

# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NO:	DM/23/00486/FPA
FULL APPLICATION DESCRIPTION:	Construction of a solar farm with all associated works, equipment and necessary infrastructure
NAME OF APPLICANT:	Bluefield Development Limited
ADDRESS:	Bluestone Farm Low Lands Cockfield Bishop Auckland DL13 5AW
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Claire Teasdale Principal Planning Officer 03000 261390 <a href="mailto:claire.teasdale@durham.gov.uk">claire.teasdale@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The site of the proposed solar farm occupies an area of 64 hectares (ha) which is located on agricultural (pastoral) land, to the east of the minor road C30 and to the immediate southeast of the hamlet of High Lands and to the west of Ramshaw and north west of Evenwood.
2. The site comprises sheep grazed grassland fields with boundary features of fences and stones walls, hedgerows, tree lines and woodland. The site formed part of the Low Gordon Opencast Coal Site and the current field pattern reflects the post-mining restoration. The topography of the site slopes downwards from northwest to the southeast to the valley of the River Gaunless. In the wider context, the site is surrounded by further extensive areas of farmland with scattered farmsteads, and numerous areas of woodland.
3. The nearest residential property is Bluestone Farm in the south western part of the site. At High Lands, to the west of the road C30, there are a number of residential properties as well as the properties of Chapel Lodge and Sunnycrest. Lands Methodist Church and Hall is also situated along the C30. Low Lands Cricket Club Ground located to the east of the C30 immediately adjacent to the site. There are individual properties along the B6282 to the north west and to the north are the properties of High Gordon and Low Gordon. There are a number of residential properties in Ramshaw and Evenwood. Cragwood Holiday Home Park lies to the south east.

4. The site comprises Grade 3b agricultural land under the Agricultural Land Classification system, most of which has previously been subject to opencast coal extraction. The land formed the Low Gordons opencast coal site.
5. There are no landscape designations within the site, but an Area of Higher Landscape Value (AHLV) as defined in the County Durham Plan lies to the north of the site boundary with a further AHLV to the south. Some 7.3km to the west is the North Pennines Area of Outstanding Natural Beauty.
6. There are no ecological designations within or adjacent to the proposed site. The closest sites are Gordon Beck Local Wildlife Site (LWS) some 515m to the north east and the Cragg Wood, Evenwood LWS and Ancient & Semi-Natural Woodland are some 360m to the south east. Witton-le-Wear Site of Scientific Interest (SSSI) lies some 5.2km north, Low Redford Meadows SSSI, some 6.7km to the north-west and Frog Wood Bog SSSI approximately 7.4km north-west of the site. Bollihope, Pikestone, Eggleston and Woodland Fells SSSI, the North Pennine Moors Special Protection Area (SPA) and North Pennine Moors Special Area of Conservation (SAC) are over 7.5km to the west and north west of the site.
7. No trees within the site or adjacent to the site are covered by a Tree Preservation Order (TPO). Cragg Wood, Evenwood LWS and Ancient & Semi-Natural Woodland is covered by the Barnard Castle Rural District Council (Crag Wood, Evenwood) Tree Preservation Order 1970.
8. There are no designated heritage assets within the application area. A disused railway line lies along part of the site's southern boundary with the historic Stockton and Darlington Railway lying approximately 300m to the south. Some 200m to the south is the Cockfield Conservation Area and Scheduled Monument described as Enclosures and industrial workings on Cockfield Fell. The West Auckland Conservation lies 3.4km to the east. The closest listed building is the Grade II Evenwood bridge (some 600m to the east) and the Grade II Evenwood War Memorial 1.1km also to the east. Some 1.2km to the north east are the Grade II Field Shelter About 200 Metres South-West of Ramshaw Hall, Wall and Piers Breaking Forward From East End of Ramshaw Hall and Ramshaw Hall. Approximately 1.25km to the west (Grade II Railway Indicator Stone C.3 1/2 Metres East of Skew Bridge and Grade II Railway Bridge C.400 Metres East of Former Hagger Leases Station).
9. Footpath Nos. 57, 59 and 62 (Evenwood & Barony Parish) and Bridleway No. 53a (Evenwood & Barony Parish) run through the proposed site. Immediately adjacent are Footpath Nos. 54 and 55 (Evenwood & Barony Parish). All of which link into the wider public rights of way network.
10. The site is within Flood Zone 1 and within a Groundwater Vulnerability Area as defined by the Environment Agency. The River Gaunless lies some 350m to the south and Gordon Beck lies between 450m and 630m to the north and north east.
11. Parts of the site falls within the defined Development High Risk Area. In addition, it lies within the surface mined coal resource area and mineral safeguarding area as defined in the County Durham Plan.
12. The site also lies within the 30km wind farm consultation zone for Tees Valley Airport.

## The Proposal

13. The proposal is for a ground mounted solar farm with associated works, equipment and necessary infrastructure. The solar farm would have an export capacity of

49.99MW for a period of 40 years from the date of the first exportation of electricity. The energy would be supplied to domestic and commercial consumers via the Distribution Network Operator (DNO) grid network, Northern Power Grid (NPG).

14. The development would consist of arrays of solar panels arranged in rows on an east-west orientation to face the south at 15 to 25 degrees from the horizontal for optimum efficiency, with a maximum height of 3m. The panel modules are made from photovoltaics (PV) which are dark blue in colour. The solar panels would be mounted on a metal framework comprising upright galvanised steel posts driven into the ground without deep or concrete foundations, and an aluminium support frame. The arrays would be spaced typically between 2.9m and 8m to avoid shadowing effects with topography dictating exact row spacing.
15. Inverter stations and other equipment to support the generation of electricity would be located across the site, accessible by internal tracks. The inverters would be located throughout the site; these convert direct current (DC) generated by the PV panels into alternating current (AC) for supply to the electricity network. Inverters would be housed in prefabricated metal containers, finished in either a grey or green colour, and measuring (approximately) 2.9m in height with a length of 6.5m and a width of 3m. They would be positioned on a block plinth (approximately 0.3m in height), with the overall elevation measuring 3.2m above ground level. In the south eastern part of the site, to the east of the existing site access, would be an DNO substation, customer substation, control room, operations and maintenance building and welfare buildings. All of the plant buildings on site would be at or below single storey level (approximately at or below 3.4m in height), with the exception of the control building within the substation compound; this will have a height of 6.1m, but it would stand within the compound located on the lowest part of the site. The transformer within the compound would have a height of 5.6m.
16. The grid connection would be via the proposed DNO substation. Insulated DC cables from the solar modules would be routed in shallow trenches, that would be backfilled, to link with the inverters. The cabling would then run from the inverter stations to the on-site DNO 66kV substation where the electricity would be run through the transformer to 66kV and exported via a cable to the local distribution network via the adjacent existing overhead pylon.
17. For security purposes a security system would be installed consisting of a 2.5m high deer style fence and pole mounted security cameras installed around the fence perimeter located on 2.6m high poles. The proposed fencing would be fitted with small mammal gates fitted at appropriate points near the bottom of the fence to enable free access. Access tracks of 4 - 5m wide for maintenance purposes are also proposed and would be constructed with crushed aggregate. Public rights of way run through the site and would continue to do so should the solar farm be approved as no diversions are proposed.
18. Access to the site for construction and maintenance vehicles would be via Bridleway No. 53a (Evenwood and Barony Parish) which is an existing access and track off the Road C30 in the south eastern part of the site. A temporary construction compound would be located adjacent to the site access, positioned to reduce the distance where vehicles and bridleway users would share the route. Defined internal construction routes to avoid the bridleway and utilise existing field access wherever possible would be in place. Managed public rights of way crossing points are also proposed across the wider site during the construction phase. Following construction, a reduced network of internal tracks would remain for maintenance and operational purposes.

19. Proposed construction operations would be limited to the hours of 08:00 – 18:00 Monday to Friday and 08:00 – 14:00 on Saturdays with no working on Sundays or Bank Holidays. The expected construction period would be expected to last approximately 9 months.
20. At the end of the 40 year operational period the site would be fully decommissioned and restored to its existing use. All other equipment and below ground connections would be removed. Decommissioning is estimated to take approximately 6 months.
21. Planting is proposed to be undertaken comprising tree planting, planting to strengthen existing hedgerows, creation of several Biodiversity Enhancement Areas across the site providing 8 hectares of species-rich meadow grassland with additional planting, providing refuge and foraging opportunities for wildlife, improved habitat connectivity, and additional visual screening from High Lands and of the proposed substation.
22. It is anticipated that construction would employ approximately 70 – 80 jobs onsite and indirect/induced roles. When operational the site would be subject to maintenance and the number of jobs reduced. There would be no full time jobs on-site once operational, but there would be employment opportunities through maintenance operatives visiting the site. These would include local contractors for fence maintenance, ensuring hedgerows are maintained at agreed heights, panel cleaning etc. The land would be maintained by the farmer.
23. The proposed development would have an export capacity of 49.99MW and would generate approximately 41,650 megawatt hours per year (MWh/yr). The electricity generated would be enough to meet the energy needs of around 13,000 homes each year. The application considers that this would be a reduction of approximately 8,700 tonnes of CO<sub>2</sub> emissions annually, equivalent to taking around 5,000 cars off the road each year.
24. The application is being reported to Planning Committee as it is major development and to County Committee as it is a renewable energy development with a site area greater than 1 hectare.

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## **PLANNING HISTORY**

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25. The site formed part of the Low Gordon Opencast Coal Site operated by Coal Contractors Ltd. between 1995 and 1999 with the restored to agricultural use around 2001.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

26. A revised National Planning Policy Framework (NPPF) was published in December 2023. 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.
27. In accordance with Paragraph 225 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.

28. *NPPF Part 2 – Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
29. *NPPF Part 4 – Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
30. *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.
31. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; 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 services should be adopted.
32. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
33. *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.
34. *NPPF Part 15 – Conserving and Enhancing the Natural Environment.* 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, 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.

35. *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.
36. *NPPF Part 17 – Facilitating the sustainable use of minerals.* It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

37. 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: 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>

38. 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 have been reviewed. In November 2023, revised versions of the National Policy Statements were published following consultation. The 2011 versions of the National Policy Statements remain in force until the revised National Policy Statement are designated in early 2024. The new EN-3 states that electricity generation from renewable sources of energy is an essential element of the transition to net zero and meeting our statutory targets for the sixth carbon budget (CB6). The new EN-3 states that the government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector. The Policy Statement cites the key considerations involved in the siting of a solar farm.

#### **LOCAL PLAN POLICY:**

The County Durham Plan (October 2020)

39. *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.
40. *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.

41. *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.
42. *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.
43. *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.
44. *Policy 28 – Safeguarded Areas* – Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined Durham Tees Valley and Newcastle International Aerodrome Safeguarding Areas where it can be demonstrated that it would not prejudice the safety of air traffic and air traffic services.
45. *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.
46. *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.
47. *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.

48. *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.
49. *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.
50. *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.
51. *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.
52. *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.
53. *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.
54. *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. The policy advises on when harm or total loss of the significance of



heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

55. *Policy 46 – Stockton and Darlington Railway* – States development which impacts upon the historic route of the Stockton and Darlington Railway (S&DR) of 1825, the Black Boy and Haggerleases branch lines and the Surtees Railway, together with their associated structures, archaeological and physical remains and setting, will be permitted where the proposal: seeks to reinstate a legible route or enhance any physical remains and their interpretation on the ground, and otherwise respects and interprets the route(s) where those remains no longer exist; safeguards and enhances access (including walking and cycling) to, and alongside, the route, branch lines and associated structures, archaeological remains and their setting; does not encroach upon or result in the loss of the original historic route(s), damage the trackbed excepting archaeological or preservation works, or prejudice the significance of the asset; and does not prejudice the development of the S&DR as a visitor attraction or education resource.
56. *Policy 56 – Safeguarding Mineral Resources* – 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. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

#### **NEIGHBOURHOOD PLAN:**

57. There is no Neighbourhood Plan for this area.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

58. *Highway Authority* – has raised no objections advising that from a Highways perspective the proposal would be considered acceptable. It is noted that solar farms themselves, only generate negligible levels of traffic once operational. The main traffic associated with the use would be during the construction phase which based on submitted information would be minimal. During the operational phase it is also considered that the impact of the site on the road network would be minimal. Officers advise that works proposed to improve the access to the site from the C30 would require the applicant to enter into a Section 184 licence under the Highways Act 1980 with the Local Highway Authority.
59. *Lead Local Flood Authority (Drainage and Coastal Protection)* – has raised no objections to the proposals, confirming approval of the proposed surface water management scheme following submission of amended details. Officers consider that

the site shows a betterment for runoff rate compared to the existing however consider it falls short of CDP Policy 35 in flow reduction. Officers note that the Policy is more aimed at residential and business developments and does not specifically consider green space development such as solar or wind farms. The design does include good practice encouraged in the policy and shows a reduction in flood risk therefore Officers offer no objection.

60. *Natural England* – has no objection and based on the plans submitted considers that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites. It is noted that the proposed development is for a site within or close to a nationally designated landscape, the North Pennines AONB, and advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. It is advised that the AONB Partnership is consulted. General advice is provided on the consideration of landscape, best and most versatile agricultural land and soils, protected species and other natural environment issues.
61. *Historic England* – advises that it provides advice when its engagement can add most value and, in this case, it is not offering advice. It is stated that this should not be interpreted as comment on the merits of the application and suggests that the views of the Council's specialist conservation and archaeological advisers is sought.
62. *Coal Authority* – has no objection. It is noted that parts of the application site fall within the defined Development High Risk Area; however, the nature of development within those parts of the site within the defined Development High Risk Area is listed as exempt. It is noted that whilst there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted with any planning application or for the Coal Authority to be consulted on this proposal, the applicant may wish to consider the implications posed by the coal mining legacy of the site. The Coal Authority advises that most notably, their records indicate the presence of numerous recorded mine entries (shafts) within the planning boundary and that the site is affected by both actual and probable shallow coal mine workings. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. An untreated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety. In addition, the Coal Authority's records indicate that the site lies within the boundaries of a wider site from which coal has been extracted by surface (opencast) mining methods. Where such mining has taken place general settlement of backfill and differential settlement over / in the vicinity of buried opencast highwalls can occur, which in turn can result in damage to buildings and structures. The Coal Authority advises that the applicant should be made aware of this by way of an informative note on any permission given and the Coal Authority.
63. *Teesside International Airport* – advises that the airport safeguarding team has assessed the proposal in accordance with the CAA ADR - Aerodromes Regulation 139-2014 and it does not conflict with the safeguarding criteria for the airport. Accordingly, the Airport has no aerodrome safeguarding objection to the proposal based on the information provided.
64. *National Air Traffic Services (NATS)* – has raised no objections to the proposals advising that it does not conflict with its safeguarding criteria.

#### **INTERNAL CONSULTEE RESPONSES:**

65. *Spatial Policy* – has raised no objections to the proposed solar farm. Officers identify policies of importance to the assessment of the application noting that CDP Policy 33

(Renewable and Low Carbon Development) will be of particular relevance in assessing the application. CDP Policy 14 protects the best and most versatile land. An Agricultural Quality of Land Assessment has been provided. This identifies the site is Grade 3b and therefore would not be considered the best and most versatile agricultural land. Officers advise that the key policy consideration relates to if the proposal is acceptable in terms of impacts on landscape, trees and hedgerows, heritage, biodiversity, amenity, surface water flooding and the road and PROW network.

66. *Environmental, Health and Consumer Protection (Air Quality)* – has raised no objections. Having considered information submitted with the application officers consider that appropriate guidance has been referenced and an appropriate methodology for assessment of dust during the construction phase has been used in the submitted Dust Management Plan (DMP). The potential dust impacts are evidenced and considered appropriate with respect to the guidance. The mitigation measures and other procedures and controls contained in the DMP are considered appropriate with respect to the assessed dust impacts. Officers advise that the Framework Construction Traffic Management Plan incorporates measures specified by the DMP where relevant including wheel washing and 10 mph speed limit. A statement on emissions resulting from construction traffic or during the operation of the proposed development has not been found in the documents reviewed. However, the Transport Statement states that during the 9 month construction period it is unlikely that there will be more than 20 HGV movements in any day, with potentially up to 20 light vehicles (40 movements). Additionally, that operational traffic movements would typically be 10-20 per year. Considering the approach set out in EPUK/IAQM guidance, it is noted that these changes do not trigger the indicative criteria to proceed to an air quality assessment. The applicant was asked to confirm whether air quality assessment of traffic impacts had been screened out on this basis and it was confirmed.
67. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals subject to appropriate conditions. With regard to the submitted Noise Assessment, officers advise that it demonstrates that operational noise from the development is unlikely to have a negative impact upon sensitive receptors, the report is considered to have been undertaken by a suitably qualified and competent consultant and the findings are agreed with. Therefore, the information submitted in relation to operational noise demonstrates that the application complies with the thresholds stated within the Council's Technical Advice Notes (TANS). This would indicate that the development would not lead to an adverse impact. With regard to dust control the submitted Dust Management Plan appears suitable and could be incorporated into a wider Construction and Environmental Management Plan (CEMP). The Framework Construction Traffic Management Plan also appears suitable and again could be incorporated into a CEMP. Conditions are recommended for during the construction period in relation to submission of a Construction Management Plan. Officers accept the findings of the submitted Glint and Glare Study in relation to the impact upon residential receptors and advise that the information submitted demonstrates that the development is unlikely to lead to an adverse impact upon amenity by way of Glint/Glare, solar reflection. Officers raise no concerns with the findings of the submitted Glint and Glare Study in relation to the impact upon residential receptors. They advise that they have not reviewed the study in relation to the impact upon roads users or aviation. Furthermore, Officers confirm that they have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance. Officers

advise that Glint and Glare cannot be considered in relation to statutory nuisance and no advice is given in this regard.

68. *Environmental, Health and Consumer Protection (Contaminated Land)* – has raised no objections to the proposals. Given that the site is a coalfield development high risk area and the presence of potentially contaminated land onsite associated with historical railway cuttings, officers recommend a contaminated land condition should planning permission be granted. This would require further assessment prior to the commencement of development.
69. *Landscape* – has not specifically objected however, Officers note that there have been changes to the proposed landscaping plan and site layout plan which are beneficial. A Landscape and Ecological Management Plan and a Woodland Management Plan have also been submitted and are welcomed. However, officers consider that the proposals would result in some substantial, long-term, and adverse effects to the character, quality and distinctiveness of the local landscape and important views by virtue of its nature, size and visibility and would reduce the quality of the experience for recreational users using the countryside. While some of the harm in near views could be mitigated to some degree in the medium to long term, the effects in views from higher ground could not. Moreover, the proposed mitigation would be at the detriment to the character of the area.
70. *Aboriginal (Trees)* – raises no objection deferring to Landscape Officers comments and provided comments on the submitted Woodland Management Plan.
71. *Ecology* – has raised no objections to the proposals. Officers are generally content with the level of survey effort undertaken, noting terms of protected species that whilst there are mature trees on site, some which have risk of bat use it is understood that these would be retained as part of the proposals. Officers raised queries during consideration of the application, and these were addressed. Officers are content with the submitted Landscape & Ecological Management Plan and the Biodiversity Management Plan and have no further objections on the basis of the information provided. It is noted that a Woodland Management Plan would also be produced for the retained woodlands on site. The production of this, together with the detailed LEMP including all habitat enhancement, creation and required monitoring for a minimum of 30 years, as detailed, should be secured by Section 39 agreement or similar.
72. *Access and Rights of Way* – has raised no objections to the proposals. The application site is crossed by a number of public rights of way, the route of Footpath No. 62 (Evenwood and Barony Parish) has an outstanding claim for rights of at least bridleway status to be added to the map. Officers advise that it appears these rights of way can be accommodated on their legal lines through the development and there appears to be no proposal to stop up or divert any of these rights of way. Officers request that applicant to look for opportunities to improve access across the site including measures such as replacing stiles with gates. Queries have been raised during the course of consideration of the application regarding the height of new and existing hedgerows and impact upon users, clarification on the widths of the bridleways and footpaths and maintenance of sections of rights of way which run through vegetation. The matters were addressed to the satisfaction of officers.
73. *Design and Conservation* – raise no objections. Officers advise that whilst a degree of change to the setting of designated and non-designated assets has been identified in the consideration of this proposal, the change does not reach a level which results in harm warranting objection to this proposal.

74. *Archaeology* – has raised no objections. Officers note that a geophysical survey of the site and the first phase of trial trenching. They advise that the submitted archaeological report has shown some archaeological potential for the site, based on some undated remains. It also encountered more information regarding the extent of previous disturbance on the site. Officers advise that further trenching is required to further test and confirm the geophysical survey results, and also to confirm the nature and extent of archaeological remains present. These further works are recommended to be secured by conditions.

#### **NON STATUTORY RESPONSES:**

75. *Durham Constabulary Crime Prevention Unit* – provides advice to the applicant in respect of designing out crime/crime prevention perspective and make a number of recommendations. These relate to CCTV, site security and consideration to forensic marking of panels and cables.
76. *Durham County Badger Group* – raise no objection and advise that access from two outlier setts to the main sett outside the plan area be enabled/secured. Access for wildlife along their usual paths should be maintained in the fencing scheme.

#### **PUBLIC RESPONSES:**

77. A Statement of Community Engagement outlining this was submitted with the application. This advises that prior to submission of the application the applicant consulted with the local residents and other key stakeholders, which included an informal public consultation event followed by a public exhibition. Engagement also took place with local and neighbouring County Councillors and with Evenwood and Barony and the neighbouring Cockfield Parish Council. Information about the proposal was made available both at public exhibitions and online. The Statement of Community Engagement states that the majority of responses were supportive of the proposals. Key matters raised included general support for renewable energy development, concern about construction traffic routing and support for community benefit.
78. 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 211 neighbouring properties. 17 representations have been received, 5 objections and 9 letters of support. A further 3 representations have been received offering comments.

#### **Objection**

79. 5 objections to the proposals have been received. The objections received were individual letters or emails. The issues raised are set out below.

##### *Visual impact*

- Concerns that wooded areas surrounding the site would be thinned by at least 30% and the view that this would be done because trees are a hinderance to solar panels in terms of shading and if trees were to fall on the panels.
- Replanting of trees would take 20 – 40 years creating no shadow over the solar panels.
- Impact to the village and natural landscape would be devastating and the site would not be able to recover into its natural state.
- Cutting down trees would be a none net zero effect.
- Loss of the area's natural beauty as a result of the proposal.
- Solar farm sites are an eyesore.

- Visibility of the panels from residential properties in the vicinity is raised as a concern.
- Information submitted with the application is considered to hide the full impacts of the development.

#### *Ecology*

- This headlong rush into green energy has become a rush to build on an unproven technology, at the expense of nature and the eco system given the covering of the land with panels and the associated infrastructure.
- View expressed that solar farms have an adverse impact upon nature.
- It is stated that School House in Aycliffe has led to a total loss of biodiversity on the site.
- Concerns about bird strikes and vermin.

#### *Public rights of way*

- No Wellbeing or Mental health benefits would be found from walking through an electricity producing plant, quite the opposite.

#### *Coal mining legacy*

- Concerns that shaft locations referred to by the Coal Authority have not been identified and that a fault line lies under an objector's property and any industrial work could adversely affect the fault time.
- Concerns that steel pegs would be placed into the ground over known coal mines that would give off coal gas are a cause for concern especially in the event of a lightning storm.

#### *Drainage and flood risk*

- Existing drainage is raised, and comment made regarding the impact that covering the land with solar panels could have on drainage for the area and potentially upon underground mines.
- It is stated that certain areas already floods and that there is a high chance of flooding to other areas as a result of the proposed development and potentially damage to properties.
- This planed site has numerous swales, showing the developers high concerns about flooding.

#### *Glint and glare*

- The glint and glare report is considered to be false because the objector's property is not referred to.

#### *Need*

- Questions are raised regarding the need for extra electricity and the cost to the consumer as it is stated that the wind turbines at Tow Law are not turned on during the day as there is too much electricity.
- The solar farm generating electricity during the day would make the wind turbines stop turning and Nation Grid pay more to make the turbines stand still.
- Consumers do not see cheap energy in their bills.

#### *Community benefits*

- It is claimed that the applicant has offered money to pivotal members of the community/associations/charities of the area to sway opinions.
- It is stated that solar panels have been offered to individual households but queries are raised regarding ownership of electricity produced if the panels are owned by the applicant.

- It is stated that there should be full transparency and details of who has been offered what.
- View that the development would bring nothing to High Lands by way of usefulness.

#### *Residential amenity*

- Loss of privacy, peace and quiet are raised.
- Concerns regarding noise from the proposed development during construction.
- Potential noise from transformers, etc. on site.

#### *Contamination*

- The possibility of Zinc, copper indium selenide, copper indium gallium selenide, Hexafluoroethane, and polyvinyl fluoride entering the fragile Gaunless environment is high.

#### *Heritage*

- High Voltage lines that currently cross the largest historical site in the UK, so much so one of the pylons is centre to an Iron Age settlement, (requiring moving for the preservation of this important site).
- The area has chance of archaeological site and tourist attraction in the future, this industrial site would only succeed in stopping this.
- It is stated that certain bridges are ancient monuments and would not be able to carry additional weight (vehicles).

#### *Vehicle movements*

- Concerns over traffic during the construction phase are raised in terms of size of vehicles and numbers.
- Concerns are raised regarding the impact of HGVs on local roads, adjacent stone walls and properties.
- It is stated that comparing HGVs to agricultural machinery is incorrect and the latter has a lesser impact due to their size.

#### *Other matters*

- A public inquiry is considered to be required.
- Concerns that there would be a solar heat island effect raising the temperature of the surrounding land.
- Concerns that there would be RF interference and this has not been researched.
- It is stated that having checked Company House report the applicant does not have the funds to clear up the site in 30/40 years time and the site would be left unrestored.
- Opinion given on the location of the connection to the pylons, with a better option considered to be on the Gaunless side of the road.
- Impact upon tourism.
- Impact upon the cricket field questioned which is also used as a BMFA model flying club with lost balls or models not being able to be recovered.
- Devaluation of property prices and a full council tax rebate should be provided.
- Concerns raised over the acceptability of the site and impact upon Human rights due to invasion of privacy" given reference to cameras, dangerous to human beings with rights of way through the site and the number of people involved with the development all of a sudden being within close proximity to the locals.

80. *Council for the Protection of Rural England (CPRE) Durham* – objects and considers that the application should be refused considering that it is contrary to development plan policy and the NPPF. Comments are made regarding the loss of agricultural land acknowledging that although it is not Best and Most Versatile land it may still be

productive. In addition, queries are raised as to how soil would be treated. It is accepted that, from the roads, views of the site are limited nevertheless, they do exist. Impacts upon public rights of way are raised as a concern. Landscape and visual impact are raised as a concern and that the site may impact upon neighbouring landscape designations. It is challenged whether the benefits outweigh the harm, particularly in such a rural location and stated that this is not an appropriate location. It is also stated that CPRE is currently campaigning for solar arrays to be placed on commercial and other roofs rather than on agricultural land.

## Support

81. 9 individual letters/emails of support have been received. The issues raised are set out below.

### *General*

- It is good for and supports the environment and the planet.
  - There is a need to do as much as we can to revert global warming and support the future of our environment to for future generations.
  - It is clean energy.
  - Providing renewable energy for the local community.
  - Also protecting the land for wildlife and preserving the land.
  - Benefits to local communities including free supply and installation of solar roof panel arrays to households and to Lands Village Hall. It is requested that these are confirmed in writing and secured as part of any planning approval.
  - Assurances requires that the road between High Lands and Low Lands would be kept clean on a daily basis during the construction period.
  - Highlighted the need to be aware of cyclists.
82. *Councillor James Cosslett (Evenwood)* – advises that he has no objections to this planning application and will give it his full support.
83. *Councillor Robert Potts (Evenwood)* – states that he would like to provide his support for the development of the solar farm. The solar farm would have an approximate capacity of 49.9MW, helping both County Durham and the country be more energy independent. The Councillor states that the proposed development would create enough renewable energy to meet the annual electricity needs of approximately 15,000 homes, which he believes is more than in the Evenwood Divisional area. It would also offset approximately 11,200 tonnes of CO<sub>2</sub> each year, the equivalent of taking around 5,160 cars off the road (figures provided by the applicant). Councillor Potts advises that he has attended public meetings and spoken to local residents with regards to this solar farm, all but one person has been in favour of the application. He considers that the applicants have worked hard to ensure they have made changes recommended by the local residents, they have ensured minimal impact is caused to public rights of way, even ensuring the solar panels are mounted in a way which allows sheep grazing to continue on the farmland after installation. As part of the development a local community fund would be established to invest in local projects and initiatives. Councillor Potts further states that the applicants have agreed a provision of new hedgerows and tree planting to ensure a positive net biodiversity impact.
84. *Highlands Village Hall Association* – broadly supports the proposal on condition that promises made by the applicant during their consultations are met. The Association advises that whilst taking a neutral stance it has assisted the applicant to consult with the local community by hosting two public meetings, and informal meetings between the applicant and residents. It is stated that verbal promises of community benefits



were made and that these should be agreed and details of how they would be delivered rather than vague promises. The Association has undertaken its own informal conversations and discussions with its members, users, local residents, and its committee. While a few objections and concerns have been raised about perceived impacts, the vast majority of conversations have been supportive of the proposal. Objections to the application are noted as including: concern over traffic during the delivery phase; noise during construction; potential noise from transformers, etc., on site; and visibility of the panels from residential properties in the vicinity. To mitigate some of the major concerns raised with the Association, it suggests enforcing a 30mph speed limit on the access road between High Lands crossroads and Low Lands bridge for all traffic throughout the period of construction, limitations on the hours of construction, and other noise abatement measures. Early planting to screen the development is also proposed. The Association broadly supports the proposal on condition that promises made by the applicant during their consultations are met. Namely the provision of a community fund to the Association throughout the period of the site's use as a solar farm; provision of an array of solar panels and batteries for Lands Village Hall; use of land for community use and replacement allotments; provision solar panels on request to households affected by the proposal, and support for small-scale community biodiversity and ecology projects. Provision of additional mature native trees are welcomed.

## Representations

85. One resident states that they loosely support, however, concerns are raised relating to: close proximity to homes; heavy plant/work traffic through the village; proper site facilities for workforce and its safe & tidy maintenance; making good any damage to road and surrounding affected areas; respectful of existing wildlife/environment; compensation to village for disruption /inconvenience caused.
86. *The British Horse Society* – although not stating it objects, on behalf of riders, particularly local riders, the Society regrets the loss of amenity this development would inevitably result in and would urge that mitigation in the form of increased or improved local access to off road riding be included in the development plans. The Society notes that the site encompasses Bridleway 53a (Evenwood and Barony) and also the current Public Footpath 62 which is the subject of a DMMO application to upgrade to Bridle way based on substantive historical evidence. It is therefore important that adequate width is allowed for both the existing bridleways and the historic route pending the outcome of the DMMO process, and that BHS guidance is followed to ensure safety and to reduce the loss of amenity as a consequence of the development.
87. *The Friends of the Stockton & Darlington Railway* – raise no objection. They note with interest the proposal for information boards within the site's network of public rights of way and elsewhere. The Friends state they have already supplied heritage information to the applicants and would welcome the opportunity to check the proposed texts to ensure their accuracy.

*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:

88. The proposed solar farm is located on the site of a number of former deep coal mine workings together with a large area of open cast coal extraction.

89. There is no Best and Most Versatile (BMV) land within the proposed solar farm area - all land is Grade 3b. The existing farm is not used for growing any crops and is currently used in its entirety for sheep grazing, which would continue during the lifetime of the solar farm.
90. The land is substantially screened from Cockfield and Cockfield Fell by significant existing woodland buffers to the south and north. This will be protected via a planning condition requiring an agreed Woodland Management Plan (WMP).
91. The development will secure a Biodiversity Net Gain (BNG) of over 51.98% in habitat units and 157.28% in hedgerow units.
92. The solar farm would connect to the existing onsite overhead electricity lines.
93. There will be no impact on public rights of way once operational, with a minimum width of 10 meters from fence line to fence line and at least 1.5m between onsite hedgerows.
94. The site has good access for construction, low risk of flooding and is not within any statutory designations.
95. Bluefield has engaged extensively with the local community in the Lands area and a number of design changes have been made, including replacing solar parcels with additional Biodiversity Enhancement Areas (BEA) which now total 25.5 acres.
96. No statutory objections, only 3 public objections.
97. The solar farm would offset at least 8,700 tonnes of CO<sub>2</sub> per annum. This is equivalent to the average annual UK electricity consumption for approximately 13,000 homes per annum.
98. Bluefield is committed to contributing funds to local community projects as part of our solar farm investment. We have had constructive dialogue with Lands Village Hall Association and have also had dialogue with Cockfield and Evenwood Parish Councils.
99. We have pledged a sum of at least £400,000 (four hundred thousand pounds) for local community projects. This includes renewable energy and energy efficiency projects at both Lands Village Hall and Butterknowle Primary School.
100. We will also be carrying out energy surveys and a retrofit solar and battery programme for around 60 local houses together with the potential provision of a community garden.
101. Once it is no longer needed for energy, the solar farm will be decommissioned by condition and returned to its previous use. The majority of the equipment on site can be reused or recycled (99% of the materials used in solar panels are recyclable)

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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102. 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 and coal mining risk, 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

103. 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.
104. 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.
105. 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.
106. The key policies for the determination of this application are CDP Policies 10 (Development in the Countryside) and 33 (Renewable and Low Carbon Energy).
107. CDP Policy 33 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.
108. 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.

109. 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.
110. 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.
111. 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.
112. Paragraph 163 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 significant 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.
113. It should be noted that the CDP has identified areas suitable for wind turbine development but not for solar.
114. The December 2020 Energy White Paper: Powering our Net Zero Future (WP) reiterates that setting a net zero target is not enough, it must be achieved through, amongst other things, a change in how energy is produced. The WP sets out that solar is one of the key building blocks of the future generation mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener where under key policies it explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation such as solar.
115. 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.

116. 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.
117. There are also a number of applicable environmental protection policies within the CDP and the NPPF which are considered below.

### Landscape and Visual Impact

118. Paragraph 180 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.
119. 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.
120. 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.
121. 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.
122. There are no landscape designations within the site. An AHLV as defined in the CDP Plan lies to the north of the site boundary with a further AHLV some 200m to the south. Some 7.3km to the west is the AONB. Trees within the site or adjacent to the site are not covered by a Tree Preservation Order (TPO). Cragg Wood, Evenwood LWS and Ancient & Semi-Natural Woodland some 360m to the south east is covered by the

Barnard Castle Rural District Council (Crag Wood, Evenwood) Tree Preservation Order 1970. Cockfield Fell Scheduled Monument (SM) 'The Enclosures and industrial workings on Cockfield Fell' and Cockfield Conservation Area (CA) lie approximately 200m to the southwest of the site at its nearest point. Cockfield Fell is also designated as an Area of Open Access Land. The area is notable for its mining heritage, with some elements of the industrial landscape remaining including railway lines associated with Cockfield Fell SM still visible and within the setting of the proposed development; these include the former Barnard Castle and Bishop Auckland branch line that bounds the site to the south and the Haggerleases Branch (also known as the Butterknowle Branch) Line of the Stockton and Darlington Railway 300m to the south.

123. A Landscape and Visual Impact Assessment (LVIA) has been submitted with the planning application and considers the effects of the proposed development on the landscape and visual amenity. The Assessment considers a winter or worst-case scenario when the vegetation is not in leaf and considers the effects on landscape elements, the landscape character of the site, the landscape character beyond the site and general visual amenity. With regard to the effects on landscape elements, temporary effects during construction in the form of ground disturbance are noted but these are considered to be temporary, and areas would be reinstated. The Assessment considers that the planting proposals would enhance and reinforce the landscape structure across the site, which in turn would be beneficial in terms of strengthening the local landscape character in line with the objectives for the landscape character, identified within the Durham Landscape Character Assessment. The benefits are considered to increase in magnitude over time as planting matures. Effects on the landscape character of the site, overall, the Assessment concludes that the proposals would result in a moderate effect on the character of the site itself. With the potential for landscape effects to reduce following successful management of the existing on-site vegetation and new mitigation planting. On the landscape character beyond the site and on general visual amenity, the magnitude of change to the character in close proximity to the boundary of the site would be medium, diminishing quickly to negligible across the wider landscape.
124. With regard to the effects on general visual amenity, the LVIA acknowledges that prior to the mitigation planting maturing, adverse visual effects upon public rights of way (PRoW) receptors on the site would be experienced, however, this would be a direct consequence of introducing development into an agricultural site although it is noted that the site's former use as a deep and open-cast coal mining site. It is stated that the landscape proposal included with the application would not only strengthen characteristic landscape features within the site but also replicate the treatment of other PRoWs in the vicinity which are tree lined. Once the mitigation planting matures overall, the visual effects upon receptors would reduce, with the exception of PRoW users within the site at proposed breaks in the vegetation which would be retained for the operational phase. In views from publicly accessible locations in the surrounding landscape, the Assessment considers that mitigation proposals would aid in entirely restricting or filtering views of the proposed built form, including locations from within Cockfield Fell. In any of the locations within Cockfield Fell, receptors already have the opportunity to view the pylons which punctuate the skyline. There are locations such as along the road from Cockfield and Evenwood where the mitigation proposals would not entirely prevent views of the built form. However, the oblique and transient nature of this view should be considered.
125. An Environmental Enhancement Strategy has also been submitted with the application which highlights how the proposal places a strong emphasis on the retention and enhancement of existing landscape features, particularly the hedgerow field boundaries, strengthened where necessary to improve diversity and provide additional visual screening. As well as landscape improvements and planting the Environmental

Enhancement Strategy proposes new signage for a proposed circular walk, interpretation and information boards, provision of bat and bird boxes as well as insect hotels, log piles and amphibian and reptile hibernacula features and mammal gates in the proposed fencing. It is proposed that sheep grazing would continue to take place at the site. The submitted Biodiversity Management Plan (appended to the Ecology Assessment) sets out further environmental benefits including new ecological features such as bat and bird boxes and insect habitats. The Strategy considers that the surrounding local community would benefit from the economic boost that the development would provide in terms of the provision of local initiatives and funds for community-based projects. Overall, the Strategy concludes that there would be substantial enhancements to the existing landscape framework of the site, which would strengthen the local landscape character and be beneficial from an ecological perspective, whilst preserving the visual amenity of local residents and visitors.

126. During consideration of the application additional information has been submitted in response to consultee comments. In response to comments from the Council's Landscape Officer a Landscape and Environmental Management Plan (LEMP) and a Woodland Management Plan have been submitted. The objective of the LEMP is to set out the management and maintenance procedure for the development and is designed for the operational phase of the development and is in effect an operational guide for maintaining the landscape and ecological proposals for the lifetime of the solar park. It is subject to change and improvement as the different landscape features mature and develop. The LEMP sets out the landscape proposals for the site, planting areas, general maintenance requirements and a schedule of management and maintenance covering a 40 year period.
127. A Woodland Management Plan relating to existing woodland in six locations around the site covering a period of 40 years has been submitted and sets out the overarching management aims and key objectives along with some key management prescriptions for the first 40 years of the plan. The exact detailed specification for works would be prepared prior to implementation and be subject to review and monitoring. The existing woodlands would be enhanced through thinning and planting and management, thus improving the woodland structure, and offering screening, as well as ecological benefits, during the operational period.
128. An Arboricultural Impact Assessment has also been submitted with the planning application. This states that a total of 46 trees, 10 group features, 50 hedgerows and 6 woodlands were surveyed, and their quality summarised in accordance with the recommendations of the relevant British Standard. Of note a high-quality oak has been recorded as a notable tree and two woodland areas are listed as conifer woodland on the '2014 National Forestry Inventory' hosted by DEFRA. None of the recorded trees would be removed to facilitate the development and tree protection measures including the erection of heras fencing and planting would be put in place during construction works. Two sections of hedgerow and a small area of scrubby trees would however be lost. Additional planting is proposed for screening purposes and would establish new wildlife corridors to link existing woodland helping to improve biodiversity. The Assessment recommends that an Arboricultural Method Statement and finalised Tree Protection Plan would need to be produced and could be secured through condition.
129. The Council's Landscape officer has commented on the scheme.
130. The site lies in the *West Durham Coalfield* which forms part of the larger *Durham Coalfield Pennine Fringe* (NCA 16). It lies in the *Gaunless Valley* Broad Character Area which belongs to the *Coalfield Valley* Broad Landscape Type. The site is made up of pastoral farmland sloping south-eastwards on previous open cast land (*Valley*

*farmland: open pasture* Local Landscape Type, *Reclaimed land* Subtype). Fully restored, it forms part of a wider tract of attractive '*settled rural landscape with old agricultural villages, enlarged during the industrial period, and numerous scattered farms and building clusters*' which also includes areas of AHLV and Cockfield SM and CA. The landscape is broad in scale, with the Gaunless Valley enclosed by the surrounding ridgeline, with panoramic views afforded from the opposing flanks of the valley.

131. The County Durham Landscape Value Assessment (2019) assessed the larger units the site forms part of (*8i iii High Lands & Low Lands*) as being of moderate value for condition, scenic quality, rarity and representativeness, moderate-high value for nature conservation interest and recreational value, and low-moderate value for perceptual qualities and historic conservation interest. Whilst historic interest is low-moderate across the larger unit due to the area being previously open cast, that interest is higher locally. The southern part of the site and land to the immediate south has a greater time depth with the ancient semi-natural woodlands of Cragg Wood, intact historic field boundaries, the historic green lane known as Norwood Lane (BW No. 53a) and dismantled railways associated with past industrial activity and Cockfield Fell SM. The elevated (MH) value for recreational is due to the diversity and density of the PRoW network in this unit and is one of the characteristics of the site. Land to the south-west (*8i ii Cockfield*) was assessed as having elevated values across many attributes assessed, with high value for rarity, historic interest and recreational value, moderate high value for condition, representativeness and nature conservation interest and moderate value for scenic quality and perceptual qualities.
132. The majority of the site lies within an area identified in the County Durham Landscape Strategy (2008) as a *Landscape Improvement Priority Area* with a strategy of '*enhance*'.
133. The site occupies an elevated south facing position on the flanks of the Gaunless valley. Due to the nature of the topography, views of the locality are generally shallow. The undulating topography, together with mature vegetation including two mature coniferous shelter belts to the immediate west of the site, limits the opportunities to view the site from locations in the wider landscape particularly from the north, east and west. Principle receptors therefore include the comprehensive network of public footpaths and bridleways within the site, Low Lands Cricket Ground and High Lands public amenity area (which includes strategically placed seating to enjoy the view) and areas to the south and southeast on higher ground which afford slightly deeper views including the minor road and associated footway between Cockfield and Evenwood (road C42). It is also visible from the minor road (C30), the public rights of way network and Area of Open Access Land on Cockfield Fell Common and around Cockfield Conservation Area to the west and southwest and the north-western edge of Evenwood. There are a few detracting features in the area as highlighted in the LVIA such as pylons and wind turbines on the skyline however these have little influence on the character and experience of the site or its wider setting.
134. Landscape Officers have considered the landscape and visual effects of the proposal. With regard to effects on landscape features it is considered that there would be no material change to landform of the site to accommodate the access tracks, solar panels and other associated structures. There would be the requirement to remove short sections of hedgerow, to allow access between the fields and erection of security fencing. Given the hedgerows within the site to the north and east of Bridleway No. 53a (Evenwood & Barony Parish) are well established, intact and in good condition (albeit stunted in their growth), there is limited opportunity for improvement and therefore enhancements are likely to be less than stated. Notable lengths of hedgerows are proposed, however many of these would be to the detriment of the



landscape character of the area producing awkward shaped and triangular fields which are inconsistent with the character or field patterns of the local area.

135. With regard to potential effects on landscape character, Landscape Officers advise that the site and the local landscape vary in their sensitivity. While in some respects the value of the site is moderate it has elevated value and susceptibility in respect of the diversity and density of the recreational footpath network. It has an elevated value and susceptibility in its historic interest and its relationship with Cockfield Fell, particularly in respect of the historic railway lines. It has an elevated susceptibility in respect of its scenic qualities due its sloping valley topography which increases visual effects of this form of development and its role in views across the AHLV.
136. At the level of the site and its immediate surroundings the proposals would involve a transformative change from 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 and prominent substation would increase the industrial character of the proposal in this rural location. The majority of effects would be temporary and reversible but would last for a substantial period (40 years) except for the substation which would remain in situ. The magnitude of the effect at site level would be high and would remain so, even if changes to the proposed mitigation to fit in with the existing character were considered, it would not alter the overall effects upon the character of the site. The transformative effect on landscape character from within the site would be strongly evident from the public rights of way that run through the site due to existing hedgerows and shelter belts along their boundaries. While these would limit views, views would still be afforded, through sporadic sparser sections, and through gaps and gateways.
137. Landscape Officers are of the opinion that the change in character would be strongly evident in views from the minor road (and associated footway) between Cockfield and Evenwood to the southeast (C42) where the site would be open to view more or less in its entirety on land falling towards the viewer. These views are across the AHLV and taking in the wider AHLV to the west. The former historical railway lines make a particular contribution to the historic character of the landscape in these views and helps to contextualise the relationship of Cockfield Fell SM/CA with the wider landscape with the approach of the *Barnard Castle and Bishop Auckland* branch line and crossing of both the river and the *Haggerleases* line via the former *Gaunless Viaduct* intervisible with the proposed development. The setting and character of the landscape within which these features sit would change from agricultural to industrial. Whilst they would still be discernible as linear features in the landscape, their legibility would reduce due to the development becoming the focal point.
138. The effects of development would be less apparent in the wider landscape where views are typically shallow, and development would be filtered by intervening topography and vegetation. The visibility of the development within the site, and therefore its effects on the character of the local landscape, would be reduced over time by the planting of new trees, hedges and native shrubs which would help integrate the proposals with the surrounding area. It would also reinforce the existing landscape framework to a degree however much of the proposed mitigation, relies on new planting that does not reflect the pattern of field boundaries locally or historically and is out of keeping with local landscape character. The new planting particularly adjacent to the footpaths crossing the site which would take a considerable length of time and in the interim period the impact on character would be marked. Photomontages indicate that whilst internal hedgerows would break up the mass, the development would be visible as an extensive tract of notably artificial land cover replacing a large area of open farmland. In these views, due to topography, mitigation

measures would not materially alter the appearance of the site or its effects on landscape character.

139. In terms of effects on designated landscapes and other designations, Landscape Officers consider the proposals would not have direct physical effects on the AHLV. The site nevertheless forms part of the visual environment of the AHLV and is visible from, within and across the AHLV and contains features that contribute to the understanding of the wider historic interest of the AHLV which forms part of its special qualities. Landscape officers defer to Design and Conservation on potential effects on the Scheduled Monument and Cockfield Conservation Area. There would be intervisibility between the SM, CA, and the proposed site, in particular from the Road C42 (Evenwood to Cockfield Road) where the dismantled railways extend out from the SM and CA providing historic context therefore the impacts on the wider setting of these designations would need careful consideration. No concerns are raised regarding impact upon the AONB.
140. Having regard to potential visual effects, Landscape Officers are of the opinion that the proposals would give rise to a number of significant effects on visual amenity. Visual effects would be high for users of the local footpath network within the site which currently enjoy an open aspect across open fields towards the ridge of the Gaunless valley and in some views have framed views of Cockfield SM & CA. The proposed development would be located either side of these paths and whilst offset, the solar panels and associated fencing would be seen in close proximity and the proposals would dominate the users experience resulting in an adverse visually impact and significant loss of amenity when using these paths. Landscaping has been proposed to help provide visual screening, however at the time of development and for several years afterwards (the length of time depending on the design, quality, and performance of the planting), given the current open character of these location this is likely to be upwards of 10 years in which the development would be conspicuous and harmful. The proposed development would also be noticeable to a lesser extent in views from Bridleways No. 53a and 55 in the short term, however with careful management of the existing hedge between these PROW and the site, together with the proposed mitigation planting, the visual impacts would be reduced in the medium term.
141. From Low Lands Cricket ground and High Lands community public open space parts of the site would be visible. At present, both locations enjoy partial views out across open farmland towards the surrounding ridgeline of the Gaunless Valley. Additional tree cover and allowing the vegetation to grow to circa. 6m (as proposed) would result in the enclosure of these spaces and interrupt or curtail views from these community spaces.
142. There would be some notable visual effects as noted above, in medium distance and elevated views particularly from the south and southeast which includes views of the substation. These include sequential views (albeit limited in length) along the C42. Walkers, cyclists, and horse riders, using the footway and road would be of high sensitivity to this change. The development would be conspicuous and would detract from the experience of the landscape to a notable degree. Whilst mitigation has been proposed by a combination of tailored management of existing trees and hedges and the planting of new trees, hedges and native shrubs, these measures would not succeed in screening or assimilating the extent of the solar farm, seen in these middle-distance views. Moreover, the assumptions about plant growth are over optimistic with predicted heights unlikely to be achieved in the timeframe suggested given the poor soils of the former opencast site and extant height of existing hedges planted circa. 20 years ago.

143. In views from the southwest from within the AHLV, CA, SM, Area of Open Access Land and wider public rights of way, the impacts would range from negligible to moderate. Views are heavily influenced by the mature (40yrs +) coniferous shelterbelt to the west of the development site. There would be some views where there would be notable deterioration in the view particularly where an increased extent of the southern part of the site is visible.
144. Visual effects would be reduced in the wider landscape where views are typically shallower, and development is heavily filtered or screened by intervening topography and vegetation. Again, this is heavily influenced by the two coniferous shelter belts to the west of the site and areas of woodland planting put in as part of the opencast restoration to the north and east of the site.
145. In terms of residential amenity, the area is sparsely populated, but there are several properties within the vicinity of the site including Bluestone Farm (associated property) and its neighbouring pair of semi-detached houses, the residential farmhouse at High Gordon Farm approximately 80 m north of the site and the dwellings associated with the hamlet of High Lands which lies directly to the northwest of the site. Except for Bluestone Farm, the orientation of these dwelling and the presence of intervening topography and vegetation is likely to screen or heavily filter views of the proposal from residential properties, although some oblique views however are likely to be afforded from some of the properties at High Lands. Some views would be afforded from residential properties on the edge of Cockfield and Evenwood but due to orientation of the principal elevations, distance and intervening topography and vegetation, the effect on the visual amenity of the more distant properties is likely to be minor.
146. Landscape Officers originally considered that the design of the proposals originally submitted with the planning application required further consideration prior to determination of the application. Comments were made regarding the production of awkward field shapes as a result of the proposal, potential to divert PRoW as a result, details of hedgerow enhancements and potential relocation of the proposed substation to a less prominent location to the north of the farmstead. Submission of a Landscape and Ecological Management Plan (LEMP) to include a maintenance specification and schedule to be detailed for the initial 5-year establishment, followed by a long-term management plan for the lifespan of the development, and a Woodland Management Plan (WMP) covering the mature landscape features essential to the mitigation of the proposal were recommended.
147. Landscape Officers also advise that track surfaces and colour of any cabinets, containers, cabins and the substation's main structural elements would need to be conditioned should it be considered that the benefits of development outweigh the harm. A condition would also be required to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased.
148. In light of comments made by Landscape Officers, changes were made to the landscaping plan and site layout with the removal of a section of panels and hedge alignment along Footpath No. 57 (Evenwood and Barony Parish). However, Landscape Officers consider that these changes would not materially affect the conclusions previously reached above, although the removal of the section of panels from the northwest of the site would be beneficial in views from the community amenity space at High Lands in the short term, allowing more of a buffer between it and the proposed built development, although the proposed mitigation would still result in the enclosure of this space and interrupt or curtail views from this area in the long term. It is not proposed to divert public rights of way nor to move the proposed substation. Submission of the LEMP and WMP have sought to address matters raised by Landscape officers. The LEMP is considered to be acceptable subject to revisions to

be more explicit as to how a programme of laying etc is going to be incorporated into the long-term management of the hedgerows. This can be secured through condition/legal agreement. The Council's Arboricultural (Trees) Officer has confirmed that the changes to the WMP respond satisfactorily to previous comments made.

149. From a landscape perspective, given the prominence and permanence of the proposed substation, Landscape Officers are of the opinion that this element would be better located to the north of the farmstead where it would benefit from existing screening and would read in wider views as part of the farm cluster and would be better assimilated into the landscape once the wider site is decommissioned and would reduce the residual harm. The substation would be overlooked from higher ground to the south from public vantage points (minor road and associated footway between Cockfield and Evenwood (C42) and would not be readily assimilated into its surrounds in this location.
150. The recreational value is high for this site due to the diversity and density of the public rights of way. However due to the location of the some of the public rights of way and the proposed landscaping to help mitigate the adverse visually impact and significant loss of amenity when using these paths, the proposed landscape mitigation would produce awkward field shapes, completely at odds with the rest of the field pattern in the vicinity and character of the local landscape. Rationalisation of the public rights of way would help to resolve this and has been used on other projects of a similar nature.
151. It is noted that public rights of way require that the hedges along the public rights of way remain at 3m; whilst the hedges at this height would help with the visual amenity of public rights of way users, given they would be no taller than the panels themselves, they would do little to break up the visual mass of the proposal and mitigate effects in wider views. The planting plan however has clarified that all existing hedges would not be reduced.
152. In summary, although not specifically objecting to the proposals, Landscape Officers consider that the proposals would result in some substantial, long-term, and adverse effects to the character, quality and distinctiveness of the local landscape and important views by virtue of its nature, size and visibility and would reduce the quality of the experience for recreational users using the countryside. While some of the harm in near views could be mitigated to some degree in the medium to long term, the effects in views from higher ground could not. Moreover, the proposed mitigation would be at the detriment to the character of the area.
153. In respect of CDP Policy 10 (I) Landscape Officers note that the proposals would cause some harm to the intrinsic character and beauty of the countryside. Whilst the proposals incorporate measures which would mitigate the harm to some degree in the medium term there would be notable longer term residual harm and particularly in respect of views from high ground to the south and south-east. Whether that harm would be unacceptable would depend on the balance of considerations, however given the significance of the harm Landscape officers would expect it to be given some weight in the planning balance.
154. Landscape Officers consider that the proposal would be contrary to CDP Policy 26 being of the opinion that the proposal would reduce the quality of the experience of using the countryside. Given the characteristics of the location Landscape Officer would not consider it appropriate in the way the term is used in CDP Policy 33.
155. Having regard to CDP Policy 39 Landscape Officers consider that the proposals would entail substantial harm to the character, quality and distinctiveness of the local landscape and to important views from the southeast. Officers advise they would

assess the harm as being substantial falling to moderate over time (around 15 years) from within the site, but with moderate-substantial effects on the character of the landscape in views from the higher ground which would not reduce over time. Whether that harm would be unacceptable would depend on the balance of considerations, however given the significance of the harm, would expect it to be given substantial weight in the planning balance. It is stated that the Policy requires that proposals incorporate appropriate measures to mitigate adverse landscape and visual effects. Some of the proposed measures proposed would be to the detriment of the landscape character of the area producing awkward shaped triangular fields which are inconsistent with the character or field patterns of the local area. The proposals would not have direct physical effects on the AHLV. The site nevertheless forms part of the visual environment of the AHLV and is visible from, within and across the AHLV and contains features that contribute to the understanding of the wider historic interest of the AHLV which forms part of its special qualities.

156. Landscape Officers advise that in their opinion, the proposals would not conflict with CDP Policy 40. The proposal would retain existing hedgerow and trees and would fully integrate them into the design except for a few short sections of hedgerow, to allow access between the fields. Tree, shrub, and hedgerow planting has been proposed, along with the maintenance of existing features and these measures could be secured through condition or planning obligation under Section 39 of the Wildlife and Countryside Act 1981.
157. Natural England does not object to the application, but it notes that the proposal is close to the North Pennines AONB, a nationally designated landscape. It advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The North Pennines National Landscape (formerly the AONB Partnership) has been consulted upon the application but has not commented. The Council's Landscape Officers have not raised any issues in relation to the AONB.
158. Objectors have raised concerns in respect of the visual impact of the proposed development, considering it to be adverse. Other concerns being the thinning of woodland, loss of trees and the length of time it would take for replanting and shading from the current woodland. CPRE has also commented upon the visual impact of the proposal and upon the public rights of way and question whether or not this is an appropriate location for the development. Council officers have assessed the application in terms of landscape and visual impact as set out in this report. The applicant has advised that any subsequent tree felling would have no impact on energy generation and would be required only as part of the WMP.
159. It is noted that Landscape Officers consider that there would be substantial, long-term, and adverse effects to the character, quality and distinctiveness of the local landscape and important views by virtue of its nature, size and visibility and would reduce the quality of the experience for recreational users using the countryside. It is also noted that some but not all of the harm could be mitigated, and the proposed mitigation in the form of the LEMP and WMP and additional hedge planting and gapping up, would be at the detriment to the character of the area. The harm would be for a period of 40 years but would be removed following decommissioning and removal of the panels. Having had regard to the comments of the Landscape Officer it is agreed that the proposals conflict with CDP Policies 10(I), 26, 33 and 39 and Part 15 of the NPPF. The proposals are considered not to conflict with CDP Policy 40 and Part 15 of the NPPF given tree, shrub, and hedgerow planting has been proposed, along with the maintenance of existing features and these measures.

## Access and Traffic

160. Paragraph 114 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 115 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.
161. Access to the site for construction and maintenance vehicles would be via Bridleway No. 53a (Evenwood and Barony Parish) an existing access and track off the Road C30 in the south eastern part of the site. Managed public rights of way crossing points are also proposed across the wider site during the construction phase. Following construction, a reduced network of internal tracks would remain for maintenance and operational purposes.
162. A Transport Statement (TS) has been submitted in support of the application. The TS sets out the existing highway conditions, proposed access arrangements, and the principal traffic impacts which would occur during construction of the solar farm. It is stated that during operation, solar farms have limited associated traffic generation. The TS states that the proposed access has been designed to accommodate the safe movement of HGV construction traffic, with sufficient visibility splays based on observed vehicle speeds. A Construction Traffic Management Plan (CTMP) has also been produced to support the planning application, to manage all vehicle movements associated with the construction of the solar farm. During the construction period, anticipated to be up to 9 months, it is projected that there would be approximately 1,150 deliveries to the site for all equipment and materials for the solar farm. The TS states that it is unlikely that, even at the most intense periods of construction there would be more than 10 deliveries (20 HGV movements) per day. Construction of the DNO substation would take up to 4 months and deliveries would total approximately 65, typically no more than 2 (4 HGV movements) per day including a single Abnormal Indivisible Load required to deliver a component of the substation. The TS concludes that the proposed development would have negligible trip generation once it is operational, with typically around 10 – 20 visits per year for monitoring and maintenance which would be made in small vans. Given the scale of development and the proposed access arrangements, it is concluded that, subject to appropriate conditions, there should be no highway related objections to the proposed development.
163. A Framework Construction Traffic Management Plan (FCTMP) has been submitted in support of the solar farm application. The FCTMP considers the site access, HGV vehicle routing, and traffic management including delivery times, vehicle sizes, management of the site access, site access to the construction compound, the construction compound, wheel washing and internal traffic and PROW management.
164. Environmental Health and Consumer Protection (Air Quality) Officers note that the FCTMP incorporates measures specified by the DMP where relevant including wheel washing and 10 mph speed limit. Queries were originally raised regarding a statement on emissions resulting from construction traffic and during the operational stage. Additionally, the applicant was asked to confirm whether air quality assessment of traffic impacts had been screened out on this basis that the predicted operational traffic movements would not trigger the indicative criteria to proceed to an air quality assessment, this was confirmed.

165. No objection is raised by the Council as Highways Authority. Highways Officers have considered the proposal and find the access arrangements for both the construction and operational periods to be acceptable. Officers note that speed surveys have been carried out on the C30 to establish existing speeds. The proposed visibility splays for the access would be provided in accordance with the recorded 85th percentile speeds. Solar farms themselves, only generate negligible levels of traffic once operational. The main traffic associated with the use would be during the construction phase. Officers note the predicted vehicle movements for this phase and consider the impact of the construction traffic on the local highway network would be minimal. A Construction Management Plan can be used control vehicle movements during this phase. Once operational, it is noted that the impact of the site on the road network would also be minimal. Highway Officers advise that works to improve the access to the site from the C30 would require the applicant to enter into a licence under Section 184 of the Highways Act 1980 (as amended) with the Local Highway Authority. All works to the adopted highway would be at the applicant's expense. This would be an informative on any grant of planning permission.
166. Objectors are concerned about traffic movements during the construction phase, impact of HGVs local roads, adjacent stone walls and properties and state that HGVs cannot be compared to agricultural machinery. In addition, Highlands Village Hall Association suggests enforcing a 30mph speed limit on the access road between High Lands crossroads and Low Lands bridge for all traffic throughout the period of construction. As stated above, the Highways Authority has no objection and construction traffic can be controlled by the CMP. In response to the comments made in terms of the difference between HGVs and agricultural vehicles, the road is considered to be of suitable width to carry HGV traffic and is not subject to a weight limit, and so HGVs are free to use the road like any other road user.
167. Whilst the proposed solar farm would generate a degree of construction traffic for the 9 month construction period then during the 6 month decommissioning period it would be not be unacceptable in this location due to good access and existing highway capacity for this temporary period. Any weight restrictions would need to be complied with. Following construction, the solar farm would be automated and would only be attended for monitoring and maintenance purposes. Conditions requiring a Construction Management Plan and a condition to ensure that vehicles accessing the site are adequately cleaned before leaving to ensure that debris is not carried onto the public highway. The access improvement works would be secured through a Section 184 Licence. It is considered that the proposals have been appropriately assessed through a Transport Statement and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion or air pollution. Subject to the conditions set out above the development would not conflict with CDP Policy 21 and Part 9 of the NPPF.

#### Residential Amenity

168. Paragraph 180 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 191 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 192 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 193 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).

169. 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.
170. The nearest residential property is Bluestone Farm in the south western part of the site and is immediately adjacent to the proposed site entrance, temporary construction compound and a field of solar panels. At High Lands, to the west of the road C30 on the opposite side of the road to the application site, are a number of residential properties. The closest being some 55m from the site boundary and that part of the site being proposed for biodiversity enhancement. The properties of Chapel Lodge and Sunnycrest are located on the C30. Chapel Lodge is approximately 57m from the site boundary and Sunnycrest 64m from the site boundary. Both properties are separated from the site by the C30 and woodland. Areas of biodiversity enhancement are closest to these properties with solar panel adjacent to the enhancement areas. Lands Methodist Church and Hall is also situated along the C30 on the western side of the road. Low Lands Cricket Club Ground located to the east of the C30 immediately adjacent to the site. There are further individual properties along the B6282 to the north west. High Gordon is approximately 95m to the north at the closest point with woodland between it and the site. Low Gordon is some 530m to the north east. There are a number of residential properties in Ramshaw some 860m to the north east and Evenwood over 1km to the east. Cragwood Holiday Home Park lies approximately 480m to the east at the closest point.
171. 5 objections have been received in response to the proposal. The loss of privacy and potential noise from the development are raised as concerns.
172. Specific considerations in relation to residential amenity are noise and vibration, air quality and dust, lighting, contamination, glint and glare and visual impact and are considered below.

#### Noise and vibration

173. There is potential for noise from the construction and operational periods. During the construction phase there is potential for noise from traffic delivering the solar panels and associated equipment and installation of the panels. During the operational stage there would be a number of central inverters, which generate noise whilst the solar farm would be operational during daylight hours. Within the south eastern part of the site would be the DNO substation.
174. Traffic movements are set out in the 'access and traffic' section and would be highest during the first month of the 9 month construction period and then reducing during the



subsequent months. A FCTMP has been submitted setting out how traffic would be managed to ensure minimal disruption to residents.

175. A Noise Assessment accompanies the planning application which presents an assessment of the noise levels attributable to the operation of the solar farm at surrounding noise sensitive receptors. The Assessment presents calculations and an assessment of the likely worst-case noise levels to be generated by the operation of the solar farm. The calculated noise levels have been assessed against relevant standards and guidance, to ensure that the operation of the plant required within the solar farm would not result in occupants of nearby properties being unacceptably affected by levels of noise. The Assessment states that noise would only be generated from the operation of the central inverters associated with the solar panels during daylight hours, when the panels are producing electricity. The highest noise levels, would only occur during the mid-daytime summer periods whilst the solar panels were operating at full capacity and ambient temperatures were high. The operation of the transformers within the substation would generate low frequency noise, typically with peak frequencies of 100Hz and 200Hz. At close proximity to the substation, a hum would be generally noticeable, however, this equipment would be sited well away from neighbouring properties and thus unlikely to be clearly audible or have any distinguishable characteristics at the neighbouring properties. In summary, the operation of the solar farm would generate very low levels of noise at the surrounding properties. The noise levels generated would be equivalent to a 'No Observed Effects Level', when assessed against stringent WHO night-noise guidance, thus ensuring the operation fully complied with the requirements of the NPPF. The Assessment concludes that the operation of the solar farm would generate very low noise levels at surrounding properties throughout the day. Assessing the noise levels against relevant standards and guidance concluded that the operation of the plant would result in a low impact, with noise levels not exceeding a level which would represent a No Observed Effects Level, thus ensuring that the operation would not result in unacceptable levels of noise and thus ensure full compliance with the requirements of the NPPF.
176. The closest noise sensitive receptors are located to the south at Bluestone Farm and cottages, to the north at High Gordon and to the west within High Lands. The proposed layout has sought to maximise the separation distances between the plant and properties, with plant at least 240 metres from Bluestone Farm and over 300 metres to other properties. The dwellings to the north east within Ramshaw and the caravan park to the east would be located further from the proposed plant.
177. Environment, Health and Consumer Protection (Nuisance Action) Officers raise no concerns with the submitted Assessment considering it to have been undertaken by a suitably qualified and competent consultant and the findings are agreed with. These being that operational noise from the development is unlikely to have a negative impact upon sensitive receptors and consider the application complies with the thresholds stated within the Council's TANS indicating that the development would not lead to an adverse impact. Notwithstanding this, given concerns have been raised in relation to noise and vibration during the construction phase conditions are recommended in respect of working hours. Officers advise that no external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank

Holidays. Officers also recommend the submission of a Construction Management Plan.

#### Air quality and dust

178. The proposed solar farm has very limited potential to create any unacceptable dust or light pollution impacts. A Dust Management Plan (DMP) accompanies the application and incorporates a Construction Dust Risk Assessment (CDRA). The DMP describes the measures to be applied to minimise the risk of dust impacts during the whole of the construction works based on the CDRA. Specific measures would be applied to site management, preparing and maintaining the site, operating vehicles/machinery and sustainable travel, operations, waste management, measures specific to construction and measures specific to trackout. The DMP includes recommendations for monitoring, a complaints procedure and actions to be taken should there be a problem. The DMP concludes that the level of risk assigned to construction of the proposed development is 'negligible' to 'low'. This is based on a 'low' dust emission magnitude associated with construction activities and the limited number of sensitive receptors in close proximity to where these activities are taking place.
179. Environmental Health and Consumer Protection (Air Quality) Officers have no objection having considered the proposals and the submitted documentation including the DMP, the TS and the FCTMP. Officers agree that the vehicle movements generated by the proposed development do not trigger requirement for an air quality assessment. Officers consider that the submitted DMP and CEMP appear suitable and could be incorporated into a wider Construction and Environmental Management Plan (CEMP).

#### Lighting

180. No details of external lighting are provided with the application. Nonetheless lighting details would be required to be submitted through a planning condition as security lighting during the operational stage is likely to be required.

#### Glint and glare

181. A Solar Photovoltaic Glint and Glare Study has been undertaken to assess the possible effects of glint and glare from the proposed development. The assessment pertains to the potential impact upon road safety and residential amenity in the area surrounding the proposed development. The Study concludes that no impacts are predicted upon road safety or residential amenity, and no mitigation is required. On roads the Assessment concludes that solar reflections are geometrically possible towards a 0.7km section of Lands Road (B6282), a 1.0km section of an unnamed road, and a 0.5km section of Gordon Lane / Oaks Bank. Screening in the form of existing vegetation, buildings, intervening terrain, and/or proposed vegetation is predicted to significantly obstruct views of reflecting panels. No impact is predicted, and no mitigation is required. With respect to dwellings the Study concludes that solar reflections are geometrically possible towards 53 of the 72 assessed dwellings. Screening in the form of existing vegetation, buildings, intervening terrain, and/or proposed vegetation is predicted to significantly obstruct views of reflecting panels. No impact is predicted, and no mitigation is required.
182. An objector disputes the Study because their property is not referred to. Given the close proximity of some dwellings to each other the applicant did not consider it necessary to provide individual assessment on all dwellings as the impact would be the same. The Study therefore selects a number of dwellings which is sufficient to provide a robust assessment as the impact on the omitted dwellings is comparable.

183. Environment, Health and Consumer Protection (Nuisance Action) Officers accept the findings of the submitted Study in relation to the impact upon residential receptors. Officers advise that the Study appears to have been undertaken by suitably qualified and competent consultants, Officers raise no concerns with the findings of the submitted Glint and Glare Study in relation to the impact upon residential receptors and advise that they have not reviewed the study in relation to the impact upon roads users or aviation. Officers note that the Study concludes that mitigation for residential receptors is not required which suggests that there will be no unreasonable impact upon nearby sensitive receptors amenity. Officers consider that where screening is predicated in relation to proposed planting in order to provide mitigation it would take several years for such mitigation to take shape due to the time for the planting to grow, consideration may wish to be given in regard to the planting of mature hedging.
184. Teesside International Airport has no aerodrome safeguarding objection to the proposal based on the information provided. National Air Traffic Services (NATS) has raised no objections to the proposals advising that it does not conflict with its safeguarding criteria. The Highways Authority has raised no concerns in respect of glint and glare.

#### Visual Impact

185. Landscape and visual impact have been assessed in the section above. In terms of residential amenity, the area is sparsely populated, but there are several properties within the vicinity of the site including Bluestone Farm (associated property) and its neighbouring pair of semi-detached houses, the residential farmhouse at High Gordon Farm approximately 80m north of the site and the dwellings associated with the hamlet of High Lands which lies directly to the northwest of the site. Except for Bluestone Farm, the orientation of these dwelling and the presence of intervening topography and vegetation is likely to screen or heavily filter views of the proposal from residential properties, although some oblique views however are likely to be afforded from some of the properties at High Lands. Some views would be afforded from residential properties on the edge of Cockfield and Evenwood but due to orientation of the principal elevations, distance and intervening topography and vegetation, the effect on the visual amenity of the more distant properties is likely to be minor. Therefore, 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.

#### Residential amenity summary

186. It is considered that the proposal would not create an unacceptable impact on health, living or working conditions or the natural environment. The development would not result in unacceptable noise, vibration, air quality, dust, light pollution and glint and glare and visual impact, subject to the imposition of the conditions recommended above, the development would provide an acceptable standard of residential amenity in accordance with CDP Policies 10 and 31 and Part 15 of the NPPF.
187. Furthermore, Environment, Health and Consumer Protection Officers have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.

## Contamination and Coal Mining Risk

188. Part 15 of the NPPF (Paragraphs 124, 180, 189 and 190) 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.
189. The proposed site falls within the defined Coalfield Development High Risk Area. A Minerals Resource Assessment was submitted with the planning application.
190. Environmental, Health and Consumer Protection (Contaminated Land) Officers have raised no objections to the proposals. Given that the site is a coalfield development high risk area and the presence of potentially contaminated land onsite associated with historical railway cuttings, officers recommend a contaminated land condition should planning permission be granted. This would require further assessment prior to the commencement of development.
191. The Coal Authority has considered the development in respect of coal mining risk and raises no objections. The Coal Authority notes that their records indicate the presence of numerous recorded mine entries (shafts) within the planning boundary and that the site is affected by both actual and probable shallow coal mine workings.
192. The Coal Authority has no objection to the proposed development and advises that there is no requirement for submission of a Coal Mining Risk Assessment or for it to be consulted. Nevertheless, information about the coal mining legacy of the site are provided and the Coal Authority advises that the applicant should be made aware of this by way of an informative note on any permission given and the Coal Authority.
193. Objectors are concerned that shaft locations identified by the Coal Authority have not been identified and a fault line under their house could be affected by the development. Also, the fixings could give off coal gas. As stated above the Coal Authority, and Environmental, Health and Consumer Protection (Contaminated Land), raise no objections to the proposal being satisfied with the information submitted. The development has been assessed as low risk in terms of coal mining legacy matters and coal gas emissions have not been raised as a concern. Elements of the development that are non-exempt (for example the substation and associated buildings) have been located outside the Development High Risk Areas. The depths of the supports would likely be between 1.5m – 2.5m.
194. Objectors have raised the possibility of zinc, copper indium selenide, copper indium gallium selenide, Hexafluoroethane, and polyvinyl fluoride entering the Gaunless environment. No explanation is provided to explain this concern, but it is the case that the Coal Authority and Environmental, Health and Consumer Protection (Contaminated Land), have raised no concerns. The Environment Agency has not replied to the consultation on the application but is not uncommon. There is no evidence of a risk of contamination to the water course upon which a refusal reason could be based.
195. It is considered that the proposed development would be suitable for the proposed use and subject to conditions, would not likely 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 Policy 32 and Part 15 of the NPPF.

## Flooding and Drainage

196. 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 180 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.
197. Paragraph 173 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.
198. 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.
199. The site is within Flood Zone 1 and within a Groundwater Vulnerability Area as defined by the Environment Agency. The River Gaunless lies some 350m to the south and Gordon Beck lies between 450m and 630m to the north and north east.
200. The application is accompanied by a flood risk assessment (FRA) which identifies that the application site is located entirely within Flood Zone 1 this being an area assessed as having a less than 1:1,000 annual probability of river or sea flooding in any year. The FRA has been updated during the course of consideration of the application following discussions with the Council's Drainage and Coastal Protection Officers. The FRA has considered the potential consequences of flooding from a variety of sources and the potential flood risk to the site from all sources is considered to be 'Low' to 'Very Low' for the majority of the site. Areas of elevated surface water flood risk are present associated with isolated low spots on-site where surface waters could accumulate and the low-lying areas adjacent to watercourses. All sensitive control equipment would be restricted to areas of 'Very Low' surface water flood risk. A small amount of development would encroach into areas of elevated surface water risk. The proposed security fencing is permeable to flood waters and solar panels would be raised above the flood levels. The FRA states that the equipment is therefore compatible, safe and appropriate in these areas; due to the nature and design, the access tracks, security fence and solar panels are also compatible, safe and appropriate. The development would remain operational and safe for users in times of flood and would not impede water flows and not increase flood risk elsewhere. With

respect to surface water runoff, the solar panels would be raised above the existing ground allowing a permanent grass sward to be maintained underneath the panels. Rainfall falling onto the photovoltaic panels would runoff directly to the ground beneath the panels and infiltrate into the ground at the same rate as it does in the site's existing greenfield state. Access tracks would be semi permeable in nature. The extent of impermeable cover as a result of the solar farm amounts to only 0.29% of the total site area. Supporting calculations demonstrate that this effect of the solar farm on the Mean Annual Flood (QBAR) is minimal and only equates to a 0.5% increase compared with the greenfield runoff rate.

201. A sustainable drainage strategy, involving the implementation of SuDS in the form of interception swales, is proposed for managing surface water runoff on the site. Details would be secured through condition. Interception swales are proposed at the low points of the application site to intercept extreme flows which may already run offsite and provide runoff pathway management. It is emphasised that the swales do not form part of a formal drainage scheme for the development but are provided as a form of 'betterment'. Existing drainage features would be retained and the site would remain vegetated through construction and operation of the solar farm to prevent soil erosion. The proposed interception swales would lead to an overall reduction in surface water flow rates from the site and mitigate any increase in run-off due to the minor reduction in the overall permeable area of the site. On this basis the proposed development would not increase flood risk onsite or elsewhere and would preserve the site's natural drainage regime. The proposed development is located in an area of historic mining activities however, the implications for surface water management and groundwater pollution risk is negligible due to the minimal hydrological effect of solar farm developments and lack of formal infiltration SuDS or deep drainage (>30m) boreholes. The overall conclusions drawn from the FRA are that future users of the development would remain appropriately safe throughout the lifetime of the proposed development and that, subject to a planning condition requiring the proposed drainage arrangements set out in the drainage strategy to be implemented and maintained in accordance with the procedures set out in the FRA and attached check sheet the development would not increase flood risk elsewhere and would reduce flood risk overall.
202. Objectors raise concerns regarding the impact upon drainage and possible increase in flood risk in an area where certain areas already flood, and the provision of numerous swales is seen as the developer having concerns. In response the applicant has advised that solar farms do not change surface water flows or volumes. Rainwater would still fall to the ground and drain via the panels due to the angle of the solar panels and would not result in any increase in flood risk. A surface water drainage strategy is proposed to improve the management of surface water within the site. Interception swales would provide depression storage and to 'stop the flow'. Distributing swales throughout the site and specifically at the low points and perimeter of the site maximises the opportunity for the SuDS features to intercept and slow the rate of runoff. Providing interception swales in this way is good practice and proportionate to the minimal effect of a solar farm on runoff. The interception swales are placed around the low points and perimeter of the development parcels.
203. Drainage and Coastal Protection Officers do not object and approve of the surface water management for the proposed scheme. Officers consider that the site shows a betterment for runoff rate compared to the existing however consider it falls short of CDP Policy 35 in flow reduction. However, Officers state that the Policy is more aimed at residential and business developments and does not specifically consider green space development such as solar or wind farms. The design does include good practice encouraged in the Policy and shows a reduction in flood risk; therefore, Officers offer no objection.

204. Subject to the development taking place in accordance with the submitted surface water management details, it is considered that the proposed development would not lead to increased flood risk, both on and off site, with the measures proposed and 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

205. Paragraph 186 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 be 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.

206. 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.

207. 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.

208. There are no ecological designations within or adjacent to the proposed site. The closest sites are Gordon Beck Local Wildlife Site (LWS) some 515m to the north east and the Cragg Wood, Evenwood LWS and Ancient & Semi-Natural Woodland are some 360m to the south east. Witton-le-Wear Site of Scientific Interest (SSSI) lies some 5.2km north, Low Redford Meadows SSSI, some 6.7km to the north-west and Frog Wood Bog SSSI approximately 7.4km north-west of the site. Bollihope, Pikestone, Eggleston and Woodland Fells SSSI, the North Pennine Moors Special

Protection Area (SPA) and North Pennine Moors Special Area of Conservation (SAC) are over 7.5km to the west and north west of the site.

209. An Ecological Assessment was submitted with the application. The Assessment includes a Bird Survey Report, a Biodiversity Net Gain Metric and a Biodiversity Management Plan. In addition, a confidential Badger Report and a Biodiversity Management Plan. A Landscape & Ecological Management Plan has also been submitted as referred to the 'landscape and visual impact' section of this report. Documents have been updated during the course of consideration of the application to take account of design changes and comments from consultees.
210. The Ecological Assessment provides a baseline study of the site and immediate surrounding area, identifies the proximity of designated sites, habitats and constraints within the site. The potential impacts to protected species and habitats has been considered and provides for further pre-construction checks and/or mitigation measures, if required, and also provides an outline of proposed biodiversity enhancement measures.
211. In terms of designated sites for nature conservation, the Assessment identifies that the site does not form part of any statutory or non-statutory designated site for nature conservation with the closest statutory designated site being the North Pennine Dales Meadows SAC, approximately 6.5km northwest. Cragg Wood, Evenwood LWS is the closest non-statutory designated site at 345m southeast. No impacts on statutory or non-statutory designated sites for nature conservation are anticipated due to the nature of the proposed development and spatial separation. Having regard to the findings of the Assessment. ecological constraints and opportunities are identified.
212. Regarding habitats and flora, it is identified that the site comprises primarily of grazed pasture (modified grassland) of low ecological value. The habitats identified being other upland acid grassland, modified grass land, mixed scrub and developed land (this being the track at the proposed site entrance). Hedgerows (primary habitat) lines of trees and a stone wall were also identified. Field boundary and neighbouring habitats including an area of acid grass land, hedgerows, trees and woodland are considered to offer higher value habitat and local wildlife interest. Habitat enhancement measures are proposed as part of the development and would serve to enhance the development for local biodiversity. Enhancement measures proposed include new hedgerow and tree plant and creation of diverse grassland with specific areas designated as Biodiversity Enhancement Areas. The Assessment states that landscape plans indicate that nature conservation enhancement of the site would be achieved, resulting in an overall biodiversity gain; in line with NPPF (2021) and BS 42020 – A Code of Practice for Biodiversity in Planning and Development. Furthermore, it is stated that the net gain calculation results show that the proposed development would result in a clear biodiversity net gain of 51.98% in Habitat Units, and over 157.28% in Hedgerow Units. The provision of bird and bat boxes also provides biodiversity benefit which is not included in the Net Gain Calculation process. A number of protection measure are proposed in terms of habitats and flora. Existing features of biodiversity value would be retained and protected throughout the construction and operation phases. It is stated that all retained trees and woodland within the vicinity of construction areas would be protected during construction works in-line with BS 5837:2012 Trees in relation to design, demolition and construction. Standard good practice construction methods including pollution prevention and control would ill ensure that there are no indirect effects on the woodlands or other neighbouring habitats. In addition, the solar farm would not be lit once constructed, maintaining dark corridors along boundary habitats including woodland edges and hedgerows.



213. With regard to birds, the Ecological Assessment states that the breeding bird assemblage using the site is typical of farmland habitats in the region. The majority of the species (including notable species) were associated with vegetation along field boundaries in the site and wider Survey Area. Ground-nesting Skylark and Meadow Pipit were recorded breeding within the Survey Area. Curlew were observed during the breeding bird surveys, although they were not considered breeding within or immediately adjacent to the site, it is considered that the species visit the site for foraging. Habitats on site (most notably the field boundary features) provide some suitable nesting habitat and support breeding birds typical of rural areas in the region, including some of local conservation concern species. The landscape planting, including species diverse grasslands, hedgerow and trees planting would provide a local benefit for birds. Bird boxes would also be installed in suitable locations (as detailed in the BMP). Removal of nesting bird habitats should be undertaken outside of the bird breeding season (01 March to 31 August inclusive). If vegetation works are necessary during the breeding season, suitable nesting habitat should be hand searched by a suitably experienced ecologist prior to works commencing. Only when the ecologist is satisfied that no offence will occur under the legislation would works be permitted to proceed.
214. In terms of bats, some of the mature trees on site may have bat roost suitability; however, all mature trees on site would be retained and protected following British Standards BS5837:2012 Trees in relation to design, demolition and construction. As a result, there would be no loss or disturbance to any trees with roost potential. Mature trees within and bordering the site could potentially provide bat roost features; however, all mature trees would be retained and protected as part of the development. The field boundary habitats (hedgerows, trees and woodland edges) offer foraging and commuting habitat for bats, and these would be protected and retained and protected. Landscape planting (hedgerows and trees) and species diverse grassland creation would encourage increased insect prey and would maintain and strengthen commuting and foraging opportunities. Bat boxes would be installed in suitable locations (as detailed in the BMP) to provide additional roosting opportunities. No mature trees are currently proposed for removal. Should this change, further surveys will be required to ascertain the presence or absence of roosting bats prior to any trees works commencing, with appropriate mitigation employed, if required. Any lighting required during construction of the solar farm should be directed away from trees and hedgerows.
215. Regard has been had to otters and water voles, and the Ecological Assessment concludes that no watercourses or riparian habitats are present on or adjacent to the site. These species are therefore considered unlikely to be present. Having regard to amphibians, no ponds are present on site. Two ponds were identified from OS maps within 250m of the site but are now likely to be dry or not permanent features with the last historical records for great crested newts at one of the sites dated 2009. The grazed pasture fields are considered to be of low value to amphibian species including great crested newts providing little or no cover or shelter. Hedgerow and woodland / woodland edge habitats, which will largely be retained provide more favourable terrestrial habitat for amphibians. Habitat enhancements including new hedgerow planting and diverse grassland creation would increase foraging and refuge opportunities for amphibians, if present locally. In terms of reptiles, the grazed pasture fields are of low value to reptile species providing little or no cover or shelter. Hedgerow and woodland / woodland edge habitats, which would largely be retained provide more favourable terrestrial habitat for reptiles. Habitat enhancements including new hedgerow planting and diverse grassland creation would increase foraging and refuge opportunities for reptiles, if present locally.

216. The Ecological Assessment advises that the habitat is suitable for brown hare and other small mammal species including western hedgehog. The boundary hedgerows and trees may also provide some interest for invertebrate species. Grassland within the Biodiversity Enhancement Area Site would provide additional habitats for mammal species with access within the security fence facilitating continued use during the operational period. The retention/enhancement of hedgerows, trees, and woodland on and bordering the site would likely continue to provide for a variety of invertebrate species, with additional planting and creation of diverse grassland along site boundaries and with Biodiversity Enhancement Areas enhancing the site's potential to support a more diverse invertebrate assemblage. No invasive species were recorded within the site.
217. A Confidential Badger Report has been submitted and a series of precautionary avoidance and protection measures would be implemented to protect the species including buffers and safe working methods. Durham County Badger Group has provided advice that access should be enabled/secured for the species. Mammal access points into and out of the site would be provided at various points along the perimeter security fences to maintain such access. The location of these would be determined by a pre-commencement badger survey which would identify path and existing commuting routes.
218. A Landscape and Biodiversity Management Plan (LBMP) has been submitted. The purpose of the LEMP is set objectives and standards for the performance of landscape maintenance work prior to the handover to the landscape maintenance contractor; to develop work programmes and schedules for landscape maintenance staff for the first year after completion and thereafter for a period of 40 years; to preserve and enhance the site biodiversity; to ensure that management of landscape features ensures they sustain their intended purpose such as to provide screening of proposed solar elements, or to break up visual massing; to help in the allocation of financial resources for landscape maintenance; and to help monitor success and progress against management targets. Such measures include hedgerow maintenance, management of trees, grassland, wildflower grassland strip management, bird cover strip management, mammal gate installation, and provision of bat and bird boxes and lighting. The LBMP is an operational guide for maintaining the landscape and ecological proposals for the lifetime of the solar park and is subject to change and improvement as the different landscape features mature and develop.
219. Objectors consider that there would be adverse impacts upon ecology as a result of the proposals with the land being covered with panels. It is claimed that there are adverse impacts at a site in School Aycliffe. Concerns are also raised about bird strikes and vermin.
220. The site is currently grazed by sheep, and this would continue should planning permission be granted. No concerns have been raised by consultees regarding possible bird strikes. Vermin as a direct result of the proposals is unlikely.
221. Ecology Officers have considered the proposals and originally raised queries regarding the proposed habitat losses and creation, seed mixes for proposed biodiversity enhancement areas and clarity regarding the location of proposed habitats. Following clarification officers have no objection subject to the securing the type and amount of habitat creation details in the submitted documents. In terms of protected species Ecology Officers advise that whilst there are mature trees on site, some which have risk of bat use it is understood that these would be retained as part of the proposals. No protected species would be directly affected by the proposed development. Accordingly, there is no requirement to apply the derogation tests for a licence.

222. Ecology Officers consider the Woodland Management Plan and the detailed LEMP including all habitat enhancement, creation and required monitoring for a minimum of 30 years should be secured by Section 39 agreement or similar. 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 minimum 30 year timescales involved and a Section 39 is more suited to ensuring long term management. Given the development is for a period of 40 years, it would be appropriate for the Section 39 agreement to cover 40 years as opposed to 30 years.
223. Natural England does not object and advises that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites. is consulted.
224. The proposed development would result in a net gain for biodiversity and where possible impacts on extant species are minimised using appropriate method statements and avoidance of impacts. Based on the submitted information relation ecology and air quality it is considered that the proposal would not have a harmful effect on protected species or designated habitats. Lighting details would be required to be submitted through a planning condition and it would be ensured that any lighting would be directed away from potential bat habitats.
225. 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. Nor would the proposal impact adversely upon statutorily protected species. 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

226. 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.
227. Footpath Nos. 57, 59 and 62 (Evenwood & Barony Parish) and Bridleway No. 53a (Evenwood & Barony Parish) run through the proposed site. Footpath No. 59 runs approximately north-south through the centre of the site. Footpath No. 57 runs through the north-western extent of the site. Bridleway No. 53a runs north east by south west through the centre of the site before turning eastwards through the site's north eastern extent. Footpath No. 62 is northeast by southwest through the northern extent of the site. Footpath No. 55 passes along the northern boundary of the site. Footpath Nos. 54 is located to the north west of the site, outside of the site boundary. All of which link into the wider public rights of way network.

228. As stated above Bridleway No. 53a (Evenwood and Barony Parish) would form the access to the site and measures to reduce impacts on users would be put in place. The application site is crossed by a number of public rights of way, the route of Footpath No. 62 (Evenwood and Barony Parish) has an outstanding claim for rights of at least bridleway status to be added to the Definitive Map.
229. Access and Rights of Way officers have raised no objections noting it appears these rights of way can be accommodated on their legal lines through the development and there appears to be no proposal to stop up or divert any of these rights of way. Officers advise that if the safe use of the paths cannot be managed during the build with signage and banksman where necessary then temporary closures of the paths would need to be applied for. General advice is provided in that no plant or material should be stored on the paths, and the path surfaces cannot be changed. Officers are content with heights of hedges and widths of paths.
230. The British Horse Society (BGS) highlights the Bridleway within the site and that Footpath No. 62 (Evenwood and Barony Parish) is the subject of an application to upgrade it to a bridleway and that it is important to ensure adequate width of both are retained. BHS regrets the loss of amenity this development would inevitably result in and would urge that mitigation in the form of increased or improved local access to off road riding be included in the development plans.
231. Objectors to the proposal consider that there would be no wellbeing or mental health benefits from walking through an electricity producing plant. Walking through the solar farm would be for a short period of time and the routes lead to the wider rights of way network. As stated above hedgerows either side of the routes within the site would screen the panels over time.
232. There would be no loss of public rights of way and there would no physical deterioration in the quality of the paths, and in some cases, there would be an enhanced width. The proposed development would be located either side of the paths and whilst offset and bound by new and enhanced hedgerows, the solar panels and associated fencing would be seen in close proximity and the proposals. As a result, the recreational value of those rights of way would be diminished, in conflict with CDP Policy 26, due to the intrusion and visual impact of the proposed solar panels. The visual impacts would however be reduced as the proposed landscaping matures. In addition the hedgerows along the PRoW would be maintained at a height of 3m at the request of Access and Rights of Way Officers to reduce the tunnelling effects of tall hedgerows and this would be secured through condition. Landscape Officers consider maintaining the height of the hedges at 3m would reduce mitigation of the development in wider views. The impact of the intended planting, although to screen the proposed development would divide the land into smaller compartments and in the opinion of the Landscape Officer, this would be without reference to the historic landscape pattern, eroding the character of the area and in doing so, the experience of a user of a PRoW through the site would be changed from open to enclosed.
233. Although the proposed landscaping scheme would go some way towards protecting the recreational value of the site, views from users of the rights of way within the site would be significantly altered by the proposal in a manner which would not be consistent with CDP Policy 26 and Part 8 of the NPPF. The proposals would therefore conflict with the requirements of CDP Policy 26 and Part 8 of the NPPF.

## Cultural Heritage

234. 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.
235. 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. CDP Policy 46 permits development which impacts upon the historic route of the Stockton and Darlington Railway (S&DR) of 1825, the Black Boy and Haggerleases branch lines and the Surtees Railway, together with their associated structures, archaeological and physical remains and setting, in certain circumstances.
236. No heritage assets are identified within the site boundary, however, a number of designated and non-designated assets of national importance are identified where setting may be affected as a result of the proposal. The principal assets affected are the Cockfield Fell scheduled monument which constitutes one of the largest landscape scale monuments in the County, the Cockfield Conservation Area and the remains of the Haggerleases Branch Line associated with the Stockton and Darlington Railway which relates to CDP Policy 46 acknowledging such railway infrastructure as being of national or international importance.
237. A Heritage Desk Based Assessment has been submitted in support of the application. This includes a description of the site and planning history, the assessment methodology, a description of known designated and non-designated heritage assets and a consideration of changes to setting that may affect the cultural significance of the designated heritage assets. The Assessment advises that the proposed development site was subject to a geophysical survey completed between November and December 2022. This survey identified a high level of magnetic disturbance from former extractive works within the site and therefore a low archaeological potential for the Site overall. Limited amounts of prehistoric and Romano-British archaeological remains are recorded within a 1km radial study area from the site. Those remains identified are limited to one discrete area, Cockfield Fell. It is stated that the potential for unrecorded prehistoric or Roman remains to be present within the site is low. Possible ridge and furrow identified through the geophysical survey of the site indicate the likely agricultural use of the site during the medieval/post medieval periods. The potential for significant unrecorded remains dating to the medieval period is considered to be low. The agricultural use of the site is likely to have continued through to the early modern period after which the site was the subject to opencast and pit mining. Reinstatement works took place within the site during the late 20th and early 21st centuries returning the site to agricultural use. The potential for significant unrecorded post-medieval, early modern or modern archaeological remains within the site is low.
238. The Heritage Desk Based Assessment which in terms of the built heritage divides the analysis between designated and non-designated assets. The Assessment includes

a settings assessment and concludes that the proposed development of the site would not result in any harm to the heritage significance/heritage interest of the Scheduled Enclosures and Industrial Workings on Cockfield Fell or Cockfield Conservation Area through changes to setting. No other designated heritage assets were considered to be sensitive to the proposed development of the site area and Officers do not disagree with this conclusion.

239. Concerns are raised by objectors that certain bridges would not be able to cope with the weight of vehicles and they are listed. They also note that high voltage lines cross the Scheduled Monument and that the development would prevent the potential of the area becoming an archaeological site and tourist attraction in the future.
240. Design and Conservation Officers have considered the significance and setting of Cockfield Fell as set out in the Heritage Desk Based Assessment. Officers consider That the principal significance lies in the role of the site in the setting of the Cockfield Fell Scheduled Monument, Cockfield Conservation Area and the historic railway infrastructure including the remains of the trackbed of a branch line of the S&DR which is of national importance. Setting is also considered to make a contribution towards the heritage significance of Enclosure and Industrial Workings on Cockfield Fell Scheduled Monument. However, the contribution of setting to significance is considered to be lesser than the contribution made by elements within the Scheduled Monument's boundary. The overall appraisal is considered to be reasonable and accurate. Whilst the conclusion is considered to underplay the relationship between the application site and the scheduled monument especially prior to planting mitigation maturing the end result of there being no harm to significance is accepted. There would be change in some views and some views of the asset would be removed within the application site, but this is not considered harmful.
241. Design and Conservation Officers have considered the significance and setting of Cockfield Conservation Area. The special heritage interests of Cockfield Conservation Area are primarily derived from features contained within its boundaries as well as the Scheduled elements of Cockfield Fell. The desk based assessment concludes that the proposal would not be harmful to the setting of the conservation area, and Design and Conservation Officers accept this conclusion although the level of impact is considered to be higher than suggested with the development being present in views to, from and across the asset, like the scheduled monument the conservation area is capable of accommodating a degree of change given its inherent significance and character and reliance on the surrounding landscape for heritage significance.
242. The relationship of the development to the non-designated historic railway infrastructure especially that of the S&DR Haggerleases Branch Line has been considered in detail and again whilst there would be a degree of change to setting this has been assessed against the provisions of Policy 46 of the CDP and does not give rise to objections. The proposals to include interpretation in the mitigation plan would also better reveal significance to a wider audience which is welcomed.
243. Overall, Design and Conservation officers conclude that given the scale, location and short to medium term inability to mitigate visual impact the development would feature in the setting of these assets to some degree. The test of acceptability lies in any harm which would result. Having considered the submitted impact assessment and reviewed the assets on site it is considered that as a result of the very specific characteristics of the assets a degree of change can be accommodated without harm, and the benchmark of sustaining a heritage objection is not reached. Added to this, interpretation of elements of the heritage is offered, as accepted by the Friends of Stockton and Darlington Railway as a positive benefit. In terms of policy tests this

would better reveal significance and add to understanding, as such this is welcomed and should be secured if permission is granted, through an appropriate mechanism.

244. An Archaeological Evaluation report has been submitted following the excavation and recording of 55 evaluation trenches. In the north-west part of the site truncated former field boundaries, disturbed ground, modern utilities and drainage were identified. Towards the north-east part of the site, a ditch of unknown date was recorded. The palaeoenvironmental sample from the primary ditch fill comprised a small amount of undiagnostic fuel waste. The few charred palaeoenvironmental remains are mineral-encrusted indicating lengthy exposure to post-depositional processes, but they do not provide any further information about the origin of the ditch. In the south-east part of the site no evidence for opencast mining was recorded, confirming its extents as shown on Coal Authority records and historic aerial photographs of this part of the site. Furrows, the remains of medieval or postmedieval ploughing, were recorded in trenches. In the east part of the site evidence for modern disturbance relating to opencast mining was recorded, no archaeological features were recorded. Shallower deposits of opencast backfill were recorded in the south-east part of the site in an area marked as beyond the limits of the opencast on the Coal Authority plans. This area is likely to have been used for stockpiling material that was then levelled out as part of the reinstatement process, with deeper deposition of backfill recorded towards the north-east. A small assemblage of modern artefacts was recovered, consisting mainly of discarded food and drinks-related household items. Where dateable the assemblage spans the early to mid-20th Century.
245. Archaeology officers have considered the proposals and have no objection subject to conditions requiring submission of a Written Scheme of Investigation setting out a phased programme of archaeological work and the subsequent submission of a post investigation assessment. This is because the submitted archaeological report has shown some archaeological potential for the site, based on some undated remains and also encountered more information regarding the extent of previous disturbance on the site. Officers advise that further trenching is required to further test and confirm the geophysical survey results and also to confirm the nature and extent of archaeological remains present.
246. Historic England has not offered advice on the application. The Friends of the Stockton & Darlington Railway has not objected and has expressed interest in the proposed information boards.
247. Subject to the imposition of conditions requiring further trial trenching and evaluation and interpretation material it is considered that the proposed solar farm would not conflict with CDP Policies 44 and 46 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

248. Paragraph 180 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.
249. The proposed development would occupy approximately 64ha of agricultural land previously subject to surface coal extraction. An Agricultural Land Classification (ALC)

Assessment has been carried out for the whole 64ha site. The Assessment includes a desktop study and fieldwork analysis with the conclusion that all of the soils on the site are Grade 3b. The site is therefore not comprised of best and most versatile land. The application states that it can be anticipated that the soil quality would improve over this long fallow period, and the restored land whether used for arable or livestock farming would be more productive than at present.

250. CPRE whilst recognising that the land is not best and most versatile question how soil would be treated. However, it is the case that the land would remain as grazing land with minimal disturbance.
251. Natural England has provided general advice relating to best and most versatile agricultural land and soils, advising that Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies and recommending that good practice is followed. Should the development proceed, Natural England advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.
252. Although the development would temporarily remove a significant portion of land from agricultural use, it is currently being used for sheep grazing and would still be available for low intensity grazing. Given the nature of the proposed development impact upon soil resources is expected to be minimal and any stripping, storage and replacement of soils would take place in accordance with best practice. The proposal would not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

#### Cumulative Impact

253. Paragraph 191 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.
254. The application site is currently comprised agricultural fields, hedgerows and public rights of way. There are no other existing or approved solar farms or substations within the vicinity of the proposed development, nor are there wind farm developments.
255. The proposed solar development would not therefore cumulatively add to the amount of energy infrastructure in the surrounding area. There would be temporary impacts during the construction stage and these impacts are considered within this report and are considered to be acceptable, subject to conditions where appropriate. It is therefore considered that the proposed development would not conflict with CDP Policy 31 and Part 15 of the NPPF.

#### Safeguarded Areas

256. CDP Policy 56 advises 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 or which will sterilise an identified 'relic' natural building and roofing stone quarry as shown on Map C of the policies map document unless one of the following apply: a) it can be demonstrated that the mineral in the location concerned



is no longer of any current or potential value as it does not represent an economically viable and therefore exploitable resource; b) provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact on the environment, human health or the amenity of local communities and within a reasonable timescale; c) the non-minerals development is of a temporary nature that does not inhibit extraction within the timescale the mineral is likely to be needed; d) there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral; or e) it constitutes exempt development as set out in Appendix C of the CDP.

257. The site lies within the surface mined coal resource area and mineral safeguarding area as defined in the CDP.
258. A Mineral Reserve Assessment has been submitted with the application. The Assessment estimates that there are 1.4M tonnes of coal deposits, primarily the Busty and Brockwell seams, present at the site. However, this figure is considered to be a gross overestimate of the potential mineral resource present due to past coal mining activities in the area. The Assessment states that it has not been possible to refine this estimate without intrusive data for the site. It also highlights that if the deposit was to be worked, the recoverable tonnage would be further reduced by buffer zones required adjacent to the residential properties on the north-western and western site boundaries, as well as the cricket ground adjacent to the western boundary. The environmental considerations of a mineral extraction are also highlighted. The Assessment concludes that the mineral within the site is likely to have very limited commercial interest. In addition, there are significant constraints, and the extraction of the mineral would likely create numerous detrimental environmental issues and be subject to public objections. Having regard to Policy 56 criteria a) the Assessment concludes that Due to the historic coal mining on Site, it is considered likely that the mineral deposit is significantly smaller than indicated by the available BGS borehole records. In addition, the cost of overcoming challenges posed by the proximity of human, environmental and cultural heritage receptors to the deposit indicates that the deposit would not be economical to exploit. With regard to Policy 56 criteria b) the Assessment concludes that it is likely that there would be significant local objection on environmental grounds to the extraction of mineral from the Site, due to the increased HGV traffic, the site's proximity to the Durham AHLV, historic Stockton and Darlington Railway, Cockfield Conservation Area, and the Scheduled Monument of Enclosures and industrial workings on Cockfield Fell. In terms of Policy 56 criteria c) the proposed development of a solar farm at the site is not considered to pose a risk of permanent sterilisation of the mineral resource, due to solar farms typically having a lifespan of up to 40 years.
259. With regard to criteria a) of Policy 56, the site has previously been subject to coal extraction via surface mining and as such the economically viable and exploitable resource has likely been extracted. With regard to criteria c) the proposed development is temporary, albeit for 40 years, and would not permanently sterilise any remaining resource should it be considered to be should it be considered viable and in the future.
260. Having regard to the Mineral Reserve Assessment and the planning history of the site, officers concur with the above conclusions. It is therefore considered that the proposed development would not conflict with CDP Policy 56 and Part 17 of the NPPF.
261. CDP Policy 28 requires that within the defined Durham Tees Valley and Newcastle International Aerodrome Safeguarding Areas. The site lies within the 30km wind farm consultation zone for Tees Valley Airport. As previously stated, National Air Traffic Services (NATS) has raised no objections to the proposals advising that it does not

conflict with its safeguarding criteria. Teesside International Airport has no aerodrome safeguarding objection to the proposal. It is therefore considered that the proposed development would not conflict with CDP Policy 28 or Part 10 of the NPPF.

## Community benefits

262. The applicant has proposed to make a financial contribution of at least £400,000 for local community projects, along with free energy surveys and a retrofit solar and battery programme for around 60 local houses. It is understood that the equipment would be wholly owned by the residents who would then benefit from the free electricity generated by the equipment over its lifetime. The potential provision of a community garden is also mentioned. No details are provided as to how these would be delivered but this does not form part of the planning application, so details are provided for information.
263. Objectors raise queries regarding the proposed benefits considering that they are offered to sway opinions and that it should be made clear who has been offered what. Questions are raised regarding ownership of electricity produced from households who may be provided with solar panels from the developer. Highlands Village Hall Association seeks to secure the community benefits proposed by the developer.
264. No details are provided as to how the financial contribution or other benefits offered would be delivered. Nevertheless, Officers consider that the harm identified in the determination of this application could not be mitigated by a financial contribution or other community benefits and therefore such should not be weighed in the planning balance. Any financial or other benefits offered by the Applicant do not meet the tests for a Section 106 obligation under the Town and Country Planning Act 1990 (as amended) and accordingly, are offered on a voluntary basis outside of the planning system.

## Other Matters

265. Durham Constabulary Crime Prevention Unit has provided advice to the applicant in respect of designing out crime/crime prevention perspective and make a number of recommendations. They advise that monitored CCTV should provide full coverage of the solar site/s, and it should not be able to be tampered with. If any CCTV systems get broken, they should be fixed as soon as possible as it would then be difficult to identify a crime in action. It should be ensured that there are no gaps in the hedging or fence lines. Consideration should be given to making it difficult for vehicles to be brought onto site by the use of ditches, concrete blocks or gates. Overt deterrents are recommended, such as visible CCTV, warning signs etc. Forensic marking of panels and cables should be considered, so that they are identifiable when recovered if stolen. It is recommended that regular (daily if possible) walks of the perimeter fence line take place, to quickly identify any holes cut that could be a precursor to an upcoming theft.
266. Objectors have questioned the need for the extra electricity, the lack of cheap energy and consider that the solar farm would stop wind turbines from turning and there is a cost implication to this. There is a need to reduce society's energy dependence on external sources and encourage the development of renewable energy schemes. The development of renewable sources of energy makes a valuable contribution to tackling the rate of climate change, enabling us to live in a more sustainable manner, and helps to reduce our reliance on fossil fuel derived energy provision from abroad. No evidence has been provided to suggest that the solar farm would be detrimental to the functioning of wind turbines. It is the acceptability of the proposed solar development which is being considered.

267. The applicant has advised that all energy generating assets are turned off from time to time, including coal, gas and nuclear plants. This can be for a variety of reasons including grid balancing, planned and unplanned grid 3 outages etc. The applicant's experience of operating over 100 solar farms throughout the UK is that these are rare occurrences. Wind and solar power are largely complementary and generally displace the more expensive forms of energy such as coal, gas and nuclear. Daytime consumption of electricity is predicted to increase as we electrify homes, businesses and transport and use more air conditioning in response to a warming climate and more daytime electricity generation will be required not less.
268. Objectors have stated that a public inquiry is required. It is not explained why this should be the case. Members of the public are able to make representations through consideration of the application in writing and verbally at Committee. Concerns that there would be a solar heat island effect raising the temperature of the surrounding land and that there would be RF interference have not been substantiated.
269. Objectors claim that the applicant does not have the funds to clear the site and the site would be left unrestored. The situation in 40 years is not known but there would be a planning requirement for removal of the infrastructure which would be enforced if necessary.
270. Opinion given by objectors on the location of the connection to the pylons, with a better option considered to be on the Gaunless side of the road. The Council is considering the application as submitted.
271. The impact upon tourism is raised but there is no evidence to suggest that there would be an impact.
272. The potential impact upon users of the cricket field is questioned with lost balls or models not being able to be recovered. No representations have been received from the cricket club or any model flying club. This would be a matter for the parties outside of the planning system. The applicant has advised that there is ongoing dialogue with the cricket club. In terms of the solar farm itself, consider it would have no impact on them once operational and unlikely to have any impact during construction other than deliveries going past the club entrance. The application has no concerns regarding cricket ball cricket balls damaging the panels noting that the field immediately north of the cricket pitch is BEA and the nearest fields with panels would be at oblique angles. The applicant suggests that cricket balls landing in these areas could be returned by the farmer to the cricket club. In the longer term the planting along the boundary would reduce the likelihood further.
273. Objectors have stated that the proposal would result in the devaluation of prices and a council tax rebate be given. Property values are affected by many factors and cannot be taken into account as a material consideration in the determination of a planning application. However, the effects of the proposal have been thoroughly assessed in relation to residential amenity and considered to be acceptable.
274. Objectors raise concerns regarding the acceptability of the site and impact upon Human rights due to invasion of privacy" given reference to cameras, dangerous to human beings with rights of way through the site and the number of people involved with the development all of a sudden being within close proximity to the locals. It is not clear which Human Right is being asserted, however, the effects of the proposal have been thoroughly assessed in relation to residential amenity and considered to be acceptable.

275. 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.
276. 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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277. The proposal would constitute development in the countryside resulting in a degree of landscape harm. There would be some substantial, long-term, and adverse effects to the character, quality and distinctiveness of the local landscape and important views by virtue of its nature, size and visibility. In addition, it would reduce the quality of the experience for recreational users using the countryside. Mitigation would reduce some of the harm in near views in the medium to long term but not the effects in views from higher ground. This proposed mitigation would be at the detriment to the character of the area, however, there would be no harm to important features or views.
278. Although there would be a degree of landscape harm and reduction in the quality of the experience for recreational users, this harm must be weighed in the planning balance. As highlighted in the most recent appeal decision in the County, both national and development plan policy recognise that large scale solar farms may result in some landscape and visual impact harm. However, both adopt a positive approach indicating that development can be approved where the harm is outweighed by the benefits.
279. In these circumstances, whilst there would be some localised harm to landscape character and some visual harm in conflict with some of the relevant development plan policies, the imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant benefits of the scheme clearly and decisively outweigh the limited harm. As such the proposal would accord with CDP Policy 39. The reduction in the quality of the experience for recreational users would be for a limited time until planting became established and for the period taken to walk the rights of way.
280. Furthermore, there are no physical constraints limiting early development of this site and a grid connection offer is in place. Therefore, the scheme could make an early and significant contribution to the objective of achieving the statutory Net Zero target set for 2050 and the commitment to reducing emissions in the shorter term also. Taking all of this into account, this benefit attracts significant weight.
281. The proposed development would provide a significant renewable energy source using solar power sufficient to provide clean energy for approximately 13,000 homes whilst also reducing dependence on fossil fuel power stations. This would equate to a reduction of 8,700 tonnes of CO<sub>2</sub> emissions annually, equating to 348,000 tonnes over the proposed 40 years operating period. Further benefits would be direct employment to the construction industry for the 9 month construction period with a project investment of circa £20 million. Local businesses would benefit from increased trade.

282. Additional benefits of the scheme include biodiversity and landscape improvements to the site. Notwithstanding this, the landscape harm is lessened as the development is temporary in nature and the traditional land use and links to the wider landscape can be reinstated on removal of the panels at the end of their lifespan. Furthermore, it is considered that the proposal offers an opportunity to contribute to renewable energy requirements and the harm can be reversed in due course. As the proposal is considered acceptable in other matters, then this temporary harm does not in itself justify refusal of this application.
283. Having weighed the landscape harm and reduction in the quality of the experience for recreational users in the planning balance, it is considered that the benefits of the proposal would outweigh this harm.
284. Consideration has also been given to the impact on designated and non-designated heritage assets and no harm has been identified. The proposed interpretation information is regarded as positive.
285. Mitigation measures proposed for biodiversity would ensure that there was no net loss of biodiversity and that on balance the proposals would be beneficial. Landscape and biodiversity mitigation measures would be secured by an obligation under Section 39 of the Wildlife and Countryside Act 1981. The site would be restored upon completion of its operational life.
286. Furthermore, the site is not subject to nature conservation designations, and it is not considered that there would be an adverse impact on designations close by, a view endorsed by the ecological consultees. Nor is it considered that there would be an adverse impact upon flora or fauna, including protected species. Consideration has also been given to the impact of the proposals upon recreational amenity, hydrology and hydrogeology, access and highway safety and, subject to appropriate conditions where appropriate, the impacts are considered to be acceptable.
287. The site is not best and most versatile and although it would not be available for arable production it could, to some degree, be used for grazing. Upon decommissioning the site would be restored and put into productive agricultural use.
288. There would inevitably be some disturbance and disruption from temporary construction and decommissioning for those living close to the proposed extension but for a limited 9 month and 6 month period respectively and suitable mitigation measures would be secured through site design and condition.
289. The proposed development has generated some public interest, with letters of objection and support 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.
290. The proposed development 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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291. 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. The development hereby permitted shall cease on or before the expiry of a 40 year period from the date of first export of electricity.

*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 Local Planning Authority shall be given at least seven days prior written notification of the date of first export of electricity.

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

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

- Site Location Plan ref. P20-2730\_01 Rev E (received 20<sup>th</sup> February 2023)
- Master Site Layout ref. P20-2730\_EN\_00\_016 Rev H (received 5<sup>th</sup> October 2023)
- Detailed Planting Plan ref. P20-2730\_EN\_00\_19 Rev E (received 5<sup>th</sup> October 2023)
- Planning Elevations PV Array – Side ref. P008.1-300 Rev 02 (received 20<sup>th</sup> February 2023)
- Planning Elevations PV Array – Front ref. P008.1-301 Rev 02 (received 20<sup>th</sup> February 2023)
- Planning Elevations Inverter ref. P008.1-303 Rev 02 (received 20<sup>th</sup> February 2023)
- Planning Elevations Perimeter Fence P008.1-304 Rev 03 (received 20<sup>th</sup> February 2023)
- Planning Elevations CCTV Elevations P008.1-305 Rev 02 (received 20<sup>th</sup> February 2023)
- Planning Elevations O&M Building P008.1-306 Rev 02 (received 20<sup>th</sup> February 2023)
- Planning Elevations Welfare Office P008.1-307 Rev 01 (received 20<sup>th</sup> February 2023)
- Elevations – 33kv Intake Client Switch Room ref. XXXXX-E-ELE-01 Rev A (received 20<sup>th</sup> February 2023)
- Transformer Elevations ref. 10015-E-ELV-03 Rev A (received 20<sup>th</sup> February 2023)
- Substation Layout Plan ref. ESN-E-SP-1 Rev A (received 20<sup>th</sup> February 2023)
- Control Room Layout and Elevation ref. 10015-E-ELV-02 Rev C (received 20<sup>th</sup> February 2023)
- 66kv Compound rev. 10031-E-ELV-01 Rev A (received 20<sup>th</sup> February 2023)
- Drainage Strategy ref. B775/07 Rev G (received 15<sup>th</sup> November 2023)

- Woodland Management Plan (Barton Hyett dated 29th September 2023)
- Landscape and Ecological Management Plan (Pegasus Group ref. P20-2730\_EN\_00\_27C, dated September 2023)
- Biodiversity Management Plan (Avian Ecology dated 10th July 2023)
- Ecological Assessment Report, including Bird Survey Report, Biodiversity Net Gain Assessment, and Biodiversity Management Plan (Avian Ecology, February 2023).
- Biodiversity Metric 3.1 (June 2023)
- Environment Enhancement Strategy Rev C (Pegasus Group, dated February 2023)
- Construction Management Plan (PFA, February 2023)
- Dust Management Plan (Air Quality Consultants dated February 2023)
- Framework Construction Traffic Management Plan (PFA Consulting Ltd, November 2022).
- Flood Risk Assessment (PFA Consulting Ltd, October 2023)

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 10, 14, 21, 25, 26, 28, 31, 32, 33, 35, 39, 40, 41, 42, 43, 44, 46 and 56 of the County Durham Plan and Parts 2, 6, 8, 9, 14, 15, 16 and 17 of the National Planning Policy Framework.*

6. 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 be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed, as a minimum this should include, but not necessarily be restricted to, the following:
  1. 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.
  2. A Noise Management Plan and details of methods and means of noise reduction
  3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
  4. Details of measures to prevent and manage pollution and to prevent mud and other such material migrating onto the highway;
  5. Designation, layout and design of construction access and egress points;
  6. Details for the provision of directional signage (on and off site);
  7. Details of contractors' compounds and parking, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure and their removal upon completion of the construction phase of development;
  8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials

9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
10. Details of delivery arrangements including details of construction hours, number of construction workers, methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen, measures to minimise traffic generation (particularly at peak hours), measures to control timings and routings of deliveries and construction traffic (including abnormal loads) and pedestrian routes to the site;
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy 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.*

7. Notwithstanding the submitted information, no development shall commence until, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following:
  - a. Any trees, hedges and shrubs scheduled for retention, including method of protection in accordance in BS.5837:2010.
  - b. Details soft landscaping including planting species, sizes, layout, densities, numbers.
  - c. Details of planting procedures and/or specification.
  - d. Finished topsoil levels and depths.
  - e. Details of temporary topsoil and subsoil storage provision.
  - f. The timeframe for implementation of the landscaping scheme.
  - g. The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

*Reason: In order to provide landscape enhancement and screening for the development in accordance with Policy 39 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to ensure landscaping is agreed and takes place early in the development.*



8. Prior to the commencement of development, an Arboricultural Method Statement and finalised Tree Protection Plan shall be submitted to and approved by the Local Planning Authority. Once approved the details shall be implemented in full and to the satisfaction of the Local Planning Authority.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required to be pre-commencement in order to ensure the protection of retained trees and hedgerows.*

9. Prior to the commencement of development precise details of the internal track surfaces shall be agreed in writing with the Local Planning Authority and the development carried out in accordance with agreed details.

*Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of visual amenity and highway safety in accordance with Policies 21 and 39 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.*

10. The development shall be implemented in line with the recommendations contained within the submitted document entitled Ecological Assessment Report F2 prepared by Avian Ecology dated 13/06/2023.

*Reason: In the interests of nature conservation and to conserve protected species and their habitat in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

11. Prior to the commencement of development, a pre-commencement badger survey shall be undertaken. The survey and any resulting recommendations shall be submitted to and approved by the Local Planning Authority. Once approved the details shall be implemented in full and to the satisfaction of the Local Planning Authority.

*Reason: In the interests of nature conservation and to conserve protected species and their habitat in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to conserve protected species and their habitat.*

12. Prior to their use details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be erected and maintained in accordance with the approved details.

*Reason: To confirm the final precise lighting proposals having regards to residential amenity and biodiversity having regards to Policies 31, 41 and 44 of the County Durham Plan and Parts 12 and 15 of the NPPF*

13. The development shall be carried out in accordance with the approved Drainage Strategy ref. B775/07 Rev G. The features shall be fully completed prior to installation of the above ground structures. The features 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.*

14. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*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.*

15. 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.*

16. Notwithstanding the detail in the approved plans set out in Condition 5, prior to the commencement of development of any building and above-ground structure, precise details of that building and 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.*

17. No development shall commence until a written scheme of investigation setting out a phased programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' 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 County Durham Plan Policy 44 and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.*

18. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

*Reason: To comply with County Durham Plan Policy 44 and Paragraph 205 of the National Planning Policy Framework, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.*

19. 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 County Durham Plan Policy 32, Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*

20. 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 County Durham Plan Policy 32, Part 15 of the National Planning Policy Framework.*

21. Within 6 months of the commencement of development detail including construction and content of proposed site interpretation material based on the local heritage and including a timescale for installation shall be submitted to and approved in writing by the Local Planning Authority. The interpretation material shall be erected and maintained in accordance with the approved details.

*Reason: To comply with County Durham Plan Policies 44 and 46 and Part 16 of the National Planning Policy Framework.*

22. A scheme for the restoration of the site, including the dismantling and removal of all elements, shall be submitted to and be approved in writing by the Local Planning Authority not later than 40 years from the date of first export of electricity. The approved scheme shall be carried out and completed within 6 months from the date that the planning permission hereby granted expires.

*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.*

23. In the event the site does not export electricity to the grid for a continuous period of 12 months after the date of first export, a scheme of early decommissioning works ("the Early Decommissioning Scheme") and ecological assessment report detailing site requirements in respect of retaining ecological features ("the Early Ecological

Assessment Report”) shall be submitted no later than 3 months after the end of the 12 month non-electricity generating period to the local planning authority for its approval in writing. The Early Decommissioning Scheme and the Early Ecological Assessment Report shall be implemented in full thereafter.

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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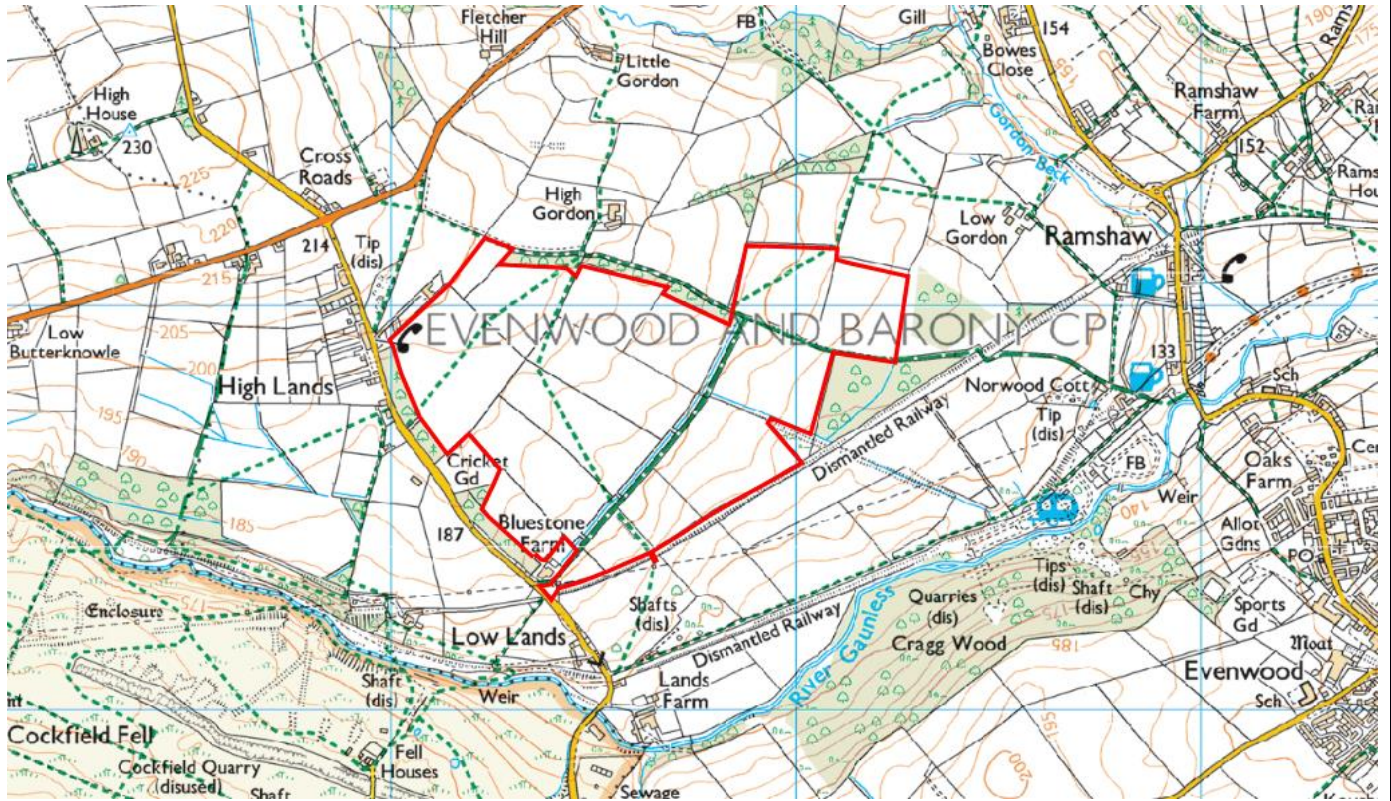
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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 (December 2023)
- National Planning Practice Guidance notes
- County Durham Plan (2020)
- County Durham Landscape Value Assessment (2019)
- County Durham Landscape Strategy (2008)
- County Durham Landscape Character (2008)
- 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)
- Overarching National Policy Statement for Energy (EN-1) (November 2023 to be designated in early 2024)
- National Policy Statement for Renewable Energy Infrastructure (EN-3) (November 2023 to be designated in early 2024)
- Powering Up Britain: Energy Security Plan (April 2023)
- Statutory, internal and public consultation responses



 <p><b>Planning Services</b></p>	<p><b>DM/23/00486/FPA</b>            Construction of a solar farm with all associated works, equipment and necessary infrastructure            Bluestone Farm, Low Lands, Cockfield, Bishop Auckland, DL13 5AW</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.            Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.            Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	
	<p><b>Date</b> December 2023</p>	<p><b>Scale</b> Not to Scale</p>