

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/22/03757/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Formation of solar farm including installation of solar panels, security fencing, CCTV cameras, an internal access track, underground cabling, invertors, substations, grid connection, environmental enhancement measures and other ancillary development.</b>
<b>NAME OF APPLICANT:</b>	<b>Locogen</b>
<b>ADDRESS:</b>	<b>Land West Of Trimdon House Lodge Fishburn, TS21 4BA</b>
<b>ELECTORAL DIVISION:</b>	<b>Sedgefield</b>
<b>CASE OFFICER:</b>	<b>Chris Shields Senior Planning Officer 03000 261394 <a href="mailto:chris.shields@durham.gov.uk">chris.shields@durham.gov.uk</a></b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The site of the proposed solar farm occupies an area of around 75.8 hectares (ha) and largely comprises agricultural land to the north west of the village of Fishburn, and to the south of Harap Road, generally sloping from north to south. The site is bound to the west by Fishburn Airfield, Spennymoor Clay Pigeon Club to the north west perimeter and a smaller solar development to the north east. A smaller 228 KW solar development, which was granted planning permission in 2014 and is now operational, is located directly adjacent to the north east of the Proposed Development opposite Trimdon House Farm at Harap Road
2. The site does not lie in an area covered by any national or local landscape designations. An area of Higher Land Value (AHLV) as defined in the County Durham Plan is located approximately 1.6km to the south west in Bishop Middleham.
3. Fishburn Grassland Site of Special Scientific Interest (SSSI) is located approximately 70m to the east of the site, Bishop Middleham Quarry SSSI is located approximately 1.6km to the west, Thrislington Plantation SSSI is located approximately 28km to the west, Charity Land SSSI is located approximately 1.8km to the north east and Raisby Hill Quarry and Raisby Hill Grassland are located approximately 1.5m to the north. Thrislington Special Area of Conservation (SAC) and National Nature Reserve (NNR) is located approximately 2.8km to the west. Captains Well Local Wildlife Site (LWS) is located approximately 1.9km to the north east, Garmondsway Moor Quarry is located approximately 800m to the west, Merryknowle Quarry LWS is located approximately 675m to the south west, Bishop Middleham Roadside Lake is located approximately 1.1m to the south, Trimdon Grange and Railway LWS is located approximately 1.5km to the north, Trimdon Grange Pit Heap LWS is located approximately 1.5km to the north, Cleveland Gorse LWS is located approximately 2.5km to the north east and

Rough Furze Quarry LWS is located approximately 2.8km to the west. 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 Trimdon Hall and Hall Farmhouse, Grade II Listed Church of St Mary Magdalene and Grade II Listed Trimdon Grange Colliery Disaster Memorial are located approximately 1.4km to the north east. The Grade II Listed 13 and 14 High Street, Grade II Listed Dun Cow Public House and Grade II Listed Manor House are located approximately 2km to the south west. Trimdon Conservation Area lies approximately 1.3km to the north east and Bishop Middleham Conservation Area lies approximately 2km to the south west. Garmondsway Village Scheduled Monument is located approximately 1.5km to the north west and Middleham Castle Scheduled Monument is located approximately 2.5m to the south west.
6. There are several public rights of way in and around the site. Footpath No.12 (Fishburn Parish) crosses the south western corner of the site. Footpath No.14 (Fishburn Parish) is located approximately 500m to the north west. Footpath No.10 shares the site entrance in the north east corner.
7. The nearest residential properties are Trimdon House, Trimdon House Farm and Trimdon Lodge approximately 50m to the north, West House Farm approximately 240m to the west, Hope House approximately m to the east and Catley Hill House approximately 400m to the north. The settlement of Trimdon is located approximately 800m to the north east and Fishburn is located approximately 380m to the south.
8. The entirety of the site is located within a Coalfield Development Low Risk area. The site is within the safeguarding area for Fishburn Airfield for development greater than 15m in height. The site is also within the consultation area for High Moorsely meteorological station for any development of more than 15.2m in height, or any development involving wind farms. A small patch on the western edge of the site is a mineral safeguarding area for glacial sand and gravel. The Sabic Ethylene pipeline runs below land to the northeast of the part of the site to be occupied by solar panels but would be crossed by the underground electricity cable that would connect the site to the grid.

## Proposal

9. The proposed development comprises solar panels arranged into linear arrays facing south. The solar panels would be composed of photovoltaic cells designed to maximise the absorbency of the sun's rays and to minimise solar glare. The proposed development site extends across 75.8 ha of land in total. The layout has been amended during consideration of the application to remove panels from areas of potential archaeological interest.
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 to avoid overshadowing from one solar panel to another. All solar arrays would be tilted at 30 degrees from the horizontal axis with a maximum frame height of around 3m.
11. In addition, inverters and transformers with adjoining switchgear substations would be constructed. A 66kv substation would be located to the north east of the site and connected by a 600m underground cable. The switchgear, metering, protection

equipment and other electrical auxiliary equipment would be contained in a glass reinforced plastic (GRP) Customer substation building. The Distribution Network Operator (DNO) substation building would also have space for Northern Powergrid electrical equipment. The communication and storage buildings would be located next to the Customer 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 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. The majority of the site would be reseeded with a species rich grassland mix, additional hedgerows would be created on exposed boundaries to the north and south and a 0.5 ha wildflower area would also be planted. New habitats would be created across the site including hibernaculum, bird and bat boxes, bee banks and invertebrate 'hotels'. The proposal would generate a 213.78% net gain in habitat units and an 80.04% net gain in hedgerow units.
15. The construction phase of the development would create up to 100 full time equivalent (FTE) on site jobs and a further indirect and induced FTE jobs from the supply chain and related services. The construction phase would last for approximately six months.
16. The proposed development would have an export capacity of 41.4MW. A solar farm of this size would generate and export approximately 60GWh of locally sourced renewable electricity to the national grid annually. This is equivalent to a typical annual demand of circa 20,700 UK households. The Proposed Solar Farm would offset approximately 15,240 tonnes of CO2 emissions from the national grid in year 1.
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

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## **PLANNING HISTORY**

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19. Within the north east corner of the site is a 228kw solar farm that was approved under reference DM/14/01413/FPA at Trimdon House Farm, Trimdon Village.

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## **PLANNING POLICY**

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## 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) have been 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 42 – Internationally Designated Sites* – States that development that has the potential to have an effect on internationally designated site(s), either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.
45. *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.
46. *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:**

47. There is no Neighbourhood Plan for this area.

## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

48. *Fishburn Parish Council* – supports the application and has stated that the development can accommodate new generation without the need for additional overhead power lines, that remaining land can be used for grazing whilst supporting continued arable use of the remaining fields and that projects such as this support the transition to a low carbon economy, encouraging and enabling the use of low and zero carbon technologies through the development of appropriate renewable energy sources.
49. *Highway Authority* – has raised no objections to the proposals. Officers have considered the submitted Construction Traffic Management Plan and Glint and Glare Assessment and agree with the findings. Officers have requested conditions to require a road condition survey be submitted for the highway 200m in each direction from the site entrance and have recommended an informative be included relating to the upgrading of the site access.
50. *Health and Safety Executive* – as the proposed solar farm site currently lies within the consultation distance at least one major hazard site and/or major accident hazard pipeline (6904\_ Operated by SABIC), HSE needs to be consulted on any developments on this site. The HSE does not advise, on safety grounds, against the granting of planning permission in this case. As the proposed development is within the Consultation Distance of a major hazard pipeline the HSE advises that the pipeline operator is contacted before determination.
51. *SABIC* – has raised no objections to the proposals. Officers have identified that the proposed development is located in the inner, middle and outer zone of the Wilton to Grangemouth Ethylene Pipeline. Should planning permission be granted the developer would need to work with SABIC to ensure that their conditions of working in close proximity to the ethylene pipeline are met.
52. *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.

### **INTERNAL CONSULTEE RESPONSES:**

53. *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.
54. *Archaeology* – has raised no objections following the targeted trial trenching carried out to examine anomalies picked up by the geophysical assessment. A standard

phased works condition for archaeological work is recommended, which would allow for multiple phases of work if required.

55. *Ecology* – has raised no objections to the proposals. Concerns were initially raised regarding the potential risk to Skylark habitat, however, following clarifications regarding actual population and a commitment to safeguarding portions of the site as suitable habitat officers were satisfied. Officers have advised that some minor changes are required to the planting schedule, which can be provided as part of the detailed landscaping scheme by planning condition.
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 during the operational phase there would be 10-15 vehicle movements per year and during the construction phase there would be a peak of 20HGV's per day, which is below the trigger for an air quality assessment. Officers note that there is no mention of on-site emissions, but state of which there would be none. It is requested that the applicant submit a dust impact assessment as part of the Construction Management Plan.
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 the Glint and Glare Assessment be carried out. Officers have also recommended a condition to restrict noise levels to 5dB above background during daytime hours (0700 – 2300) and 0dB above background during night time hours (2300 – 0700) for noise sensitive receptors. It is also recommended that a Construction Management Plan be submitted for the development.
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 development would, however, still have a transformative effect that would result in landscape harm.
60. *Public Rights of Way* – has raised no objections to the proposals. Officers have commented that Footpath No. 10 (Fishburn Parish) is located close to the proposed development and a section Footpath No. 12 (Fishburn Parish) is located within the red outline boundary and that there is the potential for moderate adverse effects for PROW users but that these effects would be somewhat mitigated during operational years by planting. Officers have stated that any planting adjacent to the PROW must be maintained to ensure that it does not encroach onto the path.

#### **PUBLIC RESPONSES:**

61. 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 1005 neighbouring properties. 16 objections and 105 letters of support (many being proforma letters) have been received in response to the consultation. A further 3 letters have received offering comments.

## Objection

62. Objectors have stated that the development is not a locally led initiative and is a purely commercial venture with no evidence of vested interests in the wellbeing or development of the local community.
63. It has been stated that consultation, both from the applicant and the Council, has been insufficient. Objectors also state that the applicant has not demonstrated that the development has the support of the community and that if the development is not immediately rejected then there should be a clear statement that until such time as community support is clearly evidenced no approval will be granted.
64. Concerns have been raised in respect of harm to wildlife and the validity of desk based assessments.
65. Objectors have raised landscape and visual impact as an issue and have noted that the development would occupy an area similar in size to Fishburn.
66. Objectors have raised concerns regarding the impact to public rights of way.
67. The loss of farmland for food production has been raised and objectors have stated that food production should be prioritised, particularly in light of the war in Ukraine. It is stated that the land is fertile and not of poor quality.
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.
69. Objectors have raised the concerns about the inefficiency of solar panels and have stated that better alternatives are available. It is suggested that brownfield sites would be preferable, along with installing panels on factory roofs. Objectors have stated that developments such as this should be located away from where people live and travel.
70. Impact to house prices has been raised as an issue.

## Support

71. *Fishburn Airfield* supports the proposed development. They have stated that the development would generate green, renewable energy and would not adversely affect the operation of the airfield.
72. 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.
73. The majority of the support letters cite renewable energy to be the main benefit and the wider benefits that would flow from this.

## Comments

74. A query has been raised in respect of an outline planning permission for housing the south of the proposed development and how this would be affected by the solar farm.

75. It has been alleged that sheep will not graze within the perimeter fence and the grass between and under the solar panels would be of a poor quality.
76. Concern is raised in respect of glare from the solar panels and the effect that this may have on users of Fishburn Airfield.
77. Durham Constabulary Crime Prevention Unit have provided advice to the applicant in respect of designing out crime. They have suggested securing the site with weld mesh fence and ensuring there are no gaps in the hedging or fence lines. CCTV should be functional and provide full coverage of the site with signage to indicate that the site is monitored. Barriers to prevent access to unauthorised vehicles should be considered and regular checks to ensure there are no holes or breaks in the perimeter. Forensic marking of the solar panels should be also be considered in case of theft.

*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/search.do?action=simple&searchType=Application>*

#### **APPLICANTS STATEMENT:**

78. Locogen and our partners Livos Renewables and Aukera Energy are UK based developers of renewable energy projects, actively working towards decarbonising the UK grid supply in line with UK Government targets. Locogen collaborate with local communities to ensure our projects maximise potential community involvement and benefits, while allowing landowners to diversify revenue streams in challenging economic conditions.
79. The proposed West House 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.
80. 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. This application will make a significant contribution towards achieving these goals.
81. Securing robust renewable domestic energy supply is increasingly important in the face of climate change and geopolitical events which are contributing heavily towards socio economic challenges for everyday working people. July 2023 was also the hottest month on record, with almost each day breaking the previous monthly average record. The DEFRA Food Security Report (2021) outlines the following on the threat of climate change to UK food supply: a. "The biggest medium to long term risk to the UK's domestic production comes from climate change and other environmental pressures like soil degradation, water quality and biodiversity."
82. 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.
83. West House Solar Farm will deliver a significant amount of renewable energy alongside a range of other benefits:
  - C.15,000+ tonnes of carbon emissions avoided every year,
  - enough clean solar energy to power the equivalent of 20,000+ homes,
  - enabling the land to remain in agricultural use through co-use of the site with sheep grazing opportunities,

- contributing to the future and long-term viability of the landowners, all of whom are local farmers, whose families have farmed here for several generations.
  - Contribution of a £15,525 indexed linked annual payment towards the local community through the provision of a Community Benefit Fund, for the operational life of the project,
  - planting of over 1.5km of new hedgerows, trees and shrubs,
  - securing a 210% biodiversity net gain through a range of ecological enhancements including:
    - Species-rich grassland,
    - Wildflower meadow,
    - Bat and bird boxes,
    - Bee banks,
    - Invertebrate Hotels,
    - Hibernacula.
84. Solar is a reliable source of renewable energy which will be a vital component in reaching net-zero targets and balancing the renewable energy mix on the grid. It is important to state that at the end of the projects operational period the land can continue to be used for agricultural purposes with panels and associated components removed and recycled.
85. Locogen held two public consultation events in Fishburn and met with various local stakeholders over the last year. In response to public comments, the scheme has been revised with panels removed from various locations including the brow of Harap Hill and further planting proposed to improve the screening of the site from Fishburn. As a result the application received over 90 letters of support. This included Fishburn Parish Council who supported the application unanimously and stated the following within their stakeholder response: “Fishburn Parish Council last night unanimously resolved to support the planning application for West House Solar Farm on land to the north of Fishburn. It was noted that the location has been chosen because of capacity at the Fishburn National Grid substation and that it is one of the few areas of the Northern Power Grid (NPG) that can accommodate new generation without the need to build additional overhead power lines or other network infrastructure; that retaining land around the proposed solar farm for grazing will expand the livestock side of both agricultural units whilst supporting continued arable use of the remaining fields; and that projects like West House Solar Farm support the transition to a low carbon economy, encouraging and enabling the use of low and zero carbon technologies through the development of appropriate renewable energy sources.”
86. We urge the committee to take this opportunity to grant consent for the proposed solar farm which will increase electricity generation, bring investment to the local area, support the local economy including local farming businesses and contribute to the reduction of Carbon in line with County Durham’s targets.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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87. 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, contamination, 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

88. 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.
89. 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.
90. 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.
91. 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.
92. 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.

93. 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.
94. 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.
95. 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 UK Government published their policy paper 'Powering Up Britain: Energy Security Plan' in April 2023. This document outlines the steps to be taken to ensure that the UK is more energy independent, secure and resilient. Within this document it is stated that to provide certainty to investors in the solar industry, in line with the 'Independent Review of Net Zero' recommendation the government will publish a solar roadmap in 2024, setting out a clear step by step deployment trajectory to achieve the five-fold increase (up to 70 gigawatts) of solar by 2035. The government will also establish a government/industry taskforce, covering both ground mounted and rooftop solar to drive forward the actions needed by government and industry to make this ambition a reality.
99. 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 and Part 15 of the NPPF

100. There are also a number of applicable environmental protection policies within the CDP and the NPPF which are considered below.

#### Landscape and Visual Impact

101. 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.
102. 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.
103. 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.
104. 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.
105. The site lies in the *East Durham Limestone Plateau* County Character Area which forms part of the larger *East Durham Magnesian Limestone Plateau* National Character Area. It lies in the *Limestone Escarpment Ridge* Broad Character Area which belongs to the *Limestone Escarpment Broad* Landscape Type. The site is made up of sloping and undulating agricultural fields within old pre-enclosure field systems on the dip slope of the magnesian limestone escarpment.
106. 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).
107. The site lies on an attractive undulating south facing undulating dip slope of the magnesian limestone escarpment.
108. The proposed solar farm would be visible in shallow views from the south, east and west, where the escarpment ridge forms the skyline in these views. The views are heavily influenced by distance and filtered by vegetation, subtle variations in

topography and existing build form, which limit views where the full extent of the dip slope is visible. Due to the screening effects of topography, visibility would be limited from the north although views are typically panoramic and taking in visually complex settled landscapes.

109. Key views of the site are from the Footpath No. 12 (Fishburn Parish) that runs through the site, Harap road that bounds the site to the north (and footpaths to the north of Harap road), Front Street (C26 road) and Footpath No.13 (Fishburn Parish) to the south and Footpath No.10 (Fishburn Parish) and public amenity spaces to the northwest of Fishburn.
110. An existing operational 228kW solar array lies in the northeast corner of the proposed site, to the south of Trimdon House Farm. The escarpment ridge is crossed by two 400 KV overhead services with large 50m high pylons with smaller pylons crossing the dip slope, however these have little influence on the character and experience of the site or its wider setting.
111. There would be no material change to landform of the site to accommodate the access tracks, solar panels and other associated structures.
112. There would be the requirement to remove short sections of hedgerow, to allow access between the fields, although no notable trees or mature landscape features would be removed. 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, however refinement is required with proposals enhancing all features within the application boundary over the lifespan of the development.
113. At the level of the site and its immediate surroundings, the proposals would involve a transformative change from open arable and pastoral farmland to a solar farm dominated by features of a notably man-made/industrial character. Added to which, the internal tracks, perimeter fencing, CCTV, inverter stations, substations would increase the industrial character of the proposal in this rural location. The effects would be temporary and reversible but would last for a substantial period (40 years).
114. The transformative effect on landscape character within the site would be strongly evident from Footpath No.12 (Fishburn Parish) which runs through the southwest part of the site.
115. The effects would be notable in views from Footpath No.13 (Fishburn Parish) to the south and from Saint Catherine's Church Cemetery on the north-western edge of Fishburn where there would be a clear change in the character of the fields making up the site. This would be particularly the case for the northern parts of the site which is on the rising ground of the escarpment.
116. The effects of the development would vary in views from Harap Road to the north, the Footpath No.10 (Fishburn Parish) to the east, and the C26 to the south. In some views the site would be filtered by intervening hedgerows or trees and in others parts the development would be open to view and prominent where hedges are gappy, absent or low or through gateways.
117. The scale of the impact on the character of the landscape would be heavily influenced by distance, where the development would be less apparent in the wider landscape where views are typically shallow, and development would be screened or heavily filtered by intervening topography and vegetation.

118. Visibility of the site would generally be restricted to public viewpoints from public rights of way and highways. There would be very limited views from residential properties and from those properties where there is a view the impact would be minimal due to the intervening topography and planting.
119. 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. Mitigation has been accepted in principle, in the wider landholding to help create visual enclosure particularly in winter views from Harap Road and help filter views from the southwest and in particular Saint Catherine's Church Cemetery. These measures would to a degree reinforce the existing landscape framework and enhance character to a lesser degree with some of the proposed planting along the northern boundary of the site aiding in screening the development but out of keeping with the existing or historic landscape pattern. 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 the footpath crossing the site, views from the south, elevated, open sections of road to the north and Saint Catherine's Church Cemetery.
120. Visual effects would be high for users of Footpath No.12 (Fishburn Parish) which currently enjoy an open aspect across open fields. Whilst the panels would be offset, the solar panels and associated fencing would be seen in close proximity and the proposals would dominate the users experience resulting in an adverse visually impact and loss of amenity when using this path. Landscaping has been proposed to help provide some visual screening, however at the time of development and for several years afterwards (the length of time depending on the design, quality, and performance of the planting), the development would be conspicuous and harmful. There would be some residual visual effects, albeit limited in length where a hedgerow is not proposed along the western boundary of the Footpath No.10 (Fishburn Parish).
121. The proposed development would also be noticeable from Saint Catherine's Church Cemetery, Footpath No.13 (Fishburn Parish) and in varying views from Front Street (C26) and elevated sections of Harap road to the north. From Footpath No.13, users currently enjoy an open, albeit shallow views across open arable fields and views of the proposal would be apparent until proposed mitigation matures. From Harap road there is a very open section (particularly in winter) which affords attractive views down across the Tees Plain towards the Cleveland Hills with Sedgefield and St Edmunds Church in the middle distance; and whilst there are other detractors in these views, the proposal would be very prominent again until such time that the proposed mitigation along Harap Road closed these views.
122. From Saint Catherine's Church Cemetery which is an important view having regard to the contemplative use of the site and the fact that appreciation of the view, and of the landscapes it takes in, are clearly valued through the strategically placed benches within the Cemetery. Whilst the more conspicuous area of the proposal on the elevated land to the northwest of the site have been removed from the proposed site layout, there would still be a deterioration in the quality of the framed view which is currently out over an attractive rural scene. Tree planting has been proposed (in principle) along the hedgerow to the west of the cemetery which would in time (again, the length of time depending on the design, quality, and performance of the planting) help filter and soften these views more so in summer months, although there would be residual harm.
123. Visual effects would be reduced in the wider landscape where views are typically shallower, and development is heavily filtered or screened by subtle undulations in the

topography, intervening vegetation and existing build form. In these wider views, the site would not be seen in its entirety and would not comprise a visually intrusive feature.

124. The proposed site does not lie within an AHLV and comprises reclaimed land that now forms a mixture of pastoral and arable fields, flanked by hedgerows and woodland plantations which create an appealing landscape composition. 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.
125. 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 and around 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.
126. 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

127. 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.
128. The construction access for the site would be from Harap Road on the eastern side of the site via the A177 and A1(M). A further access from the B1278 further to the east would only be utilised for the construction and operation of the Distribution Network Operator (DNO) substation located next to the grid connection point.
129. A Construction Traffic Management Plan (CTMP) has been submitted in support of the solar farm application. The CTMP has identified that the construction period for the development would be approximately 6 months with a typical maximum number of HGV deliveries being 20 per day (20 in and 20 out). There would be a total of approximately 1137 deliveries to the site during the 6 month construction period. This is likely to be similar for the decommissioning of the site. During the operational period the site would only need to be visited 10-15 times per annum by a car or van.

130. Highways officers have considered the proposal and find the access arrangements for both the construction and operational periods to be acceptable. Officers have requested conditions to require a road condition survey be submitted for the highway 200m in each direction from the site entrance and have recommended an informative be included relating to the upgrading of the site access.
131. Whilst the proposed solar farm would generate a degree of construction traffic for the 6 month construction period it would be not be unacceptable in this location due to good access and existing highway capacity. Following construction, the solar farm would be automated and would only be attended for monitoring and maintenance purposes. A further condition is recommended to ensure that vehicles accessing the site are adequately cleaned before leaving to ensure that debris is not carried onto the public highway.
132. 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 Assessment 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

133. 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).
134. 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.
135. The nearest residential properties are Trimdon House, Trimdon House Farm and Trimdon Lodge approximately 50m to the north, West House Farm approximately 240m to the west, Hope House approximately m to the east and Catley Hill House

approximately 400m to the north. The settlement of Trimdon is located approximately 800m to the north east and Fishburn is located approximately 380m to the south.

136. 16 objections have been received in response to the proposal. Many of the objections raise the issues of noise, glint and glare and visual impact.
137. 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. Geometric analysis was conducted at 24 individual residential receptors, 25 road receptors, five runway approach paths and one air traffic control tower. The assessment identified where there was potentially an impact to receptors from the development and modifications were made (pre-submission) to provide mitigation planting. Following this revision the risk of impact to residential receptors was reduced to low at 2 receptors and none at all other receptors. The impact to road receptors is low at 1 receptor and reduced to none at all other receptors. No impact was predicted at Teesside International Airport. Yellow Glare was predicted for both runways at Fishburn Airfield. Upon inspection of the time of impact, position of the sun and where the pilot would be focussing their attention, all impacts at Fishburn Airfield can be deemed acceptable. Notwithstanding this, Fishburn Airfield has written in support of the application.
138. 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. An assessment of the acoustic impact of the proposed development was undertaken in accordance with BS 4142: 2014+A1:2019. The results showed that only low and negligible impacts during night-time periods are anticipated and therefore no mitigation is required. In addition to this, the levels at each receptor are below the Night Noise Guideline value of 40dB set out in the WHO Night-time Guidelines. This is the level recommended for the primary prevention of subclinical adverse health effects related to night noise in the population.
139. 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.
140. 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 night time 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. A condition is also requested to provide a Construction Management Plan incorporating a dust impact assessment and management plan.
141. 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, dust 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

142. Part 15 of the NPPF (Paragraphs 120, 174, 183 and 184) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
143. The application site is in agricultural use and historic plans do not indicate any other land use within the site boundary that may have caused any ground contamination. However, the site is located to the north of a former landfill associated with Fishburn Colliery. 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.
144. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of land contamination. Officers do, however, 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.
145. 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

146. 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.
147. 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.

148. 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.
149. A Flood Risk Assessment (FRA) and Drainage Impact Assessment have been submitted in support of the application. 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. However, without mitigation the development would have a lower permeability than the existing greenfield composition.
150. A Sustainable Drainage System (SuDS) scheme, including filter drains, 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 and improve surface water runoff from the development onsite without causing a detrimental risk to the groundwater is possible.
151. Drainage and Coastal Protection officers have provided general guidance in relation to flood risk in but 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

152. 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 42 seeks to restrict development that cannot demonstrate that there would no residual adverse effects to the integrity of internationally designated sites. 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.
153. 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.

154. 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.
155. Fishburn Grassland Site of Special Scientific Interest (SSSI) is located approximately 55m to the east of the site, Bishop Middleham Quarry SSSI is located approximately 1.6km to the west, Thrislington Plantation SSSI is located approximately 28km to the west, Charity Land SSSI is located approximately 1.8km to the north east and Raisby Hill Quarry and Raisby Hill Grassland are located approximately 1.5m to the north. Thrislington Special Area of Conservation (SAC) and National Nature Reserve (NNR) is located approximately 2.8km to the west. Captains Well Local Wildlife Site (LWS) is located approximately 1.9km to the north east, Garmondsway Moor Quarry is located approximately 800m to the west, Merryknowle Quarry LWS is located approximately 675m to the south west, Bishop Middleham Roadside Lake is located approximately 1.1m to the south, Trimdon Grange and Railway LWS is located approximately 1.5km to the north, Trimdon Grange Pit Heap LWS is located approximately 1.5km to the north, Cleveland Gorse LWS is located approximately 2.5km to the north east and Rough Furze Quarry LWS is located approximately 2.8km to the west. There are no other national or local landscape designations within 3km of the proposed solar farm site.
156. 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 and breeding bird survey.
157. The assessment states that one of the designated sites, Fishburn Grassland SSSI has ecological and hydrological connectivity to the application site. Merry Knowles Quarry LWS and Garmondsway Moor Quarry LWS also have potential ecological connectivity. With the implementation of the recommended measures, it has been determined that there would be no likely significant effects on the either LWS as a result of the proposed development.
158. A total of eight habitat types were noted within the Ecological Study Area during the extended Phase 1 habitat surveys undertaken in October 2021, April 2022, and June 2022. During the survey visits, these habitats were assessed for their potential to support protected and notable species. Overall, the application site is considered to be of relatively low ecological interest in terms of habitats.
159. The construction of the proposed development would occur over land which has been identified primarily as arable habitat. Proposed security fencing would cross agricultural land only. Fences would be micro-sited to reduce disturbance, and existing

gaps would be used. The extent of habitat loss in a local context where these habitats are frequent is not considered significant.

160. From the survey findings and impact assessment conducted the assessment concludes that the proposed development is likely to have no significant adverse effects on local wildlife. However, precautionary and mitigation measures have been proposed, which include pre-commencement survey checks for badger, bats and birds and working to avoid harm to reptiles and amphibians if any suitable habitat is removed during construction. These mitigation measures would form part of the Biodiversity Management Plan (BMP).
161. 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.
162. 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.
163. The Ecological Impact Assessment concludes that the short-term disturbance resulting from the proposed development will not be significant if the recommended mitigation is undertaken. With the implementation of pre-commencement surveys and the proposed mitigation measures, it is considered that there would be no significant negative effects upon protected or notable species during the construction phase. The BMP and Landscape and Ecological Management Plan propose a number of habitat creation and enhancement measures centred around new hedgerows and tree planting, herptile hibernacula, bird and mammal houses/boxes. With the implementation of these, the potential of the site to support local wildlife will increase and the Proposed Development will lead to a positive effect on a number of protected or Priority species during the operational phase. It is considered that the proposed development would not result in harm to protected species.
164. Ecology officers have considered the proposals and raise no objections subject to appropriate long term management of the site. Concerns were initially raised in respect of potential displacement of breeding birds, including Skylark. However, following revisions to the site layout, land within the site has been set aside for

breeding bird habitat. Officers have provided further advice in respect of detailed seed mixes for the grassland and hedgerows, which would be dealt with as part of the detailed Landscaping scheme to be delivered by planning condition. 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.

165. 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 internationally, 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, 42 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

### Recreational Amenity

166. 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.
167. There are several public rights of way in and around the site. Footpath No.12 (Fishburn Parish) crosses the south western corner of the site. Footpath No.14 (Fishburn Parish) is located approximately 500m to the north west. Footpath No.10 shares the site entrance in the north east corner.
168. The development would retain and protect all existing public rights of way on their existing alignments. Footpath No.12 (Fishburn Parish), which crosses the site, would be retained with new hedgerow planted on both sides to filter the views of the panels.
169. Access and Rights of Way officers have not objected to the proposals but have noted that Footpath No. 10 (Fishburn Parish) is located close to the proposed development and a section of Footpath No. 12 (Fishburn Parish) is located within the red outline boundary and that there is the potential for moderate adverse effects for PROW users but that these effects would be somewhat mitigated during operational years by planting. Officers have stated that any planting adjacent to the PROW must be maintained to ensure that it does not encroach onto the path.
170. Objectors to the proposal have raised harm to the recreational value of the as an issue.
171. The development would not result in the loss of public rights of way and there would no physical deterioration in the quality of the paths. However, the recreational value of the affected rights of way would be temporarily reduced while screen planting establishes. However, it is considered that the temporary harm would not be sufficient

to conflict with CDP Policy 26, due to the short section of affected footpath and limited visual harm caused by the solar panels.

172. Whilst the development would lead to a degree of change to views from established rights of way this would not lead to a deterioration in their quality and the proposal would not conflict with CDP Policy 26 or Part 8 of the NPPF.

## Cultural Heritage

173. 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.
174. 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.
175. There are no designated heritage assets within the solar farm application boundary. The Grade II Listed Trimdon Hall and Hall Farmhouse, Grade II Listed Church of St Mary Magdalene and Grade II Listed Trimdon Grange Colliery Disaster Memorial are located approximately 1.4km to the north east. The Grade II Listed 13 and 14 High Street, Grade II Listed Dun Cow Public House and Grade II Listed Manor House are located approximately 2km to the south west. The Grade II Listed Church of St Luke, Winterton is located approximately 2km to the south. Trimdon Conservation Area lies approximately 1.3km to the north east and Bishop Middleham Conservation Area lies approximately 2km to the south west. Garmondsway Village Scheduled Monument is located approximately 1.5km to the north west and Middleham Castle Scheduled Monument is located approximately 2.5m to the south west.
176. A Cultural Heritage Assessment has been submitted in support of the application. This assessment provides baseline information including a description of the site and development, methodology and consideration of designated heritage assets.
177. The Assessment advises that indirect effects upon designated heritage assets within a 3km study area, as a result of the proposed development, are anticipated to be Negligible. The Application Site does not lie within the direction of any key views highlighted within the character appraisals for the conservation areas of Trimdon and Bishop Middleham, and views for these conservation areas and their listed buildings are also expected to be fully screened by intervening buildings, vegetation and topography. Only one other listed building was identified within the calculated Zone of Theoretical Visibility (ZTV) for the Proposed Development. This was the Church of St Luke, Winterton Hospital, for which views and intervisibility are also expected to be fully screened by surrounding buildings and vegetation. Similarly, only one scheduled monument in the 3km study area was found to be within the ZTV. This was Middleham Castle, whose setting is again expected to be mostly screened. Any possible

intervisibility with the Proposed Development would be partial and infrequent, with the closer settlement of Bishop Middleham already dominating views in this direction.

178. The Assessment advises that in respect of indirect effects upon non-designated heritage assets within a 1km study area, as a result of the Proposed Development, are anticipated to be Low in the worst case, specifically upon the settings of Trimdon House Farm and Gally Hill Farm. Low to negligible indirect effects are also anticipated for the settings of Trimdon House and West House Farm, while indirect effects upon the remainder of the non-designated sites are negligible, either due to screened views, compromised settings or the absence of any surface remains. The assessment concludes that that the development would not result in any harm to the significance of any designated heritage assets and no mitigation is required.
179. A geophysical survey was undertaken by over a total of three deployments between May and August 2022. Following the results of the survey the design of the proposed development was changed to avoid the anomalies predicted to be of highest archaeological significance. This included the implementation of 10m exclusion zones around those potentially indicating ring-ditches/barrows as well as around a cluster of anomalies possibly suggesting similarly significant sub-surface remains. Targets trial trenching was carried out during the determination of the application to test the results of the geophysical survey.
180. Archaeology officers have considered the proposals and commented that the geophysical survey and partial test trenching commissioned by the applicant revealed the existence of potential archaeological features in several areas of the site. In the light of the results, set out in the Cultural Heritage Assessment, the applicant has modified the layout of the scheme to avoid those predicted to be of the highest archaeological significance. Test trenching of the remaining areas is proposed to be carried out post-determination. Given the range of sequential mitigation measures detailed in the submitted Archaeological Mitigation Plan designed to protect any additional archaeological features identified, officers consider this approach to be acceptable. Conditions are recommended to secure the remaining archaeological investigation for the site with appropriate reporting.
181. Due to intervening topography, screening and distances it is considered that the development would cause no harm to the Trimdon Conservation Area, Garmondsway Village Scheduled Monument or any designated heritage assets.
182. 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

183. 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.
184. 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 over a study area of approximately 75ha. The assessment concludes that 39.43ha of the site area is comprised of Grade 3b soils, 25.72ha is Grade 3a soils and the remaining 9.92ha of the site is Grade 2 soils. The site is therefore comprised of approximately 47% best and most versatile land.

185. The applicant has commented that the ALC Assessment provides an indication of the soil capability of the land in question, but further assessment is required to provide a true picture of the versatility of the land. Although a small area of land to the north of the site is identified as having a soil quality consistent with Grade 2, this land is mostly found within a field parcel that includes steeper ground which prevents the whole field from being cropped and is as a result retained as permanent grazing land. Of the area which is currently cropped, strips of land lie either beneath overhead lines, with underground pipes or next to hedgerows and have therefore been afforded appropriate buffers leaving a substantially reduced area available for the development of panels. Cropping these areas in isolation would not make practical or economic sense from an agricultural point of view so extending the existing grazing area and managing it on more sustainable lines with the addition of solar panels meets these broader environmental goals as well as providing a practical means of retaining this land in productive agricultural use. There are three small pockets of land which have been classified as having soils in Subgrade 3a. The ALC confirms the owners experience that soil depth and type along with slope in some situations means that yields are often adversely affected in these areas. When Subgrade 3a land which is under existing overhead lines, and or with underground pipelines and which falls within the buffer zones around tree belts and hedgerows is excluded the remaining area which is left for the addition of panels amounts to a series of small isolated pockets which again would not be practical or economic to continue to use for arable production. Once again therefore using these areas for grazing as part of the wider sustainable management of the farm unit alongside the climate change, biodiversity, landscape and wider environmental benefits of the proposed approach is considered to be in line with this part of the NPPF and other Government policies for agricultural diversification and sustainability.
186. Objectors have stated that the development would result in the loss of greenfield, agricultural land and that it should be located elsewhere on allocated industrial or brownfield land.
187. Although the impact to best and most versatile land would be temporary the test set out in CDP Policy is still engaged and an analysis of the benefits of the development compared to the loss of agricultural land should be considered.
188. The application site, as a whole, is used for a mixture of crop production and grazing land. A specific income value for the crops is not provided as this fluctuates and would, in addition, be difficult to quantify for the specific area classed as best and most versatile.
189. The proposed development would provide the landowner with a significantly increased income allowing for further investment in the agriculture business. The development would play an important role in providing renewable energy to the grid, improving energy security for the UK with less reliance upon imported energy.
190. The development would provide biodiversity net gain through additional planting and habitat creation. Finally, the development would be subject to business rates of approximately £65,000 per annum.
191. Although the development would remove a portion of land from arable use it is considered that the benefits of the development as set out above would outweigh this

loss. The proposed would therefore not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

## Cumulative Impact

192. 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.
193. The application site is currently comprised entirely of agricultural fields and public rights of way. A small existing 228kw solar farm is located within the north eastern corner of the site, which was approved under reference DM/14/01413/FPA.
194. There are no other existing or approved solar farms within 6km of the proposed development. There are several wind farm developments within between 2km and 5km of the site.
195. 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. However, with the mitigation planting proposed there would be no intervisibility between the existing energy developments the proposed solar farm. 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.
196. 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

197. 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.
198. A relatively small patch of the site is located on an area that has been designated as Mineral Safeguarding Areas for glacial sand and gravel. 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.
199. 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. The application site is located within the consultation buffer zone for Shotton Airfield. Representatives of Shotton Airfield confirm that they have no objection to the development. In respect of High Moorsely the height threshold for consultation in this location is 15m and above. No part of the development would exceed this height threshold and therefore does not require consultation and would not conflict with CDP Policy 28 or Part 10 of the NPPF.

#### Community Fund

200. The applicant has proposed to make a financial contribution of a £15,525 indexed linked annual payment towards the local community through the provision of a Community Benefit Fund, for the operational life of the project.
201. Officers consider that the harm identified in the determination 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

202. Objectors have 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.
203. 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.
204. 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.
205. Objectors to the proposal have raised concern that the value of their property would be reduced as a direct result of the development. Impact of development on property values is not considered to be a material consideration in the determination of planning application. However, the effects of the proposal have been thoroughly assessed in relation to residential amenity and considered to be acceptable.

#### Public Sector Equality Duty

206. 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.
207. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## CONCLUSION

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208. 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 20,700 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.
209. The site would constitute development in the countryside resulting in a degree of landscape harm. 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.
210. Part of the site would occupy land that is considered to be best and most versatile agricultural land and whilst the development is temporary and reversible, the land would be unavailable for arable production for the duration of the development.
211. Whilst it is accepted that the proposed solar farm would have an impact to the landscape and best and most versatile agricultural land 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 temporary harm and planning permission should be granted. All other material considerations have been taken into account in the determination of the solar farm application and found to be acceptable.
212. 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.
213. The solar farm proposal is considered to broadly accord with the relevant policies of the County Durham Plan and relevant sections of the NPPF.

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## RECOMMENDATION

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214. That application 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 commencement 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:

<b>Drawing Number</b>	<b>Drawing</b>
DES-0004-V2.0	CUSTOMER SUBSTATION
DES-0003-V1.0	CCTV POLE
DES-0005-V2.0	DNO BUILDING
DES-0006-V1.0	GATE
DES-0007-V2.0	COMMUNICATION BUILDING
DES-0001-V20	LAYOUT PLAN

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

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

- A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014;
- Details of methods and means of noise reduction, or controlling noise impacts during construction;
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operations for the loading and unloading of plant, machinery and materials;
- Details of provision for all site operations, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic;
- Details of the erection and maintenance of security hoarding;
- Details of construction and decommissioning working hours;

- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

*Reason: In the interests of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to Policies 21 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition and the details of the construction management statement must be agreed before works on site commence.*

6. Construction operations shall only take place within the following hours:
  - 07.30 to 19.00 Monday to Friday
  - 07.30 to 12.00 Saturday

No construction operations including the maintenance of vehicles and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of emergency when life, limb, or property are in danger. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

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

7. Prior to the commencement of development, a landscaping scheme shall be submitted to the Local Planning Authority for approval in writing. This scheme shall include details of seed mixes, tree and hedgerow species with plan layout. The approved landscaping scheme shall be implemented on site in the first planting season following the development being brought into use. Any tree or shrub which may die, be removed or become seriously damaged within a period of 5 years from the first implementation of the approved landscaping scheme shall be replaced in the first available planting season thereafter.

Reason: In order to provide landscape enhancement and screening for the development in accordance with Policy 39 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

8. Prior to the commencement of development a road condition survey shall be carried out for 200m either side of the site entrance from Harap Road and submitted to the Local Planning Authority for approval in writing. A further road condition survey shall be carried out within 3 months of the site being brought into use. The second survey shall include a schedule identifying any degradation of the road and a scheme of works, if necessary, to remedy the damage and shall be submitted to the Local Planning Authority for approval in writing. The scheme of works, if required, shall be carried out in full within 6 months of being approved.

*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 a pre-commencement condition and the details of the construction management statement must be agreed before works on site commence.*

9. 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.*

10. 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.*

11. The development shall be carried out in accordance with the approved Flood Risk and Drainage Impact Assessment. The mitigation measures detailed with the Drainage Impact 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.*

12. 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.*

13. Development shall be carried out in accordance with the Construction Traffic Management Plan, dated September 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.*

14. 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.*

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

*Reason: To safeguard any archaeological interest in the site, and to comply with 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.*

16. The development shall not be brought into use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

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

17. 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 Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) guidance and include a Phase 1 preliminary risk assessment (desk top study).

If the phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, 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.*

18. 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.*

19. The approved development, once operational shall have an export capacity of not more than 49.9MW (AC).

*Reason: To ensure that the development does not exceed the threshold level for Nationally Significant Infrastructure Projects that would require a Development Consent Order.*

20. 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.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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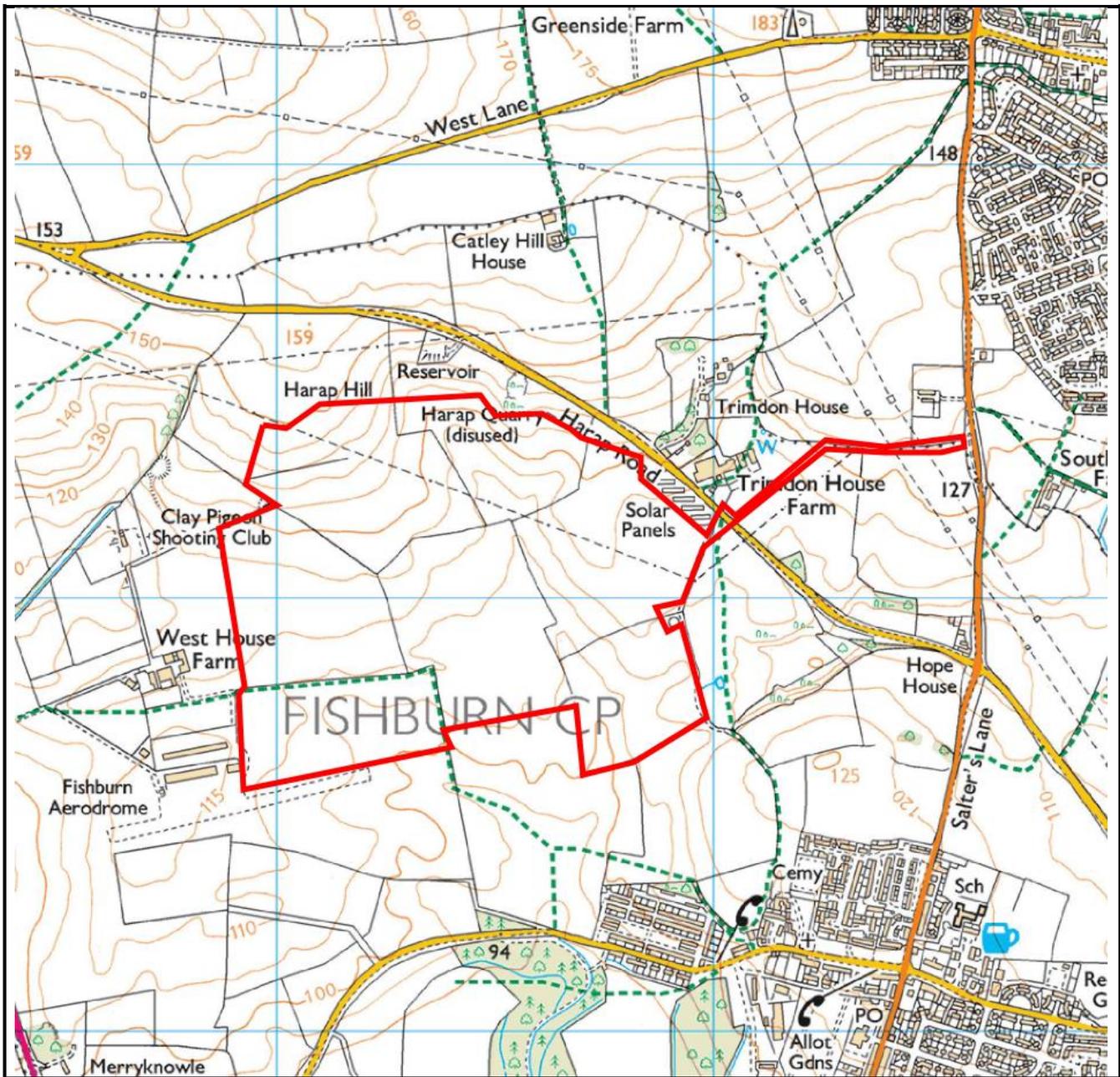
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant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

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## **BACKGROUND PAPERS**

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- 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)
- Powering Up Britain: Energy Security Plan (April 2023)
- Statutory, internal and public consultation response



**Planning Services**

DM/22/03757/FPA

Formation of solar farm including installation of solar panels, security fencing, CCTV cameras, an internal access track, underground cabling, invertors, substations, grid connection, environmental enhancement measures and other ancillary development.

Land West of Trimdon House Lodge  
Fishburn, TS21 4BA

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**Comments**

**Date** September 2023

**Scale** Not to Scale