

Solar Energy Supplementary Planning Document Consultation Statement

December 2023

1.0 Introduction

1.1 This Consultation Statement has been prepared in accordance with Regulations 12 and 13 of the Town & Country Planning (Local Planning) (England) Regulations 2012 and the council's Statement of Community Involvement.

2.0 What was consulted upon?

2.1 The Solar Energy Supplementary Planning Document (SPD) was subject to a six-week period of consultation between 30 May and 9 July 2023.

3.0 Why is the SPD needed?

3.1 Solar energy has an important contribution to make to the UK's target to be net zero carbon by 2050 and Durham County Council's target for Durham County to be net zero carbon by 2045. Enabling local renewable energy generation will support energy security, making energy costs less susceptible to fluctuations in global gas prices.

3.2 This SPD provides guidance on key planning issues associated with solar including landscape character, biodiversity, heritage assets and agricultural land. It seeks to ensure panels are appropriately sited and designed and that, where possible, wider social, economic and environmental benefits are achieved.

4.0 Area of coverage

4.1 The SPD covers the whole of County Durham.

5.0 Steps the council took to publicise the draft SPD.

5.1 The council publicised the draft SPD by:

- a) emailing consultees on the planning policy consultation database;
- b) targeted emails to stakeholders involved in the delivery of solar energy development;
- c) publicising via the council's online consultation portal;
- d) making hard copies available in Durham County Hall and Customer Access Points;
- e) making the SPD available on the council's website;
- f) presentations to the Environment & Climate Change Partnership;
- g) online events with the public and the industry;

- h) using the council's corporate notifications and social media outlets; and
- i) press release.

6.0 Outputs from online events

- 6.1 Two online events were held during the consultation period. An online event targeted at those involved in the delivery of commercial solar farms was held on Tuesday 27 June between 2pm and 3.30pm, and a public event was held on Wednesday 28 June between 5.30pm and 6.30pm.

Industry Event

- 6.2 The industry event was attended by 14 representatives including developers and planning consultants involved in the delivery of commercial solar farms, the National Farmers' Union and Business Durham. It took the format of a workshop around key discussion points. Key points raised were:

Agricultural Land

- Solar farms can support farm diversification and the starting point in the process is to discuss with the farmer their needs.
- Over half of attendees had delivered 'Agrovoltatics.' This is the dual use of land for both solar panels and agriculture. This was predominantly in the form of sheep grazing. It was commented for cattle you need to increase the height of panels and use tracker panels which increases visual impacts, and there is also greater potential for damage to the panels from cattle. The potential for growing crops alongside solar panels had been explored but is challenging in this country. There are examples of solar panels being combined with beehives.
- There is a trade-off between agriculture and biodiversity and generally part of a site will be sectioned off for biodiversity.

Locational considerations

- The key locational requirement for solar farms is connectivity to the national grid. Finding a willing landowner is also a key challenge. After this developers look at planning constraints.
- It was noted there can be delays in connecting to grid of six years, whilst planning permission lapses after three years.
- Whilst some attendees would welcome a landscape sensitivity study to help identify appropriate locations for solar farms, there were concerns it would be too prescriptive.

Community benefits

- Although not a consideration through the planning process, community benefits or funds were often provided alongside development. It was also common practice to have in house specialists to undertake community engagement and identify what is needed. It was suggested council support in identifying community contacts would be helpful.

- The potential for a voluntary Community Benefit Protocol was discussed. It was considered this would need to allow for flexibility and a tailored approach for each community.

Public Event

6.3 The public event had 19 attendees and took the format of a presentation with opportunities to comment on the content of the SPD and a questions and answers session. Key points raised were:

- Twenty percent of attendees had solar PV panels installed on their property, and 20% were considering installing panels. It was noted cost can be prohibitive.
- It was generally felt the guidance in the SPD was helpful in clarifying requirements for installing domestic solar panels, but further clarity was needed on if solar panels can be installed in conservation areas.
- It was felt further reference was needed in the SPD to neighbourhood plans, particularly in relation to assessing landscape impacts.
- It was queried if the climate emergency would constitute ‘very special circumstances’ and justify solar development in the Green Belt.
- It was queried how fire safety is considered in relation to panels and lithium batteries.

7.0 Formal responses to the consultation

7.1 Two hundred and fourteen representations were received to the formal consultation from 26 organisations and individuals. These are set out in full with the council’s response in Appendix A. Representations were made by:

- Banks Renewables
- City of Durham Parish Council
- City of Durham Trust
- Councillor Douglas Oliver
- Councillor Mark Wilkes
- David Friesner
- David Smith
- Durham University
- Eden Renewables
- Environment Agency
- Exagen Group
- Harmony Energy Ltd
- Highways England
- Historic England
- Jane Friesner
- Lanchester Parish Council
- Lightsource BP
- Locogen
- Malcom Read
- National Highways
- Natural England
- Northumberland County Council
- Pegasus Group on behalf of Queequeg Renewables Ltd
- The Coal Authority
- The County Durham Green Party
- Will Bridges

7.2 In summary responses highlighted the following key issues:

- a) There was general support for the principle of the SPD and acknowledgement of the role of solar energy in responding to the climate emergency.
- b) Community groups sought further emphasis of the role of neighbourhood plans and greater clarity on if solar panels in conservation areas require planning permission.
- c) There were calls for requiring solar panels to be integrated into all new developments.
- d) The industry generally considered guidance in relation to the best and most versatile agricultural land to be too onerous and questioned if it went beyond national and local policy.
- e) The industry felt guidance on landscape and townscape was too prescriptive, particularly in relation to security measures.
- f) Guidance on biodiversity and nature conservation was broadly supported and the potential for solar farms to deliver biodiversity enhancements recognised. It was questioned if the SPD reflects government's emerging approach to delivering biodiversity net gains.
- g) Generally there was support for solar development within the World Heritage Site and conservation areas, provided impacts are properly assessed by a heritage specialist and were found to be acceptable.
- h) Whilst community groups felt commercial solar development was not appropriate in the Green Belt, the industry argued there may be cases where it could be meet the national policy test of 'very special circumstances'.
- i) The industry questioned if guidance in relation to residential amenity, glint and glare, archaeology, access and traffic, flooding and drainage was proportionate.
- j) Whilst acknowledging financial community benefits are not a material consideration in determining planning applications, residents and community groups would welcome further support from the council more generally in securing benefits.

8.0 Changes to the SPD

8.1 Following consideration of the feedback received a number of changes were made to the SPD. Key changes include:

- a) Additional text has been added to further highlight the importance of neighbourhood plans.
- b) Additional text has been added on permitted development rights, including on how to find out if your property is in a conservation area and if permitted development rights have been removed through an Article 4 Direction.
- c) Whilst as planning guidance the SPD cannot introduce a policy requirement for all developments to include solar panels, further emphasis has been added that in accordance with CDP Policy 29 (Sustainable Design) all new developments should minimise greenhouse gas emissions and seek to provide renewable and low carbon energy generation.

- d) Guidance on land use has been relocated from the medium scale to large scale chapter of the SPD. Clarification has been added that additional evidence requirements only apply where there would be a loss of best and most versatile agricultural land, and how these requirements reflect Planning Practice Guidance. Text also now states the council will monitor the cumulative impact of large scale solar developments on the supply of agricultural land across the county, rather than applicants should provide this information in support of applications.
- e) Guidance on landscape and townscape has been clarified that it is to be read as key considerations to reduce visual impacts rather than a prescriptive list. The SPD also highlights the council is undertaking work on landscape sensitivity which will be an appendix to the SPD.
- f) Guidance on cultural heritage has been amended to no longer state solar development in the setting of the World Heritage Site is likely to be resisted, but that solar development that would harms its Outstanding Universal Value, will not be permitted other than in wholly exceptional circumstances.
- g) Guidance on the green belt has been amended so as not to prejudge that very special circumstances are unlikely to exist given County Durham's small proportion of green belt, and instead set out what will be considered in assessing if very special circumstances exist.
- h) Additional text has been added to guidance on recreational amenity on the process for a temporary diversions to a public right of way.
- i) Good practice and key principles have been added to guidance on community engagement.

9.0 Next Steps

9.1 The SPD will be subject to a second stage of consultation from 26 February to 7 April 2024. The consultation will be publicised using the following methods:

- a) emailing consultees on the planning policy consultation database;
- b) targeted emails to stakeholders involved in the delivery of solar energy development;
- c) emailing those who responded to the first stage of consultation or attended an online event;
- d) publicising via the council's online consultation portal;
- e) making hard copies available in Durham County Hall and Customer Access Points;
- f) making the SPD available on the council's website;
- g) presentations to the Environment & Climate Change Partnership;
- h) online events with the public and the solar energy industry;
- i) using the council's corporate notifications and social media outlets; and
- j) press release.

Appendix A – Formal consultation responses

Section 1.0 Introduction

Section 1.1 Purpose of this Supplementary Planning Document

Respondent	Comment	DCC Response
Lanchester Parish Council	<p>... heritage assets...' A definition of key terms required. This should appear as a Full Glossary of terms at the end of the SPD. Provide a Full Glossary of ALL key terms at end of SPD – see recommended words for definition / clarification.</p> <p>Heritage assets includes all designated, non-designated and locally valued heritage assets. This must be clearly stated in the SPD.</p>	<p>The context of section 3.4 on Cultural Heritage describes the variety of designated and non-designated heritage assets within the county.</p> <p>For consistency with the NPPF the terms designated and non-designated heritage assets are used. As recognised in the Lanchester Neighbourhood Plan, locally valued heritage assets are a form of non-designated heritage asset. A definition of what constitutes a non-designated heritage has been added to section 3.4.</p>

Section 1.2 The Climate Emergency

Respondent	Comment	DCC Response
Eden Renewables	<p>We endorse all of the details provided but think that further details could be provided to explain the positives of solar energy developments. Accordingly, we suggest the following paragraph is added to the bottom of Section 1.2: “Solar technology is proven, can be deployed quickly, ground mounted solar is one of the cheapest forms of electricity generation (Powering Up Britain, March 2023 - p20), it has very high levels of public support (87% according to the BEIS Public Attitudes Tracker: Energy Infrastructure and Energy Sources, Summer 2022, UK - September 2022), and ground mounted systems can make significant contributions to addressing the ecological crisis (as detailed in Solar Energy UK’s Best Practice Guidance on Natural Capital in Solar Farms, 2022), in addition to the climate emergency.”</p>	<p>It is considered the SPD sufficiently recognises the potential advantages and benefits of solar energy and how this fits with both government and Durham County Council's ambitions.</p>

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Lanchester Parish Council	<p>Section requires a brief paragraph detailing the contents of the DCERP (2022-2024).</p> <p>Insert, 'All applicants should familiarise themselves with the Plan and consider how their proposal contributes to the council's target'</p> <p>The DCERP is an overarching plan which must underpin all activities undertaken by the council and all others within County Durham. This includes all planning applicants</p>	The SPD details the ambitions of the Climate Emergency Response Plan (CERP) in relation to energy generation. Solar development will make a direct contribution to the CERP target of the county being net zero by 2045, when renewable energy generation, energy efficiency, and resilient infrastructure is in place for a carbon neutral electricity grid.
Lightsource BP	Section 1.2 of the SPD refers to the Climate Emergency within County Durham, it is recommended that the SPD should state that weight will be given to this in decision making for planning applications.	On adoption the SPD will be a material consideration in determining planning applications and it references the Climate Emergency Response Plan as relevant.
Pegasus Group (on behalf of) Queequeg Renewables Ltd	The SPD references the climate emergency, which was declared by Durham County Council in 2019, sets out the need for renewable energy, including solar energy development and the Government's targets to reach net zero and increase solar power capacity in the UK. This initiative is supported. Therefore, with this in mind, the SPD should be positively worded to support renewable energy proposals including solar energy development. Whilst this SPD focuses on solar energy development, other forms of development are important that assist to maximise the generation of renewable energy, such as battery energy storage systems (BESS) which are often co-located solar energy proposals that will assist to meet the council's target of being net zero by 2045. There is little reference to battery storage energy proposals, which should be given more prominence within the SPD as discussed further below.	It is considered the introduction of the SPD recognises the need for solar energy development. Battery storage is addressed under section 4.13 Associated Infrastructure.

Section 1.3 Policy Context

Respondent	Comment	DCC Response
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City of Durham Trust	There is a welcome emphasis on protecting heritage, landscape and biodiversity in accordance with local and national requirements. The SPD should also have regard to Neighbourhood Plans where they deal with renewable energy.	Additional text has been added on neighbourhood plans to further emphasise they are a material consideration in determining planning applications.
Councillor Douglas Oliver	<p>Needs to conform to Durham County Plan. The solar development strategy needs to be developed to adhere with the Durham County Plan. The Durham County Plan is an accepted document for planning in line with the NPPF. It is a document which has been developed in conjunction with local communities, has been through scrutiny and accepted by inspectors and only very recently been adopted by the county.</p> <p>Needs to conform to local Neighbourhood Plans. These are plans which have been developed by the local communities through a large amount of time and effort. They have gone through scrutiny, including local referenda, and when adopted carry significant weight in determining planning applications.</p>	The SPD provides supplementary guidance to the policies in the County Durham Plan (CDP). The policy context section sets out the relationship between the CDP and SPD. In addition, each section sets out the relevant CDP policy position. Additional text has been added on neighbourhood plans to further emphasise they are a material consideration in determining planning applications.
David Friesner	The importance and role of the Lanchester Neighbourhood Plan (and others) in shaping and determining future local development in the Parish needs to be stated more explicitly in the SPD. A separate section is needed in the SPD focusing upon Neighbourhood Plans. Neighbourhood Plan content must be explicitly referred to and considered in Landscape and Visual Impact Assessments (LVIA). Neighbourhood Plans include important and detailed local information about heritage assets, (including designated, non-designated and locally valued heritage assets), valued landscapes, nature conservation, local views, setting and visibility zones, all of which need to be taken into account and considered accordingly.	Whilst the SPD sets out adopted neighbourhood plans form part of the development plan, an additional section has been added to provide further detail.

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<p>David Smith</p>	<p>The draft document forms a basis from which to develop a strategy which balances the Durham County Plan and the Durham County Climate Emergency Response Plan with the need to develop renewable energy from solar PV. However it suffers from the omission of not including by name Neighbourhood Plans as documents which must form part of the application requirements as laid out in section 4.2 with regard to carrying out a Landscape and Visual Impact Assessment.</p> <p>The Importance of Neighbourhood Plans in determining the effects that a large solar development will have upon local communities the primary document of reference should be the local Neighbourhood Plan This is a document which has been created by the local community, has been scrutinised by the local community and following a local referendum has been adopted by the local community and the county as a valid planning document which details the important local conditions to be included in future sustainable developments. The County Durham Plan can determine the overall strategy for the county but is incapable of incorporating details at a local level, it correctly identifies the importance of referring to Neighbourhood Plans for local details. It is therefore essential the Solar Energy Supplementary Planning Document identifies and includes by name local Neighbourhood Plans as necessary documents to be referenced and observed when carrying out a Landscape and Visual Impact Assessment, LVIA, as proposed in section 4.2 of the 2023 (Consultation Draft) document.</p> <p>It also suffers from a clear identification of policy in the introductory sections. The introductory section outlines the purpose, section 1.1, and the climate emergency, section 1.2 and deals with policy content in section 1.3.</p> <p>Section 1.3 refers to the Overarching National Policy Statement for Energy Policy, EN-1.</p>	<p>Whilst the SPD sets out adopted neighbourhood plans form part of the development plan, an additional section has been added to provide further detail and cross-reference where the latest information on adopted neighbourhood plans can be found.</p> <p>It is considered section 1.1 on the purpose of the SPD addresses the principles behind its development. This sets out the relationship to achieving targets in the Climate Emergency Response Plan. It also highlights the SPD adds further detail to policies in the County Durham Plan and outlines the relevant</p>
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	<p>What would be of considerable assistance to readers of this supplementary planning document would be a similar statement which outlined Durham County’s overarching principles in developing this document, this could be of the form Overarching Principles to be Included in Solar Strategy</p> <ul style="list-style-type: none"> • Needs to conform to Durham County Plan The solar development strategy needs to be developed to adhere with the Durham County Plan. The Durham County Plan is an accepted document for planning in line with the NPPF. It is a document which has been developed in conjunction with local communities, has been through scrutiny and accepted by inspectors and only very recently been adopted by the county • Needs to conform with Durham County Climate Energy Response Plan The solar development strategy needs to be developed to adhere to the Durham County Climate Emergency Response Plan. This is a document, adopted just last year, which sets out an integrated strategy for reducing the county’s carbon footprint. It includes targets for renewables which should be followed. • Needs to conform to local Neighbourhood Plans These are plans which have been developed by the local communities through a large amount of time and effort. They have gone through scrutiny, including local referenda, and when adopted carry significant weight in determining planning applications. • Needs to prioritise local solar schemes which support local industry and sustain local employment The solar development strategy must accord with the Durham County Plan particularly in the area of supporting local, long term employment in rural areas. There is a need to ensure that 	<p>national and development plan policies. It clarifies neighbourhood plans form part of the development plan for the county and further text has been added to emphasise neighbourhood plans are a material consideration.</p> <p>The introduction highlights, in line with CDP Policy, the achievement of wider social, economic and environmental benefits will be considered and these are outlined as appropriate in relevant sections of the SPD.</p>
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	<p>local solar generation schemes, which aim to retain and expand local employment are not disadvantaged by schemes which seek to take advantage of potential sites whilst providing minimum long term employment opportunities. Local schemes which seek to build on an established presence should be prioritised</p> <ul style="list-style-type: none"> • Needs to take account of local community input Documents which carry significant weight in planning decision making, e.g. Durham County Plan and Neighbourhood Plans, have been developed following extensive local consultation. A similar procedure should be followed in developing the solar development strategy. • Needs to encourage local community energy generation schemes Collaborating with local communities to reduce the carbon footprint of the county is embedded in the Emergency Response Plan. The plan also states that the county council will work to help deliver local area energy plans. Encouraging and supporting local communities to develop local solar generating sites in suitable locations needs to be an integral part of the solar development strategy. • Needs to provide full details of environmental impact of solar panels and battery storage including environmental costs of manufacture and disposal The full environmental impact associated with the manufacture and disposal of solar panels needs to be included in any large scale solar proposals. The Climate Change Emergency Response Plan cannot support applications which cause substantial climate damage during the manufacture of solar panels and cannot support applications which have no clear strategy for disposing of panels in an environmentally sustainable manner, at present the major method of disposal for 	<p>This requirement would go beyond current national and local policy and would be beyond the scope of the SPD. Given the value of solar panels and related material, there is a strong financial incentive for developers of commercial scale solar farms to sell on materials for reuse and recycling.</p> <p>This point is discussed further in relation to responses on community benefits.</p>
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	<p>old panels is by landfill. Without an identified method for recycling of old panels there will be no alternative to the dumping of very large quantities of solar panels.</p> <ul style="list-style-type: none"> • Needs to have an identified strategy for financial input into local community (not a material consideration but very much a local concern) <p>The bullet points in bold provide the overarching principles, the additional information provides reasons for including these points. This would demonstrate to the residents of County Durham that the county has a clear and identified strategy for solar developments and form a useful yardstick against which planning applications could be judged.</p>	
Eden Renewables	<p>This fails to acknowledge that additional draft National Policy Statements (NPS) EN-1 and EN-3 were subject to consultation from 30 March 2023 to 23 June 2023. Significantly, both this version of EN-3 and the earlier one published in September 2021 confirm that “land type should not be a predominating factor in determining the suitability of the site location.” (Draft EN-3, March 2023 - Para 3.10.14). This demonstrates that the Government acknowledges that some development on Best and Most Versatile (BMV) agricultural land is inevitable if we are to meet its target of 70GW of solar by 2035. In fact, Draft EN-3 (2023 version) goes on to acknowledge that “the development of ground mounted solar arrays is not prohibited on agricultural land classified 1, 2 and 3a” (Para 3.10.15) (underlined and highlighted text - our emphasis). The potential use of BMV land for ground-mounted solar, which is a temporary development, is also reasonable given only 0.5% of agricultural land is needed to meet the Government’s target of 70GW of solar by 2035 (Solar Energy UK). We suggest that Para 2 is revised to identify these facts.</p>	Reference to Nationally Policy Statement has been updated to reflect the latest position.

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Highways England	NSIPs There does not appear to be any mention of Nationally Significant Infrastructure Projects for large scale projects which fall outside of the planning system. we are seeing such proposals with increasing regularity across the North East and Yorkshire region at Historic England. We advise reference to this within the SPD.	Reference is included in section 1.1 and 1.3.
Jane Friesner	The importance and role of the Lanchester Neighbourhood Plan (and others) in shaping and determining future local development in the Parish needs to be stated more explicitly in the SPD. A separate section is needed in the SPD focusing upon Neighbourhood Plans Neighbourhood Plan content must be explicitly referred to and considered in Landscape and Visual Impact Assessments (LVIA).	Whilst the SPD sets out adopted neighbourhood plans form part of the development plan, an additional section has been added to provide further detail and cross-reference where the latest information on adopted neighbourhood plans can be found.
Lanchester Parish Council	<p>Neighbourhood Plans and the Lanchester Neighbourhood Plan (LNP)</p> <ul style="list-style-type: none"> • The SPD document should have a specific and separate section focusing upon Neighbourhood Plans, describing in detail their role, use, content and Policies and their role and relationship to the County Durham Plan in forming the overall Development Plan for County Durham • In determining the effects that a large solar development will have upon local communities the primary document of reference should be the local Neighbourhood Plan • This is a document which has been created by the local community, has been scrutinised by the local community and following a local referendum has been adopted by the local community and the county as a valid planning document which details the important local conditions to be included in future sustainable developments. • The County Durham Plan can determine the overall strategy for the county but is incapable of incorporating details at a local level, it correctly identifies the importance of referring to Neighbourhood Plans for local details. • It is therefore essential the Solar Energy Supplementary Planning Document identifies and includes by name local 	Whilst the SPD sets out adopted neighbourhood plans form part of the development plan, an additional section has been added to provide further detail. Naming specific neighbourhood plans would quickly render the SPD out of date, as the position in terms of number of neighbourhood forums and adopted plans is constantly changing. The SPD therefore cross-reference where the latest information on adopted neighbourhood plans can be found.

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	<p>Neighbourhood Plans as necessary documents to be referenced, observed and considered when carrying out a Landscape and Visual Impact Assessment, LVIA, as proposed in section 4.2 of the 2023(Consultation Draft) document. Neighbourhood Plans include important and detailed local information about heritage assets, (including designated, non-designated and locally valued heritage assets), valued landscapes, nature conservation, local views, setting and visibility zones, all of which need to be taken into account and considered accordingly. [Refer also to Appendix A, LVIA Guidance, Maidstone Borough Council, Planning Policy Advice (>50kw) solar PV arrays. January 2014]</p>	
<p>Lanchester Parish Council</p>	<p>Clarification / definition required of 'appropriate sites' This is a very important consideration when implementing SPD and determining applications.</p> <p>The Council needs to explicitly state how it 'supports community-led initiatives for renewable and low carbon energy'. The Council should state that these initiatives will be prioritised when developments come forward. Compliance with NPPF and alignment with DCERP.</p> <p>Neighbourhood Plans require a separate and specific paragraph. '...alongside...' not sufficient. Consider, 'Other key policies relevant to this SPD include specific policies within Neighbourhood Plans, relevant to the proposed site.' Neighbourhood Plans (and their Policies) form part of the overall Development Plan for County Durham.</p>	<p>What constitutes an appropriate site will be determined through the planning process and the SPD seeks to provide guidance to clarify how policy will be applied.</p> <p>Further text has been added to link this to the CDP and state in determining planning applications for such projects and in accordance with CDP Policy 33 significant weight will be given to the achievement of wider social, environmental and economic benefits.</p> <p>Whilst the SPD sets out adopted neighbourhood plans form part of the development plan, an additional section has been added to provide further detail.</p>

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<p>Lightsource BP</p>	<p>It is acknowledged that the SPD references both local and national policies in relation to the climate emergency and energy crisis. However, the Government has recently released several policy documents which set out their proposals and strategies for future legislation. This includes the Energy White Paper (2020), Net Zero Strategy (2021), Energy Security Strategy (2022), Draft Powering up Britain (2023) and Draft National Policy Statement for Energy (2022). The SPD needs to refer to these documents within the policy section. 3.16 For example, section 1.2 of the SPD is missing the Government document on Powering Up Britain Government which was released for consultation in March 2023. This document sets out how the government will enhance our country's energy security, seize the economic opportunities of the transition, and deliver on our net zero commitments.</p> <p>Section 1.3 of the SPD refers to Practice Guidance (PPG) which sets out the factors to be considered when deciding a planning application and says that large scale solar farms should be focussed on previously developed and non-agricultural land. Brownfield land of a scale is rarely available for solar and typically any brownfield land is located within or on the edge of urban areas where the local plan policies prioritise residential or commercial developments. The solar farm needs to be capable of connecting to the electricity network at a location where there is existing capacity and requires an unobstructed exposure to sunlight. Rural locations are less likely to be constrained or overshadowed by existing developments that would obstruct the function of a solar farm in built up areas. Therefore, it is extremely difficult to develop on brownfield land.</p> <p>It is recognised that National Policy Statements (NPS) EN1 and EN3 is positive in recognising the support to renewable and low carbon energy development. However, there has been another consultation on draft NPS in 2023 which sets a clear direction</p>	<p>The SPD specifically references the Energy White Paper (2020), Net Zero Strategy (2021) and Energy Security Strategy (2022) in section 1.2 The Climate Emergency. This is considered the most appropriate location as section 1.3 focusses on the planning policy context. Reference has been added to Powering up Britain (2023), which in relation to solar essentially reaffirmed the commitment in the British Energy Security Strategy (2022) to increase solar power capacity from 14 gigawatts (GW) to 70GW by 2035.</p> <p>It is recognised it is challenging to identify suitable brownfield sites for solar farms, given other competing pressures on land use. The SPD seeks to provide guidance in relation to proposals on agricultural land and the information required to satisfy both national and local policy.</p> <p>Reference to Nationally Policy Statement has been updated to reflect the latest position.</p>
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	<p>that solar is a necessary part of the renewable energy mix, mirroring the narrative in the Powering Up Britain documents, and the Net Zero and BESS Strategies.</p>	
<p>Pegasus Group (on behalf of) Queequeg Renewables Ltd</p>	<p>The PPG for Renewable and low carbon energy is referenced within Section 1.3 of the SPD which specifically states that large scale solar farms should be focussed on previously developed and non-agricultural land, if it is not of high environmental value. A number of factors are taken into consideration by developers when identifying appropriate land for solar development. Whilst previously developed land (PDL) is preferable, there is finite availability of PDL particularly in close proximity to grid connections. In which case, given the urgent need for domestic clean and green energy, proposals on greenfield land including agricultural land will be needed to assist to meet demand nationally.</p> <p>It is agreed that County Durham Plan policies such as Policy 33, Renewable and Low Carbon Energy, and Policy 10, Development in the Countryside, are principle policies relevant to the determination of renewable energy proposals. Clearly, footnote 54 provides a key clarification to the suitability of renewables in the Countryside. It is considered that this SPD could provide further positive emphasis, which could be used as a further material consideration to support any planning application.</p> <p>Policy 6 (Development on Unallocated Sites) of the County Durham Plan is referenced as a key policy relevant to the SPD. This Policy is later referenced under Section 3.1 Use of Land.</p>	<p>It is recognised it is challenging to identify suitable brownfield sites for solar farms, given other competing pressures on land use. The SPD seeks to provide guidance in relation to proposals on agricultural land and the information required to satisfy both national and local policy.</p> <p>CDP Policy 6 (Development on Unallocated Sites) is applicable for the development of sites which are not allocated but well-related to a settlement. CDP paragraph 4.109 highlights the policy applies to infrastructure, which would encompass solar</p>

<p>However, Policy 6 is not related to solar energy proposals. Paragraph 4.109 of the County Durham Plan lists the types of development on unallocated land which this policy is applicable to and does not explicitly refer to renewable energy. This list includes:</p> <p>new build housing on suitable previously developed or greenfield sites, as well as conversions to accommodate new uses, the expansion or replacement of existing buildings, along with proposals including for example live/work units, community facilities, leisure, specialist living accommodation, small scale retailing, employment, infrastructure and other economic generating uses.</p> <p>Furthermore, solar schemes do not typically lend themselves to locations within the built up area or locations outside the built up area that are well related to a settlement. As highlighted above, the location of such development proposals is primarily dictated by the existence of a grid connection. It is well documented that grid capacity is scarce, and that there are limited locations in which renewable energy proposals are able to connect to the grid in a timely manner. Therefore, this policy test is not appropriate and should not be included within the SPD.</p> <p>Policy 6 was formed to accommodate windfall development within the plan period and therefore, promotes development on the edge of settlements to ensure that mainly residential schemes are delivered in sustainable locations close to facilities. However, solar energy schemes are an entirely different type of development which, once in operation, do not generate large volumes of trips, only trips for maintenance purposes and, therefore, can exist in more rural locations. In addition, consent for solar development is also typically sought for a temporary time period and therefore, land can be returned to its former use, leaving less of an impact on the landscape. As such, renewable</p>	<p>farms. For example, under NPPF annex 3 solar farms are included under essential infrastructure. Solar farms generation over 50MW are also defined as Nationally Significant Infrastructure Projects. However, reference to CDP Policy 6 has been removed in relation to land use as it is considered the need to make as much use as possible of previously developed land is captured in guidance in the PPG and referenced in this section.</p>
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	<p>energy proposals should not necessarily be guided to locations on the edge of settlements. This Policy referenced should only be retained for uses that do require more sustainable development locations.</p> <p>Furthermore, part of Policy 6 which forms criteria i) of the policy is paraphrased under Section 3.1 Use of Land within the SPD which states “on unallocated sites make as much use as possible of previously developed land. This, however, has been phrased incorrectly from its wording in the County Durham Plan and taken out of context. Within the County Durham Plan Policy 6 is worded so that a development proposal is only assessed against criteria a j (including criteria i) if a proposal meets the policy tests of being unallocated within the built-up area or outside the built up area but well-related to a settlement and accords with all relevant development plan policies. Whilst we have highlighted that in general Policy 6 is not applicable to solar energy development, the policy should not be taken out of context and incorrectly applied.</p> <p>To conclude on this point, the reference to Policy 6 is not applicable to this type of development given that solar energy development was never intended to be assessed against Policy 6 with Policy 33 being the relevant policy to assessing renewable energy proposals. As such, we object to the references to Policy 6 within the SPD and such references should be removed.</p>	
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Section 2.0 Small Scale

Section 2.1 Permitted Development Rights

Respondent	Comment	DCC Response
City of Durham Trust	<p>The SPD concentrates on offering practical guidance on making planning applications for the installation of solar energy systems. Planning permission is required for all Medium and Large installations, but the picture is less clear for Small ones. Permitted Development Rights and the constraints of Article 4 Directions are dealt with, but the advice is at times rather vague and sometimes amounts to the need to seek further advice. Surely as much advice as possible should be incorporated within the SPD so that householders know what the possibilities and the restrictions are.</p>	<p>The SPD sets out permitted development rights for solar panels of a domestic scale. It highlights that permitted development rights can be removed through an Article 4 Direction. The SPD does not detail the Article 4 Directions in the county in the interests of keeping the document concise and as they may be subject to change. However, for ease of reference a link has been added to the webpage where the current Article 4 Directions and conservation area boundaries can be found.</p>
City of Durham Parish Council	<p>The Council rightly provides guidance on important limits and conditions in relation to certain permitted development rights. Section e) specifically states that panels must not be fitted to a wall which fronts a highway in either a Conservation Area and/or World Heritage Site. Does this not also include the front roof elevation of the host property? If so, the document should specify this too, in order to avoid any ambiguity.</p>	<p>The wording accurately reflects the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 14, Class A. Solar panels on the front roof elevation on properties within a conservation area or World Heritage Site can be permitted development. The exception is where permitted development rights have been removed through an Article 4 Direction.</p>
City of Durham Parish Council	<p>The Council provides guidance on standalone solar panels within the ground of a house or block of flats (as these also fall within permitted development). However, within a Conservation Area and/or World Heritage Site, the Council will not permit any part of the solar installation to be nearer to any highway bounding any part of the property that is nearest to that highway. The Parish Council is unclear as to why this would be the case and would stress that, where the standalone panels are shielded (e.g. by hedging for instance) from the Highway, this should be permitted regardless of its positioning being closer to the highway than the host property.</p>	<p>Permitted development rights are set by government through the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The scenario described could be acceptable and would be consistent with the approach promoted in this SPD, but a planning application would be required as permitted development rights do not currently apply.</p>

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City of Durham Parish Council	The section relating to County Durham Article 4 Directions should include a reference to a map to help the reader identify where exactly each Article 4 Direction is located and what impact this has (e.g. the design Article 4 Direction within the Durham City Conservation Area restricts inappropriate use of materials such as uPVC).	The SPD does not detail the Article 4 Directions in the county in the interests of keeping the document concise and as they may be subject to change. However, for ease of reference a link has been added to the webpage where the current Article 4 Directions and conservation area boundaries can be found.
Durham University	At 2.1 (e) the SPD states that solar panels 'must not be fitted to a wall which fronts a highway' within conservation areas. Many solar installations are subtle and do not cause adverse impact on appearance of a building or area, such as 'solar bricks' which can be designed to match any façade. Additionally can you clarify if that includes roof? If this does include roof, this is essentially a ban on solar panels in the conservation area. This seems very strict, putting a significant hurdle in place on decarbonisation for buildings in the conservation area.	Permitted development rights are set by government through the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The scenario described could be acceptable and would be consistent with the approach promoted in this SPD, but a planning application would be required as permitted development rights do not currently apply.

Section 2.2 Landscape and Townscape

Respondent	Comment	DCC Response
City of Durham Parish Council	This SPD rightly highlights that solar technology is constantly advancing. Indeed, in our own county, Power roll in Seaham has developed microgrooves/ film-based technology. It is therefore right to ensure that all proposals are sympathetic to their surrounding locality. However, section b) and e) may contradict each other. Because technology is advancing, standardising installations across numerous homes may not be sensible. The Parish Council would suggest that point e) be amended so it reads "[...] providing this does not negatively affect the effectiveness of new PV installations, and that the existing ones are sympathetic to the character of the area."	Criteria b) has the caveat that it applies where relevant and providing panels on nearby properties are sympathetic to the character of the area. It would not preclude the use of new technologies which better integrate into the building fabric.
Durham University	(e) Shouldn't conflict with (b) by allowing new installations to utilise new technology, which could improve performance and longevity. (g) Should state that low profile mounting systems should be used wherever possible	Criteria b) has the caveat that it applies where relevant and providing panels on nearby properties are sympathetic to the character of the area. It would not preclude the use of new technologies which better integrate into the building fabric.

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		Wording of criteria g) amended to state low profile should be used wherever possible.
The County Durham Green Party	CDGP would like to comment on the SPD itself and state that the general rationale underlying the points made below is that against the backdrop of a climate emergency, solar developments should be maximised and erecting potential barriers to them should be considered very carefully. On page 8, section b) and e) may contradict each other. As technology is advancing, standardising installations may not be sensible. CDGP suggest amending point e) to “[...] providing this does not negatively affect the effectiveness of new PV installations, and that the existing ones are sympathetic to the character of the area.”	Criteria b) has the caveat that it applies where relevant and providing panels on nearby properties are sympathetic to the character of the area. It would not preclude the use of new technologies which better integrate into the building fabric.

Section 2.3 Cultural Heritage

Respondent	Comment	DCC Response
City of Durham Parish Council	The Parish Council fully supports the requirement for applicants to produce a Heritage Statement (prepared by a heritage specialist) for new schemes which do not fall within permitted development. It is right that the heritage impact of all proposals affecting our Conservation Area, Article 4 Direction Area, World Heritage Site and Listed Buildings are appropriately assessed.	Support noted.
City of Durham Trust	The Trust is pleased to learn that the Council is producing detailed guidance on the use of renewables on historic buildings as part of a whole life building approach. Design requirements need to keep abreast of the latest technological improvements, particularly when considering solar installations in conservation areas and especially within the World Heritage Site. Heritage Impact Assessments should definitely be required.	Support for guidance on the use of renewables in the historic environment noted.
Durham University	Heritage Impact Statement requirement is to be supported, however it should make clear that, like the NPPF, substantial harm is a high test and the consideration would	It is considered the text is clear that what is being assessed is the impact of a solar development on the significance of a heritage asset, and this wording reflects NPPF Section 16.

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	be whether the adverse impact seriously affects a key element of its special architectural or historic interest rather than the particular development to be assessed.	
Lanchester Parish Council	Insert, 'Neighbourhood Plans often detail 'locally valued' heritage assets. References in text to 'non-designated heritage assets' should read, 'non-designated and locally valued heritage assets.' The SPD needs to include ALL referenced heritage assets.	Additional text has been added to the policy context section highlighting the need to consider policies in adopted neighbourhood plans, where in place. The term non-designated heritage encompasses locally valued heritage assets identified in neighbourhood plans. Neighbourhood plans use different terminology to describe local non-designated heritage assets and as such, and for clarity and consistency with the NPPF, it is considered non-designated heritage assets is the most appropriate term to use here.
The County Durham Green Party	On page 10, section 2.3, CDGP support new solar development within all of the World Heritage Site and the Conservation Area, provided they have been properly assessed by a heritage specialist and are sympathetic to the local area.	Noted.
Historic England	Historic England supports action to address climate change and is committed to achieving net zero carbon emissions. Therefore, we welcome the opportunity to comment on the draft document. These comments have been formed in line with the NPPF (2021), which sets out the need for heritage assets to be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Historic England recognises the clear benefits of producing an SPD for solar energy. The purpose of an SPD is to provide guidance on the application of adopted policy, and it is important to ensure that the implication of this important policy document does not adversely affect or undermine the historic, physical and social value of the historic environment. We understand that the purpose of this SPD is to support the implementation of the District's Local Plan policies by providing technical guidance designed to assist in addressing climate change, specifically	Support for the principle of the SPD is noted.

	<p>in relation to solar energy. We are pleased to see various references to the historic environment in this SPD, and some of these are commented on below. Climate Change can have a range of direct impacts on the historic environment, for example; accelerated weathering to historic fabric, erosion of archaeological sites through severe weather, and harm to historic landscapes, or changes in vegetation patterns. Equally Climate Change mitigation and adaptation responses can also have unwelcome impacts on the historic environment, such as damage to historic fabric through poorly designed energy-saving measures. A sustainable approach should secure a balance between the benefits that such development delivers and the environmental costs it incurs. Paragraph 007 of the Planning Practice Guidance on Renewable and low carbon energy, states that 'great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting'. The SPD should therefore seek to limit and mitigate any such damage to the historic environment.</p>	
<p>Historic England</p>	<p>We are pleased to see reference to our guidance within the document, Energy Efficiency and Historic Buildings Solar Electric (Photovoltaics) (https://historicengland.org.uk/images-books/publications/eehb-solar-electric/heag173-eehbsolar-electric-photovoltaics). Historic England have recently published Advice Note 15, which it may be helpful to refer to. This covers historic environment issues relating to different types of commercial renewable energy development proposals, including wind power (onshore and offshore), solar photovoltaics (PV), and biomass and energy from waste (EfW) (https://historicengland.org.uk/images-books/publications/commercial-renewable-energy-development-historic-environment-advice-note-15/heag302-</p>	<p>The guidance in Advice Note 15 is welcomed and the SPD has been checked for consistency.</p>

	commercial-renewable-energy-development-historic-environment/ A full list of our technical guidance on energy efficiency can be found in our publication directory: https://historicengland.org.uk/content/docs/advice/technical-conservation-guidance-and-research-brochure-pdf)	
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Section 2.4 Biodiversity and Nature Conservation

Respondent	Comment	DCC Response
City of Durham Parish Council	The Parish Council fully supports the guidance in this document to avoid installation works during nesting season, in order to protect all nesting birds and active nests, in accordance with the Wildlife and Countryside Act 1981.	Support noted.
Durham University	The University support installation outside of bird nesting season.	Support noted.

Section 3.0 Medium Scale

Respondent	Comment	DCC Response
Councillor Douglas Oliver	Needs to encourage local community energy generation schemes. Collaborating with local communities to reduce the carbon footprint of the county is embedded in the Emergency Response Plan. The plan also states that the county council will work to help deliver local area energy plans. Encouraging and supporting local communities to develop local solar generating sites in suitable locations needs to be an integral part of the solar development strategy.	The SPD highlights the council is supportive of community-led initiatives, particularly those seeking to alleviate fuel poverty, and in determining planning applications for such projects and in accordance with CDP Policy 33 significant weight will be given to the achievement of wider social, environmental and economic benefits.
Eden Renewables	This is incorrect to suggest permitted development rights do not apply to solar development on non-domestic premises and in the grounds of non-domestic buildings. Classes J and K Part 14 of the Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) sets out the limits that must be met to benefit from permitted development rights as well as the prior approval process for permitted development. To avoid any confusion, we suggest Para 1 refers to the above legislation.	A section on permitted development rights and the recent government consultation to extend these added.
Lanchester Parish Council	Section needs to state that it also includes facilities within the boundary / curtilage of the site, for example, 'car parking' facilities. 'Car parking' can offer important renewable energy opportunities for solar panels, especially where there are associated external buildings and covered walkways.	Solar car ports are added as an example, as these could be an option for businesses and community groups wishing to install solar panels.
Lanchester Parish Council	Insert, 'All subsections of Section 3, excluding subsection 3.2 Landscape and Townscape, apply in their entirety to Section 4 – Large Scale: commercial solar farms, and should be read in conjunction with the whole contents of Section 4. Current draft layout is confusing / difficult to follow. To aid understanding and clarity so that applicants explicitly clear that SPD subsections in 3 apply to section 4.	It is considered 'Please refer to guidance in..' is sufficiently clear.

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Lanchester Parish Council	Insert, '...alleviate fuel poverty AND support local community services to survive, succeed and thrive.' LT sustainable development, fuel poverty is just one factor.	Reference added to proposals which deliver social benefits, which would capture supporting community services.
Northumberland County Council	We have the following comment to make on the Draft Solar Energy Supplementary Planning Document (SPD) which we hope you find useful. The section on small scale solar is really informative and provides useful links with further information, as well as very detailed discussion of what constitutes permitted development. However, this is lacking a bit from the discussion around medium scale projects; many projects on non-domestic buildings will also fall under permitted development if they are below 500KW and even up to 1MW can apply for prior approval rather than a full planning application. Some discussion around this would be useful for applicants and agents as our experience recently has been that this legislation is not fully understood. The majority of the discussion in this section seems focussed around solar projects on farmland; our experience has been that the majority of projects of this scale that have come forward have been on either community or industrial buildings.	A section on permitted development rights and the recent government consultation to extend these added.
Durham University	What does the SPD mean by "Community-led initiatives are supported"?	Further clarity added that initiatives which deliver social benefits, particularly those seeking to alleviate fuel poverty, will be considered favourably where planning permission is required.

Section 3.1 Use of Land

Respondent	Comment	DCC Response
Banks Renewables	<p>Agricultural land classification is rightly recognised as a key constraint to solar development within the Council, which has been evidenced by a number of solar refusals by virtue of loss of agricultural land.</p> <p>Within the detailed guidance section relating to Policy 14</p>	It is considered the SPD is consistent with Planning Practice Guidance (Paragraph: 013 Reference ID: 5-013-20150327) which states where a proposal involves greenfield land, local planning authorities will need to consider whether (i) the proposed use of any agricultural land has been shown to be necessary and

	<p>(Best and Most Versatile Agricultural Land and Soil Resources) it recommends avoiding areas of best and most versatile agricultural land as policy “would not normally support solar development in this location”.</p> <p>Within the additional requirements, for all land besides non-agricultural land and environmental land classification statement is required. It requires: Analysis of cumulative impact of the proposed development and other permitted large-scale solar development on supply of agricultural land within the same classification within the county.</p> <p>Justification that the development needs to be located on the site and not on land of a lesser agricultural classification within the county. If the proposed development site makes up part of an existing farm, provide information on the viability of the farm to continue to function (as an agricultural unit) with the development in situ.</p> <p>If adopted, this SPD would create additional hurdles beyond that which is required as part of national policy. Currently, the SPD promotes this methodology for all solar development projects on ALC Grade 1-4 (all land but non-agricultural). We suggest the above methodology would be an acceptable policy tests to justify sites on best and most versatile agricultural land to demonstrate site acceptability. However, for sites on non-BMV sites these requirements should be removed. For non-BMV sites, we strongly recommend that the current policy test of Policy 14 within the Durham Local Plan, and current national guidance is retained. This currently policy test includes an assessment of the land to understand the soil characteristics and its agricultural grade.</p>	<p>poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable. However, clarification has been added that this is only required in respect of Best and Most Versatile agricultural land. In terms of cumulative impacts, the council will monitor this and text has been amended accordingly.</p>
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	<p>CCC's (Climate Change Committee) 2023 Report to Parliament on emissions reduction suggests there is a lack of urgency with regards to net zero delivery. It suggests that energy infrastructure development should be streamlined within the planning process and decrease overall delivery time periods. Currently, the ALC (agricultural land classification) section of the SPD adds additional, unnecessary barriers to solar planning consents, beyond that which is required under national guidance. We feel that these additional barriers will contribute to delay in bringing new Solar proposals forward, therefore running contrary to the Council's carbon neutral target and they should be reduced and removed where possible. Further to this, Powering up Britain: Energy Security Plan identifies ground-mounted solar is 'one of the cheapest forms of electricity generation' which if scaled up could indirectly lower electricity bills for consumers. This policy document states large scale solar should be targeted towards low/medium grade agricultural land but reiterates central Governments opinions that we should not be making changes to agricultural land categories which would constrain solar development further. In its current form, the SPD proposes additional, unnecessary hurdles in relation to agricultural land which could constrain solar development within the County and hamper the Council's ambition of achieving carbon neutrality by 2045.</p> <p>The SPD supports solar development which incorporates the continued utilisation of agricultural practices, through the form of crop growth or grazing. We support this approach and believe that commercial solar farms should be encouraged to operate alongside agricultural practices. However, it is important to note that this is not always possible; it is ultimately subject to the discretion of the landowner. There is scope to expand this guidance to best and most versatile agricultural land to justify site selection. This would ensure</p>	
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	the agricultural practices are retained on productive agricultural land	
City of Durham Parish Council	The Parish Council fully supports the Council's stance that the best quality land (Grade 1, 2 and 3a) should be used for agricultural purposes and that solar development should not be supported in these locations.	Support noted. National and Local policy does not preclude use of the Best and Most Versatile agricultural land but it needs to be demonstrated its use is necessary and poorer quality land has been used in preference to higher quality land.
City of Durham Trust	The most valuable agricultural land and public rights of way must also be protected. The Trust is supportive of the campaign by CPRE promoting the use of large roofs for solar arrays rather than taking up valuable agricultural land.	Support noted. National and Local policy does not preclude use of the Best and Most Versatile agricultural land but it needs to be demonstrated its use is necessary and poorer quality land has been used in preference to higher quality land.
David Friesner	The Council should develop and agree a 'Renewable Energy' Hierarchy (similar to Waste) Previously developed (brownfield) land MUST be considered first before the countryside Developers must demonstrate evidence of their search for and evaluation involving several location options and the reasons for their preferred location choice All roof areas MUST be utilised and harnessed for installation.	It is considered the SPD is consistent with Planning Practice Guidance (Paragraph: 013 Reference ID: 5-013-20150327) which states where a proposal involves greenfield land, local planning authorities will need to consider whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land. The SPD sets out a hierarchical approach in setting out in the first instance solar development should be directed to previously developed land, which is not in agricultural use and has a low environmental value, followed by agricultural land of Grades 3b, 4 or 5.
Durham University	Support the retention of the very best quality land for farming rather than solar farms	Support noted. National and Local policy does not preclude use of the Best and Most Versatile agricultural land but it needs to be demonstrated its use is necessary and poorer quality land has been used in preference to higher quality land.
Eden Renewables	Solely making reference to National England's Agricultural Land Classification (ALC) map for the region is misleading to individuals and organisations who may not be familiar with the planning process. It should be made clear that these are	The SPD sets out the requirement for an Agricultural Land Classification Statement. Text has been added to clarify the status of Natural England's Agricultural Land Classification maps.

	provisional maps based on historic data and so should not be relied on. Instead, the document should state that applicants should commission ALC Statements to establish the actual land grading on potential development sites.	
Eden Renewables	The suggestion that “policy would not normally support solar development in this location” is contrary to adopted CDP Policy 14. The latter is flexible by allowing development of BMV land “where it is demonstrated that the benefits outweigh the harm, taking into account economic and other benefits” whereas the former is overly rigid; it also conflicts with national policy, guidance and current Government thinking. For example, there are no statements in the National Planning Policy Framework (NPPF) that preclude solar farms on BMV. Instead, applicants are required, where possible, to focus significant development (this applies to any type of development) of agricultural land on areas of poorer quality (Footnote 58). Neither is BMV land explicitly stated in national guidance as a particular planning consideration for large scale ground-mounted solar photovoltaic farms (PPG, Section 45 Renewable and low carbon energy - Paragraph: 013 Reference ID: 5-013-20150327). Current Government thinking also demonstrates that BMV land can be used for solar development (Draft NPS EN-3, 2023 - Para 3.10.15) Secondly, harm to BMV in the very recent Longfield Solar Farm (Essex) Development Consent Order (DCO), where BMV land made up 34% of the development footprint, was only given “a small amount of negative weight in the planning balance” by the Secretary of State (SOS) (SOS’s Decision Letter, 26 June 2023 - Para 4.59) (underlined and highlighted text - our emphasis). For consistency with national policy, we suggest all references to ‘best quality land’ should be changed to ‘Best & Most Versatile (BMV)’.	Wording of CDP Policy 14 has been corrected. It is considered the SPD is consistent with Planning Practice Guidance (Paragraph: 013 Reference ID: 5-013-20150327) which states where a proposal involves greenfield land, local planning authorities will need to consider whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land. The SPD sets out a hierarchical approach in setting out in the first instance solar development should be directed to previously developed land, which is not in agricultural use and has a low environmental value, followed by agricultural land of Grades 3b, 4 or 5. Use of 'higher quality land' reflects wording in Planning Practice Guidance and is considered appropriate in this context.
Eden Renewables	Making reference merely to ‘Low intensity grazing’ is misleading as it fails to appreciate other techniques which might be appropriate, such as mob grazing (see Solar Energy	Noted there is potential for mob grazing which involves a high stocking density in a restricted area on a very

	<p>UK, Natural Capital Best Practice Guidance: Increasing biodiversity at all stages of a solar farm’s lifecycle - p41, for details) or instances where stock densities can be increased if there is a rise in the amount of uneaten grass, vigorous unpalatable grasses, and a reduction in low growing flora. To clarify, we suggest the reference to ‘Low intensity grazing’ is changed to ‘Livestock grazing’.</p>	<p>small proportion of the site over a very short time. Wording amended to reflect this.</p>
Eden Renewables	<p>We do not support application requirements a) (analysis of the cumulative impact) and c) (information on the viability of the farm to continue to function) because these represent new policy requirements above those set out by adopted CDP Policies 14 and 33 and national guidance is clear that SPDs should not introduce new planning policies but build upon and provide more detailed advice or guidance on policies in an adopted local plan (PPG, Section 43 Plan-making - Paragraph: 008 Reference ID: 61-008-20190315). In addition, these requirements are not required by current guidance produced by the British Society of Soil Science (BSSS) (Guidance Document 1 Working with Soil Guidance Note on Assessing Agricultural Land Classification Surveys in England and Wales, January 2022 - version 3). Significantly, Para 2 (p14) of the SPD confirms surveys should be carried out in accordance with up-to-date industry best practice i.e. the BSSS Guidance Document 1. In other words, the authority initially confirms that assessments should conform with existing guidance but subsequently introduces additional application requirements that go beyond what is required within existing guidance. To accord with national guidance, we suggest application requirements a) and c) are deleted.</p>	<p>It is considered the SPD is consistent with Planning Practice Guidance (Paragraph: 013 Reference ID: 5-013-20150327) which states where a proposal involves greenfield land, local planning authorities will need to consider whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable. However, clarification has been added that this is only required in respect of Best and Most Versatile agricultural land. In terms of cumulative impacts, the council will monitor this and text has been amended accordingly.</p>
Jane Friesner	<p>Previously developed (brownfield) land MUST be considered first before the countryside. ALL classes of land should be prioritised and used for food production and NOT solar farm installations The importance and role of the Lanchester Neighbourhood Plan (and others) in shaping and determining</p>	<p>National and Local policy does not preclude use of the Best and Most Versatile agricultural land but it needs to be demonstrated its use is necessary and poorer quality land has been used in preference to higher quality land. Further information on neighbourhood</p>

	future local development in the Parish needs to be stated more explicitly in the SPD.	plans has been added to the policy context section of the SPD.
Jane Friesner	Developers should demonstrate evidence of their search for sites in several location options and state the reasons for their preferred location choice	It is considered the SPD is consistent with Planning Practice Guidance (Paragraph: 013 Reference ID: 5-013-20150327) which states where a proposal involves greenfield land, local planning authorities will need to consider whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land. The SPD sets out a hierarchical approach in setting out in the first instance solar development should be directed to previously developed land, which is not in agricultural use and has a low environmental value, followed by agricultural land of Grades 3b, 4 or 5.
Lanchester Parish Council	<p>General: Check text for consistency and edit. Sometimes text refers to 'solar development' and to 'solar farms' at the same time within the same sections. Text consistency within document. Avoid confusion.</p> <p>Insert, 'Subsection 3.1 applies in entirety to subsection 4.1' For clarity and ease of understanding.</p> <p>Application Requirements. Add, 'Complete an Options Analysis of sites considered and demonstrate why the proposed site is the preferred option. To ensure most 'appropriate' sites are identified within the development of the proposal.</p> <p>ADD within a) Include reference to other proposed large scale solar developments and including those proposed by business locally in support of their continued operations. DELETE '...within the same classification across the county.' The 'cumulative impact' relates to the TOTAL capacity of</p>	Consistency of use of solar farm and solar development checked. It is considered 'Please referee to guidance ...'is sufficiently clear. Criterion a) b (now a) requires assessment of whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land. This wording is consistent with Planning Practice Guidance. Criterion a) has been amended to instead state the council will monitor the cumulative impact of the proposed development and other permitted large-scale solar developments on the supply of agricultural land across the county. The council will collect and utilise this information to help inform policy development and decision making.

	<p>solar developments within a specific geographic area and IS NOT JUST confined to a specific type of agricultural land.</p>	
<p>Pegasus Group (on behalf of) Queequeg Renewables Ltd</p>	<p>Further to the comments above in relation to Policy 6, Section 3.1 refers to Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources), however, the policy is paraphrased incorrectly and misinterprets the meaning of the policy. Policy 14 states:</p> <p>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.</p> <p>The intention of the policy, therefore, is that if the benefits of a development outweigh the harm, the development of best and most versatile agricultural land will be permitted. The SPD fails to reflect the intention of the policy and omits this policy test simply stating that on Grade 1, 2 and 3a agricultural land, policy would not normally support solar development. The guidance in an SPD should not go beyond the development plan, nor national policy, and should be consistent in approach to the policy which is based upon or it is in breach of the requirements for SPDs as set out in the background and context. As such, we object to guidance as currently worded in reference to the best and most versatile (BMV) agricultural land.</p> <p>Furthermore, the SPD then states in Section 3.1 that if a site is Grade 3 land, an Agricultural Land Classification (ALC) Statement will be required to assess if the land is Grade 3a or 3b. However, in a later paragraph, the SPD sets out a requirement for an ALC Statement for development on all agricultural land. When examining the County Durham Plan, however, an ALC statement is not required for land that is not BMV see Paragraph 5.97 of the County Durham Plan below:</p>	<p>Wording of CDP Policy 14 has been corrected. It is considered the SPD is consistent with Planning Practice Guidance (Paragraph: 013 Reference ID: 5-013-20150327) which states where a proposal involves greenfield land, local planning authorities will need to consider whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land. However, clarification has been added that this is only required in respect of Best and Most Versatile agricultural land. For clarity wording has been amended to 'ability of the farm to continue to function as an agricultural unit' as viability could be interpreted as a financial viability appraisal. In terms of criterion a) cumulative impacts, the council will monitor this and text has been amended accordingly. The application requirements reflect the council's validation checklist. The requirement for an Agricultural Land Classification Statement on agricultural land over a threshold of 1ha reflects that the Natural England maps are provisional intended for use at a strategic level and are not sufficiently accurate for use in assessment of individual fields or sites.</p>

	<p>All proposals which would have the potential to involve the loss of best and most versatile agricultural land will be expected to be accompanied by an agricultural land classification statement.</p> <p>As per the paragraph referenced above, the classification of land provides guidance as to whether an assessment is needed if BMV land. Therefore, we object to the requirement for an ALC statement for all agricultural land which goes beyond the requirements of the development plan, is overly onerous and unnecessary.</p> <p>Section 3.1 of the SPD also sets out the information to be included within an ALC Statement including an analysis of cumulative impact, justification for the proposal on the site and viability information about the farm where the proposal will be located. The list goes further than necessary to justify development on agricultural land, particularly for proposals that do not impact non-BMV land. Objection is raised the extensive requirement for ALC Statements. It is suggested that, only where development is proposed on BMV or land that is on the cusp of being BMV (i.e. Grade 3b) should ALC Statements be required and those need to be considered on a site by site basis.</p>	
<p>Will Bridges</p>	<p>“low intensity agricultural use” - What does this mean? How is this gauged? Monetary, man hours, agricultural product quantity? This is such a vague term it is meaningless. The request for viability information upon an existing farm is completely unacceptable. Many farm businesses have many differing components and it is considered unreasonable to ask many wide ranging businesses to be economically evaluated when their existence is based upon a commercial decisions outside the planning regime. It is unreasonable to insist on the continued operation of any business through the</p>	<p>Wording has been amended to 'livestock grazing' to recognise the potential for mob grazing alongside solar farms, involves a high stocking density in a restricted area on a very small proportion of the site over a very short time. It is considered the SPD is consistent with Planning Practice Guidance (Paragraph: 013 Reference ID: 5-013-20150327) which states where a proposal involves greenfield land, local planning authorities will need to consider whether (i) the proposed use of any agricultural land has been shown</p>

	<p>planning system.</p> <p>“in accordance with section 0..” – needs addressing</p> <p>a) This is so wide ranging it is unreasonable. To what timescale, in what context.</p> <p>b) If not BMV land this is irrelevant.</p> <p>c) This is considered unreasonable for the reasons set out above.</p>	<p>to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable. However, clarification has been added that this is only required in respect of Best and Most Versatile agricultural land. For clarity wording has been amended to 'ability of the farm to continue to function as an agricultural unit' as viability could be interpreted as a financial viability appraisal. In terms of criterion a) cumulative impacts, the council will monitor this and text has been amended accordingly. Omitted section reference to be added.</p>
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Section 3.2 Landscape and Townscape

Respondent	Comment	DCC Response
City of Durham Parish Council	In relation to section f) under Location, the Parish Council believes that ‘and grazing patterns’ should be added to the end of this criterion. Moreover, in relation to section l) under Layout and design, the Parish Council believes that ‘avoiding long, ragged or staggered edges’ should be removed from this criterion.	On criteria f) it is considered that 'existing field and woodland patterns' is the correct term. Grazing patterns don't in themselves always relate to physical features. On criteria l), we consider it to be good design practice to have compact solar arrays that reflect the order of surrounding features.
Durham University	Rural Character” is very broad term and essentially all of the landscape around County Durham is man-made and full of man-made structures. It is wrong to guide against development of PV in these areas purely because they are ‘novel’	Rural character is a well-understood term and here relates to 'countryside'. Much of County Durham has an essentially rural character. While it is clearly influenced by human activity and contains manmade features the countryside is typically free of extensive forms of built development. We don't 'guide against' development in rural areas; the guidance simply notes that solar panels, particularly where visually prominent, can detract from rural character by introducing tracts of manmade structures. Solar farms remain a novel form of development in the countryside in County Durham. We have nevertheless removed reference to their

		novelty as not being necessary to the sense of the guidance.
Durham University	(d) & (l) seem unnecessarily picky and should be deleted to support provision of PV	Criteria d) is to prevent coalescence and this is consistent with requirements in County Durham Plan Policies 6 and 10. On criteria l) we consider it to be good design to have compact solar arrays which do not straddle fields unnecessarily.
Eden Renewables	(Para 4, p15) We disagree with the Council's description that solar panels are a 'novel' form of development in the countryside; solar farms are in truth becoming increasingly common in the countryside in the light of the climate crisis and ecological emergency. Solar farms cannot compete with residential and commercial developers and so are generally not able to be built on brownfield sites or within settlement boundaries therefore the only option is a site in the countryside. The Council's description is unhelpful to developers and promoters of solar farms. We therefore suggest the wording is amended to read as follows (new text underlined and highlighted): "In the countryside solar panels on visually prominent sites can detract from its rural character by introducing tracts of man-made structures."	Solar farms are a novel form of development in the countryside in County Durham. We have very few and those that we have are relatively recent. We have nevertheless removed reference to their novelty as not being necessary to the sense of the guidance. We consider the description as it stands to be more accurate than the proposed amendment. Development can detract from rural character in situations other than where sites are visually prominent.
Eden Renewables	Location sub-section (p16) Whilst it is helpful to identify broad types of locations there is a danger in its current form that the listed requirements would prevent sustainable developments from coming forward in other locations, such as on sites that are within the vicinity of a viable grid connection (which is the key driver in the site selection process), or private wire developments i.e. those that are linked directly to an electricity consumer, such as a data centre, factory or distribution centre. Indirectly placing a blanket ban in certain locations, which is what the current wording effectively does, is also contrary to the NPPF which states that when determining applications for renewable and low carbon development, Local Planning Authorities (LPAs) should "approve the application if its impacts are (or can be made)	This section applies to medium scale solar development to serve business, leisure and community uses rather than commercial solar farms which require a grid connection. Grid connection is not considered a significant issue for medium scale solar developments. The introduction recognises that medium scale developments can nevertheless often be accommodated without substantial harm provided that they are sensitively located and well designed. The purpose of the criteria is to provide guidance on how impacts can be made acceptable through sensitive location, and this is consistent with NPPF Para 158b. . In terms of criterion h) we have amended the wording. It remains a consideration that locations close to

	<p>acceptable” (Para 158b). To reflect this, we suggest the following sentence is added after requirement h): “The above requirements are only Durham County Council’s preferred locations because the authority acknowledges it may not be possible to satisfy in all instances given the availability of a viable grid connection is the key driver in the site selection process.” We do not support requirement h) (avoid close proximity to PRow) because harm can be avoided in some instances by placing undeveloped buffers between solar arrays and PRow or by planting new hedgerows to screen views. We therefore suggest requirement h) is deleted.</p>	<p>PRow can detract from their visual environment and amenity value - even if they can be screened over time - for example by obstructing valued views. We have amended the overall tenor of the guidance to read - ‘Projects of this scale are often ‘private wire’ developments linked to a specific user and may therefore have limited options in terms of location. Within those constraints, adverse effects can nevertheless often be reduced by....’ and replacing numbers with bullet points. We believe this presents these recommendations now as factors which can mitigate effects rather than a prescriptive list of criteria.</p>
Eden Renewables	<p>Panels and ancillary elements sub-section (p17) We do not support requirement v) (fencing, lighting and CCTV) because security fencing and CCTV cameras are fundamental elements of a solar farm not least because it is required by insurers. That said, all of Eden’s sites utilise 2m high stock proof fencing with 2.2m high wooden posts, which is a common feature in the countryside. All CCTV is also fixed to timber posts which are 2m high along site boundaries to reduce visual impacts, and 3m high elsewhere. Eden does not install any external lighting for the operational life of its solar farms because its CCTV cameras include infrared systems to achieve coverage during darkness. There are no technical reasons why other developers cannot use similar security equipment and fencing accordingly, such features are generally inconspicuous. On this basis, we believe there is no need for requirement v) and suggest it is deleted.</p>	<p>We have amended the text. Not all medium scale developments will require security fencing and CCTV so avoiding 'where possible' remains sound advice. We consider the revisions, together with the revised tenor of this section which commences with ' landscape and visual effects can often be reduced through design by' presents this as mitigation potential rather than being overly prescriptive.</p>
Eden Renewables	<p>Application requirements sub-section (p17) Rather than agree the whole scope and content of the Landscape & Visual Impact Assessment (LVIA) with the Council’s Landscape Officer (LO), which is unnecessary given LVIAs will be prepared in accordance with the Landscape Institute’s (LI) guidelines (as per requirement a), we consider it is more important for viewpoint locations to be agreed with the</p>	<p>This is standard practice for DCC when dealing with applications involving LVA or LVIA. The scope of either form of assessment, and particularly LVA which vary considerably in their content, should be agreed at the outset. The LI’s GLVIA is guidance only, not a method. Factors which it is good practice to agree in scoping include study area, viewpoints and visualisations. The</p>

	Council's LO - we therefore suggest requirement c) is reworded to read as follows: "c) Viewpoint locations to be agreed with the Council's Landscape Officer. Where there are trees or hedges on or close to the site a Tree Survey, Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) will be required. This should be:"	text has been amended to reference this and to include reference to LVA.
Lanchester Parish Council	Bullet point list. Insert, 'In addition, Neighbourhood Plans detail Landscape areas of High Value within their Plan area.' Neighbourhood Plans need to be included here as part of landscape statements.	Text has been added to context to highlight neighbourhood plans may also identify locally valued landscapes, local green space and locally important views.

Section 3.3 Biodiversity and Nature Conservation

Respondent	Comment	DCC Response
City of Durham Parish Council	The Parish Council very much welcomes the news that there is an emerging Local Nature Recovery Strategy (LNRS) being developed by the Council and looks forward to reviewing this important document and supporting the Council with the aim of nature recovery as we seek to address both the environmental AND ecological emergencies	Support for the principle of a Local Nature Recovery Strategy (LNRS) is noted. The LNRS will be subject to formal public consultation and there will be opportunities to help inform and comment on its content.
City of Durham Parish Council	Whilst the Parish Council supports the guidance relating to the use of non-polarising white cell borders on panels, we would stress that this is only appropriate in rural areas as opposed to urbanised areas of the county such as Durham City, where the heritage impact of these types of panels will be detrimental.	The SPD highlights using non-polarising white cell borders on the panels will further reduce attractiveness to insects. However, this is one consideration and is to be read alongside section 3.2 on Landscape and Townscape and 3.4 on Cultural Heritage. Both of which clarify the need for design to be sensitive to local character and context. In addition, the council is producing specific guidance on the use of renewables in the historic environment.

<p>City of Durham Parish Council</p>	<p>Natural England provide advice on avoiding certain types of solar development in or near to areas of high ecological value or designated sites. As a last resort, the Council rightly expects for compensation for losses that cannot be avoided. The Parish Council feels that the document should stress that those off-site gains must at the very least be within the same Electoral Division as the scheme itself is located.</p>	<p>Solar Farm developments can provide an opportunity to deliver net gains for biodiversity. In terms of delivering Biodiversity Net Gain in line with the requirements of the Environment Act, onsite and local offsite Biodiversity Units must be the first option explored. The Defra metric includes a spatial risk multiplier which encourages the further that any offsite gain is from the development site, the more biodiversity units the developer is required to create in order to deliver enough net gain. However, there may be circumstances, where it has robustly been demonstrated onsite and local offsite is not possible, where units may need to be delivered outside of the County boundary.</p>
<p>Durham University</p>	<p>Support requirement on provision of a biodiversity statement, especially due to the impact on nesting birds & insects.</p>	<p>Support noted.</p>
<p>Durham University</p>	<p>Where on-site options are not available for bio-diversity compensation for losses or net gain, should be within the electoral division of the site.</p>	<p>Solar Farm developments can provide an opportunity to deliver net gains for biodiversity. In terms of delivering Biodiversity Net Gain in line with the requirements of the Environment Act, onsite and local offsite Biodiversity Units must be the first option explored. The Defra metric includes a spatial risk multiplier which encourages the further that any offsite gain is from the development site, the more biodiversity units the developer is required to create in order to deliver enough net gain. However, there may be circumstances, where it has robustly been demonstrated onsite and local offsite is not possible, where units may need to be delivered outside of the County boundary.</p>

Appendix 4

Eden Renewables	We suggest the first sentence is revised to read as follows for the reasons given in our response to Section 3.1 (Para 1, p14): "The mitigation hierarchy begins with site selection; intensively managed agricultural land is likely to be of least ecological value and have a greater potential to deliver biodiversity net gains."	For consistency with CDP Policy 14 text has been amended to state 'the best and most versatile agricultural land should be avoided, as set out in section 3.1, unless it can be demonstrated the benefits of the development outweigh the harm.'
Eden Renewables	We support mechanisms to secure Biodiversity Management & Monitoring Plans (BMMPs), which includes planning conditions as well as legal agreements. Unfortunately, the Council's suggested approach would not allow for this to be secured via a suitably worded planning condition and this conflicts with national guidance, which confirms planning obligations, in the form of section 106 agreements and section 278 agreements, should only be used where it is not possible to address unacceptable impacts through a planning condition (PPG, Section 44 Planning obligations - Paragraph: 003 Reference ID: 23b-003-20190901).	The SPD states the delivery of Biodiversity Management and Monitoring Plans will be secured through appropriate legal agreements. This wording was prepared prior to Biodiversity Net Gain Planning Practice Guidance and draft regulations being issued in November 2023, and has now been updated as required.
Lanchester Parish Council	Insert, 'Subsection 3.3 applies in entirety to subsection 4.3.' For clarity and ease of understanding.	It is considered 'Please refer to guidance in..' is sufficiently clear.
The County Durham Green Party	On page 19, paragraph 2: CDGP look forward to reviewing the Local Nature Recovery Strategy (LNRS).	Noted. The Local Nature Recovery Strategy is in development and will be subject to formal consultation with stakeholders.

<p>Will Bridges</p>	<p>Reference to LNRS should either be deleted or made clear has no weight whatsoever as there isn't one in existence.</p> <p>No reference to the very latest study on this matter from 2022 (https://solarenergyuk.org/wp-content/uploads/2023/06/Solar-Habitat-Report-2023.pdf) reports that are 13, 12 and 7 years old are used as reference material instead.</p> <p>Again it is strongly suggested that detailed consultation with industry developers/operators is undertaken to understand the operational constraints of solar farms.</p>	<p>The SPD acknowledges the Local Nature Recovery Strategy is emerging but will be a key reference point for proposed development. The SPD cross-references the Solar Energy UK guidance on Natural Capital Best Practice Guidance. It is considered the Solar Energy UK study on ecological trends on solar farms in the UK does not contradict the research referenced in the SPD. The SPD also recognises research on ecological impacts is in its infancy.</p> <p>The SPD has been subject to a first stages of consultation, which included targeted engagement with the industry. A second stage of consultation is planned which will take the same approach.</p>
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Section 3.4 Cultural Heritage

Respondent	Comment	DCC Response
<p>City of Durham Parish Council</p>	<p>Generally, the Parish Council supports all new schemes for solar development within the setting (both inner and outer setting) of the World Heritage Site and the Conservation Area, provided they have been properly assessed by a heritage specialist and are sympathetic to the local area (in terms of design, height, colour, materials, glint and glare, etc).</p>	<p>Agreed there could be potential solar development within the setting of the WHS subject to it being demonstrated impacts would be acceptable. The SPD has been amended to state solar development within the setting of the WHS that would harms its Outstanding Universal Value, including important views across, out of, and into the WHS, will not be permitted other than in wholly exceptional circumstances. This reflects CDP Policy 45.</p>
<p>City of Durham Parish Council</p>	<p>The Parish Council disagrees with the stance in this document that “commercial scale solar development within the setting of the WHS can detract from the visual quality of its setting, and the experience of the WHS, including views towards and from the WHS and on this basis is likely to be strongly resisted.” Generally, the Parish Council supports all new schemes for solar development within the setting (both</p>	<p>Agreed there could be potential solar development within the setting of the WHS subject to it being demonstrated impacts would be acceptable. The SPD has been amended to state solar development within the setting of the WHS that would harms its Outstanding Universal Value, including important views across, out of, and into the WHS, will not be permitted</p>

	<p>inner and outer setting) of the World Heritage Site and the Conservation Area, provided they have been properly assessed by a heritage specialist and are sympathetic to the local area (in terms of design, height, colour, materials, glint and glare, do not adversely impact on sensitive receptors, etc).</p> <p>In addition, this para should be moved from the section relating to “medium-scale development” as this causes confusion. Nevertheless, page 31 of this SPD also clarifies that, for operation reasons, solar farms need to be in proximity to a substation with capacity. There is only one substation in our parish (located close to Crook Hall) within the inner setting of the World Heritage Site and this only has medium capacity.</p>	<p>other than in wholly exceptional circumstances. This reflects CDP Policy 45.</p>
<p>Durham University</p>	<p>“Commercial scale solar development within the setting of the WHS can detract from the visual quality of its setting, and the experience of the WHS, including views towards and from the WHS and on this basis is likely to be strongly resisted.” This is too strong a prohibition and should only be used on developments which do detract from the WHS. Therefore it should be amended to: “If commercial scale solar development within the setting of the WHS detracts from the visual quality of its setting and the experience of the WHS, including views towards and from the WHS it will be strongly resisted.”</p>	<p>Agreed there could be potential solar development within the setting of the WHS subject to it being demonstrated impacts would be acceptable. The SPD has been amended to state solar development within the setting of the WHS that would harms its Outstanding Universal Value, including important views across, out of, and into the WHS, will not be permitted other than in wholly exceptional circumstances. This reflects CDP Policy 45.</p>
<p>Lanchester Parish Council</p>	<p>Insert, ‘Subsection 3.4 applies in entirety to subsection 4.4.’ For clarity and ease of understanding. Insert, ‘Neighbourhood Plans detail designated, non-designated and locally valued heritage. Application Requirements. Should read, ‘(designated, non-designated AND LOCALLY VALUED) ...Reference needs to be made here to ALL heritage assets. See comments earlier above.</p>	<p>It is considered 'Please refer to guidance in..' is sufficiently clear. Additional text has been added to the policy context highlighting the need to consider policies in adopted neighbourhood plans, where relevant. The term non-designated heritage encompasses locally valued heritage assets identified in neighbourhood plans. Neighbourhood plans use different terminology to describe local non-designated heritage assets and as such, and for clarity and consistency with the NPPF,</p>

		it is considered non-designated heritage assets is the most appropriate term to use here.
Historic England	We generally welcome the guidance here. However, we consider an additional sentence reflecting the need to balance public benefits against harm where a proposal may lead to less than substantial harm. This would be best following the sentence, 'Where a proposed development will lead to substantial harm to a designated heritage asset, planning permission will be refused, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.' It may also be beneficial to include one or two photographic examples of good practice with County Durham.	An additional sentence has been added as recommended.
Historic England	There does not appear to be any mention of Nationally Significant Infrastructure Projects for large scale projects which fall outside of the planning system. We are seeing such proposals with increasing regularity across the North East and Yorkshire region at Historic England. We advise reference to this within the SPD.	Nationally Significant Infrastructure Projects are referenced within paragraph 1.1 of the SPD.

Section 3.5 Glint and Glare

Respondent	Comment	DCC Response
Highways England	We acknowledge that the purpose of this SPD is to provide on solar power to ensure that the panels are sited, designed and of a scale which does not cause harm to County Durham. We would draw your attention to Paragraph 70 of the Circular 01/2022 which provides guidance on developments which have a solar reflection. The policy notes how some developments, including solar farms, wind turbines and those with expansive glass facades, have the potential to create glint and glare which can be a distraction for drivers on our network. Where these developments would be visible from our network, promoters must provide an appropriate assessment of the intensity of solar reflection likely to be	Noted. National Highways are highlighted in the SPD as a body to be engaged at an early stage, where relevant. An amendment has been made to state where proposals are visible from the Strategic Road Network (SRN), National Highways will need to be satisfied safety on the SRN will not be compromised.

	produced, which satisfies the company that safety on our network is not compromised.	
Lanchester Parish Council	Insert, 'Subsection 3.5 applies in entirety to subsection 4.5.' For clarity and ease of understanding.	It is considered 'Please refer to guidance in..' is sufficiently clear.

Section 3.6 Residential Amenity

Respondent	Comment	DCC Response
City of Durham Parish Council	The Parish Council believes that 'biodiversity' should also be added to the list of criteria for which a Lighting Assessment of the impact of a proposal will be required.	This wording relates to planning application requirements and is taken from the council's validation checklist. Validation requirements cannot be amended through the SPD. However, wording has been added to set out lighting assessments should assess the effects on a number of criteria, including nature conservation. Section 3.3 on Biodiversity and Nature Conservation also recognises the potential impacts on habitats from security lighting.
Lanchester Parish Council	Insert, 'Subsection 3.6 applies in entirety to subsection 4.6.' For clarity and ease of understanding.	It is considered 'Please refer to guidance in..' is sufficiently clear.
The County Durham Green Party	On page 26, paragraph 7: CDGP suggest to add biodiversity so it reads "that may have an adverse impact on residential amenity, biodiversity, the character of the open countryside or a heritage asset."	This wording relates to planning application requirements and is taken from the council's validation checklist. Validation requirements cannot be amended through the SPD. However, wording has been added to set out lighting assessments should assess the effects on a number of criteria, including nature conservation. Section 3.3 on Biodiversity and Nature Conservation also recognises the potential impacts on habitats from security lighting.
Will Bridges	"This is defined as within 100m of the site boundary" - This needs clarification, is it the sensitive receptor is within 100m or the dust generating activity?	Clarification has been added this is defined as a sensitive receptor within 100m of the site boundary dust generating activity.

Section 3.7 Recreational Amenity and Public Rights of Way

Respondent	Comment	DCC Response
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City of Durham Parish Council	The Parish Council fully supports the extensive protections the Countryside and Right of Way (CROW) Act and the County Council afford to the network of PROWs.	Support noted.
Lanchester Parish Council	Insert, 'Subsection 3.7 applies in entirety to subsection 4.7.' For clarity and ease of understanding.	It is considered 'Please refer to guidance in..' is sufficiently clear.
Will Bridges	It should be acknowledged that many solar farms have successfully been built around PRow with enhancements made, and often permissive routes added, to the network. The development of solar farms can have significantly beneficial impacts upon the PRow network but this isn't acknowledged. Furthermore it should be noted that short term closure and temporary rerouting might be needed for health and safety purposes during construction.	Wording from CDP Policy 26 has been added to reflect 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 and potential for enhancement is recognised in guidance below. Additional text has been added on temporary rerouting.

Section 3.8 Flooding and Drainage

Respondent	Comment	DCC Response
Environment Agency	Thank you for giving us the opportunity to comment on the above consultation. We have reviewed the SPD and have the following comments/advice to offer. Flood Risk We would expect a Flood Risk Assessment (FRA) to be submitted for development within flood zones. Climate change allowances will need to be considered. An Environment Agency consent may be required for works adjacent a main river.	The SPD outlines the circumstances where an FRA would be required and that this should use the appropriate climate change allowance for storage calculations for attenuation features. Additional wording has been added to highlight an Environment Agency consent may be required for works adjacent a main river.
Harmony Energy Limited	'Solar development has the potential to impact on surface water flow through construction impacts and to solar arrays concentrating surface water flow from rainfall. As a result, a greater volume of surface water could potentially enter watercourses, or flow to adjacent areas at a greater rate than would otherwise occur in greenfield conditions.' (Page 28) Harmony Energy do not agree with this assertion and challenge the basis on which this has been made. There is a lot of guidance regarding the limited impact solar arrays will have on surface water runoff. The following is an extract from	The SPD provides guidance as to how the requirements of CDP Policy 35 (Water Management) are to be met. The guidance is consistent with that outlined in the response from BRE. It is correct to say solar farms have the potential to impact on surface water flow. The impacts of each proposal will need to be assessed on a case by case basis and the SPD outlines the relevant application requirements.

	<p>Wallingford Hydro Solutions website, a company founded by staff from the UK Centre for Ecology and Hydrology (UKCEH):</p> <p>“Research into the impact of solar-farm panels on runoff rates and volumes indicates that solar panels do not have a significant impact on runoff volumes, peak rates or time to peak rates when the ground below the panels is vegetated. Accounting for changes in soil type, slope angle and rainfall intensity, ground cover beneath solar arrays was found to have the most significant impact on runoff rates. On this basis, if vegetation cover beneath the solar arrays is maintained, no significant increase in surface-water runoff is anticipated compared to greenfield runoff rates.”</p> <p>There are many other references to the negligible impact solar farms have on existing drainage regimes, such as the following from BRE – Planning guidance for the development of large scale ground mounted solar PV systems:</p> <p>“The Environment Agency has advised that, due to the size of solar PV farms, planning applications will be expected to be accompanied by a Flood Risk Assessment. This will need to consider the impact of drainage. As solar PV panels will drain to the existing ground, the impact will not in general be significant and therefore this should not be an onerous requirement. Where access tracks need to be provided, permeable tracks should be used, and localised SUDS, such as swales and infiltration trenches, should be used to control any run-off where recommended.”</p> <p>The impacts the construction phase can have on the water environment is the same as any construction site really and is easily managed/covered by the FRA/Drainage Strategy.</p>	
<p>Lanchester Parish Council</p>	<p>Insert, ‘Subsection 3.8 applies in entirety to subsection 4.8.’ For clarity and ease of understanding.</p>	<p>It is considered 'Please refer to guidance in..' is sufficiently clear.</p>
<p>Will Bridges</p>	<p>The “normal” impacts from agricultural operations, that don’t need planning permission, need to be considered when discussing construction impacts and greater surface water</p>	<p>The SPD does not conclude this it states 'Solar development has the potential to impact on surface</p>

	volumes. This section has already concluded that impacts will be greater than a sites existing uses without the detailed analysis each application should have.	water flow through construction impacts and solar arrays concentrating surface water flow from rainfall.'
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Section 3.9 Site Restoration

Respondent	Comment	DCC Response
Durham University	DU would support that, in special circumstances, land developed as solar could be developed for alternative non-agricultural uses when the solar farm is dismantled at end of life.	Noted. It is considered this would be beyond the scope of a decommissioning and restoration plan and the acceptability of any proposal would need to be determined through a planning application.
Eden Renewables	We do not support the preparation of decommissioning and restoration plans at the planning application stage. Flexibility is needed because it is highly likely that recycling of solar panels will be more efficient in the future as there is more demand and investment in this sector. This is probably why all LPAs we have worked with accept decommissioning and restoration plans via planning conditions. We think Durham County Council should take the same approach consequently we suggest this paragraph is reworded to read as follows: "A plan for decommissioning and restoration to be secured via planning condition."	In relation to large scale solar farms, clarification has been added that at application stage only an outline plan is required, with full details prior to decommissioning. Outline details of decommissioning and restoration, either as part of the Landscape Visual Impact Assessment or standalone, will assist officers in understanding the longer term environmental benefits which should be given significant weight in determining the application in accordance with CDP Policy 33.
Harmony Energy Limited	Harmony Energy fully support the enhancement of landscapes and biodiversity at solar schemes for the period of their development and pride themselves on far exceeding the biodiversity net gain requirements across all their solar sites. However, for this to be retained in perpetuity and beyond the lifetime of the development is not always practical with landowners and lease terms. Furthermore, this directly conflicts with section 3.1 which states "In all cases any loss of agricultural land should be on a temporary basis after which sites should be restored to agricultural use in accordance with section 0." In some instances, reverting to agricultural use may be thwarted by the landscaping measures and thus cause conflict. Flexibility and consideration of this on a site by	In the case of enhancements to deliver biodiversity net gains these will need to be secured for a 30 year period. However, to allow for circumstances outlined in the response text has been amended to state landscape and biodiversity enhancements should be retained where possible. In relation to large scale solar, clarification has been added that at application stage only an outline plan is required, with full details prior to decommissioning. Outline details of decommissioning and restoration, either as part of the Landscape Visual Impact Assessment or standalone, will assist officers in understanding the longer term environmental benefits which should be given

	<p>site basis should be encouraged.</p> <p>The lifetime of a solar farm is generally between 25 and 40 years, over which time it is not unreasonable to assume that there will be changes to the wider landscape as well as legislation surrounding such matters. Requiring this to be included in the LVIA as part of a planning application seems pointless and would be more appropriate as part of a condition which are attached as standard to solar farm consents.</p>	<p>significant weight in determining the application in accordance with CDP Policy 33.</p>
<p>Lanchester Parish Council</p>	<p>Insert, 'Subsection 3.9 applies in entirety to subsection 4.9.' For clarity and ease of understanding.</p> <p>Consider renaming as, 'Site Restoration and De-Commissioning.' Restoration relates only to land whilst decommissioning relates to ALL aspects of the installation.</p> <p>Statement required that, 'A new full planning application is required if an extension to the original date of the operational period of the temporary installation is sought.' Installations are considered as temporary and time limited. Statement required that, 'A planning application is required if any changes are proposed to the specification, configuration and materials of the original development during the course of its operational period.' Installations are considered as temporary and time limited. 40 years is a long length of time. Technological improvements and the need for replacement items are likely to impact the operation over time.</p> <p>'A Plan for Decommissioning and Restoration must include specific details about removal of all items off site, recycling and reuse of materials, analysis of the soil quality of the whole site, including potential contamination and proposed future agricultural use, also to include a full biodiversity assessment.' Restoration of land to previous use.</p>	<p>Please refer to guidance...' is considered sufficiently clear.</p> <p>In planning terms decommissioning strategies form part of the restoration strategy, and as such it is considered the sub-heading is correct in this context.</p> <p>This would be dependent on the length of time and scope of works being sought. For example there is a distinction between a short extension which could potentially be considered through a variation of condition, and repowering which would require a new planning application.</p> <p>Whilst the restoration strategy is required to set out details of the removal of all items from the site, requiring details of reuse and recycling would go beyond current policy and as such cannot be introduced as a requirement in the SPD. Soil is addressed under section 4.12. Biodiversity</p>

	<p>Consideration of DCERP and reference to other CD Plan Policies. Adherence to ‘waste hierarchy’ and CDPlan Waste Policies.</p> <p>Statement required that, ‘Transfer of the ownership of the whole or any part of the operational site, or of key responsibilities, during the course of the operational period agreed, to a third party or combination of several other interests, includes the transfer of all responsibilities for the full restoration and decommissioning of the installation. Responsibility for decommissioning ultimately rests with the site operator and the landowner.’ Maintain continuity throughout operational period and ensure resource and financial responsibilities for restoration and decommissioning met effectively in timely manner and to standards set.</p>	<p>enhancements are referenced in relation to restoration and also more widely in section 4.3. As set out in the SPD restoration will be secured by bond, legal agreement or condition as appropriate to ensure, even if ownership changes, restoration is legally binding.</p> <p>The planning permission and associated legal obligations run with the land rather than the applicant/operator. As such, planning conditions attached for restoration and decommissioning would remain enforceable even in the event of transfer.</p>
Will Bridges	<p>This section requires “soils and vegetation restored” but also “landscape and biodiversity enhancements...retained.” These statements directly conflict. The soils on a solar farm are likely to be of greater quality after the lifetime of a solar farm, however as worded it would require the developer to remove better quality soil and reinstate with lesser quality soil. Is this section requesting hedgerows that have been allowed to grow to say 3-4 metres, be cut back to 1 metre as they were before the solar farm? This section needs far more consideration of what is to be retained and what is to be restored.</p>	<p>The use of restore reflects wording in CDP Policy 33. It is in the context the site should be restored, to ensure the land is as a minimum returned to the condition it was in before the development. As such, it is not considered it could be interpreted as any works which would reduce the quality of soil or vegetation. What is to be retained and what is to be restored will need to be determined based on the specifics of the site and it would not be appropriate to prescribe in the SPD.</p>

Section 4.0 Large Scale

Respondent	Comment	DCC Response
Lanchester Parish Council	Rework and reword this paragraph, adding more detail and being more specific. State more explicitly and clearly what 'proximity' and 'appropriate locations' mean. This paragraph is far too vague yet very far reaching in its statements and possible interpretation. Text far too vague and open to all sorts of interpretation. Focus with more concise statements of fact. Define terms in Full Glossary.	The purpose of this paragraph is to acknowledge the ability to connect to the national grid is a key drive in identifying a potential site. The SPD then goes on to set out how planning policy will be applied in determining what constitutes an appropriate location. What constitutes an appropriate location will be subject to detailed analysis as outlined in the SPD and cannot be defined in a paragraph. Proximity needed to the grid will vary, but the further away the solar farm is from a transmission line or substation the greater the cost. Proximity will therefore be influenced by scheme viability.
Will Bridges	It is noted in the document that solar farms need to be in proximity to a substation with capacity. This needs to be repeated and emphasised throughout the document as in several instances there will be clear conflict with the very clear limitations that the topic specific sections place upon project locations. As with any planning application a decision should be made based upon all the relevant factors taken into consideration.	It is considered this is best set out in the introduction to provide the overarching context.

Section 4.1 Use of Land

Respondent	Comment	DCC Response
Eden Renewables	See our responses to Section 3.1.	See council's response in Section 3.1
Exagen Group	Section 4.1 of the draft SPD 'Use of land' refers back to section 3.1 of the document. This states; "In the first instance solar development should be directed to previously developed land, which is not in agricultural use and has a low environmental value, followed by agricultural land of Grades 3b, 4 or 5".	It is considered the SPD is consistent with Planning Practice Guidance (Paragraph: 013 Reference ID: 5-013-20150327) which states where a proposal involves greenfield land, local planning authorities will need to consider whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to

	<p>Whilst the reference to PDL is relevant when considering small and business scale solar developments, this is highly unlikely given the scale of commercial/ utility scale solar farms which are located on typically between 50 to 100 hectares of land which rules out the vast majority of PDL. Consideration should be given to rewording this with particular reference to commercial/ utility scale solar developments. In order to be consistent with the National Planning Policy Framework (NPPF) it is proposed that wording is amended to:</p> <p>“Where substantial development of agricultural land is demonstrated to be necessary, albeit it temporary and reversible, areas of poorer quality land should be preferred to those of a higher quality where possible.” Following on from this in terms of application requirements significant concerns are raised with regards to the onerous nature of the application requirements. It is not disputed that in the case of agricultural land a site specific ALC survey and report will be required. However the requirement states the following“</p> <p>This should also address:</p> <ul style="list-style-type: none"> a) Analysis of the cumulative impact of the proposed development and other permitted largescale solar developments on the supply of agricultural land within the same classification across the county. b) Justification that the development needs to be located on the site and not on land of a lesser agricultural classification within the county. c) If the proposed development site makes up part of an existing farm, provide information on the viability of this farm to continue to function (as an agricultural unit) with the development in situ. <p>There is no policy or legislative requirement to carry out a</p>	<p>higher quality land; and (ii) the proposal allows for continued agricultural use where applicable. It is considered correct consideration is given to Planning Practice Guidance as it helps clarify how the NPPF is to be applied. In particular in this instance NPPF paragraph 174 b) which states planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land...’ However, clarification has been added that this is only required in respect of BMV agricultural land. In terms of criterion a) cumulative impacts, the council will monitor this and text has been amended accordingly.</p>
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	<p>sequential test in respect of agricultural land. There is some suggestion through Planning Practice Guidance (PPG) that with respect to agricultural land that decision makers must consider whether the use of agricultural land has been shown to be necessary – this does not relate to BMV land and does not require the consideration of alternatives or a sequential test. Furthermore PPG is merely guidance to support the policies in the NPPF and thus holds less weight.</p> <p>The purpose of conducting a sequential test is to consider alternatives to see if there are better sites elsewhere that can meet the need in a less harmful way. However the scale of the need is substantial, as per the government targets set out above (70GW by 2035, a five-fold increase) which requires the national consenting of approximately 80MW of solar projects per week. Solar farms do not lead to a permanent loss of agricultural land, in fact where the agricultural practices associated with intensive arable cultivation are ceased, soils recover and improve and importantly the soils store more carbon. At the end of the solar farm operational period, given the simple construction/ decommissioning techniques associated with solar farms, all infrastructure can be easily removed and agricultural activities recommenced. In terms of a development type solar farms are very much reversible and temporary. There is also potential for the land to be tri purpose during the operational period of the solar farm – generating low-cost clean renewable electricity, delivering significant biodiversity net gain and also retaining agricultural practices in the form of sheep grazing.</p> <p>The independent National Food Strategy Review shows that solar farms do not present a risk to the UK's food security.</p> <ul style="list-style-type: none"> • Currently solar farms occupy less than 0.1% of the UK's land. To meet the government's net zero target, the Climate Change Committee estimates that we will need between 	
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	<p>90GW of solar by 2050 (70GW by 2035), which would mean solar farms would at most account for approximately 0.6% of UK land – less than the amount currently occupied by golf courses.</p> <ul style="list-style-type: none"> • The UK Government Food Security Report, published in December 2021, is explicit: “The biggest medium to long term risk to the UK’s domestic production comes from climate change and other environmental pressures like soil degradation, water quality and biodiversity. "The report quantifies this risk, noting that under a medium emissions scenario, climate change could reduce the proportion of ‘Best and Most Versatile’ agricultural land from a baseline of 38.1% to 11.4% by 2050, a 70% reduction. <p>There is also no current planning policy requiring landowners of BMV land to use it solely for food production – there are other uses the land is often used for including feed crops for animals or biofuel production. Currently in the UK, roughly 35,800 hectares of land is used for growing crops for biofuels. This is enough land for approximately 25GW of solar. However, solar farms on the land is a far more efficient source of energy than biofuel by area required. One hectare of solar panels delivers between 48 and 112 times more driving distance, when used to charge an electric vehicle, than that land could deliver if used to grow biofuels for cars.</p> <p>We would therefore argue that there is no need to justify the perceived loss of agricultural land for solar farm applications.</p> <p>However, in the event the Council wishes to continue with this approach then we would instead suggest that this should only be required to support loss of BMV land, not ALL agricultural land. The current draft wording suggests that this requirement would apply to any agricultural land regardless of classification.</p>	
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	<p>With regard to criterion a) Analysis of the cumulative impact of the proposed development and other permitted large-scale solar developments on the supply of agricultural land within the same classification across the county.</p> <p>There is no accurate baseline data to use for a cumulative assessment. DEFRA mapping is designed to provide a broad overview of the potential land classification in the country. It is relatively dated information and represents only a provisional classification which is limited in its scope to strategic regional assessments; the explanatory guidance for the data provided by the Ministry of Agriculture, Fisheries and Food (later merged into DEFRA) explicitly identifies that it is unsuitable to assess sites of less than 80 hectares, and even given this, the latest guidance from Natural England indicates that detailed surveys are required to assess individual proposals as neither DEFRA nor Natural England provide site-specific services to assess the quality of agricultural land. Crucially, the mapping also does not differentiate between Grades 3a or 3b, it just provides areas potentially as Grade 3 so the presence of BMV land cannot be confirmed from national-scale mapping alone here.</p> <p>Therefore it would be impossible to determine the baseline level of BMV land across the County without assessing each field identified as undifferentiated grade 3 land. Having reviewed the DEFRA 'Magic Map' which includes information on ALC post 1988, from detailed soil assessments of particular sites where assessment has been carried out on a site by site basis. These only cover a very small percentage of the county and are seldom updated (it was last updated December 2021). Therefore even this would not provide sufficient information to inform the baseline for any cumulative assessment across the county, which the Draft</p>	
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	<p>SPD appears to suggest should be a requirement.</p> <p>The above also relies upon assessment of documents which would be outside the ownership of each developer. Whilst these documents are made public, relying upon information which another developer has paid for may cause issues in the future. In order to address this the LPA would need keep an up to date record which would require amendment with every application which includes a site specific ALC report. However this would not resolve the matter with regard to the baseline assessment of land classification and a required assessment of the full county in order to provide a reliable base line.</p> <p>With regard to criterion b) Justification that the development needs to be located on the site and not on land of a lesser agricultural classification within the county.</p> <p>As set out previously there is no policy or legislative requirement to carry out a sequential test or justify the location of a site in respect of agricultural land.</p> <p>The connection of energy generation projects to the grid network is a material consideration, such are the challenges being faced by national grid as set out at the start of this submission. The location of energy projects is heavily dictated by the grid, they cannot simply be located in specific places, therefore, projects which can connect sooner to the grid should be considered more favourably, or there will be significant risk of not delivering against local climate emergency declarations and national net zero obligations.</p> <p>The purpose of conducting a sequential test is to consider alternatives to see if there are better sites elsewhere that can meet the need in a less harmful way. However the scale of</p>	
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	<p>the need is substantial, as per the government targets (70GW by 2035, a five-fold increase) which requires the national consenting of approximately 100MW of solar projects per week.</p> <p>Concern is raised in regard to the wording of this requirement. Similar to concerns regarding criterion a) as a result of lack of definition between 3a and 3b on ALC maps. The task to undertake this consideration across the county would be overly onerous and would potentially require assessment of all land of undifferentiated Grade 3 land.</p> <p>With regard to criterion c) If the proposed development site makes up part of an existing farm, provide information on the viability of this farm to continue to function (as an agricultural unit) with the development in situ.</p> <p>Solar farms provide diversification for landowners, by adding an index-linked, consistent income stream to their business that is not dependent on agriculture, it provides longer-term security and sustainability, providing support to their wider farming business/ operations.</p> <p>Concern is raised regarding the level of detail that would be required in relation to this with further clarification requested. This requirement should be considered in light of objective 6 of the County Durham Plan (CDP) which encourage diversification of the rural economy. This objective is reiterated through adopted policy 10 which supports diversification schemes and does not require viability of the farm to continue as an agricultural unit. This approach is consistent with the NPPF which similarly does not require viability for a farm to continue to function as an agricultural unit. This requirement should be removed as it is over and above the requirement of adopted policy which makes no</p>	
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	<p>such requirement when supporting diversity.</p> <p>Overall the requirements when considering the temporary and reversible loss of agricultural land, and lack of policy or legislative requirement to carry out a sequential test in respect of agricultural land, appear disproportionate and overly onerous on developers. Furthermore when considering the impact upon land use the draft SPD does not make reference to the temporary nature of solar developments and the longer term benefits to soil restoration and biodiversity.</p> <p>The recent appeal decision at Scruton (appeal reference APP/G2713/W/23/3315877) considered this matter in great detail. The Council refused the scheme on the basis of the impact on agricultural land. The Inspector found that the majority of the land was not BMV, but that even if it was, it wouldn't be "lost", and neither the development plan nor national policy prevented the use of such land. The Council's case at the hearing was that the loss of productivity of the land for the 40 year duration of the scheme was objectionable, but the Inspector noted that "the specific way agricultural land is used is not a matter that is subject to planning controls... Given this, the fact that the proposal would limit the ability to carry out any arable farming does not, in my opinion, mean that it results in the loss of agricultural land when it can still be used for other agricultural uses. Furthermore, current government schemes actually encourage farmers to take land out of production and put it to grass, meadows, or trees for carbon capture."</p> <p>The Inspector recognised the scarcity of grid connections nationally. The proposed development would make a valuable contribution to achieving local and national renewable energy goals as well as achieving a substantial biodiversity net gain. It is suggested that the wording in the</p>	
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	<p>Draft SPD is amended to reflect this position, which takes into account the importance of grid connection, in line with current local and national planning policy which does not require such onerous considerations as required by the Draft SPD.</p> <p>The matter of agricultural land was also considered in the decision for the recent Development Consent Order for Longfield Solar Farm¹ where the project resulted in the loss, albeit temporary, of best and most versatile land. The examining authority concluded the resultant harm a small amount of negative weight in the planning balance.</p>	
<p>Harmony Energy Limited</p>	<p>'In the first instance solar development should be directed to previously developed land, which is not in agricultural use and has a low environmental value, followed by agricultural land of Grades 3b, 4 or 5. The best quality land (Grade 1, 2 and 3a) should be used for agricultural purposes and policy would not normally support solar development in this location.' (Page 14) Given that the siting of renewable energy schemes is grid-led and needs to be within a reasonable distance to a substation or connector point), it is not always viable or commercially feasible to completely avoid the use of best quality land. There needs to be some flexibility in the wording of this paragraph to allow for a reasonable assessment by the LPA on a site by site basis. We would suggest rewording of the underlined text as follows; 'The best quality land should be used for agricultural purposes wherever possible and policy would not normally support solar development in this location unless it can be reasonably demonstrated otherwise.'</p>	<p>It is considered the SPD is consistent with Planning Practice Guidance (Paragraph: 013 Reference ID: 5-013-20150327) which states where a proposal involves greenfield land, local planning authorities will need to consider whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land. The SPD recognises the range of constraints which determine site selection, including grid capacity. However, this section focuses on agricultural land. The sub-heading of this section has been amended for clarity.</p>
<p>Harmony Energy Limited</p>	<p>Solar farms can help generate an income to support the continued viability of a farm business. It is also possible for solar farms to continue to support low intensity agricultural use. It should be demonstrated how the design of the solar farm promotes a purposeful relationship with the management of the land for agricultural purposes. Where the</p>	<p>It is considered the SPD is consistent with Planning Practice Guidance (Paragraph: 013 Reference ID: 5-013-20150327) which states where a proposal involves greenfield land, local planning authorities will need to consider whether (i) the proposed use of any agricultural land has been shown to be necessary and</p>

	<p>proposal is for ground mounted panels on an existing farm, information will be required on the viability of this farm to continue to function (as an agricultural unit) with the development in situ.' (Page 14)</p> <p>We strongly object to this requirement and would fundamentally question whether viability would be a material planning consideration, and therefore whether this information should be a specific requirement. Nonetheless, this request would be difficult for developers to comply with given the sensitive nature of this information and the potential difficulty in assessing farm viability. there could be no desire from any farmer/landowner to promote a purposeful relationship with the management of the land for agricultural purposes as they may needs to step away for various reasons. Therefore we would request flexibility on this so 'should be explored, where possible'.</p>	<p>poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable. For clarity wording has been amended to 'ability of the farm to continue to function as an agricultural unit' as viability could be interpreted as a financial viability appraisal. However, clarification has been added that this is only required in respect of BMV agricultural land. In terms of cumulative impacts, the council will monitor this and text has been amended accordingly.</p>
<p>Harmony Energy Limited</p>	<p>Proposals should allow for continued agricultural use where applicable and/or encourage biodiversity improvements around arrays.' (Page 14)</p> <p>Continued agricultural use should be considered where appropriate and feasible, and where the landowner is willing. Not all landowners/farmers have the desire to continue the agricultural use of the land. Flexibility is needed to ensure that it is not unreasonably stifling to developments. Harmony Energy fully support the encouragement of biodiversity improvements around the arrays where feasible and practical.</p>	<p>It is considered the SPD is consistent with Planning Practice Guidance (Paragraph: 013 Reference ID: 5-013-20150327) which states where a proposal involves greenfield land, local planning authorities will need to consider whether (ii) the proposal allows for continued agricultural use where applicable.</p>
<p>Harmony Energy Limited</p>	<p>Application requirements: In all other cases an Agricultural Land Classification Statement will be required setting out the agricultural land classification. This should also address: 1. Analysis of the cumulative impact of the proposed development and other permitted large-scale solar developments on the supply of agricultural land within the same classification across the county. 2. Justification that the</p>	<p>It is considered the SPD is consistent with Planning Practice Guidance (Paragraph: 013 Reference ID: 5-013-20150327) which states where a proposal involves greenfield land, local planning authorities will need to consider whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to</p>

	<p>development needs to be located on the site and not on land of a lesser agricultural classification within the county. 3. If the proposed development site makes up part of an existing farm, provide information on the viability of this farm to continue to function (as an agricultural unit) with the development in situ.' (page 14)</p> <p>Criterion 1 – Harmony Energy would object to this on the basis of reasonableness - just because another scheme has been permitted using BMV and this is justified in planning terms, this should not mean this or other sites could not be permitted where there is the grid capacity. Each site should be considered on its own merits on a site by site basis and as a minimum there should be a set radius for considering cumulative impact.</p> <p>Criterion 2 – ‘within the county’ the developer cannot be expected to review all land of a lesser agricultural classification. There are, as discussed, locational restrictions to where a solar scheme can be located (i.e. proximity to the grid) so the developer cannot be expected to discount all other possible sites within the county. The catchment should be established on a site by site basis and agreed with the LPA ahead of submission.</p> <p>Criterion 3 - This would be difficult to comply with given the commercially sensitive nature of such a request and this could potentially hamstring development as farmers/landowners may be reluctant to share this information. In addition, the viability of the farm should not preclude or prevent development if the site is otherwise acceptable for solar.</p>	<p>higher quality land; and (ii) the proposal allows for continued agricultural use where applicable. However, clarification has been added that this is only required in respect of BMV agricultural land. In terms of cumulative impacts, the council will monitor this and text has been amended accordingly.</p>
<p>Lightsource BP</p>	<p>Section 3.0 of the SPD states that 'The best quality land (Grade 1, 2 and 3a) should be used for agricultural purposes and policy would not normally support solar development in</p>	<p>It is considered the SPD is consistent with Planning Practice Guidance (Paragraph: 013 Reference ID: 5-013-20150327) which states where a proposal involves</p>

	<p>this location.' However, it fails to acknowledge the possibility of combining agricultural activities with solar installations, such as sheep grazing and bee keeping. This section should acknowledge the potential for coexistence between agriculture and solar farms.</p> <p>Within section 3.1 and 4.1, it would be helpful if the SPD recognised the site selection criteria for utility scale solar developments: 1 Technical suitability a Topography b Amount of daylight c Size d Orientation e Access 2 Grid connection feasibility This means how easy it would be to connect the site to the grid and the availability of the grid connection. 3 Planning/environmental considerations: Planning constraints and consideration vary depending on where in the world the project is but often include: a Planning designations, both national and local level b Landscape designations c Ecological designation d Heritage designations e Flood risk f Neighbouring land uses g Potential visual receptors 4 Site availability Lightsource bp needs a willing landowner in order to build a solar farm. Once we've taken into account the above considerations, we often find that agricultural land is the most suitable option for our proposed developments. An added benefit to farmers is that a solar lease offers long-term predictable income, as well as the opportunity to continue agricultural use on the solar land.</p> <p>There are significant constraints on the local distribution and transition networks in England, which are hindering and preventing the development of renewable energy projects across the country. In this context of an existing network that offers scarce opportunities for significantly increasing the contribution of renewable energy in our local and national energy supply. Lightsource bp is experiencing ever-increasing timescales for Grid connection dates across the local distribution and transition networks. Often, Distribution</p>	<p>greenfield land, local planning authorities will need to consider whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land. The SPD recognises the range of constraints which determine site selection, including grid capacity. However, this section focuses on agricultural land. The sub-heading of this section has been amended for clarity. It is considered the SPD is consistent with Planning Practice Guidance (Paragraph: 013 Reference ID: 5-013-20150327) which states where a proposal involves greenfield land, local planning authorities will need to consider whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable. However, clarification has been added that this is only required in respect of BMV agricultural land. In terms of cumulative impacts, the council will monitor this and text has been amended accordingly.</p>
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	<p>Network Operators are confirming there to be no capacity until beyond 2030 and as far forward as 2040. Durham solar SPD should recognise this significant constraint to the Country's ability to deliver much needed renewable energy into the national supply, contributing to its climate change deceleration.</p> <p>Given the need for renewable energy in the UK, the requirement mentioned in section 3.1 and 4.1 'for information will be required on the viability of this farm to continue to function (as an agricultural unit) with the development in situ is overly onerous. As stated above, the deployment of solar energy depends on the feasibility of grid connection, so limiting development to unviable agricultural land severely restricts the land available. From experience, landowners view solar farms as a means of supplementing and supporting their existing farming enterprises, and this is acknowledged by the Council at section 3.1 of the SPD, so it is unclear as to the reasoning and justification for this part of the policy. To the best of our knowledge no other local authority in the country advocates this approach and it is not something which is advocated in the National Planning Policy Framework (NPPF), PPG, the NPS or the draft NPS. As such, this requirement should be deleted from the SPD. 3.24 We support recognition that solar farms can generate an income to support the continued viability of a farm business. There have been numerous instances across the country where the implementation of solar developments has enabled landowners to ensure the continued viability of their farms.</p> <p>In general, we propose the removal of parts a) and c) from sections 3.1 and 4.1 (Application requirements) and suggest rewording part b) for the following reasons.</p> <p>Part a) is unjustified and introduces new policy tests which</p>	
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	<p>are not advocated in national policy or Policy 14 of the County Durham Local Plan. Assessing the cumulative impact of the proposed development and other permitted large-scale solar developments on the supply of agricultural land within the same classification across the county is impractical and raises questions about who at the Council would critically review it. Furthermore, the SPD provides no indication as to the methodology that would need to be followed and how cumulative impacts are to be assessed. No other Local Planning Authority (LPA) has imposed such a requirement because it is unnecessary and not advocated in the National Planning Policy Framework (NPPF) or Planning Practice Guidance (PPG).</p> <p>Part b) justifies the need for the development to be located on the site rather than on land with a lower agricultural classification within the county. However, this requirement is unreasonable when developing non-Best and Most Versatile (BMV) land. It should be reviewed, reworded, and only applied (if necessary) to development on BMV land (grade 1, 3 and 3a).</p> <p>Part c) is unjustified. If the proposed development site is part of an existing farm, there is no need to provide information on the farm's viability to continue functioning alongside the development. This introduces an unnecessary new policy test that Policy 14 does not require.</p> <p>Solar farm installations are designed in such a way that most of the open grassland on the site will be suitable for the continued grazing of small livestock such as sheep, chickens and geese, allowing the land to retain its agricultural use. While our lease agreements permit sheep grazing on the site, it can be challenging to enforce farmers to engage in sheep grazing if it is not already part of their existing farming</p>	
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	<p>practices. 3.30 In the UK, we have been developing the ground mounted PV systems which typically has a maximum height of 3.0m, this allows for sheep grazing and beekeeping. However, agrivoltaics in terms of crop cultivation is difficult in the UK as it requires the elevated PV systems which typically require heights of up to 7m.</p>	
Locogen	<p>Whilst the principle of safeguarding better quality land is already established in the NPPF it is important that this is not misinterpreted in either guidance or decision making. In particular the council should avoid any suggestion in this SPD that there should be a sequential approach to solar development. It should also be positively recognised that solar development, unlike other forms of development, does allow intensively managed land to be rested over a prolonged period which has a number of long terms benefits for biodiversity, for the soil in question as well as contributing to carbon sequestration. It is also common practice for solar farms to continue in agricultural use for grazing sheep. In this regard the management of land under solar use replicates many of the environmental stewardship schemes currently being promoted and paid for by government without the need for subsidy. Investment in solar therefore allows farmers to continue to farm, often in a more environmentally sensitive manner, whilst providing a diversified, stable, sustainable and long term income stream which is often not the case under normal market conditions. It is essential that the SPD and any subsequent decisions recognize the various positive and often overlapping economic and environmental benefits that solar development can bring to our agricultural industry and the wider countryside. In essence delivering the broader but misquoted objectives of NPPF 174.</p>	<p>It is considered the SPD is consistent with Planning Practice Guidance (Paragraph: 013 Reference ID: 5-013-20150327) which states where a proposal involves greenfield land, local planning authorities will need to consider whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land. The SPD sets out a hierarchical approach in setting out in the first instance solar development should be directed to previously developed land, which is not in agricultural use and has a low environmental value, followed by agricultural land of Grades 3b, 4 or 5. The SPD recognises and supports the potential for help generate an income to support the continued viability of a farm business and allow the agricultural function to continue.</p>

Section 4.2 Landscape and Townscape

Respondent	Comment	DCC Response
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<p>Banks Renewables</p>	<p>Landscape guidance within the SPD is general advice which refers to relevant policies within the County Durham Local Plan, such as Policy 29, 38 and 39, as well as further guidance such as The County Durham Landscape Character Assessment (2008) and The County Durham Landscape Strategy (2008). We argue that the currently adopted Landscape Character Assessment (2008) and Landscape Strategy (2008) is out of date and not fit for purpose in the context of renewable developments. As already mentioned, solar developments are locationally constrained to be within close proximity to grid substations. Therefore, due to the location of grid substations, it may not be possible for solar farms to be located in landscapes which are least sensitive and most suited to industrial landscape change. Allowances should be given within the SPD that although there may be a preferred landscape for solar development, it may not be possible to deliver solar developments within these locations.</p> <p>Further to this, the SPD provides general locational advice/guidance in relation to landscape. All points within this section are valid, however it should be recognised that ultimately location is restricted by the locations of grid substations with sufficient capacity, which are disparately located within the County. Since Durham Council are committed to becoming a net zero council by 2045 there is a need for increased uptake of renewable energy. Similarly, the UK Energy Security Strategy, set the ambitious solar target to reach 70GW of solar capacity throughout the UK by 2035. This means that all Local Authorities will have to play a part in reaching this target with both domestic, community and large-scale commercial solar.</p> <p>Based on the above, we propose it would be useful if Durham provide a plan showing areas of land that are suitable for commercial solar development, provided that it takes into</p>	<p>Both the County Durham Landscape Character Assessment (2008) (CDLCA) and the County Durham Landscape Strategy (2008) (CDLS) form part of the evidence base to the CDP, and reference to those documents in Policy 39 was found to be sound at the relatively recent Examination.</p> <p>The CDLCA largely consists of a landscape characterisation based on physical and perceptual characteristics that are enduring and have changed little since publication. While some local landscapes may have been changed by development since then, the overall characteristics of the landscapes described have not, and it remains a largely accurate and informative document.</p> <p>The CDLS has more potential to become out of date as the policy environment in which it was made has changed in varying degrees. Much of the document nevertheless remains current and relevant to the development process.</p> <p>The section on climate change predates the council’s declaration of a climate emergency but doesn’t deal with the issues arising from climate change in a manner which is otherwise noticeably out of date. The text has been amended to remove the specific reference to the CDLS objective for renewable energy development (that it respects the character of the local landscape and built environment) although it isn’t considered that this is in itself out of date.</p> <p>Welcome comment that general locational advice is valid. Additional text has been added to reference the</p>
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	<p>account the abovementioned issues relating to grid connectivity. This would provide a basis for site finding and understanding where the council would prefer solar sites to be located. However, it is important this map is not enforced prescriptively, because grid connectivity and land availability is an ever changing picture. Producing maps such as those described above would provide some local distinctiveness to the Solar SPD which it is currently lacking.</p>	<p>importance of grid capacity / connectivity. The text has been amended to read as less prescriptive.</p> <p>It is considered that it would be beyond the scope of the SPD to map land which could be suitable for commercial solar development. If suitable areas are to be identified it would be more appropriate to do so within the review of the County Durham Plan. It is proposed to carry out further assessment of landscape sensitivity in the county to assist with site finding along with other factors. This will be informative rather than prescriptive. If representations are made that suitable areas should be identified in the CDP review, the principle, and the appropriate methodology, would need to be given careful consideration.</p>
<p>Eden Renewables</p>	<p>(Para 2, p32) See our responses to Section 3.2 (Para 4, p15). We suggest the wording of the second sentence is amended to read as follows: "In the countryside solar panels on visually prominent sites can detract from its rural character by introducing large tracts of man-made structures."</p>	<p>We consider the description as it stands to be more accurate than the proposed amendment. Development can detract from rural character in situations other than where sites are visually prominent.</p>
<p>Eden Renewables</p>	<p>Location sub-section (p32 & 33) We do not support requirement a) - Whilst it is helpful to identify landscapes that have a lower sensitivity to solar development there is a danger in its current form that requirement a) and Table 1 would prevent sustainable developments from coming forward in other landscapes, such as on sites that are within the vicinity of a viable grid connection (which is the key driver in the site selection), or private wire developments i.e. those that are linked directly to an electricity consumer, such as a data centre, factory or distribution centre. Indirectly placing a blanket ban in certain landscapes, which is what the current wording effectively does, is also contrary to the NPPF which states that when determining applications for renewable and low carbon development, LPAs should "approve the application if its impacts are (or can be made) acceptable"</p>	<p>The text has been amended in its wording and its tenor to make it clear that this is guidance on how landscape and visual effects can be reduced rather than a prescriptive list of requirements. Additional text has been added on the importance of grid capacity /connectivity. We don't believe that the proposed amendments are appropriate or necessary in the context of the changes made.</p>

	<p>(Para 158b). To reflect this, we suggest the following sentence is added to requirement a) so that it reads as follows: "a) Wherever possible choose locations in landscapes that have a lower sensitivity to solar development (see Table 1). These landscapes are only Durham County Council's preferred locations because the authority acknowledges it may not be possible to satisfy in all instances given the availability of a viable grid connection is the key driver in the site selection process." We do not support requirement f) (PRoW networks) because harm can be avoided in some instances by placing undeveloped buffers between solar arrays and PRoW or by planting new hedgerows to screen views. We therefore suggest requirement f) is deleted.</p>	
<p>Eden Renewables</p>	<p>Panels and ancillary elements sub-section (p34) We do not support requirement z), aa) or bb) (fencing, lighting and CCTV) for the reason given in response to Section 3.2 (p17). We believe there is no need for these requirements and suggest they are deleted.</p>	<p>Text has been amended to 'Avoiding the use of security fencing, lighting and taller pole-mounted CCTV where possible. Where fencing is required, using visually light specifications such as deer fencing and mounting CCTV on low (2-3m) timber poles.'</p>
<p>Harmony Energy Limited</p>	<p>Whilst helpful in providing a steer for developers towards suitable sites, this must not be read as a required checklist, but rather every site be considered on its own merits in conjunction with other planning considerations. Where a criteria cannot be 'met' as such, explanation as to why this cannot be addressed or alternatively how it can be mitigated should be encouraged. Comments on the specific criteria below; Criteria C – unless the harm to the wider landscape is not significant or can be adequately screened. This should very much be taken on a site by site basis and guided by a LVIA. Criteria F – should be caveated with 'for a prolonged period of time' or 'for a prolonged stretch of the landscape experience' to avoid all schemes adjacent to PRoWs being negatively perceived. Criteria H - There is currently no national policy requirement</p>	<p>The text has been amended in its wording and its tenor to make it clear that this is guidance on how landscape and visual effects can be reduced rather than a prescriptive list of requirements. We believe this removes the need for further caveating of criteria generally. Criteria H – The criterion only advises that cumulative effects should be considered. Text has been amended to read 'in the area' which we consider to be the appropriate factor rather than the specific substation capacity. Criteria M – text has been amended to reference aspect. Criteria X – text has been amended. Criteria Y - In our experience while the light colour of battery containers is often argued to be necessary to</p>

	<p>to carry out an assessment of alternative sites for solar farm developments, and so it is crucial that the guide and scope for this is set out clearly by the council. A disproportionate assessment should not be required but rather only consider sites within an area that could feasibly and commercially make use of this capacity at the same connecting substation.</p> <p>Criteria M – where practical and still enables a high energy input (i.e.. Southern facing).</p> <p>Criteria X – Location of batteries in existing buildings must not be encouraged for safety and fire reasons. We would welcome the opportunity to discuss this further should be Council be open to this. This should be reworded to say that ‘co-located batteries and inverters should be located within the site in the least harmful location to the wider visual landscape and other planning considerations’</p> <p>Criteria Y - This should be caveated “where possible and commercially viable” and avoid the LPA dictating colour specs of batteries without special consideration. Battery containers tend to be in lighter colours (white and off-white) to lessen the risk of overheating</p> <p>Criteria Z – it is unreasonable in our view to deter the use of security measures at the site. The equipment is high value and has potential to be harmful if tampered with. However, it is not unreasonable that security measures should be careful considered to ensure they are not harmful in themselves to the wider landscape, i.e. collaborating security fencing with planting to lessen the impact.</p> <p>Criteria ee – Harmony Energy wholeheartedly support the use of planting which is native to the local area, encouragement and betterment of existing landscape features and overall the enhancement of biodiversity across all sites.</p> <p>Criteria gg - Harmony Energy wholeheartedly support this, where agreeable with landowner and feasible in practical terms.</p>	<p>reduce risk of overheating, visually recessive colours are accepted as safe by developers when they are required. We don’t believe the caveat is necessary given the tenor of the document.</p> <p>Criteria Z – text has been amended.</p> <p>Criteria ee/gg/hh we support and don’t consider further caveating is necessary.</p>
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	<p>Criteria hh – where agreeable with the landowner, appropriate to its former use and practical. Where not possible, organic weed control measures should be encouraged.</p>	
<p>Lanchester Parish Council</p>	<p>TABLE 1. Requires its own dedicated paragraph as to how it has been arrived at, proved, evidenced, and how it should be used and how developments will be 'evaluated' against each item. It must be stated how this Table is used so that if a development fails several higher sensitivity issues, then how is that viewed by the Planner recommending a decision? Is the list features, characteristics, aspects, indicators or what.... Requires more specific labelling.</p> <p>Probably one of the most important parts of the SPD in attempting to describe and ascertain landscape sensitivity. CHECK potential of developers to CHALLENGE the content and detail of the TABLE. CHECK HOW Table might relate to IMPORTANCE and SIGNIFICANCE and be WEIGHTED accordingly. Does Table need to be linked / cross referenced in any way...?</p> <p>LOCATION. Table 1. RHS Higher Sensitivity. Text should read, '...valley / HILL sides...' For clarity and ease of understanding. Valley sides can be different to hillsides.</p> <p>LOCATION. Requires a further statement which after introducing Table 1 goes on to clearly state that, 'those developments deemed to be contrary to one or more of items listed in Table 1 as 'higher sensitivity' will be deemed inappropriate for development.' Consistency of approach in identifying locations of higher sensitivity to be avoided.</p> <p>LOCATION: Add (reorder as necessary): l) Avoid sites that figure in important views or the character and setting of a community with distinctive local characteristics j) Avoid sites</p>	<p>Table 1 has been replaced with a table referencing susceptibility rather than sensitivity. This is intended to be informative and not prescriptive. Text has been added to clarify that these are attributes that are broad indicators of lower and higher susceptibility and that further, more detailed, assessment of sensitivity will be produced by the council.</p> <p>In terms of proposed criteria l) and j) views are addressed under criteria b) and g) and conservation areas under section 3.4 on Cultural Heritage. Fire safety is addressed under section 4.13 Associated Infrastructure. Text has been added to context to highlight neighbourhood plans may also identify locally valued landscapes, local green space and locally important views.</p>

	<p>that figure in important views or the character and setting of a Conservation Area. Consistency of approach in identifying locations of higher sensitivity to be avoided.</p> <p>Insert additional list about new buildings / structures, 'If required, house co-located batteries and inverters in new structures, whose fire mitigation measures include a plan covering design, product quality, installation, regular testing, prompt replacement of defective / aged components, fire suppression technologies for all infrastructure. Monitor, manage and mitigate fire risk and risk to health.</p> <p>LVIA. Insert after 'and where appropriate' (3rd bullet point), 'Relevant Neighbourhood Plan.' Neighbourhood Plans include important landscape references and must be included here to be part of LVIA.</p>	
<p>Lightsource BP</p>	<p>LSbp acknowledges the recognition that large scale development can be difficult to accommodate in rural landscapes without locally significant effects on landscape character. While some impacts of that kind might need to be accommodated as part of the transformation of our energy supply infrastructure, they can be reduced by ensuring that sites are sensitively located and well designed. However, the detailed guidance under the layout and design, panels and ancillary, and mitigation is too prescriptive despite being guidance e.g. avoid sites in important views, avoid sites with well-established PRoW, avoid detached and scattered parcels, keep layout compact or interlocked. This greatly restricts the available sites for solar development. Given the need to locate large scale solar farms in countryside locations, it is inevitable that PRoW will cross sites or be located within close proximity. The vast majority of solar farms in countryside locations deal with these issues through mitigation, and as such, it is unreasonable to state that routes should be avoided, as this will severely restrict site selection.</p>	<p>The text has been amended in its wording and its tenor to make it clear that this is guidance on how landscape and visual effects can be reduced rather than a prescriptive list of requirements. We believe this removes the need for further caveating of criteria generally.</p> <p>Table 1 has been replaced with a table referencing susceptibility rather than sensitivity. This is intended to be informative and not prescriptive. Text has been added to clarify that these are attributes that are broad indicators of lower and higher susceptibility and that further, more detailed, assessment of sensitivity will be produced by the council.</p> <p>Further text has been added on the influence of grid capacity / connectivity.</p>

	<p>It is more appropriate and reasonable to acknowledge the fact that PRow may run through solar sites, but that mitigation should be provided to reduce impacts upon users.</p> <p>Furthermore, Table 1 (landscape sensitivity) in section 4.2 is just one element of site selection and the table could be misleading as other factors could justify selecting sites in higher sensitivity landscapes e.g. proximity to suitable grid connection. In addition, the landscape harm can often be mitigated through screening and further landscape enhancements which is not recognised within this section.</p> <p>As drafted it is not clear if a development would need to comply with all of the factors listed under 'lower sensitivity' (Table 1) thereby avoiding and of the factors listed as 'higher sensitivity'. Whilst this is unlikely to be intention, this is something that should be made clear i.e. the table includes indicators of sensitivity and it is not the case that all need to be complied with for a development to be acceptable.</p> <p>In particular part l) under the layout and design section states that Avoid detached or scattered parcels unless it meets specific design objectives such as reducing visual effects. We suggest removing this point as there may be valid reasons for a scheme to have detached parcels. Additionally, from a landscape perspective, it should not be a significant concern as any potential harm can often be mitigated. 3.36</p> <p>Part m) under the layout and design section states that Run arrays along rather than across the contours on sloping sites. This is not always practical as panels need to be south-west facing.</p> <p>3.37 Part x) under the panel and ancillary elements states that House co-located batteries and inverters in existing</p>	<p>Criterion I is already worded to include a caveat 'unless it meets specific design objectives such as reducing visual effects' and we don't believe it should be omitted for that reason. We would consider it to be good practice to keep sites compact unless there are good reasons not to do so.</p> <p>Criterion M – text has been amended to reference aspect.</p> <p>Criterion X – text has been amended to accommodate this issue better. Additional text has been added on landscape mitigation.</p>
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	<p>buildings where possible. For operational, management and safety purposes this is generally not practical.</p> <p>3.38 Overall, this specific section of the SPD requires rewording and enhancement as it is currently too prescriptive. It is crucial to acknowledge that while landscape harm may exist, it is often possible to effectively mitigate its impact.</p>	
<p>Locogen</p>	<p>It is important for the SPD to note that when assessing these impacts change is not automatically assumed to be negative. Evidence from surveys taken over the last 20 years has routinely highlighted that the majority of people in the UK are supportive of renewables including solar development. Solar also has the advantage of fitting within existing landscape patterns and helping to maintain and enhance important landscape features such as trees and hedgerows over the life of the project, something which may not be the case under the status quo. It is welcomed in this regard that along with the guidance notes and the current diversity in the Durham landscape, that further diversification through well located and designed solar projects will be considered as part of the ongoing evolution of these landscapes. Statements within the section headed Panels and ancillary elements such as the following should be deleted. z) Avoid the use of security fencing where possible aa) Avoid the use of security lighting; and bb) Avoid the use of pole-mounted CCTV where possible. According to NFU Mutual, rural crime rose over 40% in 2022 at a cost of £40.5 million with the cost of crime in the north-east rising from £6.7m in 2021 to £8m in 2022. NFU mutual recommends the installation of CCTV [1] (including pole mounted), security lighting and alarms across the farms and individual fields. For Durham CC, being a rural county for the SPD to advice against using security assets as outlined above appears contradictory to safeguarding rural communities. The guidance should instead help to ensure that all security assets are as far as possible or practical</p>	<p>The SPD is considered correct in stating large scale development can be difficult to accommodate in rural landscapes without locally significant effects on landscape character. Most of County Durham has an essentially rural character. Whilst it is influenced by human activity it is not full of manmade structures. There are currently three operational commercial solar farms in the county. However, reference to being a novel form of development removed.</p> <p>Criteria Z) Text has been amended to ‘Avoiding the use of security fencing, lighting and taller pole-mounted CCTV where possible. Where fencing is required, using visually light specifications such as deer fencing and mounting CCTV on low (2-3m) timber poles.’</p> <p>Introductory text to this section explains ‘While some impacts of that kind might need to be accommodated as part of the transformation of our energy supply infrastructure, they can be reduced by ensuring that sites are sensitively located and well designed.’ The link between the SPD and net zero carbon ambitions is outlined in the section on the purpose of the SPD and this is considered the most appropriate location.</p>

	<p>designed within the site specific landscape context while ensuring safety and security for the solar farm. Regarding pole-mounted CCTV, these are fixed facing internally to the solar farm and generally use infra-red lighting. Whilst noted as material considerations, the Council should avoid becoming overly reliant on landscape assessments and strategies which are over 17 years old and which were written under very different circumstances to those we face today. Accommodating the level of energy generation required to meet our climate change commitments cannot be achieved without accepting a degree of landscape impact and or change. Whether this change is acceptable or otherwise lies in the planning balance and in that the need to weigh up potentially conflicting priorities and policy objectives. With that in mind the SPD needs to lead with the explicit objective of achieving net zero and then affording a proportionate level of weight to other lesser objectives.</p>	
<p>Pegasus Group (on behalf of) Queequeg Renewables Ltd</p>	<p>Within Section 4.2 the SPD sets out criteria for developers when considering the location of largescale solar farms. Table 1 provides a matrix of landscape sensitivity, requiring developers to choose locations in landscapes with a lower sensitivity to solar development.</p> <p>There is concern, however, that as highlighted above, there are limited sites for solar development that exist due to a number of key factors i.e. grid connection which is scarce. Therefore, where a viable site exists it may be unlikely for a developer to meet all of the criteria in relation to the location and be located in an area of lower landscape sensitivity.</p> <p>As such, the matrix proposed should not be used to dictate an acceptable the location for solar energy development. There may be particular landscape features that would help support a solar energy development proposal in a location that is potentially more sensitive. It may be the case that with</p>	<p>The text has been amended in its wording and its tenor to make it clear that it is guidance on how landscape and visual effects can be reduced rather than a prescriptive list of requirements.</p> <p>Table 1 has been replaced with a table referencing susceptibility rather than sensitivity. This is intended to be informative and not prescriptive. Text has been added to clarify that these are attributes that are broad indicators of lower and higher susceptibility and that further, more detailed, assessment of sensitivity will be produced by the council.</p> <p>Further text has been added on the influence of grid capacity / connectivity. Additional text has been added on landscape mitigation.</p> <p>We believe the revised text meets the concerns raised.</p>

	<p>mitigation, some sites can be made more acceptable. The SPD should recognise these potential scenarios and that it is important that, notwithstanding the matrix, each site needs to be considered on a site-by-site basis. This will also help ensure that other relevant factors, such as operational requirements of developers, as well as other environmental factors, are taken into consideration to identify where solar developments can be located.</p> <p>Furthermore, Section 4.2 also outlines requirements for layout and design, panels and ancillary elements and mitigation. Whilst these are relevant considerations, however, the criteria fails to recognise the operational requirements of solar farms or site specific circumstances. Further commentary should be added to recognise these key points as context to the considerations listed. These considerations should not be used as a prescriptive list against which to assess planning applications. Policy 29 (Sustainable Design) and Policy 39 (Landscape) of the County Durham Plan are sufficient to ensure that new development will not result in unacceptable harm to the landscape and that development contributes positively to the landscape features of an area. Whilst the criteria seek to minimise landscape impact, as highlighted above, it should be suggested as good practice with the acknowledgement that site specifics will dictate the location of solar development. Objection is raised to the requirements as worded.</p>	
<p>Will Bridges</p>	<p>Location criteria gives no context that location can be heavily constrained by grid connection availability.</p> <p>f) This point contradicts 3.7 that discusses mitigation options for PRow. j) "old rigg" should this be "old ridge" m) "This fails to take into account, or at least acknowledge, that the orientation of panels to the sun is critical to their</p>	<p>Further text has been added on the influence of grid capacity / connectivity. Criterion f – This does not contradict section 3.7. While some effects on PRow can be mitigated to some degree, residual effects can remains significant and avoiding areas with well-developed and well used public rights of way remains a meaningful way of</p>

	<p>operation. x, y, z) the design limitations of components needs to be fully understood before restrictions are placed in policy documents - close consultation with developers/operators of developments is strongly suggested. hh) stronger acknowledgement of the positive impact “resting” a site can have on soil composition and biodiversity is suggested.</p>	<p>reducing effects – and one that has been adopted by developers on sites in this area. Criterion j – the criterion refers to rigg & furrow which is a common term. Criterion m – text has been amended to include reference to aspect. Criterion x,y,z – text has been revised to reflect industry comments. Criterion hh – reference to resting land hasn’t been included in the landscape and townscape section as it relates primarily to soil quality and biodiversity.</p>
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Section 4.3 Biodiversity and Nature Conservation

Respondent	Comment	DCC Response
Eden Renewables	See our responses to Section 3.3	See response in Section 3.3.
Lanchester Parish Council	Add text, “Careful consideration should be given to the impact of existing or proposed vegetation in order that any resultant shading of solar panels does not result in the future pruning or felling of such vegetation.” Avoidance of the need to prune or fell existing and proposed vegetation because of resultant shading.	The issue of avoiding shading around existing hedges, trees and woodland is addressed in the Landscape section paragraph 3.2 under criterion (o).
Lightsource BP	<p>Section 3.3 of the draft SPD states that the following should be provided in relation to biodiversity: 1 A BNG Assessment using the appropriate Defra Metric; 2 A Biodiversity Management and Monitoring Plan (BMMP) is required at application stage; 3 A plan that shows habitat types or linear features being retained, enhanced, and created, and the area or length of each habitat type or linear feature; it must be colour-coded so that each habitat type is easily identifiable. Other proposed biodiversity enhancements (including for priority species) and protected species mitigation areas should also be shown on this plan e.g., bird and bat boxes.</p> <p>It appears from a review of the Durham County Plan and</p>	<p>This wording was prepared prior to Biodiversity Net Gain Planning Practice Guidance and draft regulations being issued in November 2023, and has now been updated as required.</p> <p>These requirements do not only apply to solar development. Guidance on BNG for all forms of development will be set out in the council’s emerging Developer Contributions SPD.</p>

	<p>other SPDs, that it is proposed to apply these requirements only to solar developments, which risks prejudicing this type of development. It would be more appropriate to set out these requirements in an SPD specific to biodiversity and apply them to all relevant types of development.</p> <p>Furthermore, we note that the requirements in relation to BNG and BMMP go above and beyond the requirements of the Environment Act and could therefore add unnecessarily to the financial burdens on solar developments. The Planning Practice Guidance (PPG) in relation to Plan Making (Paragraph: 008 Reference ID: 61-008-20190315) states that SPDs should not add unnecessarily to the financial burdens on development.</p> <p>It is unnecessary to set out the application requirements in relation to biodiversity net gain as these are clearly stated within the Environment Act, which will be supplemented by secondary legislation and guidance. However, if the SPD does refer to such requirements, they should align with the national approach in terms of required information, trigger points for provision of information and terminology.</p> <p>Broadly speaking, the relevant national requirements are: 1 A planning application should be accompanied by a Biodiversity Gain Statement which should include the pre-development biodiversity value of the site, steps taken towards minimising impacts on biodiversity and any proposed approach to on-site biodiversity enhancements; 2 In order to discharge the mandatory biodiversity gain condition (which is required prior to commencement) a Biodiversity Gain Plan must be submitted, which will demonstrate how the development achieves a 10% net gain in biodiversity. This will include any on-site enhancements and details of any necessary off-site gains and/or any statutory credits purchased; and 3 For any</p>	
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	<p>off-site gains to be accepted on to the national register a Habitat Management and Monitoring Plan (HMMP) setting out how the habitat creation/enhancement will be managed/maintained for a 30 period will be required.</p> <p>It is noted that the national requirements do not require submission on a HMMP for on-site enhancements. With respect to the requirement to provide a plan showing on-site habitat creations and enhancements, this will be required through the application of the national BNG requirements and is more appropriately secured by planning condition.</p>	
<p>Lightsource BP</p>	<p>LSbp supports the statement that 'Various options exist to enhance the biodiversity value.' However, section 3.3 refers to Research indicates that ground nesting species such as skylark could be displaced from solar farms and Birdlife Europe suggests that there could be negative impacts on species such as lapwing and skylark with reduced opportunities for foraging and breeding. The effects of solar farms on birds are likely to be species specific and care will be needed when assessing impacts and designing mitigation or compensation. We propose removing this paragraph since it includes references to works suggesting a potential impact without clear evidence of its occurrence.</p> <p>Overall, solar projects offer a considerable potential to increase biodiversity levels, mainly when it comes to agricultural landscapes. By reversing trends in agricultural intensification and maintaining natural habitats within the landscape matrix. Most of our sites can achieve a sufficient Biodiversity Net Gain (BNG), often up to 150%. The SPD should incorporate additional references to the positive impact solar farms can have on biodiversity.</p>	<p>This paragraph outlines impacts which could occur informed by research which is referenced in the footnotes. The SPD recognises the effects of solar farms are likely to be species specific and will need to be assessed. The SPD recognises solar arrays have the potential to deliver significant environmental gains through creating and enhancing habitats.</p>
<p>Locogen</p>	<p>It is noted that solar development like any form of development has the potential to impact on biodiversity and that these potential impacts need to be assessed and</p>	<p>The SPD recognises solar arrays have the potential to deliver significant environmental gains through creating and enhancing habitats.</p>

	<p>managed accordingly. However it also needs to be recognised and supported both in the SPD and decision making that compared to more typical forms of built development solar development has the opportunity to deliver significant levels of biodiversity net gain. Many of the species listed in the SPD are declining across the UK and Europe due to increasingly intensive land management practices. Utilising solar projects to turn this around by reinstating less intensive land management practices and including a wide range of positive biodiversity enhancement measures needs to be recognized and supported in the SPD.</p>	
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Section 4.4 Cultural Heritage

Respondent	Comment	DCC Response
<p>Lightsource BP</p>	<p>Lightsource bp only has one minor comment for this section of the SPD. Section 3.4 refers to a detailed Heritage Impact Assessment should be undertaken to guide the site selection and the design process. An HIA doesn't guide site selection, an assessment of nearby assets is done at an early stage, prior to the HIA.</p>	<p>Text amended to reflect whilst a full understanding of the historic environment is needed to guide site selection this could be separate to the HIA.</p>
<p>Locogen</p>	<p>As elsewhere in the SPD, care needs to be taken to ensure that the specific nature of solar development is recognized in the SPD and reflected in a proportionate policy response. Unlike other forms of built development solar development although covering large areas has very little direct impact on land and with that buried archaeology. With that in mind requirements for physical assessment such as trial trenching can be pose more of a threat to hidden assets and cause more damage to crops and wildlife than the development itself especially if undertaken prior to consent rather than at preconstruction. It should be noted that solar panels have been successfully installed on York Minster and as such clarification on "exceptional circumstances" should be provided as rooftop solar is often removed from visibility and</p>	<p>It is important the extent of archaeological remains is identified prior to determination as this will inform design, and ultimately scheme viability, as solar arrays and cabling need to be located to avoid damage to archaeology. The strong preference is any archaeology is protected from ground impacts and remain in situ. The term 'exceptional circumstances' reflects NPPF para 200 b and CDP Policy 45. Determining the balance between harm and benefits is done on a case by case basis, informed by evidence and assessment and taking account of a range of factors and relevant policy. It is therefore not considered appropriate to seek to define in the SPD.</p>

	enhances the conservation and protection of the monuments through the power generation. It is therefore recommended that for solar development, archaeology and the presence of non-designated buried assets is unquantified as noted above, as such while reports such as heritage desk-based and impact assessments are undertaken at pre-application, further works should be undertaken as a post-consent condition.	
Pegasus Group (on behalf of) Queequeg Renewables Ltd	Within Section 3.4 (which Section 4.4 refers to) the SPD refers to the need for archaeological investigation for greenfield sites of 1ha or more. However, this requirement is overly onerous, particularly without context, and this should only be required if initial background research suggests that this is needed. Other Technical Matters Sections 4.3 and 4.5 and 4.9 refer to other technical matters including biodiversity and nature conservation and flooding and drainage. We request that the Council do not add onerous criteria that go beyond the policy requirements in respect of these technical and environmental matters and that the guidance should not add financial burden to developers, in line with the PPG.	This text reflected the council's validation checklist. However, the checklist has subsequently been updated and the text has been updated accordingly to state 'Archaeological Assessment will be required for applications affecting any known or suspected archaeological sites.'

Section 4.5 Glint and Glare

Respondent	Comment	DCC Response
Lightsource BP	A glint and glare (G&G) assessment is often required to identify issues and factors of daylight and sunlight amenity and the potential impacts on nearby receptors under particular conditions. In most cases G&G impacts can be mitigated and this should be referred to in Section 3.5. In particular the comments in the SPD around G&G and aviation safety is concerning. In the draft NPPF it states that it has been shown that G&G from solar farms is very unlikely to have concerns with aviation safety. This section should be consistent with the messaging in the draft NPS 3 (Para 2.52.5).	There is no specific reference to solar farms and aviation safety in the current NPPF, the NPPF which was subject to consultation in 2023, or Planning Practice Guidance. Draft NPS 3 at paragraph 3.10.149 and 3.10.150 states in relation to Nationally Significant Infrastructure Projects (NSIPs) the Secretary of State should assess the potential impact of glint and glare on nearby homes, motorists, public rights of way, and aviation infrastructure (including aircraft departure and arrival flight paths). However, unless a significant impairment can be demonstrated, the Secretary of

		State is unlikely to give any more than limited weight to claims of aviation interference because of glint and glare from solar farms. Whilst this is draft guidance for NSIPs, it is considered the SPD is consistent in requiring assessment of the sensitive receptors in the surrounding area and the potential for these to be impacted by solar reflections from the development.
Locogen	Again this needs to be kept in perspective. Many airports and airfields across the UK are utilising the land around runways to install their own solar development and offset their own energy use with such installations providing no more of a risk to aviation than water on a runway or acres of adjacent carparking. Whilst it is relevant to consider this matter in planning applications and decision making, in line with the general approach to planning, planning policy should not be used to regulate activities which fall under other regulatory regimes. In this case the Council should defer judgement and consideration of this matter to the regulatory requirements of the Civil Aviation Authority.	The SPD sets out the organisations which will be consulted, where appropriate. As the decision making authority the council will take into account their representation in determining the planning application.

Section 4.6 Residential Amenity

Respondent	Comment	DCC Response
Lightsource BP	Section 3.6 of the SPD addresses the issue of noise generated by a solar farm in operation. The potential noise-related disturbances during the construction phase can be effectively managed through the implementation of a Construction Environmental Management Plan (CEMP), which includes restrictions on working hours and the use of best practice control measures and should be referred to in this section.	Clarification has been added on when a Noise Assessment will be required to reflect the council's updated validation checklist. Text also clarifies when a Construction Management Plan will be required and that this should address noise.
Locogen	It is acknowledged that impacts on residential amenity including on those matters listed should be considered from an early stage, included within the design and assessed as part of an application. It would be useful for the guidance to	The council provides guidance on its main planning application webpage which provides guidance on what is and isn't a material consideration. It is considered this is the most appropriate location to provide clarity

	<p>reiterate that views from private property are not material considerations and as such developers of solar projects are not liable to provide compensation to those who have views of the project. A clear statement on this issue would help to manage public expectations on a matter which is often raised during public consultation exercises.</p>	<p>on this matter. The purpose of the SPD is to provide guidance as to how planning policy will be applied, and as loss of a private view cannot be considered through the planning process referencing this here (even to state it is not a material consideration) may cause confusion.</p>
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Section 4.8 Flooding and Drainage

Respondent	Comment	DCC Response
<p>Lightsource BP</p>	<p>In general, for solar farm developments, considering the typology of the projects, which generate few pollutants and the nature of the interventions, despite the size of the area to be intervened, no significant impacts on the hydrogeological environment are expected. It should also be noted that the panels will be raised in relation to the ground, based on support structures, so there will be no interference with the flow and infiltration of surface runoff water.</p>	<p>Solar development has the potential to impact on surface water flow through construction impacts and solar arrays concentrating surface water flow from rainfall. The SPD provides guidance on measures which can be taken to meet the requirement of CDP Policy 35 (Water Management) of no net increase in surface water runoff for the lifetime of the development and that where greenfield sites are to be developed, the runoff rates must not exceed and where possible should reduce the existing greenfield runoff.</p>
<p>Locogen</p>	<p>Again this needs to be kept in perspective. As a general rule the rate of run-off from solar development will not be significantly different from a greenfield situation and in some cases by retaining ground cover in winter rather than having soil open to the elements will reduce run-off when rainfall tends to be heaviest. The assumption in the guidance that run-off will increase should therefore be removed. The highlighted guidance in 3.8 should also distinguish more clearly between the need to meet minimum requirements and the councils willingness to support projects which deliver improvements through additional enhancement measures.</p>	<p>The SPD states that solar development has 'the potential to impact on surface water flows' rather than it will. The impact on surface water will need to be assessed through the planning application process in accordance with CDP Policy 35 (Water Management). The text in bold is taken from CDP Policy 35 and can't be revised through the SPD. In accordance with CDP Policy 33 (Renewable and Low Carbon Energy) significant weight will be given to the achievement of wider social, environmental and economic benefits. This is highlighted in the policy context in paragraph 1.3. and it is considered this is the most appropriate location to highlight this as overarching policy, rather than repeat in each section.</p>

Section 4.9 Site Restoration

Respondent	Comment	DCC Response
Lightsource BP	LSbp recognise the importance in ensuring the land is restored back to its original condition which is referred to in section 3.9 of the SPD. However, as this is usually 40 years in the future, it is recommended that a full decommissioning and restoration assessment is submit prior to decommissioning and it is not a requirement of the original planning application nor the LVIA as stated. As the recycling/decommissioning method is likely to change in the 40-year period.	Clarification has been added that at application stage only an outline plan is required, with full details prior to decommissioning. Outline details of decommissioning and restoration, either as part of the Landscape Visual Impact Assessment or standalone, will assist officers in understanding the longer term environmental benefits which should be given significant weight in determining the application in accordance with CDP Policy 33.
Locogen	We are concerned by the statement any landscape or biodiversity enhancements delivered through the development should be retained. In most cases it is not the developer/operator who controls the land or land use once the operational life of the solar farm is finished, and the decommissioning and restoration has been undertaken. As such no guarantees can be placed on the landscape or biodiversity enhancements once the developer has ended the lease on the land and the planning consent expired.	The planning permission and associated legal obligations run with the land rather than the applicant/operator. As such, planning conditions attached for restoration and decommissioning would remain enforceable even in the event of transfer. In the case of enhancements to deliver biodiversity net gains these will need to be secured for a 30 year period.

Section 4.10 Green Belt

Respondent	Comment	DCC Response
City of Durham Parish Council	The Parish Council fully supports the extensive protections the NPPF and the County Council afford to our precious Greenbelt land and fully supports the stated stance in this SPD that “any commercial scale development of solar panels will be permitted on greenbelt land.” Our greenbelt is a precious resource which protects against urban sprawl and it must be safeguarded.	Noted. The SPD has been amended to accord with national policy in stating evidence would be required of very special circumstances which would outweigh the harm to the Green Belt and any other harm.
City of Durham Trust	The Trust is pleased that the SPD recognises that only 4% of the County’s land is designated as Green Belt, so there is absolutely no justification for locating solar farms in the Green Belt.	Noted. The SPD has been amended to accord with national policy in stating evidence would be required of very special circumstances which would outweigh the harm to the Green Belt and any other harm.

<p>Eden Renewables</p>	<p>We do not support the application requirement for provision of evidence to demonstrate that a proposed solar farm could not be accommodated on land in the county outside of the Green Belt because this represents a new policy requirement above those set out by CDP Policies 20 and 33 and national guidance is clear that SPDs should not introduce new planning policies but build upon and provide more detailed advice or guidance on policies in an adopted local plan (PPG, Section 43 Plan-making - Paragraph: 008 Reference ID: 61-008-20190315). In addition, it is unfair and illogical to introduce an additional policy hurdle for solar farms, particularly when they are temporary developments. To accord with national guidance, it is suggested that the text is reworded so that it reads as follows: "Evidence of very special circumstances, which would outweigh harm to the Green Belt.</p>	<p>NPPF paragraph 148 states 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.' Analysis of appeal decisions indicates Inspectors are giving consideration to the extent it has been demonstrated the solar farm needs to be located in Green Belt. It is therefore considered appropriate for the SPD to highlight this as a consideration and wording has been amended to this effect.</p>
<p>Exagen Group</p>	<p>The detailed guidance in the draft SPD relating to Green Belt makes the following statement:</p> <p>"Given that only 4% of land in County Durham comprises Green Belt it is considered there is sufficient land outside of the Green Belt which could accommodate solar farm developments"</p> <p>This does not make any reference, as identified in the introduction to the document, to the locational requirement as a result of grid connection and capacity.</p> <p>The approach identified in the draft SOD appears overly prohibitive rather than supportive of renewable development as identified through local and national planning policy. Furthermore the inclusion of the following wording does not appear to reflect approach taken by numerous planning inspectors in allowing appeals or SOS decisions relating to solar farm developments in the Green Belt. Particularly the following wording; "Whilst in principle very special</p>	<p>NPPF paragraph 148 states 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.' Analysis of appeal decisions indicates Inspectors are giving consideration to the extent it has been demonstrated the solar farm needs to be located in Green Belt. It is therefore considered appropriate for the SPD to highlight this as a consideration and wording has been amended to this effect. As set out in the SPD only 4% of County Durham is Green Belt. There are two substation within the Green Belt in the County. One with very limited capacity and one with potential capacity. Whilst recognising Northern PowerGrid's Network Availability Heat map reflects a snapshot in time, there is very limited potential to connect to the grid from a site within the county's Green Belt.</p>

	<p>circumstances could be put forward, it is unlikely that such circumstances would outweigh the harm to the Green Belt”.</p> <p>The NPPF explains that when dealing with planning applications, planning authorities should support the transition to a low carbon future, improve resilience and support renewable and low carbon energy and associated infrastructure. Paragraph 158(b) also explains that such projects should be approved if any impacts are, or can be made, acceptable.</p> <p>The benefits of provision of renewable energy and associated infrastructure should therefore weigh heavily in favour of solar farm projects.</p> <p>Where projects are noted to result in harm to the Green Belt from ‘inappropriateness’ through encroachment and impact upon openness, the benefits of supporting the on-going shift of power generation to renewable energy in an attempt to combat climate change should be considered as a benefit.</p> <p>The NPPF identifies that whilst many renewable energy projects in the Green Belt will comprise inappropriate development - very special circumstances need to be demonstrated. It does not indicate that this would be “unlikely” as the draft SPD suggests. Very Special Circumstances can include wider environmental benefits associated with the increased production of energy from renewable sources. This does not necessarily mean that approval should be automatically granted however it does lend support in appropriate circumstances and where innovative projects are delivered. This approach has been taken by inspectors in allowing such developments in the Green Belt on the basis of the cumulative benefits not just as a direct result of renewable energy generation but the wider</p>	
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	<p>landscape and biodiversity enhancements as a result of the project.</p> <p>In term of development management, what can be termed the Sullivan approach (from his judgment in R. (Chelmsford BC) v First Secretary of State [2003] EWHC Admin 2978) requires the decision-maker first to decide whether very special circumstances exist and then to determine whether those very special circumstances justify the harm to the Green Belt.</p> <p>In addition, the decision of Sullivan J. in R (B Basildon DC) v FSS [2004] EWHC 2759 (Admin) established that in relation to Very Special Circumstances ("VSC") in Green Belt cases "a number of factors, none of them "very special", when considered in isolation may, when combined together, amount to very special circumstances". For example, in the case of solar development the ecological enhancements, biodiversity net gain (BNG) and local economic benefits may not in themselves amount to exceptional circumstances but they can contribute to establishing such.</p> <p>In an appeal decision in East Hanningfield, Chelmsford, Essex (appeal reference APP/W1525/W/22/3300222) impact upon the Green Belt was weighed against the public and specifically environmental benefits. It was subsequently allowed. Not least the renewable energy generation and CO2 reductions to directly address national and local commitments to achieving net zero but also wider, long-term landscape and biodiversity enhancements which would far exceed the 10% requirement of BNG through the Environment Act. In allowing that particular appeal the inspector concluded that:</p> <p>"the public benefits of the proposal are of sufficient magnitude to outweigh the substantial harm found to the Green Belt and all other harm identified above. These benefits identified</p>	
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	<p>attract very substantial weight in favour of the scheme. In this context, the harm to the Green Belt would be clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development exist. Accordingly, the proposal would satisfy the local and national Green Belt policies”.</p> <p>The draft SPD wording does not reflect the approach of this and many other appeals which consider matters relating to Green Belt which ultimately draw similar conclusions. It is not considered to be compliant with local and national planning policy in this regard which does not dictate very special circumstances are ‘unlikely’. It is suggested the wording of this section of the draft SPD is reconsidered to provide greater support for solar development and provide meaningful guidance with regard to demonstrating what the LPA consider to be very special circumstances. As such it is recommended that the wording of the SPD is amended to reflect the positive approach to renewable development detailed in para 158 and reflect the approach to very special circumstances in the NPPF;</p> <p>Substantial weight will be given to any harm to the Green Belt however this will be balanced against the considerations in favour of the development. Developers will be required to demonstrate ‘Very special circumstances’ such as wider environmental benefits, ecological enhancements, biodiversity net gain and local economic benefits. Individually these may not amount to exceptional circumstances but when considered cumulatively they may outweigh any identified harm when robustly justified.</p>	
<p>Harmony Energy Limited</p>	<p>It would be helpful to understand the evidence base to demonstrate sufficient land outside of the Green Belt to accommodate solar farms and if this has considered the commercial and physical capabilities of connecting to the grid</p>	<p>As set out in the SPD only 4% of County Durham is Green Belt. There are two substation within the Green Belt in the county. One with very limited capacity and one with potential capacity. Whilst recognising</p>

	<p>(i.e.. proximity to substations) and if this is viable from a developer perspective. There is little point in approving planning applications just because they are outside of the Greenbelt if they are unviable and won't actually be built out. Site considerations are multi-layered and cannot only be considered in the context of the Greenbelt. There are numerous other constraints (land ownership, existing policy allocations, proximity to grid connection etc) and this Document needs to take those into account.</p> <p>This is very negatively written and does not take the proactive approach to planning which is encouraged throughout the NPPF. This should be worded as per national planning policy regarding development in Green Belt and thus allow VSC to apply.</p>	<p>Northern PowerGrid's Network Availability Heat map reflects a snapshot in time, there is very limited potential to connect to the grid from a site within the county's Green Belt. NPPF paragraph 148 states 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.' Analysis of appeal decisions indicates Inspectors are giving consideration to the extent it has been demonstrated the solar farm needs to be located in Green Belt. It is therefore considered appropriate for the SPD to highlight this will be a consideration and wording has been amended to this effect. Text has also been added to clarify in assessing if very special circumstances exist consideration will be given to the wider environmental benefits associated with increased production of energy from renewable sources.</p>
<p>Lightsource BP</p>	<p>Whilst it is acknowledged that only a small proportion of the district is covered by Green Belt, we would question whether the SPD should include phrases such as the following Whilst in principle very special circumstances could be put forward, it is unlikely that such circumstances would out weight the harm to the Green Belt. 3.55 The SPD fails to acknowledge that there may be suitable grid connections located within the Green Belt, where solar farms could be located, which could not go in non-Green Belt locations due to feasibility issues, and therefore require a Green Belt location. 3.56 Furthermore, the SPD fails to recognise paragraph 151 of the NPPF which states such very special circumstances may include the wider environmental benefits associated with increased production of energy for renewable sources. The fact that this is included in national planning policy is a clear indication that they consider solar farms can be acceptable in the Green Belt and that there should not be a blanket refusal</p>	<p>NPPF paragraph 148 states 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.' Analysis of appeal decisions indicates Inspectors are giving consideration to the extent it has been demonstrated the solar farm needs to be located in Green Belt. It is therefore considered appropriate for the SPD to highlight this will be a consideration and wording has been amended to this effect. Text has also been added to clarify in assessing if very special circumstances exist consideration will be given to the wider environmental benefits associated with increased production of energy from renewable sources.</p>

	<p>on such applications.</p> <p>It is suggested that this section of the SPD is reworded to acknowledge that elements of renewable energy development are inappropriate in Green Belt and any such application would need to demonstrate very special circumstances. The SPD should not pre-judge the outcome of such applications, as each case must be determined on its merits.</p>	
<p>Locogen</p>	<p>As with other elements of the SPD the guidance on Green Belt introduces inherent contradictions which need to be recognised and prioritised. As a general rule substations which serve communities which in turn have a growing demand for electricity are located on the edge of settlements. At the present time a lot of land around the edge of settlements is designated as greenbelt and in order to make a viable connection to a substation, the solar development must also be in greenbelt. For Durham CC to reach their 2045 net zero target, it is likely that some solar energy development will need to be permitted at sites in green belt locations. It is proposed that addressing the legally binding commitment to tackle the global climate emergency would be considered to fall within the definition of exceptional circumstances which could include siting within Green Belt.</p>	<p>As set out in the SPD only 4% of County Durham is Green Belt. There are two substation within the Green Belt in the County. One with very limited capacity and one with potential capacity. Whilst recognising Northern PowerGrid's Network Availability Heat map reflects a snapshot in time, there is very limited potential to connect to the grid from a site within the county's Green Belt.</p>
<p>Pegasus Group (on behalf of) Queequeg Renewables Ltd</p>	<p>Without considering the factors that influence the location of a solar energy development, the SPD suggests that there is sufficient land outside of the Green Belt, as only 4% of land in County Durham is in the Green Belt. There have been a number of recent appeal decisions (ref. APP/W1525/W/22/3300222) and local planning authorities decisions approving renewable energy schemes in the Green Belt where very special circumstances has been demonstrated. The Council should not take the view that it is unlikely that such [very special] circumstances would outweigh the harm to the Green Belt as there may be grid</p>	<p>As set out in the SPD only 4% of County Durham is Green Belt. There are two substation within the Green Belt in the County. One with very limited capacity and one with potential capacity. Whilst recognising Northern PowerGrid's Network Availability Heat map reflects a snapshot in time, there is very limited potential to connect to the grid from a site within the county's Green Belt. NPPF paragraph 148 states 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is</p>

	<p>connection opportunities and potentially appropriate locations that have capacity to support renewable energy proposals in the Green Belt. The specific merits of the case must be considered on a site by site basis, however, the LPA should not rule out potential opportunities, which would be determined in accordance with Section 13 of the NPPF and Policy 20 (Green Belt) of the County Durham Plan. Therefore, we object to the Council’s pre-determined view about solar development in the Green Belt. The guidance should reflect the position national and local planning policy regarding Green Belt.</p>	<p>clearly outweighed by other considerations.’ Analysis of appeal decisions indicates Inspectors are giving consideration to the extent it has been demonstrated the solar farm needs to be located in Green Belt. It is therefore considered appropriate for the SPD to highlight this will be a consideration and wording has been amended to this effect. Text has also been added to clarify in assessing if very special circumstances exist consideration will be given to the wider environmental benefits associated with increased production of energy from renewable sources.</p>
Will Bridges	<p>The locational context of substations needs to be re-stated. If 90% of substations with capacity are in the Green Belt it should completely change the context of this Green Belt section.</p> <p>“It is unlikely that such circumstances would outweigh the harm to the Green Belt” is a completely unacceptable statement. This is prejudging any application specifics and clearly demonstrates a closed mindset to applications in the Green Belt.</p>	<p>As set out in the SPD only 4% of County Durham is Green Belt. There are two substation within the Green Belt in the County. One with very limited capacity and one with potential capacity. Whilst recognising Northern PowerGrid’s Network Availability Heat map reflects a snapshot in time, there is very limited potential to connect to the grid from a site within the county’s Green Belt.</p>

Section 4.11 Access and Traffic

Respondent	Comment	DCC Response
National Highways	<p>We note that section 4.11 covers Access and Traffic and that in terms of application requirements, it is stated that where appropriate, a Transport Assessment or Transport Statement and Travel Plan will be required and that a Construction Management Plan will need to address the impacts of the construction traffic. We welcome this inclusion of this information and would add that the Transport Assessment/Statement should outline the anticipated trip generation of the construction and operational phase of the development with sufficient detail to allow us to assess the</p>	<p>Solar farm developments generate limited traffic during operation and most impacts will be during construction. However, where it could potentially affect the operation of the Strategic Road Network text has been added outlining the role of National Highways and their requirements. Further information on the content of Construction Management Plans has also been added.</p>

	<p>proposed development’s impact on the SRN. Subject to a review of the peak trip generation during the construction and operational stages of the proposed development, further assessments may be required to understand any potential impact on the SRN.</p> <p>In relation to the Construction Management Plan, we would comment that this will need to include at least the following: Length of construction period; Hours of operation; Peak trip generation (including type of vehicles); Construction traffic routes; Staffing numbers; Contractor parking; Details of delivery arrangements (including for any abnormal loads); and Mitigation measures limited delivery times (and details of enforcement e.g. penalty clauses for contractor, noise reduction, wheel washing). We would highlight that the Construction Management Plan is required to be submitted to and approved by us prior to the development commencing. This can be addressed at application stage or secured via a recommended planning condition to be attached to any planning permission granted. Construction will then be expected to proceed in accordance with the approved Construction Management Plan.</p> <p>Please note that Travel Plans may be required subject to the provision of information around the volume of employees and the trip generation anticipated to be associated with the development. We would welcome the Draft Solar Energy SPD being updated to incorporate our above comments. I trust this response is helpful, but should you require any further information please do not hesitate to contact me.</p>	
<p>Lightsource BP</p>	<p>The construction process of a solar PV facility varies depending on multiple factors such as scale, environmental constraints, site topography and availability of components. Lightsource bp always engage skilled and experienced contractors (EPC) to build our projects. Additionally, before</p>	<p>Reference to travel plans removed, reflecting it is highly unlikely a travel plan would be required for a solar farm development.</p>

	commencing construction activities we create project specific Construction Management Plans (CMP) which encapsulates the requirements that our EPC must adhere to, throughout the construction process, to avoid and minimise impacts on local communities and the environment. 3.59 Section 4.11 within the SPD refers to a travel plan which isn't necessary for a solar farm and as above, the access and traffic of the site is managed through an CMP.	
Will Bridges	Consultation with National Highways should only be needed as and when appropriate not as standard.	A sentence has been added to clarify National Highways are to be engaged where development could potentially affect the operation of the Strategic Road Network.

Section 4.12 Contamination and Soil

Respondent	Comment	DCC Response
Lightsource BP	Contamination and Soil 3.60 It is highly unlikely that the installation of solar panels would lead to contamination issues. The panels are sealed units and as such this would prevent rainwater washing materials from the panels into the ground. Notwithstanding this, Lightsource bp do not utilise solar panels that contain toxic materials.	The SPD sets out a Land Contamination Assessment will only be required for development on brownfield land where contamination could be an issue due to the previous use of the site (or adjacent land) and for new development within 250 metres of current or former landfill sites.
Environment Agency	Contamination of Groundwater The SPD should highlight that earth and site works should not mobilise contamination. In regard to underground cabling, the installation and citing of cables shouldn't detrimentally impact the flows of shallow or deep groundwaters; there should be no impact to water dependent features e.g. springs and water supplies (this could be via excavations, culverts, grouting etc).	The Flooding and Drainage section of the SPD has been amended to reflect the approach to this matter which has been agreed by the Environment Agency and the council.
Lanchester Parish Council	Last para. Change wording to, 'Bringing alien soil material onto the development site will not be permitted.' To prevent alien soil movement and contamination of land thereby affecting future soil quality and land use.	Whilst the SPD states bringing alien soil material onto the development site should be avoided, it is considered going further in stating this will not be permitted goes beyond the scope of policy in the County Durham Plan and cannot be introduced through an SPD.

<p>Locogen</p>	<p>Whilst the need to address contaminated land is noted, this again needs to be kept in perspective. The extent of ground works required for solar is limited compared to other forms of development and as such the potential to impact on previously derelict land and cause contamination is less than other forms of development covering a similar area. On greenfield sites the potential for solar to have a positive impact on soil by reducing the intensity of agricultural use, retaining in most cases permanent ground cover, and significantly reducing or removing the use of pesticides and herbicides over a prolonged period should be welcomed and supported rather than introduced as an unnecessary and additional hurdle.</p>	<p>The SPD sets out a Land Contamination Assessment will only be required for development on brownfield land where contamination could be an issue due to the previous use of the site (or adjacent land) and for new development within 250 metres of current or former landfill sites.</p>
<p>The Coal Authority</p>	<p>Thank you for your notification received on the 30th May 2023 in respect of the above consultation. The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas. Our records indicate that within the Durham area there are recorded coal mining features present at surface and shallow depth including; mine entries, coal workings, reported surface hazards and mine gas sites. These features may pose a potential risk to surface stability and public safety. We support, and are pleased to see, the inclusion at Section 4.12 of the report, Contamination and Soil, commentary regarding the coal mining legacy present in the area and the need for a Coal Mining Risk Assessment to support some types of solar farm development. It may also be helpful to provide a link to further information on Coal Mining Risk Assessment within the documents, as below. Planning applications and Coal Mining Risk Assessments - GOV.UK (www.gov.uk) Please do not hesitate to contact me should you wish to discuss this further.</p>	<p>Support noted and link added.</p>

Section 4.13 Associated Infrastructure

Respondent	Comment	DCC Response
Banks Renewables	<p>The SPD aims to promote sustainable use of electrical infrastructure by suggesting “where a new substation is proposed, operators will be required to provide evidence that they have explored the possibility of alternative existing substations, and this was not possible due to technical or operations constraints”. This again, provides additional requirements, beyond that which is suggested within national guidance. Some form of on-site substation is always required to house the HV switchgear to safely connect to and disconnect from the distribution network. Larger sites with greater installed megawatt (MW) capacity often also require a step-up transformer to increase the voltage. The size of a substation will be increased by the addition of the outdoor transformer itself and associated outdoor switchgear, however increasing the voltage has a number of significant advantages:</p> <ul style="list-style-type: none"> • Enable connection to existing high voltage substations or overhead lines nearby; • Increased efficiency of power transfer; • Efficient and economic use of cabling materials – a smaller number of cables is required to transfer power to the grid as the amount of current flowing is reduced at higher voltages; • A reduced number of cables means a narrower cable trench. This will reduce the construction time and consequently shortens periods of road closures and traffic disruption in cases where cables are installed in public highways. <p>Therefore, we propose this requirement should be removed for large scale solar planning applications. All proposals dependent on location will almost certainly require an on-site substation, and other ancillary infrastructure.</p>	<p>It is accepted, given the cost, proposals are very unlikely to include a substation unless this is required. As such, the requirement to demonstrate a need is not required. The visual impacts of substations will be assessed and guidance is outlined in the landscape section.</p>

<p>Lanchester Parish Council</p>	<p>Where a new substation...’ Add, ‘Complete an Options Analysis of sites considered and demonstrate why the proposed site is the preferred option. To ensure most ‘appropriate’ sites are identified within the development of the proposal.</p> <p>Application Requirements. A fire mitigation measures plan covering design, product quality, installation, regular testing, prompt replacement of defective / aged components, fire suppression technologies for all infrastructure. Monitor, manage and mitigate fire risk and risk to health.</p>	<p>It is accepted, given the cost, proposals are very unlikely to include a substation unless this is required. As such, the requirement to demonstrate a need is not required. The visual impacts of substations will be assessed and guidance is outlined in the landscape section.</p>
<p>Lightsource BP</p>	<p>Section 4.13 of the SPD refers to the application requirements for solar farm planning application. The nature and extent of cabling should be shown on the site plan. During the early stages of the development process, the planning for a solar site is typically submitted before the detailed design of the underground cabling within the site is available. It has not been mandatory for any Local Planning Authority (LPA) to include the details of internal cabling within the site's red line boundary on the layout plan for the application and therefore we recommend this requirement is removed from the SPD.</p>	<p>This relates to cabling to a substation as set out in introductory text, as opposed to wiring between panels. Should details of cabling not be provided as part of the original application a separate application would be required. In the council's experience applicants seek to provide details of cabling within the application.</p>
<p>Locogen</p>	<p>This section should recognise that grid infrastructure, substation works and the DNO (Distribution Network Operator) substation will generally be outside the developer's control and be subject to separate consenting regime. [1] https://www.nfumutual.co.uk/globalassets/farming/rural-crime/nfu-mutual-rural-crime-report-202222.pdf</p>	<p>The opening paragraph of section 4 recognises the need for solar farms to be in proximity to the grid and this is a key constraint. It does not suggest grid capacity is within the control of the developer.</p>
<p>Pegasus Group (on behalf of) Queequeg Renewables Ltd</p>	<p>Within this Section, Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) is referred to however, this policy is not directly applicable to solar energy development, as referred to by Footnote 79 of the County Durham Plan. And in the supporting text for this policy under paragraph 5.266, it states that this policy does not cover renewable, low carbon, or waste based energy generation,</p>	<p>Reference to CDP Policy 27 replaced with CDP Policy 33 (Renewable and Low Carbon Energy). The SPD states battery storage should be co-located where possible, acknowledging their will be circumstances where this is not possible. It is accepted, given the cost, proposals are very unlikely to include a substation unless this is required. As such, the</p>

	<p>which are covered by other policies in the plan. Reference to this policy is, therefore, inappropriate.</p> <p>Notwithstanding this, this Section sets out superfluous requirements for the supporting infrastructure that is often required for solar development, particularly substations. Substations are often required as part of solar energy developments which can be a range of scales. Substations are also costly infrastructure and a developer would not provide the supporting infrastructure if it is not needed. The need for a substation on site is often driven by grid connection requirements from the Distribution Network Operator and the National Grid. The requirement to provide evidence that the possibility of alternative existing substations have been explored is onerous and unnecessary.</p> <p>Further clarity is also needed about the scale of battery storage that the Council is referring to. It is welcomed that battery storage should be co-located with solar, however, this is not always possible. In certain circumstances, battery storage can be appropriate as a standalone development to support the balancing of the grid or energy generation elsewhere, and not specifically within the immediate vicinity of a renewable scheme. These proposals should be encouraged and given similar weight to renewable energy.</p>	<p>requirement to demonstrate a need is not required. The visual impacts of substations will be assessed and guidance is outlined in the landscape section.</p>
Will Bridges	<p>“Although rare, a solar farm proposal could include a new substation” again it is strongly suggested that detailed consultation with industry developers/operators is undertaken to understand what is needed for such solar farms. It isn’t “rare” for a project specific substation to be needed.</p>	<p>Reference to this being rare has been removed.</p>

Section 5.0 Planning Process

Section 5.2 Community Engagement and Benefit

Respondent	Comment	DCC Response
Councillor Douglas Oliver	Needs to prioritise local solar schemes which support local industry and sustain local employment. The solar development strategy must accord with the Durham County Plan particularly in the area of supporting local, long term employment in rural areas. There is a need to ensure that local solar generation schemes, which aim to retain and expand local employment are not disadvantaged by schemes which seek to take advantage of potential sites whilst providing minimum long term employment opportunities. Local schemes which seek to build on an established presence should be prioritised.	The SPD states in accordance with CDP Policy 33 significant weight will be given to the achievement of wider social, environmental and economic benefits. It highlights these benefits could include employment and skills and local energy generation. However, for commercial solar farms job creation will predominantly be during construction.
Councillor Douglas Oliver	Needs to have an identified strategy for financial input into local community.	Community benefits in the form of community funds or investments are not a material consideration and cannot be considered through the planning process or secured through planning obligations.
David Friesner	I know that community benefit / value is not a material consideration. However, the Government has clearly reinforced the need for community benefit, "In addition to giving communities a greater say on renewable energy proposals, the Government wants to see communities that have these developments located in their areas to benefit from them" A 'Community Benefit' section is needed in the SPD. Best practice evidence of this area suggests 'voluntary agreements should be negotiated in the same timescale between developers and communities alongside the proposal's planning progress. The SPD, as it stands, does not readily highlight the link between and interdependence of solar developments and community benefit (unlike SPDs of other Councils). As it stands, the SPD in this respect is misleading and not aligned to NPPF and Government Energy Policy. This is a major omission and weakness and must be	As stated in the SPD, community benefits in the form of community funds or investments are not a material consideration and cannot be considered through the planning process or secured through planning obligations. The UK government has not mandated that solar energy developers are to provide financial community benefits to local communities. Such contributions remain voluntary and at the discretion of the developer. The SPD includes a section on community engagement and benefits which goes as far as it can in encouraging community benefits, whilst making the distinction between those that can and can't be considered through the planning process.

	<p>corrected. If not, the Council is allowing developers to maximise financial gain without any consideration of local community benefit. As part of the planning process, developers must provide detailed evidence of 'community benefit' (separately) negotiated (alongside the proposal) and agreed locally, in order to demonstrate their true and genuine commitment to a local community Durham County Council should ensure that opportunities for local 'community benefit' are maximised for all communities so that local future service provision and delivery can be maintained The Council needs to set a minimum benchmark £ value target (e.g. £5000, like the Scottish Government and others) per MW of installed capacity per year for installation term index linked. A 50MW installation for 40 years might provide in excess of £2m local community benefit (50MWx40yrx£5000). (This is just a small percentage of a developer's overall potential profits and energy prices are unlikely to fall dramatically over 40 years) Developers must NOT be allowed to offer cursory and token levels of community benefit whilst making tens of millions of pounds of profit for 40 years</p>	
<p>Jane Friesner</p>	<p>I know that community benefit / value is not a material consideration. The Government has clearly reinforced the need for community benefit, "In addition to giving communities a greater say on renewable energy proposals, the Government wants to see communities that have these developments located in their areas to benefit from them" A 'Community Benefit' section is needed in the SPD The SPD, as it stands, does not readily highlight the link between and interdependence of solar developments and community benefit (unlike SPDs of other Councils). Best practice evidence of this area suggests "voluntary agreements should be negotiated in the same timescale between developers and communities alongside the proposal's planning progress. As it stands, the SPD in this respect is misleading and not aligned to NPPF and Government Energy Policy. This is a</p>	<p>As stated in the SPD, community benefits in the form of community funds or investments are not a material consideration and cannot be considered through the planning process or secured through planning obligations. The UK government has not mandated that solar energy developers are to provide financial community benefits to local communities. Such contributions remain voluntary and at the discretion of the developer. The SPD includes a section on community engagement and benefits which goes as far as it can in encouraging community benefits, whilst making the distinction between those that can and can't be considered through the planning process.</p>

	<p>major omission and weakness and must be corrected. If not, the Council is allowing developers to maximise financial gain without any consideration of local community benefit. As part of the planning process, developers must provide detailed evidence of “community benefit” (separately) negotiated (alongside the proposal) and agreed locally, in order to demonstrate their true and genuine commitment to a local community Durham County Council should ensure that opportunities for local ‘community benefit’ are maximised for all communities so that local future service provision and delivery can be maintained The Council needs to set a minimum benchmark £ value target (e.g. £5000, like the Scottish Government and others) per MW of installed capacity per year for installation term index linked. Developers must NOT be allowed to offer cursory and token levels of community benefit whilst making tens of millions of pounds of profit for 40 years</p>	
<p>Lanchester Parish Council</p>	<p>Split 2nd para into 2 paragraphs – first dealing with section 106 planning obligations, the second dealing with direct developer – parish council negotiations (Community Benefit / Schemes CBS). The second is not a material consideration. See comments below. Clarify distinction between S106 (planning obligations) and CBS (not material).</p> <p>ADD Community Benefit, Community Benefit Schemes, Council Support and Developer Contributions Target for CBS. This is currently a MAJOR omission.</p>	<p>The text on community benefits is structured as suggested. As community benefits in the form of community funds or investments are not a material consideration it is not considered appropriate to set a voluntary contribution target in the SPD.</p>
<p>Lanchester Parish Council</p>	<p>Communities</p> <ul style="list-style-type: none"> • “In addition to giving communities a greater say on renewable energy proposals, the Government wants to see communities that have these developments located in their areas to benefit from them” (see additional text to be included in SPD in separate accompanying named ‘Communities’ file) • Councillors understand that ‘community benefit’ is not a 	<p>Community benefits in the form of community funds or investments are not a material consideration and cannot be considered through the planning process or secured through planning obligations. The UK government has not mandated that solar energy developers are to provide financial community benefits to local communities. Such contributions remain voluntary and at the discretion of the developer. The</p>

	<p>material consideration. Councillors understand the clear distinction between the status of planning obligations and community benefit / value schemes. However, national planning policy and industry best practice clearly and explicitly states that ‘community benefit value / schemes’ (entered into directly on a voluntary basis by developers) should be incorporated with any large scale solar development, by means of a separate agreement negotiated with local communities, often Parish and Town Councils, and most importantly at the same time and in parallel as the planning proposal progresses.</p> <ul style="list-style-type: none"> • Such schemes evidence a developer’s commitment and support of a local community where the installation will happen and recognises a communities commitment to support local planning projects for solar renewable energy which will more generally impact and benefit the whole country • Best practice suggests that within their processes, the local planning authority concerned should take account of a developer’s approach to ‘community benefit / value’– as part of overall ‘community engagement’, as an indicator of investing effectively in a local community, for social benefit, and not just on an economic basis for purely financial gain • The ‘Community’ Section requires greater emphasis and more detailed text and explanations (see suggested text in the attached file with our response) Durham County Council should ensure that opportunities for local ‘community benefit’ are maximised for all communities so that local service provision and delivery can be maintained, survive and succeed into the future as a result of local ‘solar energy / farm’ developments • In particular, the Council should set up a dedicated team to facilitate and support Parish Councils when negotiating with developers and ideally appoint a Renewable Energy Development Manager; Community Benefit negotiations 	<p>SPD includes a section on community engagement and benefits which goes as far as it can in encouraging community benefits, whilst making the distinction between those that can and can't be considered through the planning process. As community benefits in the form of community funds or investments are not a material consideration it is not considered appropriate to set a voluntary contribution target in the SPD. The scope to provide council support in negotiating community benefits will be discussed with the Low Carbon Economy Team. To avoid a conflict of interest this support would need to sit outside of the planning service.</p>
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	<p>should be based on a minimum benchmark value of, say, £5000* per MW installed capacity per year for 40 years index</p>	
<p>Lanchester Parish Council</p>	<p>4/7/2023.Text to be inserted within DCC Solar Panel SPD COMMUNITIES SECTION Note: The current Community section 5.2 is quite weak and inadequate in identifying links and reinforcing engagement, involvement of and benefits to local communities affected by solar farms. The section needs to be much stronger, reinforced and explicit containing more in depth and comprehensive information about communication which we have highlighted as shown below: This is considered to be a major weakness and omission from the draft SPD document as currently proposed. You may choose to split (and / or re-order) the Communities Section into several subsections e.g. involvement and engagement, community benefits and community benefit support etc. A specific COMMUNITIES Section (suggested 2) needs to be inserted after section 1 (Introduction) and before detailed planning guidance which then follows on. Suggested text to be added together with that from 5.2 is typed below: [Text excerpts, with minor alterations, from other LA SPDs] [North Lincolnshire Council Planning for Solar Photovoltaic (PV) Development, January 2016 Pages 9-10 (6.5-6.13)] COMMUNITIES Community involvement and engagement have long been cornerstones of the planning system. However, in relation to renewable energy developments in particular, there have been concerns that planning decisions have not always reflected the locally led planning system and the views of local communities. With this in mind the Planning Practice Guidance is clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. The NPPF explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the</p>	<p>The text has been split into community engagement and benefit. It is considered its location in the subsection on the planning process is appropriate. The text proposed does not reflect the wording of the National Planning Policy Framework or Planning Practice Guidance.</p> <p>Community benefits in the form of community funds or investments are not a material consideration and cannot be considered through the planning process or secured through planning obligations. The UK government has not mandated that solar energy developers are to provide financial community benefits to local communities. Such contributions remain voluntary and at the discretion of the developer. The SPD includes a section on community engagement and benefits which goes as far as it can in encouraging community benefits, whilst making the distinction between those that can and can't be considered through the planning process. As community benefits in the form of community funds or investments are not a material consideration it is not considered appropriate to set a voluntary contribution target in the SPD. The scope to provide council support in negotiating community benefits will be discussed with the Low Carbon Economy Team. To avoid a conflict of interest this support would need to sit outside of the planning service.</p>

	<p>planning concerns of local communities. As such it is important that these planning concerns are properly heard. Community Consultation and Engagement The Government wants to give communities greater say over renewable and low carbon energy developments in their areas, including solar PV arrays. The use of high quality, positive engagement with communities has been seen to lead to a better quality development as well as more positive outcomes for local people. Effective dialogue about solar PV proposals between developers, the local authority, stakeholders, local communities, interest groups and statutory consultees is essential to tease out issues of concern and discuss options for mitigation and provision of any benefits to the local area. Therefore, as a matter of course the community should be engaged before a planning application is submitted. The 'community' is likely to be made up of many different interest groups, which will come together for a whole variety of reasons. There will be community groups representative of towns and villages, as well as community groups brought together by shared interests in a topic or issue. Community groups will also vary in their organisation, capacity and knowledge of formal decision making processes. The council is keen to ensure that all types of group are able to make their views known effectively and good opportunities are provided for this. The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy. However this need for renewable and low carbon energy, including solar PV development does not automatically over-ride the environmental and planning concerns of local communities. As with other types of development, it is important that the planning concerns of County Durham's communities are properly heard in matters that directly affect them. Developers should positively engage with local communities at each stage when preparing their proposals for solar PV</p>	
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	<p>development in County Durham. Evidence of this engagement, the form of a consultation statement must be provided as part of any planning application submitted to the council. The consultation statement must include details of the level of engagement has taken place and how this has shaped the proposed development. The content of this statement will be taken into account when the council considers the formal application for planning permission and referred to in the officer's assessment and report to Planning Committee on major applications Powered by Objective Online 4.2 - page 4 Community Benefit Schemes/Community Energy Initiatives In addition to giving communities a greater say on renewable energy proposals, the Government wants to see communities that have these developments located in their areas to benefit from them. Developers should as part of the pre-application community engagement process should seek to enter into an agreement with local communities about potential community benefits. Community benefits tend to be derived from either planning obligations or community funds/investment. However, it should be noted that there is a clear distinction between the status of planning obligations and community funds/investment (see below). Planning obligations are secured through legal agreements (s. 106 agreements) between the council and the developer as part of planning permissions. These agreements require the developer to provide for any matters that are necessary to make a development acceptable in planning terms. This can include contributions to the provision of services and infrastructure that benefit affected communities. Obligations must be: I). directly related to the development; II). necessary to make the proposal acceptable in planning terms; and III). fairly and reasonably related in scale and kind to the proposal. The provision of community funds and other community investment typically do not meet the criteria set out above for planning obligations, and as such cannot be</p>	
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	<p>considered as part of the decision making process on planning applications. They are a matter for discussion between the developer and the community. These funds/ investments can take a number of forms, from goodwill funding (e.g. lump sum payments; annual revenue payments) to agreed actions (e.g. benefits in kind; community equity stake-holding; local contracting). This may include:</p> <ul style="list-style-type: none"> • Establishment of a Local Environmental Trust or Community Benefits Trust, with funds being contributed annually by the developer and used for energy conservation measures. • Local share issue. • Local or community ownership of panels. • Investment in Green Infrastructure provision and management, especially at the landscape scale. <p>The value of community benefits will be different for each project and will need to be defined on a case by case basis. In order to establish appropriate local benefits, the developer needs to be able to identify community representatives with whom to undertake discussions and negotiations. The council will facilitate this dialogue where possible and will encourage all prospective renewable energy developers to enter into an agreement with the local community early in the process. It is for the community to decide on the appropriate benefits it wishes to pursue. [Community Benefit from Solar Farms in Dorset. Pete West, Renewable Energy Development Officer Dorset County Council. January 2015. Page1] What are renewable energy community benefits? Maria McCaffery, Chief Executive of the trade association Renewable UK, has defined renewable community benefits as “a voluntary commitment on behalf of a developer to put money into a fund which is made available to any community project that is agreed locally”. The funding is typically agreed as an index-linked annual payment to the local Parish Council or a local Trust over a period of up to 40 years. Renewable energy community benefit funds have been available in Scotland for a number of years. They have had a significant positive</p>	
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	<p>impact on communities hosting renewable energy developments Community Benefit Funds and Planning Any provision of community financial benefit is not a material consideration in determining renewable energy planning applications i.e. a solar farm proposal is determined on material planning considerations including visual and environmental impact, local and national planning policies etc. To maintain this distinction, the Scottish Government has recommended that discussions on the development itself and discussions on community benefit proposals are held in two separate forums or at separate times in the development process, though it is recognised that this may not always be possible. Powered by Objective Online 4.2 - page 5 Proposed Community Benefit Support for Parish Councils County Durham's Renewable Energy Development Officer will respond to requests to support Parish Councils and community groups in pre-planning negotiations with solar farm developers. Community benefit negotiations will be based on a minimum benchmark of £X000 (tbc by DCC) per MW of installed capacity per year for a period of 40 years(Dorset County Council 2015: £1000 per MW of installed capacity per year for a period of 20 years; Scotland 2019; £5000* per MW per year), index linked to the Retail Price Index (or a pro-rata single upfront community benefit payment). [Community benefits from onshore renewable energy developments. Scottish Government. May 2019] *"While we (Scottish Government) will continue at a national level to promote a community benefits value of equivalent to £5000 per installed MW per year, we do understand that some renewable energy businesses will seek to offer a more flexible package of benefits in keeping with their ambition to offer the lowest cost energy for consumers". Right to express views on the development Contributing to community benefits discussions does not affect an individual's, community or organisation's right to express a view on the development</p>	
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	<p>proposals, and objecting to or supporting the development does not affect their right to discuss the community benefits proposals. There should be no implication that support for the development is contingent on the existence or size of a community benefit package. Solar Panel SPD 4/7/2023: Glossary and examples of Solar Best Practice Guidance</p>	
<p>Lightsource BP</p>	<p>It is crucial to actively engage with local communities and stakeholders from the early stages of planning and development. Therefore, for all our proposals we undertake a community consultation event to ensure the community is informed of the proposal and to use feedback gathered from the community to help finalise the layout and design of the proposal where possible to ensure the best fit for all.</p> <p>One way to improve community support is by providing clear and accessible information about the benefits and impacts of electricity transmission network infrastructure. This includes explaining how such infrastructure contributes to reliable and sustainable electricity supply and supports economic development in the region.</p> <p>Lightsource bp strives to deliver bespoke community benefit solutions and is committed to working with its communities to develop its approach. Examples of community benefits includes, for example. 1 Community benefit funds and grants 2 Local jobs and training, including apprenticeships. 3 Educational opportunities for schools and universities 4 Community ownership 5 Contributions to local initiatives and organisations 3.65 Overall Lightsource bp approach to community benefits is on a case-by-case basis and we often seek the advice from the local community, local groups or council to help to inform us on the best approach for the project.</p>	<p>The approach of Lightsource is noted and support for the principle of delivering bespoke community benefits. The introduction of SPD sets out the strategic need for solar energy development in terms of decarbonising the energy network and supporting energy security, whilst this section focuses on more localised benefits.</p>
<p>Pegasus Group (on behalf of)</p>	<p>There is concern that the SPD does not acknowledge that all community benefits, not required to make the development</p>	<p>It is considered the SPD is clear in stating for community benefits to be secured through planning</p>

<p>Queequeg Renewables Ltd</p>	<p>acceptable in planning terms, are separate to the planning process. It currently refers to monetary benefits not being part of the planning process, however, other types of community benefit that are not relevant to the proposal are also outside. This should be more clearly set out.</p> <p>Indeed, as set out within Community Benefits for Electricity Transmission Network Infrastructure: Consultation (published in 2023), page 12 identifies that:</p> <p>where infrastructure needs to be built, impacts will be reduced and mitigated through strategic network and the planning system.</p> <p>It goes on, however, to state on page 14 that:</p> <p>For the purposes of community benefits for network infrastructure, we view community benefits as an additional tool, separate from the planning process, to ensure that where infrastructure is necessary, communities can directly benefit from hosting this infrastructure.</p> <p>Further clarification is set out in Community Engagement and Benefits from Onshore Wind Developments: Good Practice Guide for England (December 2021). Whilst this is in the context of wind generation, the principles remain relevant. It sets out that:</p> <p>Community benefit packages are not material considerations in determining whether planning permission should be given.</p> <p>That said, a planning authority may require a development to undertake or make contributions towards a compensatory set of actions in order for planning permission to be granted. This might include widening a road to enable turbines to get to</p>	<p>obligations (s106) via a legal agreement they must be directly related to the development; necessary to make the development acceptable in planning terms; and fairly and reasonably related in scale and kind to the proposal.</p>
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	<p>site, or initiatives or investments to counteract the direct losses of amenity or habitat. These actions must be deemed necessary to make the development acceptable in planning terms; direct and related to the site development; and fairly and reasonably related in scale and kind to the development.</p> <p>The SPD should be clearer on the above aspects to ensure there is no conflict with national guidance including paragraph 57 of the NPPF which repeats the relevant tests for planning obligations.</p>	
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General

Respondent	Comment	DCC Response
Banks Renewables	<p>Banks Renewables welcomes the chance to provide feedback to Durham County Council (DCC) Spatial Policy Team on the Durham Solar Supplementary Planning Document (SPD). We understand the important role SPDs play in supporting policy at a higher level to provide clarity on planning issues for decision makers and developers.</p> <p>On review of the Durham Solar SPD, Banks Renewables object to the SPD in its current form. Within the below discussion key issues have been identified and potential improvements have been suggested. In particular, we have observed that some of the content within the document constrains solar development. Primarily, the agricultural land guidance proposes additional hurdles to obtaining planning permission, beyond that which is required by national guidance. In addition, we argue locational grid constraints are underplayed within the SPD document – within site finding, grid connectivity is a key locational driver. Therefore, it should be recognised that potential solar development locations are dependent on the locations of existing grid substations with sufficient generation capacity.</p> <p>Highlighted below are some additional issues that we believe need refining for the final Solar SPD adoption.</p>	<p>Noted. Detailed response has been provided to specific comments under the relevant subsection.</p>
Banks Renewables	<p>Although some recognition has been given to grid connectivity within the document, we believe the document underplays the importance of grid connectivity within solar site finding/selection. Solar site finding is grid-led; pursuing a viable grid connection is a key locational driver for solar projects. Without a viable grid connection, there is no means of exporting, and therefore utilising, the renewable energy generated. Guidance should recognise this key driver and</p>	<p>The SPD acknowledges grid capacity is a key constraint on where solar farms can be located. In this context it sets out key planning considerations to help direct solar farms to the most appropriate locations. In terms of providing allowances when deciding solar planning applications, a decision on where the planning balance lies will need to be made on a case by case analysis.</p>

	<p>reiterate that large scale solar farms must be located in close proximity to an existing substation with sufficient capacity to accommodate the solar site. Ultimately, this limits overall opportunities for solar development to areas around these grid substations.</p> <p>County Durham have committed to achieving carbon neutrality by 2045. If these targets are going to be met, renewable energy projects such as solar should continue to be delivered. There needs to be greater recognition in the SPD that solar farms have a unique locational requirement to be positioned as close as possible to a connection to the national grid network. This is important because it significantly narrows down the area of search and automatically restricts the number of sites which can be brought forward. We suggest that the SPD document should better describe these grid-related locational constraints, and provide allowances when deciding solar planning applications, given the locational constraints discussed above. This will be key in allowing solar proposals to come forward to help meet the aims of the Council’s carbon neutral target.</p>	
<p>Banks Renewables</p>	<p>Overall, Banks Renewables welcomes the adoption of a solar energy SPD within the Council, to provide clarity on a number of issues and mitigate some of the current barriers to solar consents. However, we would like to see some further revisions to the content and wording of the County Durham Solar Supplementary Planning Document. As such, the following key recommendations have emerged from our review:</p> <p>A) Recognise grid connectivity as the key locational driver for commercial solar development: The SPD alludes to grid connectivity; however, its importance is underplayed. Solar farms cannot export electricity without a viable grid</p>	<p>The SPD acknowledges grid capacity is a key constraint on where solar farms can be located. In this context it sets out key planning considerations to help direct solar farms to the most appropriate locations. A detailed response has been provided to points B and C under the relevant subsection.</p>

	<p>connection. Thus, solar farms are constrained to locations in close proximity to grid substations with sufficient capacity. This locational constraint should be recognised and allowances should be given in the detailed guidance</p> <p>B) Remove constraints to planning permission which are above and beyond that required through national guidance, namely: a. Agricultural land classification b. Requiring developers to justify the need for ancillary infrastructure such as on-site substations.</p> <p>C) Add local distinctiveness with regards to landscape and visual impact: The draft SPD refers to further guidance within the Durham Landscape Character Assessment (2008) and the Durham Landscape Strategy (2008) which we propose are out of date and not fit for purpose to assess landscape change for renewable developments. As grid connectivity is the key locational driver for renewable, allowances should be given to solar applications such as a recognition that solar farms cannot always be sited in the least sensitive landscape areas due to the location of existing grid points. Banks Renewables would also welcome a 'Suitable areas for solar development' plan for the Council area, provided this is not enforced too prescriptively. This could form the basis for site selection provided the locations which were identified were operationally viable in terms of grid connectivity.</p>	
<p>City of Durham Parish Council</p>	<p>Thank you for consulting the City of Durham Parish Council on this important Supplementary Planning Document (SPD). The City of Durham Parish Council very much welcomes the production of this SPD and congratulates the County Council on this document.</p> <p>In 2019, Durham County Council declared a Climate Emergency. This acknowledged the need to urgently prepare for the local impact of climate change, reduce our carbon emissions, significantly increase renewable energy</p>	<p>Support for the principle of the SPD is noted.</p>

	<p>generation, and protect and restore nature.</p> <p>This SPD rightly highlights the importance of solar energy in ensuring that our county hits its goal to be net zero carbon by 2045. As a standalone document, this SPD functions well insofar as it provides further guidance on the application of key local development policies such as County Durham Plan Policies 29 and 33.</p> <p>There is clearly urgent work to be carried out, in support of the aims of this SPD, to ensure that our county has a clear and convincing strategy in place for solar power development. We fully expect this strategy to include a mapping scheme which helps identify allocations of land from which the most energy yield from investment can be harnessed and, crucially, sets a target for the entire county to be producing a specific Gigawatt (Gw)/ year within a specific timeframe that helps meet our energy needs for the future.</p> <p>Moreover, government policy guidance, because it represents a national directive designed to address the long-term national welfare, has priority over local considerations.</p> <p>The 2020 County Durham Plan therefore needs to be restructured when reviewed in 2025, to meet this new situation. Most especially the demands outlined in the recent British Energy Security Strategy (2023); a document that both acknowledges past errors in the nation's energy management and stresses the urgency of the new directives must be embedded into local planning policies.</p>	
<p>City of Durham Trust</p>	<p>The City of Durham Trust welcomes the fact that Durham County Council has produced this Supplementary Planning Document as a contribution to responding to the climate crisis.</p>	<p>Support noted.</p>

<p>City of Durham Trust</p>	<p>The structure of the document is very clear with separate sections on Small (households), Medium (business and community) and Large (commercial solar farms) installations. Much of what is said about Medium installations also applies to Large ones.</p>	<p>Support for structure noted.</p>
<p>City of Durham Trust</p>	<p>A positive feature is the way in which the SPD integrates its guidance with local (County Durham Plan) and national (NPPF) policies. However, it relies on these policies for very general targets for the introduction of renewable energy systems in the longer term. One major weakness is the lack of any specific short-term targets in the local context. This obviously makes it impossible to measure progress.</p>	<p>The Climate Emergency Response Plan is the strategic document which set the target of the County being net zero by 2045, when renewable energy generation, energy efficiency, and resilient infrastructure is in place for a carbon neutral electricity grid. This target is referenced in the SPD and the SPD is prepared in this context.</p>
<p>City of Durham Trust</p>	<p>The other major weakness is that it does not do enough to promote and encourage solar energy. In particular, it contains no requirements to fit solar energy systems to new buildings; the focus is on fitting them to existing buildings. County Durham Plan Policy 29 and Durham City Neighbourhood Plan Policy S1 both promote sustainable design which includes the use of solar energy.</p> <p>Policy 29 requires all development proposals to "minimise greenhouse gas emissions" including by "providing renewable and low carbon energy generation". This SPD would be the best vehicle to set out what is expected of new developments, including housing. It should include guidance on the orientation of buildings and roof design to optimise energy generation, solar gain and energy-efficient ventilation, supporting the Building for Life SPD in this regard.</p>	<p>Requiring all new developments to incorporate solar energy development would go beyond the scope of planning guidance and as such could not be introduced through an SPD. This proposal will be considered through the County Durham Plan (CDP) review, also having regard to how the CDP can complement the Futurehomes Standard which will be introduced nationally through building regulations and implemented in 2025. However, section 2.0 small scale and section 3.0 has been amended to emphasise requirements in CDP Policy 29, which states all new developments should minimise greenhouse gas emissions and seek to provide renewable and low carbon energy generation and clarify where guidance is relevant to new developments.</p>
<p>Councillor Douglas Oliver</p>	<p>Needs to take account of local community input. Documents which carry significant weight in planning decision making, e.g. Durham County Plan and Neighbourhood Plans, have been developed following extensive local consultation. A similar procedure should be followed in developing the solar development strategy.</p>	<p>The SPD has been subject to public engagement in accordance with the council's Statement of Community Involvement. A further stage of consultation will be undertaken on a revised draft.</p>

Appendix 4

<p>Councillor Douglas Oliver</p>	<p>Needs to provide full details of environmental impact of solar panels and battery storage including environmental costs of manufacture and disposal. The full environmental impact associated with the manufacture and disposal of solar panels needs to be included in any large scale solar proposals. The Climate Change Emergency Response Plan cannot support applications which cause substantial climate damage during the manufacture of solar panels and cannot support applications which have no clear strategy for disposing of panels in an environmentally sustainable manner, at present the major method of disposal for old panels is by landfill. Without an identified method for recycling of old panels there will be no alternative to the dumping of very large quantities of solar panels.</p>	<p>Whilst the restoration strategy is required to set out details of the removal of all items from the site, requiring details of manufacture and disposal would go beyond current policy and as such cannot be introduced as a requirement in the SPD. Given the value of solar panels and related material, there is a strong financial incentive for developers of commercial scale solar farms to sell on materials for reuse and recycling.</p>
<p>County Councillor Mark Wilkes</p>	<p>I would like to confirm my support for the Solar SPD and specifically for the requirement for applicants to consider community benefit as part of their applications.</p>	<p>Support noted.</p>
<p>David Friesner</p>	<p>I wish to make the following comments and request that all of my comments are fully considered and incorporated into the Solar Energy SPD document. In principle, I am in favour of Renewable Energy. The right balance must be achieved when considering the economic, social and environmental benefits. Large Solar installations must respect their immediate local environment and communities directly affected. They should not trash the countryside for the sake of economic and financial gain and securing renewable energy production.</p>	<p>In principle support for renewable energy noted. The purpose of the SPD is to provide guidance to help ensure solar development is located appropriately.</p>
<p>David Friesner</p>	<p>Developments MUST ensure that local communities affected are still able to survive and thrive, and maintain their own economic prosperity and well-being. Evidence should be required confirming that developers have entered into a 'community benefit voluntary agreement' (see below) during the planning process to support their commitment to the local communities. These points need to be reinforced more strongly in the SPD – as it now stands, it reads as though</p>	<p>Solar development has the potential to deliver benefits for the community. The SPD sets out the council is supportive of community-led initiatives, particularly those seeking to alleviate fuel poverty. It also recognises solar development can support economic development and businesses seeking to achieve their own net zero carbon targets. In determining planning applications for such projects and in accordance with</p>

	<p>large scale solar production is supported throughout County Durham 'at almost any cost'</p>	<p>CDP Policy 33 significant weight will be given to the achievement of wider social, environmental and economic benefits. In terms of commercial solar farms, the provision of community benefits in the form of funds and other community investment typically do not meet the criteria set out for planning obligations, and as such cannot be considered as part of the decision making process on planning applications. Whilst the SPD encourages community benefits it cannot legally require them to be provided.</p>
<p>David Friesner</p>	<p>The Council should support and prioritise local Solar Developments by local business (and their connectivity to the grid), where the proposal improves their effectiveness and supports local jobs.</p>	<p>Noted. The SPD recognises solar development can support economic development and businesses seeking to achieve their own net zero carbon targets. In determining planning applications for such projects and in accordance with CDP Policy 33 significant weight will be given to the achievement of wider social, environmental and economic benefits.</p>
<p>David Friesner</p>	<p>ALL NEW housing developments MUST have a minimum standard of solar panels (or integral tiling) fitted (e.g. 12+sq.m. or more, to be set by the Council) as a mandatory requirement and as part of a 'design in' / sustainable design feature (Policy 29) ALL NEW housing developments MUST have the required cabling / infrastructure installed at the 'design in and build stage' (Sustainable Design, Policy 29) so that ALL housing is both 'future proof' and ready to accept future Renewable Energy technologies and advancements Where a dwelling extension proposal seeks to increase roof area, ALL extensions MUST have a minimum standard of solar panels (or integral tiling) fitted (e.g. 12+sq.m. or more, to be set by the Council) as a mandatory requirement and as part of a 'design in' / 'Sustainable Design' Policy 29 feature ALL NEW buildings developments MUST maximise the use of overall roof space and have a minimum standard of solar panels fitted and agreed in consultation with the Council as a</p>	<p>Requiring all new residential developments and extensions which increase the roof area to include solar panels and/or the required infrastructure would go beyond the scope of planning guidance and as such could not be introduced through an SPD. This proposal will be considered through the County Durham Plan (CDP) review, also having regard to how the CDP can complement the Futurehomes Standard which will be introduced nationally through building regulations and implemented in 2025. However, section 2.0 small scale and section 3.0 has been amended to emphasise requirements in CDP Policy 29, which states all new developments should minimise greenhouse gas emissions and seek to provide renewable and low carbon energy generation, and clarify where guidance is relevant to new developments.</p>

	mandatory requirement and as part of a 'design in' / 'Sustainable Design' (Policy 29) feature (similarly for building extensions where additional roof space is incorporated)	
Durham University	The SPD, rather than outlining a path to solar PV approval in Durham, outlines the barriers to adoption, particularly in the conservation area. It would be helpful as part of the introduction of the SPD for an understanding of what it is trying to achieve. The SPD reads as if solar panels create a negative impact on any building or area they are installed on, or would cause permanent damage to a building. It is unclear how many of the perspectives in the SPD link to the climate emergency declaration in section 1.2. Many of the schemes that would be proposed by Durham University would be medium scale systems, the guidance for this size scheme appears to focus on ground mounted systems rather than roof mounted. Guidance for all schemes would be useful. The SPD doesn't contain any targets or references changes since the Local Plan came into force. Concern about reference to WHS do they mean the inner or outer boundary, should be specified. Parish want it to be the "outer boundary" this would include University sites	The SPD in its introduction outlines the strategic context, including national and local net zero targets and targets in relation to renewable energy generation. It is not considered the SPD is the place to set new targets and these should be set through the Climate Emergency Response Plan. The SPD provides guidance as to how policy in the County Durham Plan will be applied. In relation to cultural heritage, this reflects Historic England's guidance. This does not preclude the installation of panels on historic buildings but it does need to be managed sensitively to minimise the risk of damage. See response and proposed amendments in relation to the WHS in response to section 3.4 Cultural Heritage.
Eden Renewables	Eden Renewables is an international developer of renewable energy and battery storage projects with a pipeline of sites across the UK, USA and in sub-Saharan Africa through its partner, GridX Africa. Eden is known for setting industry-leading standards for: Biodiversity and ecological enhancement Community and educational benefits Shared or community ownership Whilst we welcome this consultation and applaud the authority for aiming to assist promoters of solar energy developments by identifying detailed criteria that builds upon policies in the adopted County Durham Plan (CDP), there are a few instances where the draft Supplementary Planning Document (SPD) introduces new policy requirements, which is contrary to national planning guidance, as reflected in Planning Practice Guidance (PPG).	Noted. Please see responses to detailed comments under relevant subsection.

	<p>Accordingly, we do not support the SPD in its current form. We also have other concerns regarding specific wording and phrases but have suggested changes, which we hope will be of assistance to the authority.</p>	
<p>Exagen Group</p>	<p>We are writing to Durham County Council (the Council) on behalf of Exagen Group Limited to make representations in relation to the ongoing consultation on the current draft ‘Solar Energy Supplementary Planning Document’ (SPD), which closes on 09/07/2023. This representation relates to the whole document however in particular section 4.0) Large scale: commercial solar farms.</p> <p>It is positive that the document recognises the need for solar development to deliver the commitments to achieving net zero objectives and the plans set out in the Energy White Paper (2020) for a fully decarbonised, reliable, and low-cost power system by 2050. The latest energy security strategy (Powering Up Britain, March 2023) sets out Government targets with regards to solar energy deployment, which includes 70GW of solar capacity by 2035, a five fold increase from the current circa 15GW of installed capacity. In order to deliver this a range of solar applications is needed, including domestic rooftop, commercial rooftop and utility scale greenfield developments. Where these projects can connect and when is also a significant constraint to the deployment of solar projects, with significant grid infrastructure upgrades required on the national grid network which is putting up connection costs but more significantly with respect to net zero targets, pushes out connection dates, in some cases beyond the key 2035 target date.</p> <p>It is also positive that the document notes that for operational reasons solar farms need to be in proximity to a substation with capacity and that this is a key constraint on solar farm location. However whilst this is noted in the introduction to the</p>	<p>Support that the SPD recognises proximity to a grid connection with capacity as a site constraint noted. Please see responses to detailed comments under relevant subsection.</p>

	<p>SPD, it does not appear that this locational requirement is considered in the main body of the document as a material consideration for the justification of locations for development. It is also not just the proximity to a substation which can facilitate a connection, solar farms can also connect directly into existing electricity distribution lines at a range of voltages, typically 11kV, 33kV, 66kV and 132kV, and as such proximity to such infrastructure is locationally as important. It is suggested that this is reflected in the wording of the SPD.</p> <p>The connection of energy generation projects to the grid network is a material consideration, such are the challenges being faced by National Grid. As the grid network changes with older traditional coal stations coming off line, nuclear being slow to deploy and more renewables coming on to the grid, often substantial upgrade works are needed, which can lead to expensive connections and connections with very long lead times (sometimes more than 15 years). The location of energy projects is heavily dictated by the grid, they cannot simply be located in specific places, therefore, projects which can connect sooner to the grid should be considered more favourably, or there will be significant risk of not delivering against local climate emergency declarations and national net zero obligations.</p> <p>The basic process for securing a grid connection offer is to review the grid network for opportunities, looking at substations and existing lines with the capacity to take new projects (export capacity for solar only projects and import and export capacity for hybrid projects involving energy storage). In order to request a grid connection offer from the Distribution Network Operation (DNO) a Letter of Authority (LOA) is required from the landowner, as such discussions with landowners around a potential connection need to take place before any information on grid can be obtained. Grid</p>	
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	<p>offers are on a first come first serve basis, with a huge number of applications being submitted daily and with no certainty of these projects being delivered it makes it very difficult for the DNOs to manage. With an LOA a grid offer request can be submitted, however, once this is received it is for that land only and cannot be moved or relocated to another site, without losing your place in the queue and with no guarantee that the same or similar offer would be received for alternative land. Given this it is particularly difficult to make any changes to the land, in terms of location of the point of connection for a project once the grid offer has been received.</p> <p>For the reasons set out below it is contended that the document, which will inform the implementation of planning policy, is not consistent with the overall aims and objectives of local and national planning policy in delivering renewable energy and that it does not reflect the positive considerations and outcome of numerous planning appeals and Secretary Of State decisions which have weighed heavily in favour of the environmental benefits of solar development when balancing harm against the benefits of such schemes. This response sets out a brief background to Exagen and then focuses on two main areas for concern in relation to the draft document: Land use - in particular Agricultural Land Classification (ALC) and use consideration of Best and Most Versatile land (BMV); and Green Belt.</p>	
<p>Exagen Group</p>	<p>Exagen are a British founded and owned Company focused on the development and operation of high-quality renewable generation and storage projects. In July 2022 we announced an investment partnership with Octopus Energy Generation. We are involved in projects throughout their life - from origination, through planning to construction and operation. Exagen are building the next generation of utility scale solar farms and grid-balancing battery storage facilities to help</p>	<p>Background to Exagen noted.</p>

	<p>deliver an ethical power system that provides value to the UK bill payer, addressing fuel poverty, energy security and decarbonisation in line with our national Net Zero 2050 commitment.</p> <p>A great deal of care is taken in the creation of the projects Exagen bring forward, with consultation and community engagement seen as a critical aspect of the proposals. Our intention is to deliver projects that are considered local assets that evoke pride in local communities both in themselves and the community benefits they facilitate. These benefits are bespoke to each development, they are not merely a financial package to communities, instead Exagen work closely with local interested parties from an early stage to minimise potential concerns and ensure that local people can benefit from, and help shape the projects, whilst listening to what kind of support the communities need and working with them to deliver specific projects through our developments.</p> <p>Engagement with young people is important in the fight against climate change. Exagen engage the young people throughout the development process and offer educational visits both in local schools and at site so pupils can see, and more importantly understand, the projects and the roles they play in combating climate change. Exagen also look to offer practical experience opportunities for local higher learning and vocational training establishments.</p>	
<p>Exagen Group</p>	<p>It is the position of Exagen Group Limited that in light of the justification provided above, along with other appeal and Secretary of State decisions, the need for and environmental benefits of commercial scale solar farms are substantial.</p> <p>There is also clear support through section 14 of the NPPF to increase the use and supply of renewable and low-cost energy and to maximise the potential for such development.</p>	<p>The Government 70GW target for solar capacity by 2035 is referenced in the SPD. Detailed response has been provided in relation to guidance on Green Belt under the relevant subsections.</p>

	<p>The Government has a 70GW target for solar capacity by 2035, a five-fold increase from that currently deployed. With the current planning restrictions around onshore wind energy development in England, which have been in place since 2015, there are no real alternatives to solar farms in terms of scale of deployment and cost. The delivery of suitable renewable energy projects, and those that would support them, is fundamental to facilitate the country's transition to a low carbon future and mitigating climate change.</p> <p>This approach is not reflected in the wording of the draft SPD which is considered to be overly restrictive, in particular with regard to Green Belt, and places onerous expectations with regard to the locational justification with regard to agricultural land.</p> <p>Should you wish to discuss this submission further please do not hesitate to contact us.</p>	
<p>Harmony Energy Limited</p>	<p>We write in response to the consultation exercise for the County Durham Plan Solar Energy Supplementary Planning Document 2023. Below we have made representations to the draft document from a utility-scale solar perspective, and would welcome the opportunity to discuss this further with the Council going forward to make a meaningful contribution towards the preparation of this SPD document. Introduction</p> <p>Founded in 2010, Harmony Energy is a developer, owner and operator of Battery Energy Storage Systems (BESS), wind and solar assets. In the UK, Harmony Energy is developing 200MWs of standalone solar projects, over 630MWs of BESS either in build or already operating, as well as a healthy pipeline of over 325MW in planning. This demonstrates our strong experience in the planning and delivering of renewable schemes. Harmony Energy are proud developers of renewable energy schemes and revel in the opportunity to comment on this SPD document from both a commercial viewpoint but also as a utility-scale developer of such</p>	<p>Noted. Detailed response has been provided to specific comments under the relevant subsections.</p>

	<p>schemes. It is on this basis we make the following comments. Comments on Section 4.0 Large scale: commercial solar farms We trust the above is helpful in preparing the County Durham Plan Solar Energy Supplementary Planning Document. We would be grateful if you could keep us informed of the progress of the SPD and any further consultations for this or any associated documents.</p>	
<p>Harmony Energy Limited</p>	<p>Harmony Energy would encourage more consideration be given to the commercial and physical practicalities of delivering solar farms across County Durham and a more holistic approach be taken to guiding such developments to ensure they are appropriate and deliverable. It cannot be disputed that renewable energy will remain at the forefront of Government policy for the foreseeable future, and so this SPD presents the opportunity to provide valuable and forward thinking guidance to developers, as well as decision makers, in a field which is rapidly expanding.</p>	<p>Noted. The SPD recognises constraints including proximity to a substation with capacity.</p>
<p>Historic England</p>	<p>Thank you for consulting Historic England on the Draft County Durham Solar Energy Supplementary Planning Document (SPD). As the Government’s adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. Historic England supports action to address climate change and is committed to achieving net zero carbon emissions. Therefore, we welcome the opportunity to comment on the draft document. These comments have been formed in line with the NPPF (2021), which sets out the need for heritage assets to be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Historic England recognises the clear benefits of producing an SPD for solar energy. The purpose of an SPD is to provide guidance on the application of adopted policy, and it is important to ensure that the implication of this important</p>	<p>Noted.</p>

	<p>policy document does not adversely affect or undermine the historic, physical and social value of the historic environment. We understand that the purpose of this SPD is to support the implementation of the District’s Local Plan policies by providing technical guidance designed to assist in addressing climate change, specifically in relation to solar energy. We are pleased to see various references to the historic environment in this SPD, and some of these are commented on below. Climate Change can have a range of direct impacts on the historic environment, for example; accelerated weathering to historic fabric, erosion of archaeological sites through severe weather, and harm to historic landscapes, or changes in vegetation patterns. Equally Climate Change mitigation and adaptation responses can also have unwelcome impacts on the historic environment, such as damage to historic fabric through poorly designed energy-saving measures. A sustainable approach should secure a balance between the benefits that such development delivers and the environmental costs it incurs. Paragraph 007 of the Planning Practice Guidance on Renewable and low carbon energy, states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. The SPD should therefore seek to limit and mitigate any such damage to the historic environment.</p>	
<p>Historic England</p>	<p>We look forward to engaging with you as this SPD is progressed over the coming months and we should like to stress that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals, which may subsequently arise (either as a result of this consultation or in later versions of the plan/guidance) where we consider that these would have an adverse impact upon the historic</p>	<p>Noted.</p>

	environment. We hope that the above comments are of assistance. If you would like any clarification or would like to discuss the above, then please do not hesitate to contact me.	
Jane Friesner	I wish to make the following comments and request that all of my comments are fully considered and incorporated into the Solar Energy SPD document. In principle, I am in favour of Renewable Energy. The right balance must be achieved when considering the economic, social and environmental benefits. Large Solar installations must respect their immediate local environment and communities directly affected. They should not trash the countryside for the sake of economic and financial gain and securing renewable energy production.	Noted. The SPD provides guidance on key planning issues associated with solar including landscape character, biodiversity, heritage assets and agricultural land. It seeks to ensure panels are appropriately sited and designed and that, where possible, wider social, economic and environmental benefits are achieved. It encourages community engagement and community benefits to be considered at an early stage.
Jane Friesner	Developments MUST ensure that local communities affected are still able to survive and thrive, and maintain their own economic prosperity and well-being. These points need to be reinforced more strongly in the SPD as it now stands, it reads as though large scale solar production is supported throughout County Durham at almost any cost.	Noted. The SPD provides guidance on key planning issues associated with solar including landscape character, biodiversity, heritage assets and agricultural land. It seeks to ensure panels are appropriately sited and designed and that, where possible, wider social, economic and environmental benefits are achieved. It encourages community engagement and community benefits to be considered at an early stage.
Jane Friesner	All roof areas MUST be utilised and harnessed for installation The Council should support and prioritise local Solar Developments by local business (and their connectivity to the grid), where the proposal improves their effectiveness and supports local jobs	Requiring all new developments to include solar panels would go beyond the scope of planning guidance and as such could not be introduced through an SPD. This proposal will be considered through the County Durham Plan (CDP) review, also having regard to how the CDP can complement the Futurehomes Standard which will be introduced nationally through building regulations and implemented in 2025. The SPD recognises solar development can support economic development and businesses seeking to achieve their own net zero carbon targets. In determining planning applications for such projects and in accordance with CDP Policy 33 significant weight

		will be given to the achievement of wider social, environmental and economic benefits.
Jane Friesner	<p>ALL NEW housing developments MUST have a minimum standard of solar panels (or integral tiling) fitted to be set by the Council as a mandatory requirement</p> <p>ALL NEW housing developments MUST have the required cabling / infrastructure installed so that ALL housing is both future proof and ready to accept future Renewable Energy technologies and advancements Where a dwelling extension proposal seeks to increase roof area, ALL extensions MUST have a minimum standard of solar panels (or integral tiling) to be set by the Council as a mandatory requirement ALL NEW buildings developments MUST maximise the use of overall roof space and have a minimum standard of solar panels fitted and agreed in consultation with the Council as a mandatory requirement.</p>	<p>Requiring all new residential developments and extensions which increase the roof area to include solar panels and/or the required infrastructure would go beyond the scope of planning guidance and as such could not be introduced through an SPD. This proposal will be considered through the County Durham Plan (CDP) review, also having regard to how the CDP can complement the Futurehomes Standard which will be introduced nationally through building regulations and implemented in 2025. However, section 2.0 small scale and section 3.0 has been amended to emphasise requirements in CDP Policy 29, which states all new developments should minimise greenhouse gas emissions and seek to provide renewable and low carbon energy generation and clarify where guidance is relevant to new developments.</p>
Lanchester Parish Council	<p>At a recent Lanchester Parish Council meeting, Councillors discussed the above consultation and wish to make the following comments:</p> <p>Introduction and Summary</p> <ul style="list-style-type: none"> • In principle, all Councillors are in favour of Renewable Energy. • It is important that the Council is aspirational and inspiring in taking forward all activities and initiatives relating to Climate Change and Renewable Energy • It is important that the right balance is achieved when considering the Economic, Social and Environmental benefits of developments involving Solar Panels. Developments must ensure that local communities affected are still able to function, survive and thrive, and maintain their health, economic prosperity and well-being. • Councillors consider this SPD document one of the most 	<p>Support for the principles of the SPD noted.</p> <p>The SPD recognises solar development can support economic development and businesses seeking to achieve their own net zero carbon targets. In determining planning applications for such projects and in accordance with CDP Policy 33 significant weight will be given to the achievement of wider social, environmental and economic benefits.</p> <p>The council's Cabinet approved the draft SPD for consultation and the revised SPD and this consultation statement will also be reported to cabinet and approval sought for a second stage of consultation.</p> <p>The Climate Emergency Response Plan (CERP) is part of the strategic context which has informed the</p>

	<p>important documents produced by the Council in recent years with the potential to impact across County Durham for decades to come.</p> <ul style="list-style-type: none"> • It is imperative that the whole of this SPD document strategically fits and is fully aligned with the Council’s Climate Emergency declaration (2019) and every element of the Durham Climate Emergency Response (DCER) Plan (2022-2024) • Because of the critical role and importance of this SPD document, the Council’s Cabinet should review and formally approve it in its entirety. • On an ongoing basis, Councillors request that the Cabinet also assures themselves, that the required strategic alignment and fit is achieved of all documents (of which this SPD is one), guidelines, initiatives and activities of Durham County Council by explicit review and approval. This is especially important for all documents which are planning related, of legal standing, and whose impact will be experienced for decades to come. • This SPD should be recognised as an underlying principle and foundation of the DCER Plan and wherever possible, the SPD’s contents should be incorporated into the DCER Plan and not considered as a stand-alone document, and certainly not in isolation • Councillors highlighted the major importance of the Lanchester Neighbourhood Plan in shaping, directing and determining future development in the Parish and request that there is a separate section focusing upon Neighbourhood Plans. 	<p>need for a Solar Energy SPD. Officers involved in taking forward the CERP have been engaged in the SPDs development.</p> <p>The importance of the Lanchester Neighbourhood Plan is recognised. Whilst the SPD sets out adopted neighbourhood plans form part of the development plan, an additional section has been added to provide further detail. Naming specific neighbourhood plans would quickly render the SPD out of date, as the position in terms of number of neighbourhood forums and adopted plans is constantly changing. The SPD therefore cross-reference where the latest information on adopted neighbourhood plans can be found.</p>
<p>Lanchester Parish Council</p>	<p>Overall management and monitoring</p> <ul style="list-style-type: none"> • The Council should develop and agree a ‘Renewable Energy’ Hierarchy (similar to Waste Hierarchy) for new Solar Energy development ensuring that all previously developed (brownfield) land is considered first of all before countryside locations; All roof areas should be utilised and harnessed for 	<p>Noted.</p> <p>The SPD sets out in the first instance solar farm development should be directed to previously developed land, which is not in agricultural use and has a low environmental value, followed by lower quality agricultural land of Grades 3b, 4 or 5.</p>

	<p>the installation of solar panels</p> <ul style="list-style-type: none"> • Solar Energy is just one of a range of available Renewable Energy technologies and may not always be suitable in some locations. Councillors are very concerned about the potential for ‘cumulative impact’, ‘coalescence’ and developments in locations described as being of ‘higher sensitivity’. Councillors request that Solar Farm developments are not permitted in locations which will have major adverse impacts socially and environmentally. The Council should develop and agree a map of the County showing those areas considered to be inappropriate in order to steer, direct and guide developments to more suitable locations • Grid connectivity. Working with related Stakeholders, the Council should support and prioritise local Solar Developments and their connectivity to the grid, where the development proposal is from a local business and employer and will result in increased local employment and business success opportunities • The Council needs to compile a comprehensive summary (including maps) of all solar farm proposals, including proposed, permitted and refused so that the overall position and cumulative impacts are readily accessible. • The overall SPD when finalised should be presented and laid out for ease of reading and understanding by a non-specialist; clearly labelled sections and all paragraphs should be numbered and full and comprehensive references included which should be indexed to provide additional information to the reader 	<p>The SPD provides guidance provides guidance on key planning issues associated with solar including landscape character, biodiversity, heritage assets and agricultural land. It seeks to ensure panels are appropriately sited and designed and that, where possible, wider social, economic and environmental benefits are achieved. Solar farms have the potential to enhance the biodiversity value, particularly when on lower quality agricultural land, and the SPD provides guidance on how this can be achieved. Whilst maps can be added to the SPD to identify areas of potential sensitivity, detailed assessment is needed to determine the appropriateness of the site. In accordance with CDP Policy 33 (Renewable and Low Carbon Energy) in determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental, and economic benefits. The SPD emphasises this and also highlights benefits could include employment and skills and local energy generation. Internally the Council maintains a map of completed and permitted solar farm developments to assist in the assessment of cumulative impacts. All paragraphs to be numbered. Where relevant a link has been provided to relevant documents as a footnote.</p>
<p>Lanchester Parish Council</p>	<p>Housing / dwellings development</p> <ul style="list-style-type: none"> • ALL NEW housing developments should have a minimum standard of solar panels fitted (e.g. of at least 9sq.m. or preferably more, to be determined by the Council) as a mandatory requirement and as part of a ‘design in’ / sustainable design feature (Policy 29) • ALL NEW housing developments should have the required 	<p>Requiring all new residential developments and extensions which increase the roof area to include solar panels and/or the required infrastructure would go beyond the scope of planning guidance and as such could not be introduced through an SPD. This proposal will be considered through the County Durham Plan (CDP) review, also having regard to how</p>

	<p>cabling and infrastructure installed at the ‘design in and build stage’ (Sustainable Design, Policy 29) so that ALL housing is both ‘future proof’ and ready to accept future Renewable Energy technologies and advancements e.g. individual/integral car charging points, boiler conversions, heat pump systems etc.</p> <ul style="list-style-type: none"> • House / dwelling extensions. Where a proposal seeks to increase roof area, ALL extensions should have a minimum standard of solar panels fitted (e.g. of at least 9sq.m. or preferably more, to be determined by the Council) as a mandatory requirement and as part of a ‘design in’ / ‘Sustainable Design’ Policy 29 feature 	<p>the CDP can complement the Futurehomes Standard which will be introduced nationally through building regulations and implemented in 2025. However, section 2.0 small scale and section 3.0 has been amended to emphasise requirements in CDP Policy 29, which states all new developments should minimise greenhouse gas emissions and seek to provide renewable and low carbon energy generation and clarify where guidance is relevant to new developments.</p>
<p>Lanchester Parish Council</p>	<p>Buildings (Business and Community).</p> <ul style="list-style-type: none"> • ALL NEW buildings developments should maximise the use of overall roof space and have a minimum standard of solar panels fitted and agreed in consultation with the Council as a mandatory requirement and as part of a ‘design in’ / ‘Sustainable Design’ (Policy 29) feature (similarly for building extensions where additional roof space is incorporated) In addition, in their response, Councillors wish me to include several documents which clarify their position and comments in more detail. They wish the contents of all of these files to be considered as part of this consultation. These files are as follows: • A detailed Table list file, matched to consultation sections detailing more specific comments • Glossary / Abbreviations file • Several Best Practice links to reports and the SPDs of other councils (Councillors recommend that the contents of all documents listed in the ‘Examples of Best Practice’ (attached file) are evaluated in developing the SPD, and • Additional text for inclusion in the Communities section <p>Councillors request that all the contents of this letter and accompanying files provided to the Council are fully</p>	<p>Requiring all new residential developments to include solar panels would go beyond the scope of planning guidance and as such could not be introduced through an SPD. This proposal will be considered through the County Durham Plan review, also having regard to how the CDP can complement the Futurehomes Standard which will be introduced nationally through building regulations and implemented in 2025. However, section 2.0 small scale and section 3.0 has been amended to emphasise requirements in CDP Policy 29, which states all new developments should minimise greenhouse gas emissions and seek to provide renewable and low carbon energy generation and clarify where guidance is relevant to new developments. Detailed response has been provided to specific comments under the relevant subsection.</p>

	considered and incorporated into the Solar Energy SPD document as it develops.	
Lanchester Parish Council	ADD SECTION, MISSING. Include guidance on solar panel specification, layouts and related buildings e.g. Inverter housing / battery storage etc. Developer to provide in depth specifications of panels and other related infrastructure. Ensuring effective use of all raw materials towards DCERP targets.	Layout is addressed under Landscape and Townscape subsection and related buildings under Associated Infrastructure subsection.
Lanchester Parish Council	<p>ADD SUB SECTION DESIGN, LAYOUT and MATERIALS. ALL new residential building developments should incorporate a minimum array of solar panels (up to the 9sq.m) from the initial design stage into each dwelling built.</p> <p>ADD SUB SECTION. ALL new residential building developments should incorporate internal cabling services with sufficient connections and capacity at the building stage which ensures each dwelling is 'future proof' to receive additional renewable energy features and facilities, including the following, car charging points, replacement / conversion boiler systems, air / ground source heating systems and battery storage.</p> <p>Action contributing to DCERP and conforms to NPPF encouraging Renewable Energy development. Ability to 'future proof' all dwellings so services are already built in, in order to take advantage of ongoing changes to Renewable Energy initiatives in future years.</p> <p>ADD SUB SECTION. ALL extensions to existing residential buildings, where additional roof space is proposed, should incorporate a minimum array of solar panels (up to the 9sq.m)</p>	Requiring all new residential developments and extensions to include solar panels and/or internal cabling would go beyond the scope of planning guidance and as such could not be introduced through an SPD. This proposal will be considered through the County Durham Plan review, also having regard to how the CDP can complement the Futurehomes Standard which will be introduced nationally through building regulations and implemented in 2025. However, section 2.0 small scale and section 3.0 has been amended to emphasise requirements in CDP Policy 29, which states all new developments should minimise greenhouse gas emissions and seek to provide renewable and low carbon energy generation and clarify where guidance is relevant to new developments.
Lanchester Parish Council	ADD SECTION DESIGN, LAYOUT AND MATERIALS, MISSING. Include guidance on solar panel specification, layouts and related buildings e.g. Inverter housing / battery storage etc. Developer to provide in depth specifications of	Design, layout and materials are addressed under landscape and townscape sections, and where relevant, cultural heritage, glint and glare, associated infrastructure.

	panels and other related infrastructure. Ensuring effective use of all raw materials towards DCERP targets.	
Lanchester Parish Council	ADD SECTION FIRE SAFETY, MISSING. All applications to include comprehensive fire risk assessment for installation and Plan to minimise and manage fire risk throughout construction and whole operational life period of 40 years. Ongoing safety of all operatives, residents, Emergency Services, other nearby users.	Fire safety in relation to solar development at most scales is assessed through building regulations. However, Planning Practice Guidance was updated in August 2023 to state where planning permission is being sought for development of battery energy storage systems of 1 MWh or over, Planning Practice Guidance encourages applicants to engage with the relevant local fire and rescue service before submitting a planning application. It also highlights related guidance by the National Fire Chiefs. Text on battery storage under section 4.13 Associated Infrastructure has been amended to reflect this. There is no requirement in national policy or guidance for fire risk assessment for other aspects of solar installation.
Lanchester Parish Council	A comprehensive Glossary is required at the end of the SPD document. Here is a list of some key terms that should be clearly defined and described (Please note: this list is not absolute, nor ordered. Other words may be added) DCERP The Durham Climate Emergency Response Plan (2022-24), HM Government Energy White Paper (2020), HM Government Net Zero Strategy (2021), British Energy Strategy (2022,) NPPF National Planning Policy Framework, EN1, EN3, CDP County Durham Plan, Zero carbon buildings, renewable and low carbon energy generation, coalescence, previously developed (brownfield) land, Batteries, Designated heritage assets, Non-designated heritage assets, Locally valued heritage assets, Durham Historic Environment Record, 'fabric first' renewables, 'tracking,' community-led initiatives, viability, AHLV Areas of Higher Landscape Value, ERIC Environmental Records Information Centre, DWT Durham Wildlife Trust, proximity, appropriate location, National Power grid generation availability heat map, setting,	It is considered the SPD provides clarity on the majority of the terms listed in the relevant sections, in relation to how they apply in this context. Where relevant hyper-links are provided. However, further clarity has been added on coalescence, fabric first and tracking.

Appendix 4

	Neighbourhood Plan, Alien soil, Inverter, s106, CBS Community Benefit Scheme.	
Lanchester Parish Council	<p>Solar Development and Communities: Examples of Best Practice.</p> <ul style="list-style-type: none"> • Community benefits from onshore renewable energy developments. Scottish Government. May 2019 • Community Benefit from Solar Farms in Dorset. Pete West, Renewable Energy Development Officer Dorset County Council. January 2015 • Research Report: The Trouble with Solar Farms. Factors that should be considered when determining planning applications. CPRE Essex, CPRE Hertfordshire and 12 local Parish Councils (Information by Prof. Mike Alder, Emeritus Professor of Ecological Sciences, University of Essex). 2021. https://www.cpreherts.org.uk/wp-content/uploads/sites/30/2021/10/The-Problem-withSolar-Farms.pdf • ww.rsnonline.org.uk How far do community benefit schemes reach into rural areas dated 9/12/2019 • North Lincolnshire Council Planning for Solar Photovoltaic (PV) Development, January 2016 • Planning Policy Advice Note: Large Scale (>50kw) solar PV Arrays. Maidstone Borough Council, January 2014 • Solar Farm Development Planning Guidance, Rushcliffe Borough Council, November 2022 	Examples noted and have been reviewed.
Lightsource BP	<p>About Lightsource bp 1.1 Lightsource bp (LSbp) is a UK-based global leader in solar energy development. In partnership with bp, we have developed solar projects across the globe with a total capacity of 8.4GW since 2010. We aim to provide 25GW of clean renewable energy by 2025, with a focus on developing innovative sites, improving biodiversity, and developing partnerships with organisations to source renewable energy. With over 300 solar farms developed across the UK and many more in the planning phase, Lightsource bp is the largest UK solar developer and a home-</p>	Noted. Detailed response has been provided to specific comments under the relevant subsection.

	<p>grown success story. 1.2 LSbp have operational sites within the district in addition to sites which have recently been through the planning process and as such has a keen interest in planning policy in Durham County Council. LSbp welcomes the opportunity to provide comments on the draft Solar Energy Supplementary Planning Document.</p> <p>Introduction 2.1 This response has been prepared to the current consultation being undertaken by Durham County Council on their proposed Solar Energy Supplementary Planning Document (SPD). The consultation closes on the 9th of July 2023.</p> <p>This consultation on the draft SPD sets guidance to ensure solar panels are placed, designed and of a scale which protects County Durham's unique landscape character, biodiversity, heritage assets and best and most versatile agricultural land. Guidance is provided based on three scales of solar development: 1 Small scale: solar panels for householders 2 Medium scale: solar panels associated with business and community uses (typically generating less than 500KW and on site less than 1ha) 3 Large scale: commercial scale solar farms (typically generating up to 50MW and on sites of 1ha or more)</p> <p>Lightsource bp focus is on large scale solar farms and therefor our responses are relevant to section 4 of the SPD.</p> <p>We are aware of the Council's intention to consult again in late summer 2023 on a further draft of the SPD. At this stage, therefore, our comments are, by and large, high level. We would be pleased to provide further detailed comments on the next iteration of the draft SPD, and, where appropriate, to suggest any specific text changes.</p>	
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	<p>LSbp Consultation Responses Role of SPD</p> <p>The National Planning Practice Guidance (PPG) provides guidance as to the role of Supplementary Planning Documents (SPD). It is stated that:</p> <p>Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development. As set out below, there are parts of the draft SPD that appear to impose additional burdens on solar development, which would not be applicable to other forms of development. Given the context in which the SPD is set i.e. the Climate Emergency that has been declared by the Council and the target to make Durham County Council area net zero carbon by 2024, this would not only appear to be contrary to the role of a SPD but also be counter intuitive to the wider targets/commitments that have been made by the Council.</p> <p>One further practical example of the additional burden placed on solar development by the SPD, is the level of detail that the SPD sets out on validation requirements including setting out in some detail the scope of documents. 3.5 The Planning Practice Guidance makes it clear that a Local Planning Authority may request supporting information with a planning application however, this should only occur if the information is specified on a formally adopted local list. Amongst other things, there is a requirement for a Local List to be reviewed at least every two years. Given that there is provision for the Local Planning Authority to adopt a Local List, which is to be reviewed at regular intervals, including the same (or similar)</p>	
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	<p>within this SPD would result in duplication and raises the risk of inconsistency as the Local List is likely to be reviewed more frequently than the SPD.</p> <p>General Principles for the Consideration of Site Suitability.</p> <p>As a general principle, the SPD seeks to guide developers to ensure that suitable land is selected for solar farm proposals. This includes consideration of factors such as agricultural land quality, environmental sensitivity/value and previously developed land (brownfield land). Whilst this as a general principle does have some merit and support in Planning Practice guidance, it is important that: 1 The SPD does not, outrightly, prohibit solar development on best and most versatile agricultural land, higher landscape value areas or greenfield land (rather than brownfield); 2 That any consideration of site suitability is done in the context of the constraints that exist when selecting sites for ground mounted solar, none more so than the limitations and scarcity of points of connections into the Grid, with sufficient capacity to import commercial scale renewable energy; and 3 That the suitability of sites is therefore, based upon a preference for lower grade, lower (environmental / landscape) value and brownfield land, and that consideration has been given to such within a given area capable of serving the particular grid connection point.</p> <p>3.8 At the workshop that was recently facilitated by the Council to inform the preparation of this SPD, it was widely accepted by those in attendance, including Council Officers, that the availability of grid connection and capacity is the main influence on applicants decisions as to the location of solar farms; this is something that should be reflected more clearly in the SPD.</p> <p>In recognition of the above, if the SPD was to include a requirement to consider suitability of sites through a</p>	
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	<p>proportionate assessment, the following principles, which are well established in planning practice and planning case law, should be adopted, we feel.</p> <p>When considering the suitability of land, sites must be capable of meeting the same needs and opportunity as that which would be met by the application proposal, namely the opportunity to export renewable energy into the grid at a given location.</p> <p>Therefore, where a location-specific opportunity is available to make a significant contribution towards renewable energy generation from a particular point of connection, in order to fulfil this particular opportunity and therefore meet the same need, it would be reasonable and appropriate for any assessment of site suitability to be limited to areas of land capable (having regard to viability and feasibility) of connecting to that same point of connection.</p> <p>There should also be a realistic prospect of any land delivering the same infrastructure capacity in the same timescales as the proposed development.</p> <p>When considering suitability , the SPD should recognise that the land under consideration (i.e. land in proximity to an available point of connection) should be suitable for that particular proposal in the planning application submission (having given consideration to reasonable flexibility), not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site (this principle being one established by the Tesco Stores Limited v Dundee City Council, Supreme Court Judgement, 21 March 2012)</p> <p>Flexibility and realism “Whilst the applicant may be expected to accommodate development in a different form (as part of</p>	
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	any demonstration of reasonable flexibility), this must be in the context of the real-world considerations of commercial viability and delivery.	
Lightsource BP	Generally, the SPD should acknowledge the key requirements and constraints when identifying potentially suitable sites. These factors include proximity to a point of connection, size, topography, ground conditions, accessibility, interest from landowners, and environmental considerations. It should also adopt a more realistic approach regarding the availability of brownfield sites, provide clearer guidelines on the acceptability of developing on low-value agricultural land, and acknowledge that BMV land can still be used. 4.2 While the SPD offers criteria for potentially suitable sites, these criteria are unhelpfully prescriptive. This is especially evident in the landscape criteria. If strictly followed, these criteria would make it nearly impossible to find any suitable site. The SPD should acknowledge that most impacts can be effectively mitigated. 4.3 A more urgent emphasis is necessary throughout the SPD, highlighting the numerous benefits of solar development, including contributions to achieving net-zero emissions, energy security, lower energy prices, and enhancements such as biodiversity net gain.	Noted. Detailed response has been provided to specific comments under the relevant subsections. The SPD recognises proximity to a substation with capacity is a key constraint in the introduction to section 4.0 on large scale commercial solar farms. Whilst interest from landowners may be a constraint, this is true of all forms of development and is not a material consideration.
Locogen	This response is primarily targeted at the advice for Large Scale: commercial solar farms, section 4, page 31 onwards in the document. Two representatives from Locogen were present at the Durham County Council (CC) consultation meeting on Tuesday 27th June. Whilst the event was very much welcomed as an opportunity for the Council to liaise with representatives of the solar industry and ensure that the guidance is geared towards ensuring that we all work towards meeting our legally binding targets for climate change, the meeting was too brief for any matters to be properly considered. With that in mind it was noted that while Durham CC determined that that solar energy has an important contribution to make to our target for the county to be net	Noted. Workshop was intended alongside seeking detailed responses in writing and not as a substitute.

	<p>zero carbon by 2045, many of the proposed policies and statements in the supplementary planning document are contradictory to enabling positive solar energy developments, which are detailed in the response summaries below. It is essential if targets are to be met that some of these inherent contradictions are addressed and priority given to the overarching outcome of delivering the County's net zero ambitions. Similarly where solar provides opportunities to enhance the local environment these should be welcomed and supported in the guidance not simply added to the checklist of minimum requirements. These matters are considered in more detail below.</p>	
Locogen	<p>The key constraint for large-scale (commercial) solar development is limited grid capacity. This is ultimately the deciding factor in the siting of most Solar Farms. While this was mentioned in the meeting and in the proposed SPD document (Page 31), it needs to be reinforced that for Durham CC to reach their net zero target by 2045, priority must be given to locating new solar development in locations where there is available grid capacity. The following response summaries are set out with the titles and reference numbers as taken from the SPD text, with our response below.</p>	<p>The SPD acknowledges grid capacity is a key constraint on where solar farms can be located. In this context it sets out key planning considerations to help direct solar farms to the most appropriate locations.</p>
Malcolm Read	<p>The document states the blindingly obvious! What is lacking is any direction that future developments MUST contain solar infrastructure in order to gain planning permission and contribute to our move towards 'net zero'. Developers will never introduce solar into developments without compulsion since this will erode their profits BUT as a community we must take all measures possible to mitigate the effects of global warming and doing this through introduction at the earliest, development. stage is essential and should form part of the planning process.</p>	<p>Requiring all new residential developments to include solar panels would go beyond the scope of planning guidance and as such could not be introduced through an SPD. This proposal will be considered through the County Durham Plan review, also having regard to how the CDP can complement the Futurehomes Standard which will be introduced nationally through building regulations and implemented in 2025. Further wording has been added to highlight existing policy in CDP Policy 29 under each section.</p>
Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present</p>	<p>Support noted.</p>

	<p>and future generations, thereby contributing to sustainable development. Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature. Natural England therefore welcomes this draft SPD. Natural England notes and welcomes the SPDs structure whereby residential, medium and large scale solar energy production is considered and relevant guidance set out. We have no further specific comments on the SPD. Should the plan be amended in a way which significantly changes its impact on the natural environment, then, please consult Natural England again.</p>	
<p>Natural England</p>	<p>Strategic Environmental Assessment/Habitats Regulations Assessment - An SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p>	<p>As highlighted Planning Practice Guidance states SPD do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the relevant strategic policies. The SPD supplements policies in the County Durham Plan, specifically CDP Policy 33. The CDP was subject to Strategic Environmental Assessment/Habitats Regulations Assessment.</p>
<p>Pegasus Group (on behalf of) Queequeg Renewables Ltd</p>	<p>This response is prepared on behalf of our Client, Queequeg Renewables Ltd, in response to the consultation that Durham County Council (the Council) is undertaking in relation to its draft Solar Energy Supplementary Planning Document (SPD) published in May 2023. Our client is a developer of renewable energy proposals, which includes solar and wind, as well as Battery Energy Storage Schemes across the UK and therefore, are a key stakeholder in the preparation of planning policies and guidance across the country.</p> <p>The preparation of Supplementary Planning Documents is</p>	<p>Noted. Detailed response has been provided to specific comments under the relevant subsection.</p>

	<p>underpinned by legislation within Part 5 of The Town and Country Planning (Local Planning) (England) Regulations 2012. Within the Planning Practice Guidance (PPG), the Government outlines the role of SPDs which should build upon and provide more detailed advice or guidance on policies in an adopted local plan. It is important to note that the PPG states that an SPD should not go beyond the development plan and the National Planning Policy Framework as it is not the role of an SPD to introduce new planning policies into the development plan, nor should an SPD add unnecessarily to the financial burdens on development (see Reference ID: 61-008-20190315). In response to this national context, the draft Solar Energy SPD, therefore, must be prepared in line with the regulations and the PPG. The relevant policies of the County Durham Plan provide the basis for the guidance within this SPD, however, importantly the guidance should not go beyond the policy requirements.</p>	
<p>Pegasus Group (on behalf of) Queequeg Renewables Ltd</p>	<p>To summarise and conclude, whilst we appreciate the aims of the Draft Solar Energy Supplementary Planning Document are to provide guidance to positively support solar development in County Durham, there are a number of aspects that are considered to be a misinterpretation of the application of local and/ or national policy, and/ or goes beyond these, which this response highlights objection to. Guidance within the SPD should refer to the content of local planning policy, providing guiding principles as opposed to prescriptive policy, as each site and the specific circumstances will differ, including the technical and operational requirements relating to it. The SPD should also not add unnecessarily to the financial burdens of developers. We trust the above comments will be taken into account when preparing further versions of the Solar Energy SPD. Should you wish to discuss any of these further, please do not hesitate to contact me.</p>	<p>Noted. Detailed response has been provided to specific comments under the relevant subsections.</p>

<p>The County Durham Green Party</p>	<p>The County Durham Green Party (CDGP) is pleased that Durham County Council (DCC) created this Supplementary Planning Document and that they are seeking feedback on it. CDGP would like to comment on the context of the SPD and state that overall, the document is comprehensive and mostly accessible to the interested lay person, and we expect it to be a positive addition to County Durham’s regulatory environment.</p>	<p>Noted.</p>
<p>The County Durham Green Party</p>	<p>We would like to suggest DCC produces a new version of the County Durham Plan as soon as possible as the proper place to promote solar installations in the county. The new Plan should include specific short and medium-term targets for solar installations; it should also include an Energy Opportunities Mapping as has been done in e.g. Stroud A clear approach to Reduction, Efficiency & Generation (R.E.G) to energy within new developments; see e.g. Lewes A Local Renewable Energy Plan, developed with residents, as has been done in e.g. Sheffield. See also the guidance for creating a local energy plan.</p>	<p>Noted. The County Durham Plan will be reviewed with a focus on delivering the council's strategic objectives, including the target in the Climate Emergency Response Plan for the county to be net zero carbon by 2045.</p>
<p>Will Bridges</p>	<p>Firstly, it is welcomed that Durham County Council have taken the step to draft a Solar specific SPD and acknowledge the significant role solar farms have in achieving net zero and enabling energy security. However, it is considered that given the important role solar farms can play for Durham County Council, and the country as a whole, it is considered the tone of the document should be focussed on where and how to enable such developments, currently it is felt it is focussed on preventing development.</p> <p>Specific comments on relevant sections of the document are as follows: (Note it would be useful if every paragraph is numbered in future versions to make comments easier to make and understand)</p>	<p>Support for principle of SPD noted. The purpose of the SPD is to provide clarity on how policy requirements in the CDP will be applied. A landscape sensitivity study has been undertaken to help inform the revised version of the SPD.</p> <p>Paragraph numbers added.</p>