

Cabinet

17 May 2023

Solar Energy Supplementary Planning Document

Ordinary Decision



Report of Corporate Management Team

Amy Harhoff, Corporate Director of Regeneration, Economy and Growth

Councillor Elizabeth Scott, Cabinet Portfolio Holder for Economic Regeneration and Partnerships

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 The purpose of this report is to seek Cabinet's approval to commence consultation on the first draft of the Solar Energy Supplementary Planning Document. The document supports the County Durham Plan, adopted in October 2020.

Executive Summary

- 2 The County Durham Plan seeks to ensure that County Durham is a successful place to live, work, invest and visit by focussing on supporting and creating vibrant communities. The Plan is a comprehensive document covering all aspects of planning however, to provide more detailed advice or guidance on the policies in the Plan, Government guidance allows the preparation of supplementary planning documents (SPDs). SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.
- 3 The Solar Energy SPD will play a role in County Durham achieving net zero carbon emissions by 2045 and contributing to energy security. It provides guidance to ensure solar panels (which range from small scale for householders to commercial solar farms) are sited, designed and of a scale which does not harm County Durham's Green Belt, unique landscape character, biodiversity, heritage assets and, protects the best and most versatile agricultural land.

- 4 If agreed consultation will be undertaken on the SPD from 29 May to 9 July 2023. All consultation will be undertaken in accordance with the Council's Statement of Community Involvement.

Recommendation

- 5 Cabinet is recommended to:
 - (a) agree the first draft of the Solar Energy Supplementary Planning Document (Appendix 2) for consultation from 29 May to 9 July 2023.

Background

- 6 At a meeting of Full Council on 21 October 2020 the Council adopted the County Durham Plan. The Plan seeks to ensure that County Durham is a successful place to live, work, invest and visit by focussing on supporting and creating vibrant communities. The Plan is a comprehensive document covering all aspects of planning however, to provide more detailed advice or guidance on the policies in the Plan, Government guidance allows the preparation of supplementary planning documents (SPDs).
- 7 SPDs are capable of being a material consideration in planning decisions but are not part of the development plan. SPDs can add weight in decision making but should be in conformity with the policies in the Plan rather than introduce new policy. It is also imperative that new SPDs do not increase the financial burden on the development industry over and above the burden that was tested through viability appraisal as part of the Local Plan Examination.

Solar Energy Supplementary Planning Document

- 8 The Solar Energy Supplementary Planning Document (SPD) sets out guidance for three scales of solar development: solar panels for householders; solar panels associated with business and community uses; and commercial solar farms. The SPD recognises that solar development has a role in the County achieving net zero carbon by 2045 and contributing to energy security. It provides detailed guidance to ensure panels and associated infrastructure are appropriately designed and located, to:
 - Protect Durham's Green Belt, unique landscape, biodiversity and cultural heritage;
 - Protect soil resources and the best and most versatile agricultural land, and where applicable ensure solar developments allow for continued agricultural use;
 - Protect amenity, including from glint and glare from reflective materials;
 - Ensure no net increase in surface water runoff;
 - Protect Public Rights of Way and ensure any impacts on the highway network are mitigated; and
 - Ensure as soon as practicably possible after solar farms cease to operate, land is as a minimum restored to the condition it was in

before the development, and any landscape or biodiversity enhancements are retained.

- 9 In addition, the SPD promotes best practice in public engagement and provides guidance on the approach to community benefit.

Next Steps

- 10 If agreed consultation will be undertaken on the SPD from 29 May to 9 July 2023. All consultations will be undertaken in accordance with the Council's Statement of Community Involvement. Before the SPD can be adopted, it is necessary to undertake at least two rounds of public consultation. A second draft of the Solar Energy SPD will be consulted on later in the year following consideration of the outcome of the first consultation.

Background papers

- County Durham Plan – Adopted 2020

Author

Mike Allum

Tel: 03000 261906

Appendix 1: Implications

Legal Implications

The Town and Country Planning (Local Planning) (England) Regulations 2012 set out how to prepare development plan documents and supplementary planning documents. Before the SPD can be adopted, it is necessary to undertake at least two rounds of public consultation.

Finance

As the SPD progresses there will be some costs for appropriate evidence gathering, consultation and printing which will be met from the Spatial Policy budget.

Consultation

The programme of consultation has been agreed with the Council's Corporate Communications Team and the Council's Consultation Officers Group and will be undertaken in accordance with the Statement of Community Involvement and the 2012 Local Plan Regulations.

Equality and Diversity / Public Sector Equality Duty

The Council acknowledges that, in exercising its functions, it has a legal duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations. This duty applies to all people defined as having protected characteristics under that legislation. An Equality Impact Assessment was prepared for the County Durham Plan which considered the impact of all of the Plan's objectives and policies, including those that relate to each of the SPDs for consideration.

Climate Change

Climate change is a thread running through the County Durham Plan. The importance of tackling and adapting to climate change is recognised in the Plan's Vision, Objectives, Sustainable Development Statement, spatial strategy and a number of policies. As the SPD sits below and reflects the policies and strategies of the County Durham Plan it similarly reflect this approach.

Human Rights

Human Rights issues were considered as part of the preparation of the County Durham Plan and in particular Article 8 which protects people's right to respect for their private life, family life and home and Protocol 1, Article 1 which protects a person's right to enjoy their property peacefully. As the SPD sits below and reflects the policies and strategies of the County Durham Plan it similarly reflect its approach.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

Not applicable.

Procurement

If required, consultants may need to be commissioned to deliver evidence studies. None have so far been used for the preparation of the SPD.

Appendix 2: Solar Energy SPD

See document attached separately.