust has objected to the proposals due to a lack of mitigation for breeding birds, lack of reassurance regarding Biodiversity Net Gain and the absence of a Landscape and Ecological Management Plan and Monitoring Plan. Public objectors have also raised impacts to birds and wildlife in general as an issue for the development.
158. Following the initial round of consultation the site layout was revised to provide a larger area for ecological mitigation, particularly in respect of breeding birds. Consultations were sent to all those who commented on the application, including CPRE, RSPB and Durham Wildlife Trust but no further comments have been received from these groups.
159. Ecology officers have considered the proposals and raise 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.
160. 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

161. 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.
162. There are public rights of way within the site boundary, all of which are in Burnhope Parish. Whilst not distinguishable on the ground, the Council's Definitive Map shows that Footpath No. 24 passes through the site from the access point at Edge Lane and routes south-east into Burnhope village via Footpaths No. 25 and 28. Footpath No. 26 stems broadly in an east-west direction along the southern boundary of the main parcel of land where solar panels are proposed and links to Footpaths No. 24, 25 and 28. Situated outside the defined boundary of the site, Bridleway No. 22 and 23 run in an east-west direction between Edge Lane and Green Lane, and separate the main parcel of land where solar panels are proposed from the northern areas of the site.
163. As part of the development, it is proposed to divert Footpath No's.24 and 25 . These paths historically followed field boundaries, in part, but as these boundaries changed with surface mining operations the route no longer makes sense on the ground. The proposed diversion would more closely follow the apparent desire lines around the field boundaries.
164. Access and Rights of Way officers have not objected to the proposals but have raised concerns regarding the proposed main vehicular access over public bridleway no. 22 Burnhope Parish, and the provision of maintenance vehicle access tracks from both bridleway 22 and 23 Burnhope Parish during the period of operation. Officers have stated that whereas private vehicular rights exist over the bridleways, they are largely free from motorised traffic other than occasional agricultural vehicles and they currently provide to great effect quiet and enjoyable routes for horse riders, cyclists and pedestrians only, in accordance with their legal designation as public bridleways. Officers conclude that the affected public rights of way have a high aesthetic and recreational value, with some enjoying an open and elevated aspect providing panoramic, uninterrupted views. Given the scale and quasi-industrial nature of the development, and the requirement of unsightly security fencing which cannot be completely masked by vegetation, it is anticipated that there would be a reduction in aesthetic quality of both the public rights of way directly affected by this proposal and the connecting wider network.
165. It is clear from the comments from the Rights of Way officer and from comments from members of the public that the impact to recreational amenity, in terms of change to how the walking routes are experienced, is the main issue arising from this proposal. Neighbouring residents and other users of the rights of way network within and around

the site have enjoyed the area in its current form since restoration of the former surface mining activities were completed. The introduction of solar panels would adversely

166. With the proposed diversion in place there would be no loss of public rights of way and there would be no physical deterioration in the quality of the remaining existing rights of way. However, the recreational value of the affected rights of way would be diminished, in conflict with CDP Policy 26, due to the intrusion and visual impact of the proposed solar panels.
167. The proposed landscaping scheme would go some way towards protecting the recreational value of the site, but this would largely function to limit external views of the site. Views from users of the rights of way within the site would be significantly altered by the proposal in a manner which would not be consistent with CDP Policy 26 and Part 8 of the NPPF. The proposals would therefore conflict with the requirements of CDP Policy 26 and Part 8 of the NPPF.

Cultural Heritage

168. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this must be given considerable importance and weight by the decision-maker.
169. 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.
170. There are no designated heritage assets within the solar farm application boundary. The Grade II Listed Burnhope War Memorial is around 260m to the south of site and is the closest heritage asset. Additionally, the Grade II* listed Little Holmside is situated around 1.3km to the east of the development site. Lanchester Conservation Area lies approximately 1.2km to the west at its nearest point and there are a number of listed buildings within this designation.
171. A Settings Impact 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 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.
172. An Archaeological Desk Based Assessment has also been submitted in support of the application. This assessment provides baseline information including a description of the site and development, methodology and consideration of areas of archaeological interest. The assessment found that most of the study site was subject to open cast

mining, leaving no archaeological interest from any period in those areas. However, the easternmost parcel of the study site has the potential to contain buried remains from the Roman period. The impact of the proposed development on below ground remains is limited, comprising less than 1% of the study site area. The identified impact could be mitigated by measures such as targeted archaeological works, modified foundations, or exclusion from development.

173. Archaeology officers have raised no objections to the proposals noting that the potential for archaeological remains on the site is low, but it is still possible that remains are masked by the drains or not detectable by geophysical survey. Therefore, it is recommended that trial trenching be carried out to confirm the survey results. Mitigation options are available if remains are found, such as surface cabling or mounting arrays on blocks. Officers have suggested securing trial trenching through archaeological conditions, using a phased works condition that allows for multiple phases of work if required. However, the client should be aware of the risk of encountering significant remains during trenching post-consent.
174. Due to intervening topography, screening and distances it is considered that the development would cause no harm to the Lanchester Conservation Area or any designated heritage assets.
175. 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

176. 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. It goes on to state that all 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.
177. 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 49.7ha of the site area is comprised of Grade 3b soils and the remaining 34ha is Grade 4 soils. 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 solar panels would be piled into the ground without any concrete, or otherwise, foundation and therefore soils would not be disturbed as part of the development and would remain in a viable condition. The proposed solar farm would not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

Cumulative Impact

178. 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.

179. The application site is currently comprised of agricultural fields, plantations and public rights of way. The Chapmans Well nature reserve is located to the north of the site, the settlement of Burnhope is located to the south and Maiden Law to the west. Additional agricultural land is located to the east.
180. There are two existing relatively small scale solar farms in the vicinity of the application site. DM/15/02279/FPA on land at Greencroft approximately 1.3km to the west and DM/20/02986/FPA on land adjacent to the Morrison Busty depot approximately 1.4km to the north.
181. 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. 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. However, due to the existing screening and topography it is unlikely that the existing and proposed solar developments would, at any point, be intervisible. It would require a lengthy and contrived walking route to view each development within the same journey and it is therefore considered that the cumulative impact would be limited in this respect.
182. The proposed solar panels would be of a modest height themselves and the associated screening would bring benefits to the site. It is therefore considered that whilst there is a potential for 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.

Safeguarded Areas

183. CDP Policy 56 states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan.
184. The entirety of the site is located on an area that has been designated as Mineral Safeguarding Areas for coal. However, as the solar farm is time limited for a period of 40 years the mineral reserve would not be permanently sterilised and could be extracted at a future date. It is therefore considered that the proposed solar farm would not conflict with CDP Policy 56.
185. CDP Policy 28 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. For the application site, consultation is only required for structures over 15.2m in height. The proposed mast forming part of the DNO substation would be 15m in height and therefore does not require consultation and would not conflict with CDP Policy 28.

Community Fund

186. The applicant has proposed to make a financial contribution to Durham Community Foundation and Burnhope Parish Council. The Burnhope Solar Farm Community Fund would be used to support community projects, including environmental and wildlife initiatives, energy efficiency or renewable projects, public/community amenities, and activities that engage the community and support social cohesion. The fund would also provide fuel tokens and/or help with energy costs for individuals and families, up to £100 per household. In total, the solar farm development would make up to £500,000 available in community benefit funding. Objectors to the development have stated that community benefits offered by the applicant are insufficient.
187. Officers considered that the harm identified in the consideration of this application could not be mitigated by a financial contribution and therefore such a contribution should not be weighed in the planning balance.

Other Matters

188. It has been suggested that coastal sites and brownfield sites would be preferable, along with installing panels on factory roofs. It is also suggested that wind turbines away from the general public and residential areas would also be preferable. Applicants are welcome to select previously developed land for solar development but there is no policy requirement to do so.
189. Objectors have raised the concerns about the inefficiency of solar panels and have stated that better alternatives are available. Solar is an established part of renewable energy production and whilst there are recognised limitations (day length / light intensity) this is no different from any other type of energy generation.
190. Objectors have stated that the proposal would have a negative impact on property values. Property values are affected by many factors and cannot be taken into account as a material consideration in the determination of a planning application.
191. Concerns have been raised by objectors regarding the potential risk of fire or explosion from the proposed batteries and it has been suggested that they are located further away from residential properties. There is no current guidance or policy to indicate that battery storage facilities are a fire or explosion risk, or that they should be given a standoff distance from any sensitive receptors. It is for the site operator to ensure that the development is managed appropriately and the planning process should not unnecessarily restrict development.
192. Objectors have noted that a community fund has been offered as part of the development and have stated that this is insufficient. The proposed community fund does not form part of the planning application and is not a material consideration.
193. The potential impact of electromagnetic radiation has been raised as a concern from the solar panels. Electromagnetic radiation naturally exists within everyday life. The risk is not increased by the development of an electricity generating plant such as the proposed solar farm. Notwithstanding this, the proposed development would be constructed in complete accordance with British Standards. Furthermore, the entirety of the solar farm and grid connection would be in private operation with no access to members of the public. On this basis, it can be concluded that the proposed development would not cause any dangers or concerns to the public in relation to Electromagnetic Radiation

194. 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.
195. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

196. Although there would be a degree of landscape harm, and harm to amenity of recreational routes, it is considered that the benefits of the proposal would 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 13,861 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.
197. 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 a degree of landscape harm and a conflict with CDP Policy 26 in respect of public rights of way. 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 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.
198. 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.
199. The proposed development has generated significant 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.
200. 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

201. 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.

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

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

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

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

Drawing Number	Drawing
AD-SLP	Site Location Plan
GBR_GBR_Burnhope_LP2 - PDL_08	Site Layout Plan
P22-0399_EN_005_E P22-0399_EN_006_E P22-0399_EN_007_E	Detailed Landscape Proposals
UK_EPD_AUX+300	Auxiliary Transformer
PNL_2P_25/6839	Panel Elevations
UK_EPD_MH/CB	Monitoring House Communication Building
UK_EPD_INV	Inverter
UK_EPD_MTR	Cabinet DNO Meter
UK_EPD_GTD	Gate
UK_EPD_FNC	Fence
UK_EPD_CSS	Customer Substation
UK_EPD_BB	Power Conversion Block
UK_EPD_RCS	Road Cross Section
UK_EPD_S40+300	Storage Container
GBR_BRH_EPD_SUB	Substation Floor Plans
GBR_BRH_EPD_SUB	Substation Sections
UK_EPD_DNO	Substation Elevations
UK_EPD_WMF	Weld Mesh Fence
UK_EPD_WMG	Weld Mesh Gate
UK_EPD_TFM	Transformer
UK_EPD_TLT	Toilet
UK_EPD_SWG	Switchgear Production Substation
UK_EPD_CAM	CCTV Camera
UK_EPD_BB	Battery Block

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 21, 31, 33, 39 and 41 of the County Durham Plan and Parts 9, 14 and 15 of the National Planning Policy Framework.

5. Development shall be carried out in accordance with the Construction and Decommissioning Method Statement, dated June 2022.

The approved Construction and Decommissioning Method Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works unless otherwise agreed in writing with the local planning authority.

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 rating level of noise emitted from the development shall not exceed 0dB LAeq (15 mins) above background noise levels at any noise sensitive properties during night time hours (2300 – 0700) and shall not exceed 5dB LAeq (1hr) above background noise levels at any noise sensitive properties during day time hours (0700 – 2300).

The measurements and assessment of noise levels shall be made in accordance with BS 4142:2014.

Reason: To safeguard the amenities of nearby residents in accordance with the County Durham Plan Policy 31, Part 15 of the National Planning Policy Framework.

8. The development shall be carried out in full accordance with Section 7 of the approved Glint and Glare Assessment.

Reason: To safeguard the amenities of nearby residents in accordance with the County Durham Plan Policy 31, Part 15 of the National Planning Policy Framework.

9. The development shall be carried out in accordance with the submitted flood risk assessment (Ref. J-14719) The mitigation measures detailed with the flood risk assessment shall be fully completed prior to development being brought into use. These measures shall be retained and maintained thereafter throughout the lifetime of the development.

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

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

Reason: In the interests of residential amenity and highway safety in accordance with the County Durham Plan Policy 21 and Part 15 of the National Planning Policy Framework.

11. Development shall be carried out in accordance with the Construction Traffic Management Plan, dated June 2022.

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

12. Prior to the commencement of development of any above-ground structure, precise details of that structure shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include the colours and finishes. The development shall be 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.

13. No development shall commence on the land surveyed as part of the submitted Geophysical Assessment (Report No. 3887, dated January 2023) until a Written Scheme of Investigation setting out a phased programme of archaeological work for this area in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work in this area will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any archaeological interest in the site, and to comply with part 16 of the National Planning Policy Framework (NPPF). Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

14. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be developed 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, shall 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.

15. 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.

16. 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.

17. 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.

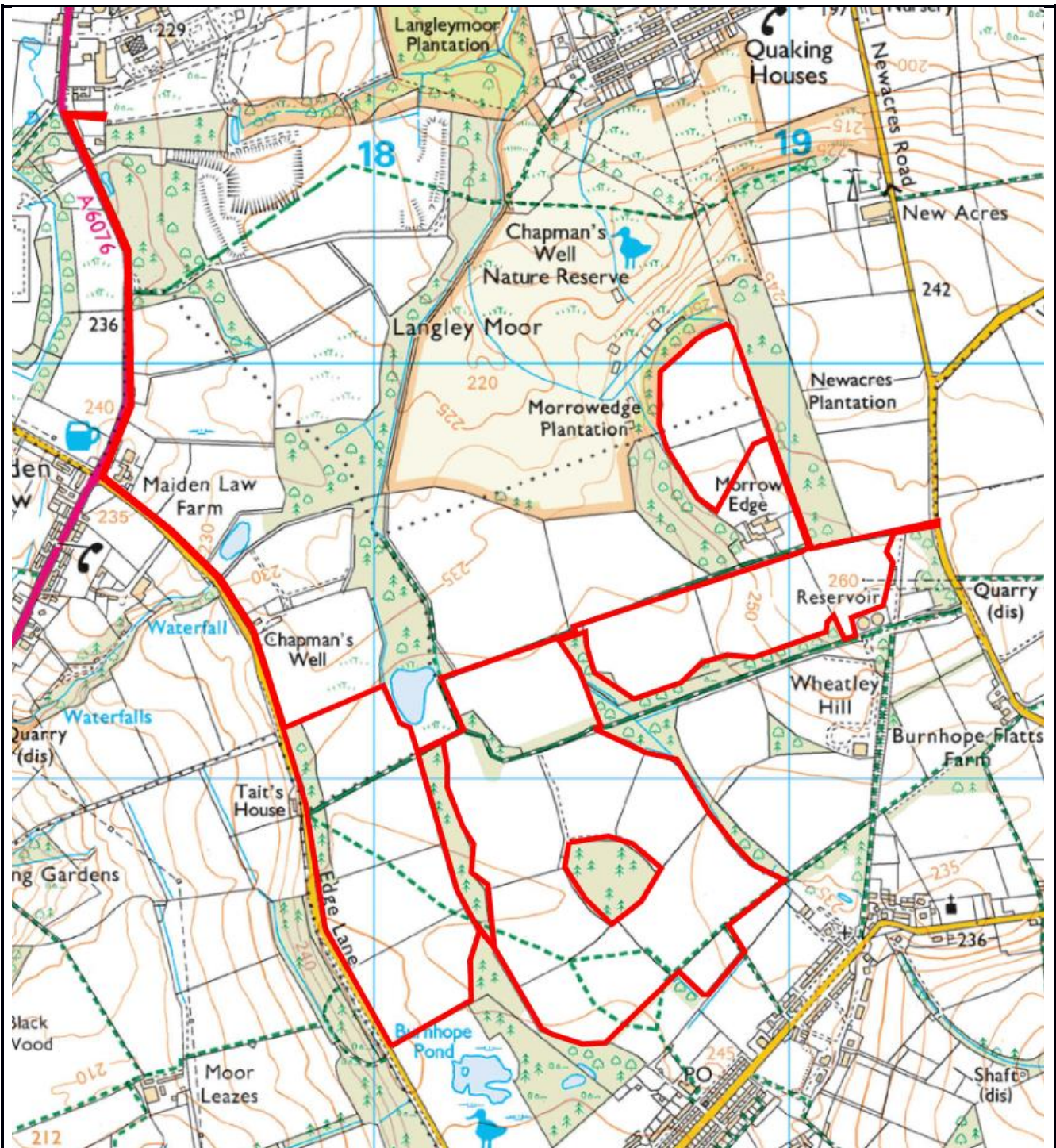
Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14, 31 and 39 and Part 15 of the National Planning Policy Framework.

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 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/22/01769/FPA

Installation and operation of a ground mounted photovoltaic (PV) solar energy generation system (solar farm), battery storage facility, electrical substation and associated infrastructure

Land East Of Edge Lane Maiden Law

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Comments

Date February 2022

Scale Not to Scale