

## **Delegated Decision**

**23 August 2024**

### **Adoption of the Solar Energy Supplementary Planning Document**



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## **Report of Regeneration, Economy and Growth**

**Amy Harhoff, Corporate Director of Regeneration, Economy and Growth**

**Councillor Elizabeth Scott, Cabinet Portfolio Holder for Economy and Partnerships**

### **Electoral divisions affected:**

Countywide

### **Purpose of the Report**

- 1 The purpose of this report is to confirm the adoption of the Solar Energy Supplementary Planning Document (SPD).
- 2 On 14 February 2024, Cabinet agreed to undergo a second stage of consultation on the latest draft of the Solar Energy SPD. Consultation on the revised document ran from 26 February 2024 to 7 April 2024.
- 3 Cabinet also agreed to delegate authority to the Corporate Director of Regeneration, Economy and Growth, in consultation with the Portfolio Holder for Economy and Partnerships, the power to make minor modifications and adopt the document following consultation.
- 4 A copy of the SPD, the Statement of Consultation and Adoption Statement are appended.

### **Executive summary**

- 5 The County Durham Plan seeks to ensure that County Durham is a successful place to live, work, invest and visit by focussing on supporting and creating vibrant communities. The Plan is a comprehensive document covering all aspects of planning, however, to provide more detailed advice or guidance on the policies in the Plan, Government guidance allows the preparation of SPDs. SPDs are

capable of being a material consideration in planning decisions but are not part of the development plan.

- 6 The Solar Energy SPD sets out guidance for solar development serving residential, business, leisure and community uses and commercial scale solar farms. It covers key planning issues associated with solar development including landscape character, biodiversity, heritage assets and agricultural land. The SPD seeks to ensure panels are appropriately sited and designed.

### **Recommendation**

- 7 The Corporate Director of Regeneration, Economy and Growth, in consultation with the Portfolio Holder for Economy and Partnerships, is recommended to approve the adoption of the Solar Energy SPD.

## **Background**

- 8 At a meeting of Full Council on 21 October 2020 the council adopted the County Durham Plan (CDP). The Plan seeks to ensure that County Durham is a successful place to live, work, invest and visit by focussing on supporting and creating vibrant communities. The Plan is a comprehensive document covering all aspects of planning, however, to provide more detailed advice or guidance on the policies in the Plan, Government guidance allows the preparation of SPDs.
- 9 SPDs are capable of being a material consideration in planning decisions but are not part of the development plan. SPDs can add weight in decision making but should be in conformity with the policies in the Plan rather than introduce new policy.

## **Solar Energy Supplementary Planning Document**

- 10 The Solar Energy SPD is intended to provide information on how CDP Policies 29 (Sustainable Design) and 33 (Renewable and Low Carbon Energy) and other policies relevant to solar development will be interpreted and applied. This will ensure that the process is fair and transparent and is applied consistently to all users of the planning system.
- 11 The SPD sets out guidance for solar development serving residential, business, leisure and community uses and commercial scale solar farms. It covers the following areas:
  - a) landscape and townscape;
  - b) cultural heritage;
  - c) biodiversity and nature conservation;
  - d) agricultural land;
  - e) glint and glare and residential amenity;
  - f) recreational amenity and public rights of way;
  - g) flooding and drainage;
  - h) contamination and ground stability;
  - i) access and traffic;
  - j) associated infrastructure;
  - k) site restoration; and

- l) community engagement and benefits.
- 12 Consultation on the first draft of the Solar Energy SPD took place from 30 May 2023 to 9 July 2023. There were 26 consultees who made representations to the SPD at this stage. There was general support for the principle of the SPD from all parties and acknowledgement of the role of solar energy in responding to the climate emergency. The industry felt aspects of the SPD were too onerous in relation to commercial solar farms. A detailed Statement of Consultation is attached at Appendix 3 which sets out the responses received at this stage and changes made.
- 13 Consultation on the second draft of the SPD was undertaken from 26 February 2024 to 7 April 2024. A total of 19 separate organisations and individuals provided comments. Detailed comments are set out in the Statement of Consultation but in summary key comments included:
- a) general support for the changes made following the first stage of consultation;
  - b) the SPD should reflect the content of National Policy Statements for Energy (EN-1) and Renewable Energy Infrastructure (EN-3);
  - c) Durham University requested case studies be added and felt the SPD should be worded more positively;
  - d) the next version of the CDP should include a requirement for all new developments to incorporate solar panels and the SPD should highlight the Future Homes Standard and Future Buildings Standard;
  - e) the Durham Heritage Coast should be referenced;
  - f) Natural England requested reference be added to priority habitats;
  - g) Highways England requested additional wording regarding their requirements should there be impacts on the Strategic Road Network (SRN);
  - h) Sport England requested reference be made to playing pitch policy; and
  - i) the SPD should be stronger in requiring high quality consultation and more generally the council should do more to support the community in securing community benefits from commercial scale solar developments.

- 14 Following the consultation and in response to the comments made, a number of minor amendments are now being proposed. These include:
- a) updates to reflect National Policy Statements EN-1 and EN-3 have come into force; Biodiversity Net Gain is now mandatory for major and minor applications; and the latest status of the Climate Emergency Response Plan and relevant emerging SPDs;
  - b) reference has been added to the Future Homes Standard and Future Buildings Standard;
  - c) case studies have been added;
  - d) reference has been added to the Durham Heritage Coast and priority habitats;
  - e) additional text has been added on when Highways England are to be consulted in relation to impacts on the SRN;
  - f) reference has been added to playing pitch policy and Sport England's guidance on this matter;
  - g) reference has been added to BRE Solar Centre Community Engagement Good Practice Guidance for Solar Farms and that applicants should address how they have taken account of the community's responses within their application;
  - h) reference has been added to the Climate County Durham website and role of the council's Low Carbon Team; and
  - i) general corrections and changes for conciseness and clarification.

## **Conclusion**

- 15 Adopting the Solar Energy SPD ensures consistent guidelines will be applied to planning applications for solar energy and provide clarity to developers and the community.

## **Background papers**

- County Durham Plan

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**Contact:** Mike Allum

Tel: 03000 261906

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## **Appendix 1: Implications**

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### **Legal Implications**

The council's legal team have been consulted as appropriate in the preparation of the SPD.

As soon as reasonably practicable after adoption the Town and Country Planning (Local Planning) (England) Regulations 2012 require publication of the SPD, the Consultation Statement and Adoption Statement for a period of 3 months at council offices, Customer Access Points and on the website during which period any person aggrieved by the SPD may apply to the High Court for permission to apply for judicial review of the decision to adopt the SPD.

### **Finance**

The SPD is not associated with a specific budget and does not identify any actions or projects.

### **Consultation**

The programme of consultation was agreed with the council's Corporate Communications Team and the council's Consultation Officers Group and undertaken in accordance with the Statement of Community Involvement and the 2012 Local Plan Regulations.

### **Equality and Diversity / Public Sector Equality Duty**

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

### **Climate Change**

Climate change is a thread running through the County Durham Plan. The importance of tackling and adapting to climate change is recognised in the Plan's Vision, Objectives, Sustainable Development Statement, spatial strategy and a number of policies. As the SPD sits below and reflect the policies and strategies of the County Durham Plan they similarly reflect this approach. The Solar Energy SPD is intended to provide information on how CDP Policies 29 (Sustainable Design) and 33 (Renewable and Low Carbon Energy) will be applied.

## **Human Rights**

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

## **Crime and Disorder**

None.

## **Staffing**

Staff involvement in review sessions and any follow-up discussions with developers and those as part of considering planning applications and pre-application enquiries.

## **Accommodation**

None

## **Risk**

Not applicable

## **Procurement**

None.

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## **Appendix 2: Solar Energy SPD**

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Please refer to the attached Solar Energy SPD.



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## **Appendix 3: Solar Energy SPD - Statement of Consultation**

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Please refer to the attached Solar Energy SPD Statement of Consultation.

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## **Appendix 4: Solar Energy - Adoption Statement**

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Please refer to the attached Solar Energy SPD Adoption Statement.

# County Durham Plan

## Solar Energy Supplementary Planning Document (SPD) August 2024



## Table of Contents

1.0	Introduction .....	3
1.1	Purpose of this Supplementary Planning Document .....	3
1.2	The Climate Emergency .....	4
1.3	Policy Context .....	5
2.0	Small scale: serving residential, business and community uses .....	7
2.1	Introduction .....	7
2.2	Permitted Development Rights .....	7
2.3	Landscape and Townscape .....	9
2.4	Cultural Heritage .....	11
2.5	Biodiversity and Nature Conservation .....	13
2.6	Glint and Glare .....	14
3.0	Medium scale: serving business, leisure and community uses .....	15
3.1	Introduction .....	15
3.2	Permitted Development Rights .....	15
3.3	Landscape and Townscape .....	16
3.4	Biodiversity and Nature Conservation .....	20
3.5	Cultural Heritage .....	26
3.6	Glint and Glare .....	29
3.7	Residential Amenity .....	31
3.8	Recreational Amenity and Public Rights of Way .....	32
3.9	Flooding and Drainage .....	34
3.10	Site Restoration .....	36
4.0	Large scale: commercial solar farms .....	37
4.1	Introduction .....	37
4.2	Agricultural Land .....	38
4.3	Landscape and Townscape .....	40
4.4	Biodiversity and Nature Conservation .....	46
4.5	Cultural Heritage .....	46
4.6	Glint and Glare .....	46
4.7	Residential Amenity .....	46
4.8	Recreational Amenity and Public Rights of Way .....	47
4.9	Flooding and Drainage .....	48

4.10	Site Restoration .....	51
4.11	Green Belt .....	52
4.12	Access and Traffic.....	54
4.13	Contamination and Ground Stability.....	55
4.14	Associated Infrastructure .....	56
5.0	Planning process .....	58
5.1	Pre-Application Advice .....	58
5.2	Community Engagement.....	58
5.3	Community Benefits.....	59
5.4	Environmental Impact Assessment.....	59
5.5	Submitting a Planning Application .....	59

## 1.0 Introduction

### 1.1 Purpose of this Supplementary Planning Document

1.1.1 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.

1.1.2 This Supplementary Planning Document (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.

1.1.3 Guidance is provided based on three scales of solar development:

*Table 1. Definition of three scales of solar development for the purposes of the SPD*



**Small scale** solar panels associated with residential, business and community uses. Panels can be free-standing ground mounted, fixed onto or integrated into a building.



**Medium scale** solar panels associated with business, leisure and community uses. Panels can be free-standing ground mounted, fixed onto or integrated into a building or on a solar canopy above car parking



**Large scale** commercial scale solar farms which connect to the national grid. Panels are free-standing ground mounted

1.1.4 There are two forms of solar technology. Solar photovoltaic (PV) panels include cells which convert sunlight into energy. These are the most common form of solar panel and used from a domestic to a commercial scale. Solar thermal panels use the sun's energy to heat water for storage and are more

suited to domestic properties. A solar array is a collection of multiple solar panels.

- 1.1.5 This SPD adds further detail to policies in the County Durham Plan, including Policy 10 (Development in the Countryside), Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources), Policy 28 (Safeguarded Areas), Policy 29 (Sustainable Design), Policy 31 (Amenity and Pollution), Policy 33 (Renewable and Low Carbon Energy), Policy 35 (Water Management) and Policy 39 (Landscape).
- 1.1.6 It was subject to consultation in accordance with the council's Statement of Community Involvement. It is a material consideration in determining planning applications for solar development where planning permission is required.
- 1.1.7 Solar farm developments generating 50MW (AC) or above are currently considered Nationally Significant Infrastructure Projects (NSIP) and determined by the National Infrastructure Directorate of the Planning Inspectorate on behalf of the Secretary of State. The government is consulting on proposals to increase the threshold at which solar projects are determined as NSIP to 150MW. In determining the capacity of a site and if a proposed development should be determined as an NSIP, developers should have regard to guidance in [National Policy Statement for Renewable Energy Infrastructure \(EN-3\)](#). This SPD will be used to help formulate the council's response to any solar farm NSIPs proposed within the county.

## 1.2 The Climate Emergency

- 1.2.1 The council declared a climate emergency in 2019. Using electricity from the national grid accounted for about one fifth (17%) of the total carbon footprint of the county in 2022. In terms of solar PV, County Durham had 62.5MW of installed capacity as at end of 2022. The [Durham Climate Emergency Response Plan \(CERP\) 3 \(2024-27\)](#) sets a 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. The CERP is regularly reviewed, as is our progress towards achieving our target and the actions needed.
- 1.2.2 The CERP aligns with the national response to both the climate emergency and energy crisis. The government's [Energy White Paper \(2020\)](#) sets plans for a fully decarbonised, reliable, and low-cost power system, which is likely to be composed of predominantly wind and solar. This will reduce our reliance on gas, which currently sets electricity prices. The government's [Net Zero Strategy: Build Back Greener \(2021\)](#) seeks to accelerate deployment of low-cost renewable generation, such as wind and solar through the Contracts for Difference scheme. The strategy establishes an ambition to fully decarbonise the power system by 2035. The [British Energy Security Strategy \(2022\)](#) pledges to achieve net zero targets to increase solar power capacity from 14 gigawatts (GW) to 70GW by 2035. This was reaffirmed in [Powering Up Britain \(2023\)](#). Also more recently the [Growth Plan \(2022\)](#) reinforces the

government's ambition to move to a system where electricity prices better reflect the UK's low carbon energy sources, to bring down consumer bills.

### 1.3 Policy Context

- 1.3.1 The National Planning Policy Framework (NPPF) encourages local planning authorities to promote renewable energy development and identify appropriate sites for it to support the transition to a low carbon future. Proposed revisions to the NPPF further emphasise significant weight should be given to a proposal's contribution to renewable energy generation and a net zero future, and that community-led projects also provide a valuable contribution to cutting greenhouse gas emissions. [Planning Practice Guidance \(PPG\)](#) sets out the factors local planning authorities will need to consider when determining a planning application for a large scale ground-mounted solar farm. This includes encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, if it is not of high environmental value.
- 1.3.2 The [Overarching National Policy Statement for Energy \(EN-1\)](#) and [National Policy for Renewable Energy Infrastructure \(EN-3\)](#), are applicable to NSIPs including those onshore projects delivering 50MW or above. EN-1 includes general policies for the submission and assessment of energy infrastructure applications. EN-3 provides guidance in relation to solar PV on site selection and design, the impacts to be assessed and potential mitigation which may be needed.
- 1.3.3 The County Durham Plan (CDP) is the [Development Plan for Durham](#), alongside Neighbourhood Plans and the Minerals and Waste Plan.
- 1.3.4 The key CDP policies in relation to solar development are Policy 29 (Sustainable Design) and Policy 33 (Renewable and Low Carbon Energy).

**Policy 29 (Sustainable Design) requires all development proposals to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.**

**Policy 33 (Renewable and Low Carbon Energy) states that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental, and economic benefits. Planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased.**



- 1.3.5 In applying CDP Policy 33, renewable energy generation and its contribution to the county being net zero carbon by 2045 is an environmental benefit and will be given significant weight.
- 1.3.6 Whilst Policy 10 (Development in the Countryside) states new development in the countryside will not be permitted unless allowed for by specific policies in the Plan, footnote 54 clarifies relevant policy includes policy on renewables. The policy sets further criteria for assessing applications in the countryside including new development must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively; result in the merging or coalescence of neighbouring settlements; impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for; be prejudicial to highway, water or railway safety; impact adversely upon residential or general amenity; provide resilience to impacts arising from climate change and maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value.
- 1.3.7 Other key CDP policies relevant to this SPD include:
- Policy 6 (Development on Unallocated Sites)
  - Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources)
  - Policy 28 (Safeguarded Areas)
  - Policy 29 (Sustainable Design)
  - Policy 31 (Amenity and Pollution)
  - Policy 35 (Water Management)
  - Policy 39 (Landscape)
  - Policy 41 (Biodiversity and Geodiversity)
  - Policy 43 (Protected Species and Nationally and Locally Protected Sites)
  - Policy 44 (Historic Environment)
- 1.3.8 There are a wide range of neighbourhood forums across the county with neighbourhood plans at varying stages. The council's [neighbourhood planning webpage](#) provides the latest position. Neighbourhood Plans are a material consideration in determining planning applications. They may include specific policies on renewable energy, or other policies of relevance including designating local views, locally valued landscapes, local green spaces or identifying heritage assets of local value. Applicants should identify if there is a neighbourhood plan covering the proposed site and the policies of relevance. Early engagement with the neighbourhood forum is also encouraged.

## 2.0 Small scale: serving residential, business and community uses

### 2.1 Introduction

- 2.1.1 Guidance in this section is targeted at the installation of smaller scale solar panels on or within the grounds of new or existing residential, community or commercial properties. For medium scale solar panels serving community or commercial uses (i.e., those involving larger areas of roof space and/or adjoining land), guidance is provided in section Medium scale: serving business, leisure and community.
- 2.1.2 Householders, businesses and community groups may wish to install solar panels on or within the grounds of their property to reduce their carbon footprint and energy bills. In addition, all new developments should minimise greenhouse gas emissions and seek to provide renewable and low carbon energy generation, in accordance with CDP Policy 29 (Sustainable Design). Furthermore, the Future Homes Standard and Future Buildings Standard is to come into effect in 2025 through a change in building regulations. This requires that buildings are energy efficient and zero carbon ready. The [Energy Saving Trust provides a useful guide](#) on things to consider before installing solar panels. Resources and latest information on funding that is available can be found on the [Climate County Durham website](#).

### 2.2 Permitted Development Rights

- 2.2.1 The installation of small scale solar panels and associated battery storage is in many cases ‘permitted development’ with no need to apply for planning permission. There are, however, important limits and conditions. Permitted development rights are set by government in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The [Planning Portal webpage](#) provides a helpful summary of permitted development rights for both domestic and non-domestic properties.
- 2.2.2 In some conservation areas within County Durham, Article 4 Directions have been served that remove permitted development rights. This means that certain works that would normally not require planning permission may do so, either in relation to a particular area or a particular type of development. Article 4 Directions are used to control works that could potentially harm the special character and appearance of the conservation area. A list of conservation areas and corresponding Article 4 Directions is available [on the council’s Conservation Area webpage](#). Alternatively, you can contact the planning department to determine if planning permission is required or not. If you want written confirmation your proposal does not require planning permission, you can apply for a ‘Lawful Development Certificate’.
- 2.2.3 Listed building consent is required for physical alterations to a listed building in any manner which would affect its character as a building of special architectural or historic interest. The requirement applies to all types of works, and to all parts of buildings covered by the listing protection (potentially

including buildings or other structures within its curtilage). You can find out if your property is a listed building on the council's [Local Plan Policies Map](#).

- 2.2.4 If the site where the solar panels are to be installed is a scheduled monument, any work will require scheduled monument consent from the Secretary of State. This process is managed by Historic England on behalf of the Secretary of State. The protected site of a monument may also include any adjoining land essential for its support and preservation. You can find out if a property is a scheduled monument on the council's [Local Plan Policies Map](#).

### **Case Studies**

Solar panels retrofitted to the roof of a residential property in Newton Hall under permitted development rights.



Solar panels retrofitted to the rear elevation of the roof of St John's Church at Neville's Cross under permitted development rights.



- 2.2.5 Building regulations are usually required for the installation of solar panels on a roof. This is separate to planning and applies to other aspects of the work such as the ability of the roof structure to carry the weight of a panel and fire safety.

- 2.2.6 Solar development, even when permitted development, must comply with relevant wildlife legislation and regulations, including the Conservation of

Species and Habitats Regulations 2017. Therefore, please also refer to guidance in section 2.5 Biodiversity and Nature Conservation.

## 2.3 Landscape and Townscape

**Proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. – County Durham Plan Policy 29 (Sustainable Design)**

**Any proposal should not cause unacceptable harm to the character, quality, or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. – County Durham Plan Policy 39 (Landscape)**

**Great weight will be given to conserving the landscaped and scenic beauty of the North Pennines Area of Outstanding Natural Beauty (AONB). Any development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities. – County Durham Plan Policy 38 (North Pennines AONB)**

2.3.1 In the first instance solar panels should be designed to accord with permitted development rights. This will avoid the need to apply for planning permission and the associated costs where panels are retrofitted to existing buildings. Where this is not possible, and where the building is not a designated or non-designated heritage asset, the following general design principles apply. These principles equally apply to new buildings where solar is incorporated into the design.

2.3.2 In the case of building-mounted solar panels:

- Locate, if possible, on outbuildings, extensions, or carports to minimise the impact on the principal building.
- Avoid designs which appear disproportionate or imbalanced. Technology is advancing and there is an increasing range of solar products which can be integrated into the building fabric, such as PV tiles and solar glass which could be considered.
- Consider how panels will look in combination. They should be symmetrical and evenly spaced. If possible and practical, roof furniture such as aerials and flues should be moved to allow for this.
- Select locations that reflect and complement existing features such as windows and roof lights.
- Where relevant, seek to standardise the style and location of panels with nearby properties, providing these are sympathetic to the character of the area.

- Choose colour treatments for mounting frames that are non-reflective and recede against the background. Frameless or black-framed panels should be used where frames would detract from the building.
- Rooftop panels require mounting systems. Low profile mounting systems will reduce visual impact and should be used wherever possible.

### 2.3.3 In the case of free-standing solar panels:

- Locate close to existing buildings and avoid locations remote from the associated residential property.
- Choose locations that are naturally well screened public views by existing buildings, topography, and vegetation.
- Avoid sites requiring significant ground modelling or site levelling.
- Choose panels and mounts that are low to the ground and don't project above hedges, fences and walls.
- Use panels with low potential for glint or glare.
- Use underground services where possible.
- Use low impact and reversible mountings such as pile driven or ground screw anchors.

### Case Study

Solar panels incorporated into a housing development in Meadowfield.



### 2.3.4 Related Application Requirements:

2.3.5 These are detailed in the [council's validation checklist](#). Generally as a minimum, elevations (scale 1:50 or 1:100) and, as applicable, roof plans (scale 1:500 or 1:200) or floor plans (scale 1:50 or 1:100) should be provided which clearly illustrate the design and location of panels. Details should also be provided of the specification of the panels proposed.

## 2.4 Cultural Heritage

**Proposals should sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. – County Durham Plan policy 44 (Historic Environment)**

### 2.4.1 Durham Context:

2.4.2 County Durham has a wide variety of designated heritage assets which includes Durham Castle and Cathedral World Heritage Site (WHS) of the highest significance, and at time of writing over 3,000 listed buildings, 93 Conservation Areas, 226 Scheduled Monuments, 17 Registered Parks and Gardens and 1 Registered Battlefield. These are all identified on the council's [Local Plan Policies Map](#) and also recorded on the council's [Historic Environment Record](#). [Neighbourhood plans](#) may also identify heritage assets of local value.

2.4.3 The county has a significant number and diverse range of non-designated heritage assets. Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. The council is producing further guidance on our procedure [for identifying non-designated heritage assets](#).

### 2.4.4 Detailed Guidance:

2.4.5 The introduction of solar panels on or within the surroundings or broader context of a heritage asset in some circumstances will potentially cause a harmful impact. However, this can often be mitigated through sensitive design based on an understanding of the assets significance. Each heritage asset is unique and as such applicants should seek advice from the council's Design and Conservation Team at the earliest stage and well in advance of submitting a planning application. The installation of solar panels should be justified as part of a 'whole building approach' to improve the energy efficiency of a building. This uses an understanding of a building, its context, its significance, and all the factors affecting energy use as the starting point for devising an energy efficiency strategy. This is to ensure that energy saving measures are appropriate, proportionate, properly designed and integrated, cost effective and that the risks of unintended consequences are reduced. In the first instance the focus should be on low impact measures such as simple thermal upgrading. An assessment of all renewables should then be undertaken to ensure that solar panels are the right solution for the individual building or site. The council is producing detailed guidance on the use of renewables on historic buildings as part of a whole life building approach. The draft guidance is subject to consultation and can be [viewed on the council's consultation webpage](#).

2.4.6 Historic England has provided useful guidance on [Energy Efficiency and Historic Buildings which sets out the following general principles:](#)

- The understanding of significance of the asset is critical. Fundamental to achieving high-quality design is a sound understanding of the character and importance of the historic asset involved, whether at the scale of individual buildings and sites or more extensive historic areas and landscapes.
- To minimise the risk of damage to the building, the means of fixing and the operation of the panels should be agreed in advance, whilst also ensuring that their location does not impede rainwater disposal or hinder maintenance work such as clearing gutters.
- Carefully plan how panels will be removed at the end of their life so as to avoid damage to the fabric of the building.
- Minimise visual impact to the setting through location and screening.
- In the case of solar panels on roof spaces, the roof structure will need to be checked by a competent person to ensure it can withstand the additional load.

### Case Study

Solar panels integrated into the roof of the Grade II listed Belsay Hall Stable Block as part of its refurbishment.



2.4.7 In accordance with the NPPF (Section 16 Conserving and Enhancing the Historic Environment) when considering the impact of a solar development on the significance of a designated heritage asset, that includes development within its setting, great weight will be given to the asset's conservation (and the more important the asset, the greater the weight will be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. 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. When a development proposal leads to less than substantial harm, this harm should be weighed against the public benefits.

- 2.4.8 When considering applications that directly or indirectly affect non-designated heritage assets, consideration will be given to the scale of any harm or loss and the significance of the heritage asset.

#### **2.4.9 Related Application Requirements:**

- 2.4.10 All applications affecting heritage assets (designated and non-designated) and their setting must be accompanied by a Heritage Statement ideally prepared by a heritage consultant. The heritage statement would need to identify the heritage assets affected by the development proposal and described the significance of those heritage asset including any contribution made by their setting, with the level of detail proportionate to the heritage assets significance. It would then need to assess the anticipated impact(s) of the development proposal on that significance.

## 2.5 Biodiversity and Nature Conservation

### **Proposals will be expected to minimise impacts on biodiversity. – County Durham Plan Policy 41 (Biodiversity and Geodiversity)**

**In relation to protected species and their habitats, all development which, alone or in combination, has a likely adverse impact on the ability of species to survive, reproduce and maintain or expand their current distribution will not be permitted unless: a. appropriate mitigation, or as a last resort compensation, can be provided, which maintains a viable population and where possible provides opportunities for the population to expand; and b. where the species is a European protected species, the proposal also meets the licensing criteria (the 3 legal tests) of overriding public interest, no satisfactory alternative and favourable conservation status. – County Durham Plan Policy 43 (Protected Species and Nationally and Locally Protected Sites)**

- 2.5.1 Solar development, even when permitted development, must comply with relevant wildlife legislation and regulations, including the Conservation of Species and Habitats Regulations 2017. As such, any potential negative impacts, will still have to be addressed in all cases. The homeowner or developer is responsible for ensuring that the development complies with all relevant legislation and regulations. It is advisable to engage the services of a consultant ecologist to determine if there is a risk of protected species being present.



- 2.5.2 In the case of the retrofitting of roof mounted panels on existing properties potential impacts include damage or disturbance to roosting bats and/or nesting birds.
- 2.5.3 Stand-alone solar panels within the grounds of a dwelling but not on a building are unlikely to contravene wildlife legislation, but again the onus is on the homeowner or developer to ensure that wildlife legislation is not breached.
- 2.5.4 The Wildlife and Countryside Act 1981 protects all nesting birds from damage or destruction of an active nest; installation work should be carefully timed not to disturb birds during their nesting seasons from about the end of February to August.

### **2.5.5 Related Application Requirements:**

- 2.5.6 An Ecological Risk Assessment or Survey Work may be requested to determine the potential impacts arising from development.
- 2.5.7 A Bat Risk Assessment might be requested for roof installations, if the property or location meets certain criteria; for example, the property lies within 200m of woodland or roosts are recorded in the vicinity.

## **2.6 Glint and Glare**

**It will need to be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on amenity. – County Durham Plan Policy 31 (Amenity and Pollution)**

- 2.6.1 Glint is a momentary flash of bright light typically received by moving receptors or from moving reflectors. Glare is a continuous source of bright light. Solar reflection is sometimes used to refer to both. Glint and glare can be a particular issue if 'tracking' panels are proposed which follow the sun's path as these may cause differential impacts depending on the season and time of day. Applications should fully consider the reflective capacity of all the materials used including panels, frames and supports. Low-reflectivity panels should be used, and panels should be located to avoid glint and glare. Where necessary, appropriate mitigation measures, such as screening, should be employed to ensure that harmful impacts are avoided.

### **2.6.2 Related Application Requirements:**

- 2.6.3 A Glint and Glare Assessment may be required where there is potential for impacts on sensitive receptors. For example, where there is potential for solar reflection towards neighbouring properties or other sensitive receptors such as rail, road, and Public Rights of Way (PROW).

### 3.0 Medium scale: serving business, leisure and community uses

#### 3.1 Introduction

- 3.1.1 Guidance in this section is targeted at the installation of solar panels to provide energy to business, leisure and community uses.
- 3.1.2 Businesses and community groups may wish to install solar panels to reduce their carbon footprint and energy costs. These can be roof mounted, on a solar canopy above car parking or ground mounted. In addition, all new developments should minimise greenhouse gas emissions and seek to provide renewable and low carbon energy generation, in accordance with CDP Policy 29 (Sustainable Design).
- 3.1.3 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 CDP Policy 33 significant weight will be given to the achievement of wider social, environmental and economic benefits.

#### 3.2 Permitted Development Rights

- 3.2.1 The government has expanded permitted development rights to support renewable energy generation for non-domestic buildings, meaning in many cases there will be no need to apply for planning permission. There are permitted development rights for solar panels on or within the ground of non-domestic buildings and on solar canopies for off-street car parking, subject to certain limitations. The latest information on current permitted development rights is available on the [Planning Portal website](#).

#### **Case Study**

Solar panels fitted to the Louisa Leisure Centre in Stanley under permitted development rights.



### 3.3 Landscape and Townscape

**Proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. - County Durham Plan Policy 29 (Sustainable Design)**

**Any proposal should not cause unacceptable harm to the character, quality, or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm. – County Durham Plan Policy 39 (Landscape)**

**Great weight will be given to conserving the landscape and scenic beauty of the North Pennines Area of Outstanding Natural Beauty (AONB). Any development should be designed and managed to the highest environmental standards and have regard to the conservation priorities and desired outcomes of the North Pennines AONB Management Plan and to the guidance given in the North Pennines AONB Planning Guidelines, the North Pennines AONB Building Design Guide and the North Pennines AONB Moorland Tracks and Access Roads Planning Guidance Note as material considerations. - County Durham Plan Policy 38 (North Pennines AONB)**

#### 3.3.1 Durham Context:

3.3.2 The Durham Landscape is one of enormous contrast and diversity. It includes nationally important landscapes including the North Pennines National Landscape (Still referred to as Area of Outstanding Natural Beauty (AONB) for planning purposes) and registered Parks and Gardens of Special Historic Interest. It also includes locally important landscapes identified as Areas of Higher Landscape Value (AHLV) in the CDP and landscapes identified on the County Durham Local List of Historic Parks, Gardens and Designed Landscapes. Parts of the Durham Coast are also identified as heritage coast.

3.3.3 [Neighbourhood plans](#) may also identify locally valued landscapes, local green spaces and locally important views. The County Durham Landscape Value Assessment (2019) provides information on the valued attributes of local landscapes. All of these landscapes vary in their sensitivity to solar developments.

3.3.4 Further information on the landscape of the county can be found on [the Durham Landscape website](#).

- The County Durham Landscape Character Assessment (2008) provides detailed information about the character of the county's landscape from the strategic to the local level.
- The County Durham Landscape Strategy (2008) is the council's adopted strategy for the landscape. It analyses the issues affecting the landscape and sets out objectives and priorities for conservation and improvement specific to each character area.
- The County Durham Landscape Guidelines cover a range of topics including trees, woodlands and forestry, hedges and grasslands and provide development and land management guidelines for individual landscape types.

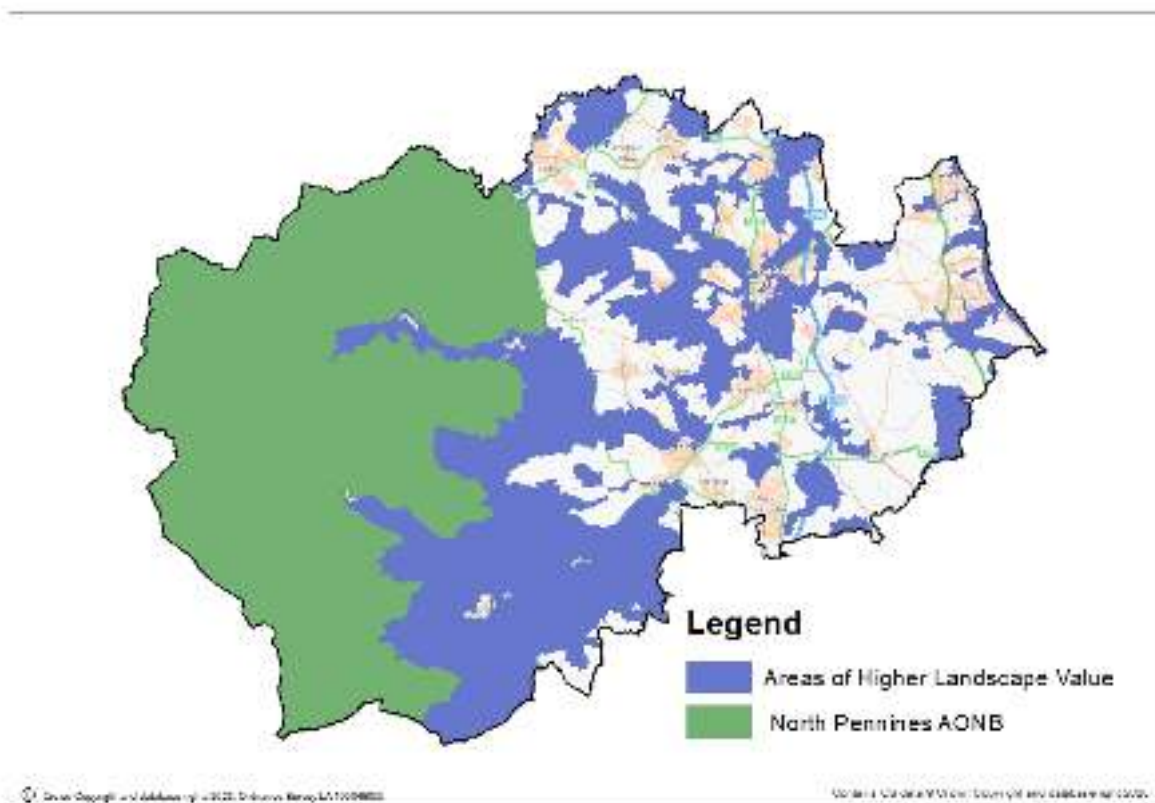


Figure 1. Areas of Higher Landscape Value and North Pennines Area of Outstanding Natural Beauty

### 3.3.5 Detailed Guidance:

3.3.6 Development proposals should be informed by an understanding of the character and sensitivities of the local landscape. In many cases solar arrays developed to support local business or community facilities will be in urban situations where they may not be out of keeping with the general character of the built-up area. In the countryside solar development can detract from its rural character by introducing tracts of man-made structures, particularly where they are visually prominent. The landscape of countryside on the edge of towns may share some of that susceptibility, particularly in smaller rural gaps between settlements where solar development can lead to a degree of visual coalescence. Medium scale developments can nevertheless often be accommodated without substantial harm provided that they are sensitively located and well designed.

### 3.3.7 Location

3.3.8 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:

- Choosing locations that are naturally well screened in public views by existing buildings, topography and vegetation.
- Locating arrays close to existing buildings, farmsteads and settlement edges to avoid a sprawling pattern of development.
- Avoiding elevated or sloping sites that are difficult to screen and sites that require significant ground modelling or levelling.
- Avoiding locations where development would erode smaller gaps between settlements.
- Avoiding sensitive locations such as historic parks and gardens and features of historical interest such as old rigg and furrow, strip lynchets and other earthworks.
- Choosing sites that fit into, or interlock with, existing field and woodland patterns.
- Ensuring that the area of development is in scale with the landscape in which it lies, reflecting the scale of other features such as field patterns and woodlands.
- Avoiding situations where the development would detract from the amenity value of public rights of way.

### 3.3.9 Layout and design

3.3.10 The layout of medium scale developments is usually relatively simple. Landscape and visual effects can often be reduced through design by:

- Fitting the scheme into the existing landscape framework, preserving landscape features such as hedges, walls and tree lines. A pre-development Tree Survey should be undertaken where necessary to inform design.
- Keeping the layout compact and reflecting the pattern of fields and woodlands in the area.
- Running arrays along rather than across the contours on sloping sites where this is practical having regard to aspect.
- Fitting arrays comfortably into existing fields, avoiding conspicuous long, ragged or staggered edges.
- Minimising earthworks: avoiding the use of screening mounds that can add to the development's impact.
- Allowing sufficient space around existing hedges, trees and woodland edges to avoid shading, facilitate management and enhance their ecological value.
- Using existing access points and field tracks where possible.

### 3.3.11 Panels and ancillary elements

- Selecting panels and supports that are as low as is practical to keep them in scale with local field boundaries.
- Using panels with low potential for glint or glare.
- Using low impact and reversible mountings such as pile driven or ground screw anchors.
- Minimising the development of new access tracks and areas of hard surfacing: using reinforced grass or other green solutions and using agricultural or 4WD vehicles to service the facilities.
- Burying cables wherever possible (avoiding damage to trees, hedges, or archaeology) to minimise their impact.
- Housing any ancillary plant and facilities in existing buildings where possible. Where new structures are needed designing them to reflect the local vernacular and locating them close to existing buildings or other features.
- 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 timber poles of the minimum height required: Setting perimeter fences back from hedge boundaries to reduce their visibility from outside the site in near views.
- Where lighting is necessary providing the minimum required and designing to prevent overspill and glare.

### 3.3.12 Planting and land management

3.3.13 Landscape and visual effects can often be mitigated to some degree by retention and management of existing field boundaries or trees and by new planting. This can include:

- Where there are trees or hedges on or close to the site commissioning an Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) to ensure that they are adequately protected through the development phase.
- Giving consideration to how the land is managed between panels – for example through grazing - to avoid it looking incongruous in the context of the land around it.
- Considering the potential for mitigation of effects in key views. Managing existing landscape features and establish new features to help screen and assimilate the development into the landscape.
- Ensuring that screening features are in keeping with the local landscape (hedges, walls, tree lines, woodlands). Use species that are native or characteristic of the locality.
- Allowing hedges to grow to a taller managed height, which can achieve screening more rapidly than new planting.
- Taking opportunities to restore existing, relict or lost landscape features or creating new features to leave a beneficial legacy in the long term.
- Having a Management Plan in place that captures landscape and visual objectives alongside other factors such as biodiversity.

### 3.3.14 Related Application Requirements:

3.3.15 In rural situations a Landscape and Visual Impact Assessment (LVIA) or Landscape and Visual Appraisal (LVA) may be required. The need for this or otherwise should be established with the Planning Officer at an early stage in the process. If an LVIA or LVA is required, it should:

- Follow guidance provided in the Landscape Institute and Institute of Environmental Management and Assessment's '[Guidelines for Landscape and Visual Impact Assessment](#)'.
- Be carried out by a suitably qualified Landscape Architect.
- Have its scope and content (including study area, viewpoints and any visualisations required) agreed with the council's Landscape Officer.

3.3.16 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:

- Carried out in accordance with BS5837.
- Undertaken by a suitably qualified arboriculturist.

3.3.17 These studies should be commissioned at an early stage to inform the location, design and management of the development.

## 3.4 Biodiversity and Nature Conservation

**Proposals will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gain for biodiversity. Where significant harm cannot be avoided, or appropriately mitigated, or as a last resort compensated for, development will not be permitted. – County Durham Plan Policy 41 (Biodiversity and Geodiversity)**

**Development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017. – County Durham Plan Policy 42 (Internationally Designated Sites)**

**All development proposals in, or which are likely to adversely impact upon (either individually or in combination with other developments), any of the following national designations (where not a component of an internationally designated site): Sites of Special Scientific Interest or National Nature Reserves, will only be permitted where the benefits of development in that location clearly outweigh the impacts on the interest features on the site and any wider impacts on the network of sites. All development proposals in, or which are likely to adversely impact upon, any of the following local designations: Local Sites (Geology and Wildlife) and Local Nature Reserves (LNRs) will only be permitted when it can be demonstrated that the benefits of development in that location outweigh the impacts on the local nature conservation interest or scientific interest on the site and any wider impacts on the network of sites. – County Durham Plan Policy 43 (Protected Species and Nationally and Locally Protected Sites)**

#### **3.4.1 Durham Context:**

- 3.4.2 County Durham supports a diverse range of biodiversity, including species and habitats of international and national importance. It includes large areas of internationally important habitats such as magnesian limestone and holds populations of declining species such as water vole and red squirrels. The [priority habitat and species lists](#) produced by the Durham Biodiversity Partnership are still valid and now held by the Environmental Records Information Centre (North East) This should be read alongside the [national list of priority habitats and species](#) of principal importance in England.
- 3.4.3 Habitats or features with a special value for biodiversity are often protected under international, national and local legislation. Sites protected by international or national legislation found in the county include Special Areas of Conservation (SAC), Special Protection Areas (SPA), Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) and Local Nature Reserves (LNR). Interactive maps of their boundaries can be accessed on the [Multi Agency Geographic Information for the Countryside \(MAGIC\)](#) website. A further tier of sites protected through the planning system are known as Local Sites. Local Wildlife Sites are mapped on the council's [Local Plan Policies Map](#).
- 3.4.4 Although not yet produced, the emerging Local Nature Recovery Strategy (LNRS) will be a key reference point for proposed development. LNRS are strategic plans that will help drive action and investment to help nature and wider nature-based environmental benefits. They will consist of:
- A Statement of Biodiversity Priorities: priorities for biodiversity outcomes, and the actions that need to be undertaken to achieve these outcomes.



- A Local Habitat Map: existing distribution of habitats and areas already important for biodiversity, overlaid by locations considered suitable for delivering the outcomes and actions. Mapping will determine strategic significance to ensure in delivering biodiversity net gains the right habitat is located in the right place.

3.4.5 All development in County Durham will need to be mindful of the LNRS (once adopted) and should aim to deliver against its priorities where appropriate. In the interim, the council has produced a [habitat network map](#) based on a number of existing national data layers, with partner and specialist input. This will be used to help determine strategic significance for the purposes of biodiversity net gain.

#### **3.4.6 Detailed Guidance:**

3.4.7 The nature of impacts on ecology will depend on the ecological characteristics and features of the site and sensitivity to proposed changes. Solar arrays could have implications for habitat loss, fragmentation and modification and for displacement of species. However, solar arrays also have the potential to deliver significant environmental gains through creating and enhancing habitats.

3.4.8 Design should be informed and influenced by ecological assessments. The use of a consultant ecologist from the earliest stages of the design process will ensure that adverse impacts are mitigated, and biodiversity enhancements are maximised.

3.4.9 Roof mounted solar panels have the potential to impact on roosting bats and breeding birds, the applicant should be aware of the legislation surrounding bats and birds and ideally select locations where impacts can be avoided.

3.4.10 There are potential impacts arising from the installation of solar arrays on a range of ecological receptors, although research on the impacts of solar arrays is in its infancy, developers should be aware of these and aim to mitigate impacts through site selection and design where appropriate.

3.4.11 Research indicates that ground nesting species such as Skylark could be displaced by solar farms<sup>1</sup> and Birdlife Europe<sup>2</sup> suggests that there could be negative impacts from solar arrays on species such as Lapwing and Skylark with reduced opportunities for foraging and breeding. The effects of solar arrays on birds are likely to be species specific and care will be needed when assessing impacts and designing mitigation or compensation.

3.4.12 There is some evidence that mayflies, stoneflies, small fly species, and tabanid flies are attracted away from water, by the horizontally polarised light

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<sup>1</sup> Montag H, Parker G & Clarkson T. (2016). The effects of solar farms on local biodiversity. A comparative study. Clarkson and Woods & Wychwood Biodiversity.

<sup>2</sup> BirdLife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature – Summary Report (eds. Scrase I. and Gove B.). The RSPB, Sandy, UK

produced by the panels, to lay eggs on panels, reducing their survival chances<sup>3</sup>. Most solar arrays in the UK use grid-formed panels with anti-reflective films, so the reflection of polarised light is substantially reduced. Using non-polarising white cell borders on the panels will further reduce attractiveness to insects.

- 3.4.13 Other potential impacts include severance of ecological connectivity due to positioning of road infrastructure. There may also be direct impacts on habitats through construction and security lighting which may impact foraging and commuting bats, especially on vegetated boundaries.
- 3.4.14 For all proposals, the mitigation hierarchy should be applied where everything is done to first avoid impacts and then minimise impacts on biodiversity, and only as a last resort compensate for losses that cannot be avoided.
- 3.4.15 The mitigation hierarchy begins with site selection. In terms of ground mounted solar panels intensively managed agricultural land is likely to be of least ecological value and have a greater potential to deliver biodiversity net gains, although the best and most versatile agricultural land should be avoided, as set out in section 4.1, unless it can be demonstrated the benefits of the development outweigh the harm. Ecologically important sites, including SPA (and their associated functionally linked land), SAC, SSSI, NNR and LNR, Local Wildlife Sites and Priority Habitats should generally be avoided. Sites important for protected or priority species should also be avoided where possible.
- 3.4.16 Where impacts still exist after avoidance, and minimisation and restoration measures have been taken, the final option is to offset or compensate the losses elsewhere. The mitigation hierarchy applies to both species and habitats.
- 3.4.17 An example of applying the mitigation hierarchy would be the approach to breeding birds, for example ground nesting species such as Skylark or Curlew. If breeding birds are identified on site, then avoid installing solar panels on those areas used by breeding birds, being aware of species requirements such as sightlines. If this is not possible then designing adequate areas outside the footprint of the array that are suitable and managed for birds would be the next stage in the hierarchy. Where on-site options are not available then an off-site location would be required for compensation works; the area and management that would need to be secured would be dependent on the species and numbers of birds involved.
- 3.4.18 All major developments and small sites (unless exempt) are now required to achieve a minimum 10% net gain in biodiversity in accordance with the Environment Act (2021). Biodiversity Net Gain (BNG) requirements for Nationally Significant Infrastructure Projects is planned for November 2025. Various options exist to enhance the biodiversity value of a proposed

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<sup>3</sup> Horvath et al (2010). Reducing the Maladaptive Attractiveness of Solar Panels to Polarotactic Insects. Conservation Biology, Vol. 24, No. 6.

development, and although interventions to enhance biodiversity will be site specific and informed by ecological survey work, the following general guidance may assist in designing ecological enhancements into ground mounted solar developments.

- Creation or enhancement of grassland habitats around the boundary of the site and/or under the solar arrays is a key mechanism for delivering biodiversity net gains on most sites. The greatest biodiversity value will be gained from providing a variety of grassland habitats within the development. The creation of species rich grasslands with a high floristic diversity could be complemented with areas of tussock grassland which would provide opportunities for nesting bumblebees and small mammals.
- Further variety can be incorporated through the inclusion of wild bird seed mixes and pollen and nectar strips.
- Provision of a diverse range of habitats should always be considered and the inclusion of woodland and wetland habitats should not be discounted within solar farms.
- Although the provision of woodland might be counter-intuitive given the shading implications; opportunities to incorporate woodland and scrub habitats especially on northern boundaries should be considered as a mechanism to introduce variety into the scheme.
- Low lying corners of fields can be utilised to create wetland features such as scrapes, ponds or wet grasslands.
- Boundary features should be created or enhanced through gap filling of existing hedgerows and the planting of new hedgerows to join up with existing features, not only to provide a range of habitats but also to create ecological connectivity. Priority should be given to boundary features that contribute to ecological networks in the wider landscape. Field margins and hedgerows are the main type of boundary feature that should be considered, ditches can also enhance connectivity especially when associated with a margin or buffer strip.
- Security fencing may act to prohibit animal migration and a gap between the base of the fence and the ground may be required to enable movement of badgers and other wildlife across the landscape.
- The inclusion of artificial features such as nest boxes for a range of bird species or bat boxes and bug hotels can be incorporated in the scheme to encourage the greatest diversity of wildlife.

3.4.19 Biodiversity enhancements should be informed by the physical attributes of the site, existing habitats, the surrounding landscape and the results of species surveys and consultation with the local record centre. The nature of habitats delivered on site should be informed by the potential to enhance populations of local BAP or UK Priority Species.

3.4.20 Further guidance on biodiversity delivery within solar developments is available from the [BRE National Solar Centre](#), [Solar Energy UK](#) and [Renewable Energies Agency](#).

### **3.4.21 Related Application Requirements:**

- 3.4.22 A Preliminary Ecological Assessment (PEA) and Baseline Habitat Plan will be required in all cases. The PEA will provide information on the habitats on site, present the results of data searches and using this information will recommend any further surveys required to understand the value of the site and the potential impacts arising from development.
- 3.4.23 Depending on the location and nature of the proposals further surveys may include breeding and / or wintering bird surveys, bat transect surveys, bat surveys of specific structures or trees. Otter and water vole surveys of riparian habitats might be required and evidence or data indicating the presence of other species e.g., badgers, could necessitate survey for those identified species. The [Environmental Records Information Centre](#) (ERIC) for the North East of England should be consulted as part of the ecological assessment. Specialist groups may also need to be contacted depending on the nature of the site and the data held by ERIC. Applicants should be aware that since species are active at different times of the year, some ecology surveys may only be suitable within specific months of the year. Sufficient lead in times need to be incorporated into the project to allow for species and habitat surveys to be completed at an appropriate time of year.
- 3.4.24 You will need to provide information about how you intend to achieve BNG including details of proposed significant on-site enhancements. For major developments a Defra Metric calculation will be required which provides a quantified net gain assessment. If your development qualifies as a small site, in most cases you can use the simpler small sites metric. These should be considered alongside a qualitative assessment. For example, the metric will not capture where a development severs ecological connectivity or impacts a locally rare habitat. Priority species and important species assemblages are not accounted for within the metric and specific compensation might be required for any identified important ecological receptors.
- 3.4.25 A draft Habitat Management and Monitoring Plan (HMMP) is required at application stage. This document should provide sufficient information to determine that the habitat creation and long-term management (30 years) is deliverable for both significant on-site habitats and any off-site habitats created or enhanced. The plan should include appropriate monitoring regimes and review periods. The delivery of the HMMP will be secured through appropriate legal agreement or planning condition.
- 3.4.26 A draft Proposed Habitats Plan will be required that clearly shows habitat types or linear features being retained, enhanced, and created, and the area or length of each habitat type or linear feature; it should 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. This information can be placed within the site layout plan, illustrative masterplan,

green infrastructure plan or landscape plans. The information on the plan must align with the information held within the Defra metric.

3.4.27 A Biodiversity Gain Plan will be secured by condition. Development cannot commence until the Biodiversity Gain Plan and accompanying updated metric has been approved.

### 3.5 Cultural Heritage

**Proposals should sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. - County Durham Plan Policy 44 (Historic Environment).**

**In determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to the following: i. ensuring that archaeological features are generally preserved in situ; and j. in cases where the balanced judgement concludes preservation in situ should not be pursued, it will be a requirement that they are appropriately excavated and recorded with the results fully analysed and made publicly available. - County Durham Plan Policy 44 (Historic Environment).**

**Development which impacts upon the historic route of the Stockton and Darlington Railway (S&DR) of 1825, the Black Boy and Haggerleases branch lines and the Surtees Railway, together with their associated structures, archaeological and physical remains and setting, will be permitted where the proposal: c. does not encroach upon or result in the loss of the original historic route(s), damage the trackbed excepting archaeological or preservation works, or prejudice the significance of the asset - County Durham Plan Policy 46 (Stockton and Darlington Railway)**

**The Durham Castle and Cathedral World Heritage Site is a designated asset of the highest significance. Development within or affecting the World Heritage Site and its setting will be required to:**

- a. sustain and enhance the significance of the designated asset;**
- b. be based on an understanding of the Outstanding Universal Value. of the site, having regard to the adopted World Heritage Site Management Plan and Statement of Outstanding Universal Value; and**
- c. protect and enhance the Outstanding Universal Value, the immediate and wider setting and important views across, out of, and into the site.**

**Development that would result in harm to the Outstanding Universal Value of the World Heritage Site or its setting will not be permitted other than in wholly exceptional circumstances. - County Durham Plan Policy 45 (Durham Castle and Cathedral World Heritage Site)**

### **3.5.1 Durham Context:**

3.5.2 County Durham has a wide variety of designated heritage assets which include Durham Castle and Cathedral World Heritage Site of the highest significance, and at time of writing over 3,000 listed buildings, 93 Conservation Areas, 226 Scheduled Monuments, 17 Registered Parks and Gardens, and 1 Registered Battlefield. These are all identified on the council's [Local Plan Policies Map](#) and also recorded on the council's [Historic Environment Record](#). The county also has a significant number and diverse range of non-designated heritage assets. [Neighbourhood plans](#) may also identify heritage assets of local value.

3.5.3 Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. The council is producing further guidance on our procedure [for identifying non-designated heritage assets](#).

### **3.5.4 Detailed Guidance:**

3.5.5 Heritage assets could potentially be affected by a solar development, either by direct physical change or by a change within the heritage asset's setting and impacting upon people's perception and experience of the heritage asset. But this can be mitigated through site selection and a design process guided by a full understanding of the historic environment. A detailed Heritage Impact Assessment should be undertaken to identify the heritage assets potentially affected by the development proposal, describe their significance including any contribution made by their setting, and assess the potential impacts on that significance and setting. The Heritage Impact Assessment should identify all heritage assets located within, immediately adjacent or in the wider context of the site. The search area for the survey should be agreed with the Design and Conservation Team as part of the development management process. Where there is potential for an adverse impact it will be important to identify any potential mitigation or enhancement measures.

3.5.6 In accordance with the NPPF when considering the impact of a solar development on the significance of a designated heritage asset, great weight will be given to the asset's conservation (and the more important the asset, the greater the weight will be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. 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. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. When considering applications that directly or indirectly affect non-designated heritage assets, consideration will be given to the scale of any harm or loss and the significance of the heritage asset.

## Case Studies

Solar panels on the roof of Freeman's Quay Leisure Centre and Clayport Library which are within the inner setting of the World Heritage Site.



- 3.5.7 Development must seek to conserve and protect the outstanding universal value (OUV) of the WHS through conservation of the components that contribute to its OUV, including the visual drama of the Cathedral and Castle on the peninsula. The setting of the WHS, as set out in the WHS Management Plan, is formed in part by an 'inner bowl' contained by nearby ridges and spurs incised by the meandering River Wear, and a more diffuse 'outer bowl' contained by more distant high ground including the limestone escarpment to the east and south, and higher spurs and ridges to the west. Solar development within the setting of the WHS that would harm its OUV, including important views across, out of, and into the WHS, will not be permitted other than in wholly exceptional circumstances.
- 3.5.8 Ground mounted solar development has potential to impact on archaeology through ground disturbance from ground levelling, trenching, foundations, and

fencing. Where proposals are likely to affect sites of known importance, sites of significant archaeological potential, or those that become apparent through the development management process, background research followed up by archaeological investigation will be required prior to their determination.

- 3.5.9 Archaeological desk-based assessments followed by evaluation (geophysical survey with subsequent trial-trenching) will be required. This work should demonstrate the use of appropriately qualified professional expertise. Any identified archaeology should be protected from impacts, for example by exclusion from the area to be subject to ground works. In cases where the balanced judgement concludes preservation in situ should not be pursued, it will be a requirement that archaeology is appropriately excavated and recorded with the results fully analysed and made publicly available.

### **3.5.10 Related Application Requirements:**

- 3.5.11 All applications affecting heritage assets (designated and non-designated) and their setting must be accompanied by a Heritage Statement (inclusive of Impact Assessment) ideally prepared by a heritage consultant. The Statement should demonstrate an understanding of the asset's significance, identify the extent and contribution of setting, define the impacts of development and where appropriate suggest mitigation or enhancement measures.
- 3.5.12 Archaeological Assessment and Evaluation will be required for applications affecting any known or suspected archaeological sites. A Written Scheme of Investigation setting out the methodology for such work must be submitted for approval prior to the commencement of any investigations. Applicants are advised to discuss this requirement at an early stage of developing the scheme.
- 3.5.13 An assessment to evaluate the impact on a historic landscape may also be required, to define historic boundaries, ponds, hedgerows, historic and ancient woodland, and other landscape features which contribute to the significance of a historic landscape.

## **3.6 Glint and Glare**

**It will need to be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on amenity. – County Durham Plan Policy 31 (Amenity and Pollution).**

**Within safeguarding areas, it must be demonstrated proposals would not prejudice the safety of air traffic or air traffic services and would not have an unacceptable adverse impact upon the operation of the Peterlee Drop Zone unless the benefits of the proposed development clearly outweigh the resulting harm. – County Durham Plan Policy 28 (Safeguarded Areas)**



### **3.6.1 Durham Context:**

3.6.2 Durham contains several ‘receptors’ which could be sensitive to the impact of glint and glare. These include within the county Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone which are subject to Safeguarding Areas. The Durham Tees Valley and Newcastle International Airports Safeguarding Area also encompasses part of the county. Safeguarding zones are identified on the [Local Plan Policies Map](#), in addition to Parachute Landing Areas, Overshoots and designated Drop Zones. Other sensitive receptors include the Rail Network, Strategic Road Network, those living and working here and users of the highways and PROW which intersect the county.

### **3.6.3 Detailed Guidance:**

3.6.4 Glint is a momentary flash of bright light typically received by moving receptors or from moving reflectors. Glare is a continuous source of bright light typically received by static receptors or from large reflective surfaces. Solar reflection is sometimes used to refer to both. Glint and glare have the potential to impact on sensitive receptors including residents, users of PROW, aircraft, rail, and road. Glint and glare can be a particular issue if ‘tracking’ panels are proposed which follow the suns movements as these may cause differential impacts depending on the season and time of day.

3.6.5 Panels should be located and designed to avoid glint and glare. It will need to be determined which sensitive receptors are in the surrounding area and the potential for these to be impacted by solar reflections from the development, and the significance of any reflections. Applications should fully consider the reflective capacity of all the materials used including panels, frames and supports. Where necessary, appropriate mitigation measures, such as screening, should be employed to ensure that harmful impacts are avoided and safety is not compromised. If any mitigation measures are required regarding glint and glare impacts on the Strategic Road Network, the applicant must demonstrate that the measures can be safely constructed, and safely maintained in terms of boundary treatment. If landscaping or planting is proposed as mitigation of potential glint and glare effects, National Highways will require appropriate evidence to demonstrate the permanency of the mitigation.

3.6.6 Where relevant airports and rail operators, the Local Highway Authority and National Highways should be engaged at an early stage. The Health and Safety Executive, Durham Tees Valley Airport, Newcastle International Airport and the Secretary of State for Business Innovation and Skills, acting through the Meteorological Office, will be consulted, as appropriate, on planning applications within officially safeguarded areas and their surrounding defined consultation zones. Development proposals which would prejudice the air safety of airports and airfields will not be permitted within safeguarding zones. Where proposals are visible from the Strategic Road Network (SRN), National Highways will be consulted and it will need to be demonstrated safety on the SRN will not be compromised.

### **3.6.7 Related Application Requirements:**

3.6.8 A Glint and Glare Assessment will be required to be prepared by a suitably qualified consultant.

### **3.7 Residential Amenity**

**Proposals which will have an unacceptable impact such as through noise and vibration, light pollution, or other sources of pollution, either individually or cumulatively, will not be permitted unless satisfactory mitigation measures can be demonstrated. – County Durham Plan Policy 31 (Amenity and Pollution)**

#### **3.7.1 Durham Context:**

3.7.2 The county contains areas of tranquillity which are sensitive to light pollution, such as the North Pennines AONB and open countryside. Uses which are sensitive to amenity impacts (referred to as 'sensitive receptors') tend to be in urban areas. These include housing, schools, hospitals, and care homes.

#### **3.7.3 Detailed Guidance:**

3.7.4 In the case of solar development impacts from noise, dust and vibrations are predominantly likely to be during construction, although associated transformers, battery storage systems and inverters can emit noise when operational. Medium scale solar installations are more likely to be in proximity to sensitive receptors, as they are generally associated with an existing business or community use.

3.7.5 Proposals which have the potential to impact on the general amenity and health of people nearby will need to demonstrate that there will be no unacceptable impacts. Any noise emitting equipment should be located away from noise sensitive receptors, and mitigation measures such as acoustic enclosures may be required.

3.7.6 Dust monitoring may be needed where dust generating activities are to be carried out close to sensitive receptors. This is defined as a sensitive receptor within 100m of the dust generating activity. The assessment of the impact of dust pollution during construction will need to consider the impact on air quality from emissions of PM10 (Particulate Matter below 10 microns) and PM2.5 (Particulate Matter below 2.5 microns) and the potential for visible dust emissions to give rise to unacceptable amenity impacts or to a statutory nuisance to neighbouring sensitive receptors. Measures will need to be put in place to prevent mud and other materials migrating onto the highway.

3.7.7 Where lighting is required, it will need to be demonstrated that the lighting proposed is the minimum necessary for functional or security purposes. Particular attention will be paid to areas where tranquillity and dark skies are

valued and may also be sensitive to light pollution, such as the North Pennines AONB and open countryside.

### **3.7.8 Related Application Requirements:**

3.7.9 A Noise Assessment may be required where proposals raise issues of potential noise disturbance and should cover the construction, operation, and decommissioning phases of the proposal to identify any potential impacts and necessary mitigation measures.

3.7.10 A Lighting Assessment will be required for developments which would involve the provision of significant external lighting (e.g., floodlights or security lighting) that may have an adverse impact on residential amenity, the character of the open countryside or a heritage asset. The assessment should assess the effects on: visual amenity, local character and distinctiveness, neighbouring amenity, heritage assets if present, nature conservation and how those effects will be mitigated.

## **3.8 Recreational Amenity and Public Rights of Way**

**Development will be expected to maintain and protect, and where appropriate improve, the county's green infrastructure network. Development proposals should incorporate appropriate Green Infrastructure that is integrated into the wider network, which maintains and improves biodiversity, landscape character, increases opportunities for healthy living and contributes to healthy ecosystems and climate change objectives.**

**Development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements.**

**Development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets. – Durham County Plan Policy 26 (Green Infrastructure)**

### **3.8.1 Durham Context**

3.8.2 The county benefits from a Green Infrastructure network which fulfils several important functions including recreation and sport and supports both physical and mental health. As well as public open space, the network includes wildlife

sites, river corridors, coastlines, mountains, moorland, woodland and agricultural land and is integral to the health and quality of life of sustainable communities. It contains an extensive network of trails and paths which connect the county's many towns and villages. PROW can be categorised as: public footpath (walkers only), public bridleway (walker, horse riders and cyclists only), restricted byway (walker, horse riders, cyclists and non-motor vehicles) and public byway (walkers, horse riders, cyclists and all other vehicles). All recorded PROW are mapped on the [Definitive Public Rights of Way Map](#). Details of current applications to record additional paths (mainly bridleways) on the map can be found on the [PROW webpage](#). PROW are one element of the wider access network, which also includes railway paths, permissive paths, promoted routes and cycle routes.

### **3.8.3 Detailed Guidance:**

- 3.8.4 The council has produced a [Strategic Green Infrastructure Framework](#) which sets out the principles and recommendations for Green Infrastructure in the county, and the conservation and enhancement of the existing network. This should help inform the location and design of any proposals. The council is also producing a [Rights of Way Improvement Plan](#) and proposals should consider opportunities to contribute to its objectives and associated policies.
- 3.8.5 The access network, including PROW, is to retain its recreational amenity and character and be integrated as part of the proposal. In the first instance applicants should identify all recorded and proposed PROW and consider evidence on the ground of established routes within and in the vicinity of the site. Where there are potential impacts on these from the development early engagement with the Access and Rights of Way Team will be needed.
- 3.8.6 The area to be retained will be dependent on the character of the PROW. For example, footpaths might only be 1.8m wide, whilst bridleways can be much wider. Additional planting may be needed to provide screening and protect users. In such cases, a long-term maintenance strategy and appropriate buffer will be required to ensure any planting does not encroach onto the PROW. Proposals are encouraged to consider how they can enhance the existing PROW and wider accessibility network. Measures should also be put in place to protect users during construction. It may be that temporary diversions are needed during construction for health and safety reasons. In which case an application will need to be made to the council for a [temporary road closure](#) a minimum of 8 weeks in advance of works starting.
- 3.8.7 In exceptional circumstances a permanent diversion proposal may be agreed with the Access and Rights of Way Team. In these cases, it must be demonstrated the new route is of at least equivalent quality, direct, convenient, and attractive and must not have a detrimental impact on environmental or heritage assets. It should also be noted, whilst the Access and Rights of Way Team might accept an application to divert a PROW, any such proposal would still have to be subject to a statutory consultation process with the potential for objections and determination at Public Inquiry, entirely separate to the planning process.

3.8.8 Proposals should look to protect the recreational value of open space, sports and recreational land including playing fields. Sport England will be consulted on any proposals impacting playing fields. They have produced [playing fields policy and guidance which sets](#) out exceptions to the presumption against development on playing fields. Of relevance to solar panels is exception 3, land incapable of forming part of a playing pitch which does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.

### 3.8.9 Related Application Requirements:

3.8.10 Any impacts on PROW should be addressed in the Design and Access Statement.

3.8.11 Where required, the Construction Management Plan will need to address how users will be protected during construction.

## 3.9 Flooding and Drainage

**Development will not be permitted unless it can be proven through an FRA that the development, including the access, will be safe, without increasing or exacerbating flood risk elsewhere, any residual risk can be safely managed and where possible will reduce flood risk overall. There should be no net increase in surface water runoff for the lifetime of the development. Where greenfield sites are to be developed, the runoff rates must not exceed and where possible should reduce the existing greenfield runoff. – County Durham Plan Policy 35 (Water Management)**

### 3.9.1 Durham Context:

3.9.2 In County Durham flood risk is mainly fluvial, from rivers and watercourses, although we are seeing increasing events of surface and ground water flooding due to climate change and development pressure. River flooding within the county is primarily due to the overtopping of the River Wear and its tributaries in towns and villages along its length. The county also has a coastal frontage which extends from Seaham in the north to Crimdon Park in the south. There are also several water storage reservoirs in the county. Whilst localised surface water flooding is more common in developed areas,

incidents have occurred in rural areas. The Environment Agency provides a [map of flood zones](#).

### **3.9.3 Detailed Guidance:**

3.9.4 It will need to be demonstrated that the solar development will be safe from all forms of flooding for its lifetime, taking climate change into account. All solar development (solar farms and infrastructure for electricity generation) is defined as essential infrastructure in the NPPF. Where ground mounted panels are proposed in flood zone 2 and 3 the sequential test will need to be passed. It will need to be demonstrated that it is not possible to locate the solar development in areas of lower flood risk. In flood zone 3 the exceptions test will also need to be passed. It will need to be demonstrated that the proposal will deliver wider sustainability benefits to the community and be safe for its lifetime, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. In addition, in flood zone 3 solar development must be constructed to remain operational and safe in times of flood, and in zone 3b also result in no net loss of floodplain storage and not impede water flows. An Environment Agency consent may be required for works adjacent a main river.

3.9.5 Ground mounted solar panels have 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. Whilst Sustainable Urban Drainage (SUDs) details are only required for major developments, applicants installing ground mounted solar panels are encouraged to utilise localise Sustainable Drainage Systems and consider guidance in section 4.9 Flooding and Drainage.

### **3.9.6 Related Application Requirements:**

3.9.7 A Flood Risk Assessment (FRA) is required where ground mounted solar panels are:

- within Flood Zone 2 or 3; or
- of 1ha or more and in Flood Zone 1.

3.9.8 The FRA should review all existing flood risks and identify any necessary mitigation measures during the construction, operational and decommissioning phases. The lifetime of the development should be made explicit to ensure that mitigation measures use the appropriate climate change allowance for storage calculations for attenuation features. In addition, for developments in Flood Zone 2 or 3 a sequential test should be carried out and form part of the FRA.

### 3.10 Site Restoration

**Developments will need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. – County Durham Plan Policy 33 (Renewable and Low Carbon Energy)**

#### **3.10.1 Detailed Guidance:**

3.10.2 Restoration means that all development, including ancillary infrastructure, footings and access tracks should be removed from the site and any soils and vegetation restored, to ensure the land is as a minimum returned to the condition it was in before the development. Where appropriate a planning condition will be attached requiring the timely restoration of land to its previous use at the end of the operational life of the solar panels.

#### **3.10.3 Related Application Requirements:**

3.10.4 Details for decommissioning and restoration should be outlined in the planning application as appropriate.





## 4.2 Agricultural Land

**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. - County Durham Plan Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources).**

**Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. – NPPF (Section 15 Conserving and Enhancing the Natural Environment)**

### 4.2.1 Durham Context:

4.2.2 Agricultural Land is classified as Grade 1 to 5, with 1 to 3a being the best and most versatile (BMV) agricultural land. Apart from urban areas and the North Pennines AONB, the county is predominantly classified as Grade 3 as identified on [Natural England's provisional Agricultural Land Classification map for the region](#).

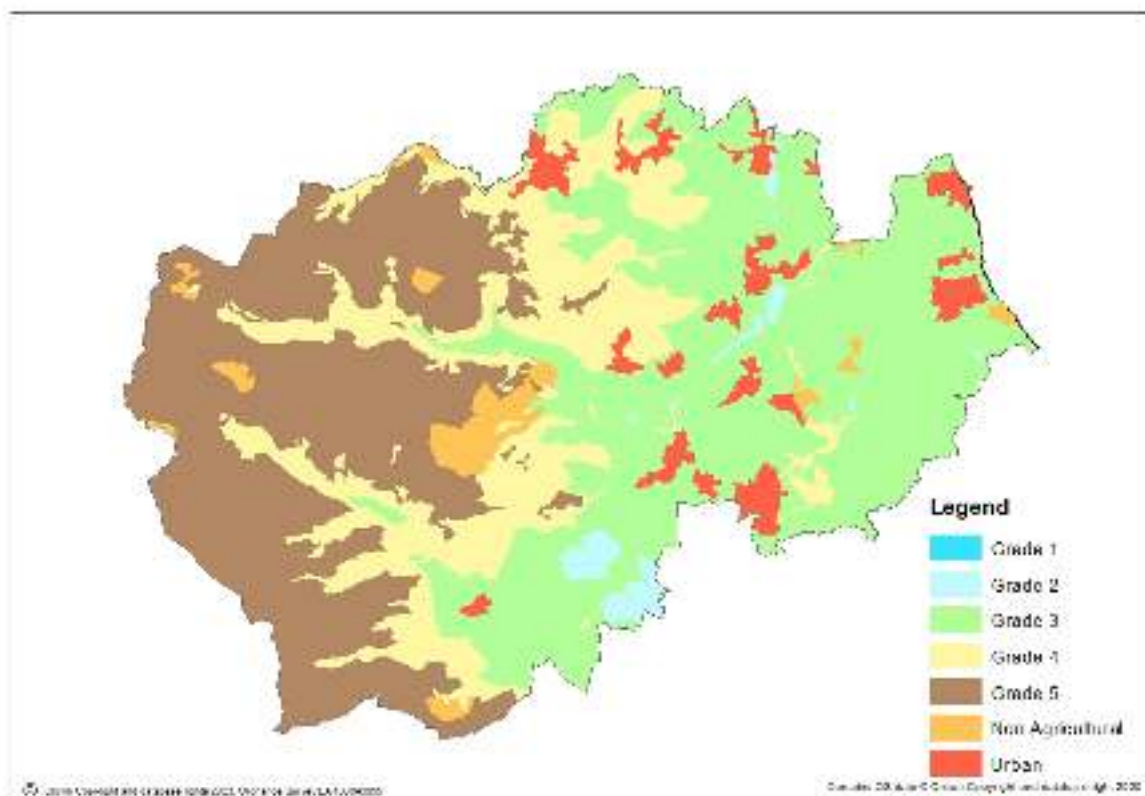


Figure 3. Provisional Agricultural Land Classification in County Durham

### 4.2.3 Detailed Guidance:

- 4.2.4 Planning Practice Guidance states where a proposal for a solar farm involves greenfield land, consideration should be given to 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. 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.
- 4.2.5 Natural England's Agricultural Land Classification Map is provisional and does not subdivide Grade 3 land. An Agricultural Land Classification Statement will be needed to confirm the grade of agricultural land, where relevant. The survey will need to be carried out by suitably qualified independent practitioners in accordance with up-to-date industry best practice.
- 4.2.6 Solar farms can help generate an income to support the continued viability of a farm business and allow the agricultural function to continue. In accordance with Planning Practice Guidance consideration will be given to if the proposal allows for continued agricultural use, where applicable. In particular, the extent to which the design of the solar farm will allow the farm to continue to function as an agricultural unit with the development in situ. Livestock grazing can be a low cost means of managing grassland as well as increasing its conservation value. Sheep are the usual choice for solar farms, being small enough to pass beneath the rows of panels. There are examples of solar panels combined with cattle grazing, but in these cases the height of panels needs to be substantial. There is also growing research and examples of 'agrivoltaic arrays' where crops are grown between or beneath solar panels. This requires careful consideration of the crops, location and climate.
- 4.2.7 The council will monitor the cumulative impact of large scale solar developments on the supply of agricultural land across the county.
- 4.2.8 Soil is a fundamental and finite resource that fulfils many important functions and ecosystem services. Where soil stripping is required, topsoil and subsoil should be stripped, stored, and replaced separately to minimise soil damage and to provide optimal conditions for site restoration. Bringing alien soil material onto the development site should be avoided.
- 4.2.9 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 4.10 Site Restoration.

#### **4.2.10 Related Application Requirements:**

- 4.2.11 In the case of non-agricultural land, no further information is required in this regard. For land of 1ha or more that is currently or last in use for agriculture an Agricultural Land Classification Statement will be required setting out the agricultural land classification. Where proposals are on BMV agricultural land this should also address:

- 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; and
- If the proposed development site makes up part of an existing farm, provide information on the ability of this farm to continue to function as an agricultural unit with the development in situ.

4.2.12 A Soil Resource Management Strategy will be required for any development on a site of 1ha or more on previously undeveloped land. To include the methodology for soil stripping, storage, and replacement.

### 4.3 Landscape and Townscape

**Proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. - County Durham Plan Policy 29 (Sustainable Design)**

**Any proposal should not cause unacceptable harm to the character, quality, or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm. – County Durham Plan Policy 39 (Landscape)**

**Great weight will be given to conserving the landscape and scenic beauty of the North Pennines Area of Outstanding Natural Beauty (AONB). Any development should be designed and managed to the highest environmental standards and have regard to the conservation priorities and desired outcomes of the North Pennines AONB Management Plan and to the guidance given in the North Pennines AONB Planning Guidelines, the North Pennines AONB Building Design Guide and the North Pennines AONB Moorland Tracks and Access Roads Planning Guidance Note as material considerations. - County Durham Plan Policy 38 (North Pennines AONB)**

#### 4.3.1 Durham Context

4.3.2 The Durham Landscape is one of enormous contrast and diversity. It includes nationally important landscapes including the North Pennines National Landscape (still referred to as Area of Outstanding Natural Beauty (AONB) for planning purposes) and registered Parks and Gardens of Special Historic Interest. It includes locally important landscapes identified as Areas of Higher Landscape Value (AHLV) in the CDP and sites identified on the County Durham Local List of Historic Parks, Gardens and Designed Landscapes. Parts of the Durham Coast are also identified as heritage coast.

[Neighbourhood plans](#) may also identify locally valued landscapes, local green spaces and locally important views.

4.3.3 Further information on the landscape of the county can be found on [the Durham Landscape website](#).

- The County Durham Landscape Character Assessment (2008) provides detailed information about the character of the county's landscape from the strategic to the local level.
- The County Durham Landscape Strategy (2008) is the council's adopted strategy for the landscape. It analyses the issues affecting the landscape and sets out objectives and priorities for conservation and improvement specific to each character area.
- The County Durham Landscape Guidelines cover a range of topics including trees, woodlands and forestry, hedges and grasslands and provide development and land management guidelines for individual landscape types.

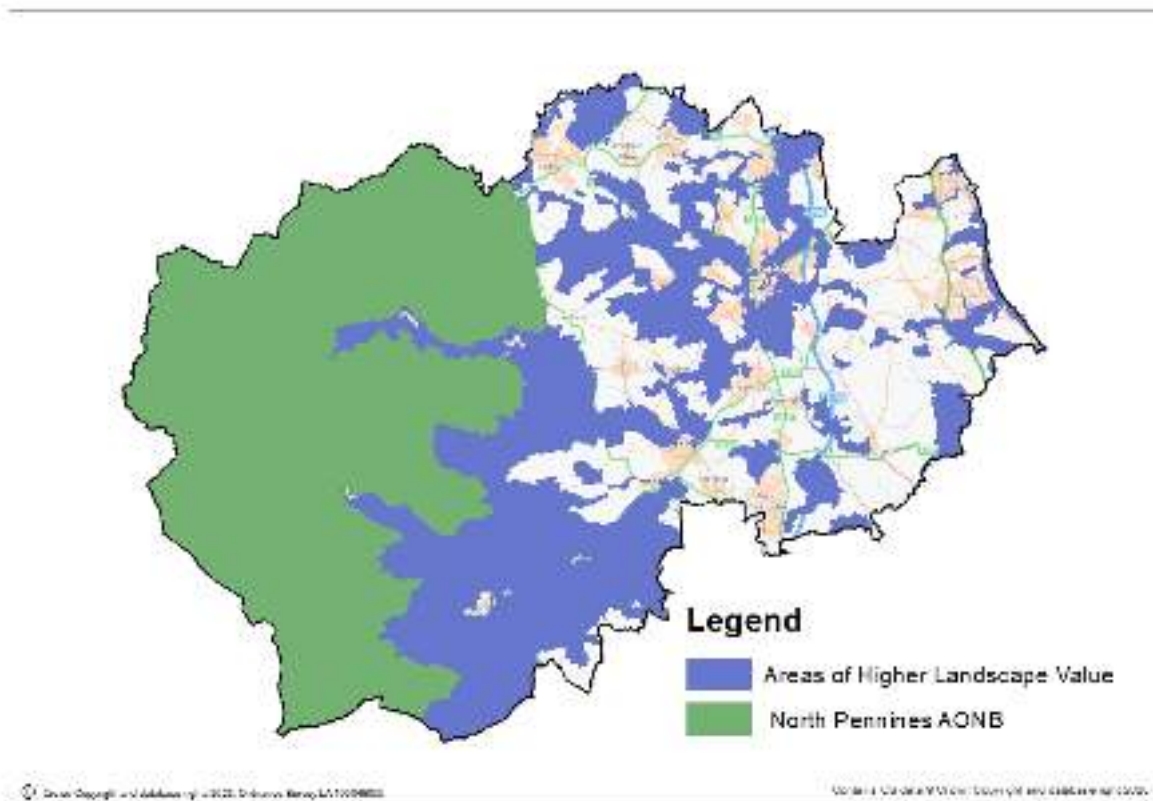


Figure 4. Areas of Higher Landscape Value and North Pennines Area of Outstanding Natural Beauty

#### 4.3.4 Detailed Guidance:

4.3.5 Development proposals should be informed by an understanding of the character and sensitivities of the local landscape. Large scale solar farms are generally developed in the countryside where solar arrays can detract from its rural character by introducing large tracts of man-made structures, and particularly where they are visually prominent. The countryside around towns

can share that susceptibility, particularly in smaller rural gaps between settlements where solar development can lead to a degree of visual coalescence.

- 4.3.6 Large scale development can be difficult to accommodate in rural landscapes without locally significant effects on landscape character. While some impacts of this kind might need to be accommodated as part of the transformation of our energy supply infrastructure in the context of the climate emergency, they can nevertheless be reduced by careful site selection and design.
- 4.3.7 The location of larger scale development is often heavily influenced by grid connectivity and capacity which will not always coincide with landscapes of low sensitivity. The need for locations well-served by the grid may also lead to multiple developments coming forward in those areas, with potential cumulative effects on the character of the local landscape.
- 4.3.8 Landscape change is not always harmful and the sensitivity of landscapes to the effects of the kinds of change associated with larger scale solar development varies. Landscape sensitivity in the context of spatial planning is a term applied to landscape character and the visual environment which combines judgements about their susceptibility to a specific type of development and their value.
- 4.3.9 Table 2 shows landscape attributes that are broad indicators of lower and higher susceptibility to the effects of solar development on landscape character.

<b>Indicators or lower susceptibility</b>	<b>Indicators of higher susceptibility</b>
Flat, gently rolling or gently undulating terrain	Strongly undulating or rolling terrain. Very steep or rugged terrain
Large scale field and woodland patterns	Small scale patterns of enclosure. Open land dominated by semi-natural land cover
Complex and varied landcover without unity or rhythm; marked seasonal changes in colour and pattern.	Simple or consistent landcover; modest seasonal changes in landcover.
Landscapes heavily enclosed by hedges and tree/woodland cover	Open landscapes with little or no enclosure provided by hedges and tree/woodland cover.
Landscapes experienced in shallow and short or interrupted views. No or very limited intervisibility with other areas.	Landscapes experienced in deep open panoramic views, with prominent or distinctive skylines and/or important landmark features
Landscapes dominated by urban and industrial development	Landscapes with little built development
Landscapes with no features of historical interest and little time-depth.	Landscapes containing substantial areas / features of historical interest and /or a strong sense of time depth

Unattractive land dominated by detractive elements	Landscapes with many positive scenic attributes and few detractors
Landscapes made up of generic features. Disturbed or degraded landscapes.	Less common / rare landscapes or landscapes containing uncommon features, strongly representative of their type and/or in good condition.
Landscapes dominated by human activity.	Landscapes with a strong sense of wildness or naturalness. Very little human activity

Table 2. Landscape susceptibility

4.3.10 The County Durham Landscape Value Assessment (2019) provides information on landscape value across all of the county's landscapes. The boundaries of the AONB, Registered Parks and Gardens, and AHLV can be found on the [Local Plan Policies Map](#). Background information on AHLV can be found in the [County Durham Plan Local Landscape Designations Review](#). These can be found on the council's website.

4.3.11 The council will produce more detailed analysis of landscape sensitivity.

4.3.12 Location and siting

4.3.13 The location and siting of development can have a strong influence on its landscape and visual effects. These can be reduced by:

- Selecting locations in landscapes that have a lower susceptibility or sensitivity to solar development.
- Selecting locations that are naturally well screened in public views by existing topography and vegetation or are capable of being screened with new planting within a relatively short timescale.
- Avoiding elevated or sloping sites that are difficult to screen.
- Avoiding locations where development would erode small or important gaps between settlements.
- Avoiding sensitive locations such as historic parks and gardens and features of historical interest such as old field systems, rigg and furrow, strip lynchets and other earthworks.
- Avoiding sites where panels could dominate the user's experience of the public rights of way network.
- Avoiding sites that figure in important views or the settings of sensitive heritage assets.
- Considering how the scheme fits with other operational and consented schemes in the area to minimise cumulative effects.

4.3.14 Layout and design

4.3.15 Layout and design need to be informed by Landscape and Visual Impact Assessment (LVIA). Landscape and visual effects can be reduced by:

- Fitting the scheme into the existing landscape framework, preserving landscape features such as hedges, walls, woodlands and tree lines, watercourses and wetlands.
- Avoiding sensitive features such as old rigg and furrow and strip lynchets:
- Keeping the layout compact or interlocking with existing field and woodland patterns.
- Avoiding detached or scattered parcels unless doing so would meet specific design objectives such as reducing impacts.
- Running arrays along rather than across the contours on sloping sites where that is practical having regard to aspect.
- Fitting arrays comfortably into existing fields, avoiding conspicuous long, ragged or staggered edges.
- Allowing sufficient space around existing hedges, trees and woodland edges to avoid shading, facilitate management and enhance their ecological value.
- Using existing access points and field tracks where possible.
- Where the site is to be managed by grazing considering this in the layout having regard to the supervision and movement of livestock.

#### 4.3.16 Panels and ancillary elements

- Selecting panels and supports that are as low as practical to keep them in scale with local field boundaries.
- Using panels with low potential for glint or glare.
- Using low impact and reversible mountings such as pile driven or ground screw anchors.
- Minimising the development of new surfaced access tracks and other areas of hard surfacing: using reinforced grass or other green solutions and using agricultural or 4WD vehicles to service the facilities.
- Avoiding urban detailing at the site access in rural areas: kerbs, signage etc.
- Burying cables wherever possible (avoiding damage to trees, hedges, or archaeology) to minimise their impact.
- Housing ancillary plant and facilities in existing buildings where possible. Where new structures are needed, designing them to reflect the local vernacular and locating them close to existing buildings or other features.
- For larger battery storage arrays and inverters choosing well screened locations and using visually recessive colours for battery modules.
- Where security fencing is required, using visually light features such as deer fencing: Setting perimeter fences back from hedged boundaries to reduce their visibility from outside the site where there are close views.
- Where any operational lighting is necessary, providing the minimum required and designing to prevent overspill and glare.
- Avoiding the use of tall CCTV poles and masts: mounting CCTV on timber poles of the minimum height required.

#### 4.3.17 Planting and land management

4.3.18 Landscape and visual effects can often be mitigated to some degree by retention and management of existing features and new planting – either to control visibility or to enhance the landscape infrastructure in the long term to offset effects during the operations period. This can include:

- Where there are trees or hedges within or around the site commissioning an Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) to ensure that they are adequately protected through the development phase.
- Considering the potential for mitigation of effects in key views. Managing existing landscape features and establishing new features to help screen and assimilate it into the landscape.
- Ensuring that screening features are in keeping with the local landscape (hedges, walls, tree lines, woodlands).
- Using species that are native to, or characteristic of, the locality.
- Allowing hedges to grow to a taller managed height to achieve screening objectives more rapidly than new planting and to avoid them being obscured by panel arrays in wider views.
- Taking opportunities to restore existing, relict or lost landscape features and create new features to leave a beneficial legacy in the long term.
- Looking outside of the development boundary, and particularly within the wider land-holding, for opportunities to mitigate impacts and introduce compensatory enhancement.
- Having a management plan in place for the lifetime of the development that captures landscape and visual objectives alongside other factors such as biodiversity.

#### **4.3.19 Related Application Requirements:**

4.3.20 For large scale development a Landscape and Visual Impact Assessment (LVIA) will typically be required. This should be carried out in accordance with the [Guidelines for Landscape and Visual Impact Assessment](#) produced by the Landscape Institute and the Institute of Environmental Management and Assessment (3<sup>rd</sup> Edition 2013) and undertaken by a suitably qualified person.

4.3.21 The LVIA should have regard to the following documents, electronic copies of which can be obtained from the Landscape and Arboriculture section:

- County Durham Landscape Character Assessment (2008)
- County Durham Landscape Strategy (2008)
- County Durham Landscape Guidelines
- County Durham Landscape Value Assessment (2019)

4.3.22 And where appropriate:

- County Durham Plan Local Landscape Designations Review (2019)
- The North Pennines AONB Planning Guidelines and Building Design Guidelines
- [Neighbourhood Plans](#)



4.3.23 The study area for the LVIA and the location of representative and/or important viewpoints used in the study should be agreed with the council's Landscape Officer.

4.3.24 Photographs and visualisations included as part of the analysis of views should conform to the standards set out in [Visual Representation of Development Proposals](#) (Landscape Institute Technical Guidance note 06/19).

4.3.25 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. These should be carried out in accordance with BS5837: 2012 and undertaken by a suitably qualified arboriculturist.

4.3.26 The LVIA and Arboricultural studies should be commissioned at an early stage to inform the location, design and management of the development.

#### 4.4 Biodiversity and Nature Conservation

[Please refer to guidance in section 3.4.](#)

#### 4.5 Cultural Heritage

[Please refer to guidance in section 3.5.](#)

#### 4.6 Glint and Glare

[Please refer to guidance in section 3.6.](#)

#### 4.7 Residential Amenity

**Proposals which will have an unacceptable impact such as through noise and vibration, light pollution, or other sources of pollution, either individually or cumulatively, will not be permitted unless satisfactory mitigation measures can be demonstrated. – County Durham Plan Policy 31 (Amenity and Pollution)**

##### 4.7.1 Durham Context:

4.7.2 The county contains areas of tranquillity which are sensitive to light pollution, such as the North Pennines AONB and open countryside. Uses which are sensitive to amenity impacts (referred to as 'sensitive receptors') tend to be in urban areas. These include housing, schools, hospitals, and care homes.

##### 4.7.3 Detailed Guidance:

4.7.4 In the case of solar development impacts from noise, dust and vibrations are predominantly likely to be during construction, although associated

transformers, battery storage systems and inverters can emit noise when operational.

- 4.7.5 Proposals which have the potential to impact on the general amenity and health of people nearby will need to demonstrate that there will be no unacceptable impacts. Any noise emitting equipment should be located away from noise sensitive receptors, and mitigation measures such as acoustic enclosures may be required.
- 4.7.6 Dust monitoring may be needed where dust generating activities are to be carried out close to sensitive receptors. This is defined as a sensitive receptor within 100m of the dust generating activity. The assessment of the impact of dust pollution during construction will need to consider the impact on air quality from emissions of PM10 (Particulate Matter below 10 microns) and PM2.5 (Particulate Matter below 2.5 microns) and the potential for visible dust emissions to give rise to unacceptable amenity impacts or to a statutory nuisance to neighbouring sensitive receptors. Measures will need to be put in place to prevent mud and other materials migrating onto the highway.
- 4.7.7 Where lighting is required, it will need to be demonstrated that the lighting proposed is the minimum necessary for functional or security purposes. Particular attention will be paid to areas where tranquillity and dark skies are valued and may also be sensitive to light pollution, such as the North Pennines AONB and open countryside.
- 4.7.8 Related Application Requirements:**
- 4.7.9 A Construction Management Plan will be required for all major developments with existing sensitive receptors within 100m of the site boundary. It should include measures to control and monitor emission of dust and dirt, noise, and vibration.
- 4.7.10 A Noise Assessment may be required where proposals raise issues of potential noise disturbance and should cover the construction, operation, and decommissioning phases of the proposal to identify any potential impacts and necessary mitigation measures.
- 4.7.11 A Lighting Assessment will be required for developments which would involve the provision of significant external lighting (e.g., floodlights or security lighting) that may have an adverse impact on residential amenity, the character of the open countryside or a heritage asset. The assessment should assess the effects on: visual amenity, local character and distinctiveness, neighbouring amenity, heritage assets if present, nature conservation and how those effects will be mitigated.

#### 4.8 [Recreational Amenity and Public Rights of Way](#)

[Please refer to guidance in section 3.8.](#)

## 4.9 Flooding and Drainage

**Development will not be permitted unless it can be proven through an FRA that the development, including the access, will be safe, without increasing or exacerbating flood risk elsewhere, any residual risk can be safely managed and where possible will reduce flood risk overall. There should be no net increase in surface water runoff for the lifetime of the development. Where greenfield sites are to be developed, the runoff rates must not exceed and where possible should reduce the existing greenfield runoff. – County Durham Plan Policy 35 (Water Management)**

### 4.9.1 Durham Context:

4.9.2 In County Durham flood risk is mainly fluvial, from rivers and watercourses, although we are seeing increasing events of surface and ground water flooding due to climate change and development pressure. River flooding within the county is primarily due to the overtopping of the River Wear and its tributaries in towns and villages along its length. The county also has a coastal frontage which extends from Seaham in the north to Crimdon Park in the south. There are also several water storage reservoirs in the county. Whilst localised surface water flooding is more common in developed areas, incidents have occurred in rural areas. The Environment Agency provides a [map of flood zones](#).

### 4.9.3 Detailed Guidance:

4.9.4 It will need to be demonstrated that the solar development will be safe from all forms of flooding for its lifetime, taking climate change into account. All solar development (solar farms and infrastructure for electricity generation) is defined as essential infrastructure in the NPPF. Where proposed in flood zone 2 and 3 the sequential test will need to be passed. It will need to be demonstrated that it is not possible to locate the solar development in areas of lower flood risk. In flood zone 3 the exceptions test will also need to be passed. It will need to be demonstrated that the proposal will deliver wider sustainability benefits to the community and be safe for its lifetime, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. In addition, in flood zone 3 solar development must be constructed to remain operational and safe in times of flood, and in zone 3b also result in no net loss of floodplain storage and not impede water flows. An Environment Agency consent may be required for works adjacent to a main river.

4.9.5 Solar farms have the potential to impact on surface water flow through construction impacts and 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.

- 4.9.6 The site's soils and their permeability will be a major consideration, as siting on impermeable clay soils will lead to runoff channel forming, erosion and potential silting of watercourses. In contrast soils and subsoils are often thin and highly permeable when overlying Magnesian Limestone which supports the protected/designated Magnesian Limestone grasslands.
- 4.9.7 The permeability of material used for the access tracks should be taken into consideration. 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 due to earthworks carried out during construction. This concentration of water flow can create rills, or channelised flows, which can compact and erode the soil, and lead to the potential silting of watercourses and possible flooding.
- 4.9.8 Changing baseline drainage patterns can alter subsurface flow paths such that water is preferentially moved from one receptor dependent on ground water to another (especially in a fractured aquifer like the Magnesian Limestone). Cumulative impacts should be considered and the potential to lower water levels, quantity in private water supplies, or raise groundwater levels and increase flood extents and duration.
- 4.9.9 Solar panels are often installed in agricultural land with potential pre-existing contaminants in the ground and groundwater. Altering the pre-development drainage could mobilise these (nitrates, herbicides, pesticides, landfill contaminants) potentially resulting in a pollution and deterioration in water quality at a receptor such as a watercourse, wetland, pond, private or public water supply borehole.
- 4.9.10 When considering the impact on flood risk and the future drainage of such developments, due consideration should be undertaken in respect of the construction phase. During this period the ground around the arrays can become compacted, and if not rectified later, may result in the run-off from the arrays draining onto semi-impermeable ground resulting in possible drainage issues.
- 4.9.11 The length of lifetime of the development should be made explicit to ensure that mitigation measures for the site are effective for the lifetime of the development. This would affect any climate change allowances to be made for storage calculations for attenuation features.
- 4.9.12 To counter these risks the following measures should be taken where appropriate:
- Undertake an assessment of the baseline run-off rates of the existing site. Compare this to the calculated greenfield allowance for a development.
  - Undertake an assessment of the baseline infiltration rates and site specific baseflows to rivers. There are many areas which do not match the generic catchment hydraulic modelling criteria due to the inherent difficulties in assessing recharge or rainfall infiltration. Equally there will be sites where

a greenfield runoff rate may still cause flooding. In these cases, schemes should provide additional mitigation.

- Research the former use of the land listing possible contamination. Provide a semi-quantitative or quantitative assessment of the risk and impact on all receptors with measures to mitigate, where necessary against the risk of mobilising contaminants through the change of use and drainage of the land. Where a drainage system design maintains baseline run-off and infiltration rates this assessment may become less important.
- Research which nearby watercourses are impacted by lower than normal flows i.e. close to their (EFI) environmental flow indicator which is the minimum flow required to support good ecological status as required by the Water Framework Directive 2000. These may benefit from having more water to improve their quality and WFD status.
- To counter ground compaction from construction machinery, sub soiling by chisel plough should be carried out to break up any natural hard sub soils or construction compacted ground beneath the surface, which may otherwise cause poor drainage.
- Access roads should take account of the infiltration capacity of the soil. Where feasible, permeable materials should be used, or the road should be positively drained.
- Drainage from access roads may require attenuation control to the outflow before discharging to an identified location (e.g., a watercourse) or soakaway (where ground conditions allow). Please refer to [CIRIA's SuDS Manual](#) to inform your design of such elements.
- Structures should be sited along the contour (wherever possible) so that the water flow between rows is dispersed evenly beneath them.
- Incorporate bunds, filter drains or other measures to interrupt flows of water between structures to disperse water flows over the surface and promote infiltration into the soils.
- Incorporate wide grassed filter strips at the downstream side of the structures and maintain the grass at a long length to interrupt water flows and to promote infiltration.
- Incorporate gravel filled filter drains or swales to help infiltrate run-off (where ground conditions allow).
- There should be a soil management plan in place to ensure that the soil is kept in good condition both during and after construction, as well as for decommissioning.

#### **4.9.13 Related Application Requirements:**

4.9.14 A Flood Risk Assessment (FRA) and Surface Water Drainage Strategy is required where sites are:

- within Flood Zone 2 or 3; or
- of 1ha or more and in Flood Zone 1.

4.9.15 The FRA should review all existing flood risks and identify any necessary mitigation measures during the construction, operational and decommissioning phases. The lifetime of the development should be made explicit to ensure that mitigation measures use the appropriate climate change allowance for storage calculations for attenuation features. In addition, for developments in Flood Zone 2 or 3 a sequential test should be carried out and form part of the FRA.

4.9.16 The following information shall be included within the surface water management proposal:

- Assessment of the existing soil and sub soils and their permeability.
- A review of the existing surface water drainage mechanisms.
- Assessment of the impact from the run-off and how this will be controlled.
- Details, plans, sections and calculations where necessary to demonstrate that there will be no increase in flood risk, and total discharge from the site will be equivalent to QBAR Rate for all events up to and including the 1 in 100 + 40% climate change factor for the lifetime of the development.
- Details of the future site management plan including an inspection and maintenance plan for the areas around and beneath the structures.
- Details and sections of any new access roads identifying how these will be drained.
- A construction management plan providing details of how the site and any temporary and permanent access roads will be drained during the installation and decommissioning. This assessment should review how the site drainage characteristics will be temporarily changed following removal of any crops, stubble or grasslands.
- Identify any existing watercourses which may require crossing to form temporary or permanent access tracks and include details of any localised culverting and assessments to demonstrate that the culverts will be able to accept the flow from the 1 in 100+ 40% Climate Change storm event with an agreed freeboard. Note that where any works affecting a watercourse even of a temporary nature are involved, then an Ordinary Watercourse Consent approval will be required from Durham County Council Drainage and Coastal Protection Section.

#### 4.10 Site Restoration

**Developments will need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. – County Durham Plan Policy 33 (Renewable and Low Carbon Energy)**

##### 4.10.1 Detailed Guidance:

4.10.2 Applications need to include outline proposals for the timely restoration of the land to its previous use at the end of the operational life of the solar farm, which is generally between 25 and 40 years. Full details for decommissioning

and restoration will be required prior to decommissioning and this will be secured by condition. Restoration means that all development, including ancillary infrastructure, footings and access tracks should be removed from the site and any soils and vegetation restored, to ensure the land is as a minimum returned to the condition it was in before the development. Any landscape or biodiversity enhancements delivered through the development should be retained where appropriate. Restoration should be completed as soon as practicably possible. This will be secured by bond, legal agreement, or condition.

#### **4.10.3 Related Application Requirements:**

4.10.4 An outline decommissioning and restoration scheme.

#### **4.11 Green Belt**

**Green Belt has an important function in preventing urban sprawl by keeping land permanently open. The NPPF states substantial weight should be given to any harm to the Green Belt. Elements of many renewable energy projects will comprise inappropriate development in the Green Belt and very special circumstances will need to be demonstrated. Very special circumstances will not exist unless it is evidenced the potential harm to the Green Belt is clearly outweighed by other considerations. – NPPF (Section 13 Protecting Green Belt land), County Durham Plan Policy 20 (Green Belt)**

#### **4.11.1 Durham Context:**

4.11.2 Land designated as Green Belt in the county covers an area of 8,726 hectares. This equates to just under 4% of land in the county. The extent of the Green Belt is shown on the [Local Plan Policies Map](#). It can be broken down into three areas. The Durham City Green Belt which surrounds the City of Durham, which broadly aligns with an Area of Higher Landscape Value. The original purpose of this Green Belt was to preserve the setting of Durham as a historic town, prevent unplanned outward expansion of the city and coalescence (or merging) with surrounding villages. The North Durham extension to the Tyne and Wear Green Belt which comprises two parts, the North East Durham Green Belt located to the north of Seaham and the North Durham Green Belt located to the north of Chester-le-Street. The original purpose of the North Durham extension was to check the unrestricted sprawl of large built-up areas within Tyne and Wear, to prevent settlements merging and to encourage urban regeneration.

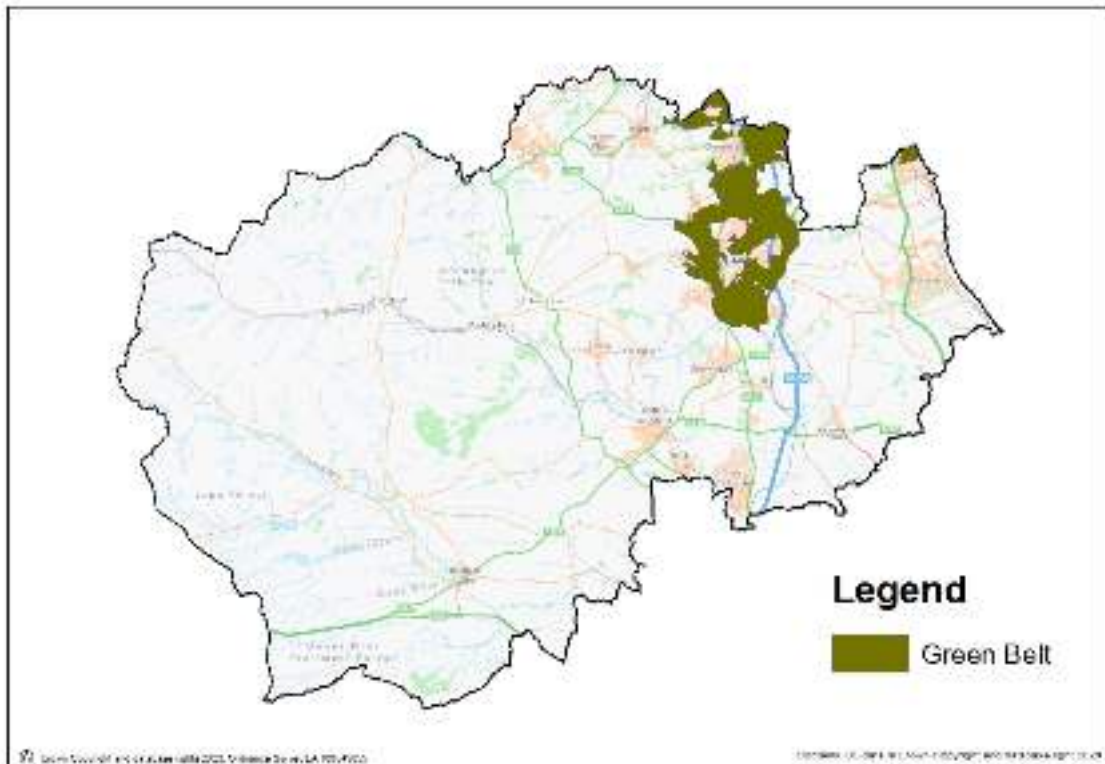


Figure 5. Green Belt in County Durham

#### 4.11.3 Detailed Guidance:

4.11.4 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Solar farms can impact on the openness of the Green Belt. National policy prescribes that very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. 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. Consideration will also be given to the extent it has been demonstrated the solar farm could not be located elsewhere in the county due to locational requirements.

#### 4.11.5 Related Application Requirements:

4.11.6 Evidence of very special circumstances, which would outweigh the harm to the Green Belt and any other harm.



## 4.12 Access and Traffic

**Proposals should ensure that any vehicular traffic generated, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution, or detriment to road safety. – County Durham Plan Policy 21 (Delivering Sustainable Transport)**

### 4.12.1 Detailed Guidance:

4.12.2 In the case of solar farms most transport impacts will be during construction, with limited maintenance vehicle visits during operation. It may be necessary to improve access routes into the site. In this scenario the Local Highway Authority should be engaged at an early stage.

4.12.3 Where development could potentially affect the operation of the Strategic Road Network (SRN), applicants are encouraged to consult with National Highways before submitting a planning application. In such cases the Transport Assessment or Statement should outline the anticipated trip generation of the construction and operational phase of the development with sufficient detail to allow National Highways to assess the impact on the SRN. The Construction Management Plan would also need to be approved by National Highways prior to the development commencing. 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.

### 4.12.4 Related Application Requirements:

4.12.5 Where appropriate a Transport Assessment or Transport Statement will be required.

4.12.6 The Construction Management Plan will need to address impacts of construction traffic. 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 and details of any necessary Temporary Traffic Management and access arrangements; staffing numbers; contractor parking; details of delivery arrangements (including for any abnormal loads) and loading and unloading arrangements; and mitigation measures and details of enforcement (e.g. limited delivery times, noise reduction, wheel washing, penalty clauses for contractor).

#### 4.13 Contamination and Ground Stability

**Development will not be permitted unless the developer can demonstrate that: a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development; b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and c. all investigations and risk assessments have been undertaken by an appropriately qualified person. – CDP Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)**

##### 4.13.1 Durham Context:

4.13.2 Large parts of County Durham have been identified by the [Coal Authority as 'Development High Risk Areas' and 'Development Low Risk Areas'](#) due to the known occurrence of coal mining legacy issues and related hazards. Contaminated land in the county can arise from several sources typically associated with some types of industrial and manufacturing uses such as gas, coke, chemical and steel works. While contamination is more likely to arise in former industrial areas, it can also occur in other locations, including in the countryside. There is also despoiled land, which is primarily where mineral resources have been removed.

##### 4.13.3 Detailed Guidance:

4.13.4 The Coal Authority does not as standard require a [Coal Mining Risk Assessment for solar arrays as ground disturbance is generally minimal](#). However, where works require the installation of cabling or other infrastructure a risk assessment may be required. In such cases the Coal Authority will be consulted.

4.13.5 Guidance on groundwater and contamination is provided in section 4.9 Flooding and Drainage.

##### 4.13.6 Related Application Requirements:

4.13.7 A Coal Mining Risk Assessment will be required within Coal Mining High Risk Areas where works will involve significant ground works (i.e., beyond surface scraping and installation of loose materials.)

#### 4.14 Associated Infrastructure

**Renewable and low carbon energy development in appropriate locations will be supported. Proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. – County Durham Plan Policy 33 (Renewable and Low Carbon Energy)**

- 4.14.1 In addition to solar panels, solar farms include supporting infrastructure including inverters, which convert energy from the panel from direct current (DC) into useable alternating current (AC), batteries to store the electricity and cabling. Commercial solar farms need to be in proximity to a substation with capacity on the National Grid. A solar farm proposal could include a new substation and associated cabling.
- 4.14.2 Batteries can help to maximise the efficiency of an installation by allowing energy to be stored. Battery storage should be considered as part of all solar developments. Batteries and inverters should be co-located in existing buildings where possible, particularly where these are in the local vernacular and located near the site. New battery and inverter buildings should match the local vernacular, be carefully sited, and should generally avoid high or exposed locations. Existing and locally occurring vegetation should be used to screen new buildings. Batteries and inverters should be located away from noise sensitive development.
- 4.14.3 Where planning permission is being sought for development of battery energy storage systems of 1MW or over, in open air environments using lithium-ion batteries Planning Practice Guidance encourages applicants to engage with the relevant local fire and rescue service before submitting a planning application. Where relevant the local fire and rescue service will also be consulted on planning applications. Further [guidance on battery storage and fire safety has been produced by the National Fire Chiefs](#). If a BESS is located near to the SRN, further evidence is also required by National Highways regarding fire risks.
- 4.14.4 Cabling should be buried underground to minimise their impact on landscape character and visual amenity. They should avoid areas of ecological or archaeological sensitivity, damage to trees or hedges. Connection to the grid may cause an accumulation of overhead wiring, if this occurs in sensitive areas, the cumulative impact will need to be assessed.
- 4.14.5 Related Application Requirements:**
- 4.14.6 The application should clearly set out where invertors and batteries will be located and how they will be designed. The nature and extent of cabling should be shown on the site plan.

4.14.7 A Noise Impact Assessment may be required where batteries or inverters would be in proximity to noise sensitive uses.

## 5.0 Planning process

### 5.1 Pre-Application Advice

5.1.1 Pre-Application advice is strongly encouraged for medium and large scale solar developments. This will avoid abortive work by helping to identify if a proposal is likely to be acceptable. Advice will be provided on the supporting studies required and the level of detail they should contain based on the sensitivity of the site, the nature of the proposal and its potential effects.

5.1.2 Pre-Application enquiries can be submitted online via the [council's planning advice and enquiries webpage](#).

### 5.2 Community Engagement

5.2.1 The council will expect developers to engage with the community prior to submission of a solar farm application. Through this process an applicant will be able to explore areas of concern, options for mitigation and potential benefits that their proposal could provide to the local area. The applicant should demonstrate how they have taken account of the community's responses within their application.

5.2.2 BRE Solar Centre has produced [Community Engagement Good Practice Guidance for Solar Farms](#). The government has also produced [Good Practice Guidance on Community Engagement and Benefits for Onshore Wind Developments](#). Whilst this is specific to onshore wind, the council endorses the approach to community engagement encouraged in the guidance. It considers the approach also reflects existing best practice for commercial solar development. Key principles in both guidance documents include:

- developing a community engagement plan from the outset;
- starting community engagement as early as possible in the process;
- recognising all communities are different and therefore the local community will need to be determined on a case-by-case basis;
- using a range of different engagement methods to reach the whole community and understand the differing needs and priorities;
- feeding back and following up with the community; and
- on-going engagement through a projects operational lifetime and in decommissioning.

5.2.3 The council's [Statement of Community Involvement](#) provides further guidance on appropriate consultation methods and how the results of community consultation should be used.

5.2.4 In the case of the installation of small and medium scale solar developments, it is advisable to engage with neighbouring occupiers before submitting a planning application.

## 5.3 Community Benefits

- 5.3.1 Community benefits associated with renewable energy schemes can help to give a community a sense of ownership and address their concerns over development. Proposals for renewable energy development should be developed through local community engagement and, where appropriate, deliver local community benefits. Applicants are encouraged to outline the benefits of their proposal within their planning application. 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. Benefits could include employment and skills, educational opportunities and local energy generation.
- 5.3.2 For community benefits to be secured through planning 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. It should be noted community funds or investments (e.g., Community Benefits Trust, local share issue, community ownership) 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. They are encouraged but a matter for discussion between the developer and the community.
- 5.3.3 The council's Low Carbon Team provide advice to community groups, including those seeking to take forward their own renewable energy projects. Further information is available on the [Climate County Durham website](#) and the team can be contacted at: [ClimateCountyDurham@durham.gov.uk](mailto:ClimateCountyDurham@durham.gov.uk).

## 5.4 Environmental Impact Assessment

- 5.4.1 Certain solar developments require Environmental Impact Assessment (EIA) under Regulations which implement the EU's Environmental Impact Assessment Directive. Solar farm developments are not specifically listed in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, Schedule 2 of the Regulations specify that any industrial energy installation producing electricity, steam, and hot water, which exceeds 0.5ha could potentially be EIA development.
- 5.4.2 Requests for EIA Screening and Scoping can be made via [planning@durham.gov.uk](mailto:planning@durham.gov.uk).

## 5.5 Submitting a Planning Application

- 5.5.1 A Planning Performance Agreement (PPA) is an agreement between a developer and the local planning authority setting out who will do what and by when, to effectively project manage key events and timescales associated with a development proposal. In the case of solar farms a PPA is encouraged.

5.5.2 The council's [validation checklist](#) sets out validation requirements for planning applications. In the case of solar farm developments, engagement is encouraged prior to submission and will avoid delays in the application being validated.



# **ADOPTION STATEMENT (AUGUST 2024)**

## **SOLAR ENERGY SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

### **Planning and Compulsory Purchase Act 2004 Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 14**

This statement is published by Durham County Council to fulfil the requirements of regulation 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Solar Energy SPD was adopted by Durham County Council and came into effect on 23 August 2024. The SPD provides guidance on key planning issues associated with solar development including landscape character, biodiversity, heritage assets and agricultural land and seeks to ensure panels are appropriately sited and designed. It supplements County Durham Plan policy and, where planning permission is needed, will be a material consideration in determining planning applications.

Any person with sufficient interest in the decision to adopt the SPD may apply to the High Court for permission to apply for judicial review of that decision. Any such application must be made promptly, and in any event, no later than 3 months after the date on which the SPD was adopted.

Under Section 23 (1) of the Planning and Compulsory Purchase Act 2004, the council has modified the SPD to take into account representations made in relation to the document and any other relevant matters. The Consultation Statement summarises the main issues raised during the formal consultation periods and how these have been addressed.

The SPD, Adoption Statement and Consultation Statement can be viewed on the council's website at: [www.durham.gov.uk/cdp](http://www.durham.gov.uk/cdp). Copies can also be made available on request for 3 months following adoption at:

- County Hall, Durham County Council
- Customer Access Points (<http://www.durham.gov.uk/customeraccesspoints>)

If you require any further information on the documents, please contact the Strategy and Delivery Team:

**Telephone:** 03000 260000

**Email:** [StrategyandDelivery@durham.gov.uk](mailto:StrategyandDelivery@durham.gov.uk)

**Post:** 'FREEPOST Spatial Policy' (please note no further information is required)



# Solar Energy Supplementary Planning Document Consultation Statement

**August 2024**

## **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 two stages of formal consultation. A six-week period of consultation between 30 May and 9 July 2023, and a further six-week period of consultation between 26 February and 7 April 2024.

## **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. 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 First Stage of consultation**

### *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) online events with the public and the industry;
- g) a presentation to the Environment & Climate Change Partnership;

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

### Outputs from online events

- 5.2 Two online events were held during the first stage of consultation. An online event targeted at those involved in the delivery of commercial solar farms was held on Tuesday 27 June 2023 between 2pm and 3.30pm, and a public event was held on Wednesday 28 June 2023 between 5.30pm and 6.30pm.
- 5.3 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.

5.4 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.

#### Formal responses to the consultation

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

5.6 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.

### Changes to the SPD

5.7 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.

## **6.0 Second Stage of consultation**

### Steps the council took to publicise the draft SPD

6.1 The council publicised the draft SPD by:

- j) emailing consultees on the planning policy consultation database;
- k) targeted emails to stakeholders involved in the delivery of solar energy development;
- l) publicising via the council's online consultation portal;
- m) making hard copies available in Durham County Hall and Customer Access Points;
- n) making the SPD available on the council's website;
- o) online events with the public and the industry;
- p) using the council's corporate notifications and social media outlets; and
- q) press release.

### Outputs from online events

6.2 Two online events were held during the first stage of consultation. An online event targeted at those involved in the delivery of commercial solar farms was held on Tuesday 19 March 2024 between 2pm to 3pm, and a public event was held on Thursday 21 March 2024 between 5.30pm and 6.30pm.

6.3 The industry event was attended by six representatives including developers and planning consultants. Key points raised were:

- Interest in the Local Nature Recovery Strategy and delivering biodiversity units as part of solar farm developments;
- Interest in further engagement on the landscape sensitivity study; and
- Support for the next version of the County Durham Plan identifying suitable areas for solar energy.

6.4 The public event had four 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:

- If the SPD be more positive about installing solar on new developments.
- The importance of Neighbourhood Plans and their evidence base.
- The Solar Association and BRE good practice guidance on community engagement should be referenced in the SPD.
- The council should take a facilitation role/framework supporting communities negotiating with developers on solar.
- Highlighted the CPRE national campaign to encourage solar on roof space and where roof space.
- Highlighted communities in County Durham looking to take forward their own solar energy proposals.

#### Formal responses to the consultation

6.5 One hundred and twenty five representations were received to the formal consultation from 19 organisations and individuals. These are set out in full with the council's response in Appendix B. Representations were made by:

- |                                     |                             |
|-------------------------------------|-----------------------------|
| • City of Durham Trust              | • Jane Friesner             |
| • Campaign to Protect Rural England | • Lanchester Parish Council |
| • David Friesner                    | • National Highways         |
| • Durham University                 | • Natural England           |
| • Eden Renewables                   | • Mr Galloway               |
| • Environment Agency                | • Patrick Conway            |
| • Fiona Christian                   | • Resident                  |
| • Highways England                  | • Sport England             |
| • Historic England                  | • Sunderland City Council   |
|                                     | • The Coal Authority        |

6.6 In summary responses highlighted the following key issues:

- a) General support for the changes made following the first stage of consultation.
- b) Eden Renewables considered the SPD should reflect the content of National Policy Statements for Energy (EN-1) and Renewable Energy Infrastructure (EN-3).

- c) Durham University requested case studies be added and felt the SPD should be worded more positively.
- d) The next version of the CDP should include a requirement for all new developments to incorporate solar panels and the SPD should highlight the Future Homes Standard and Future Buildings Standard.
- e) The Durham Heritage Coast should be referenced.
- f) Natural England requested reference be added to priority habitats.
- g) Highways England requested additional wording regarding their requirements should there be impacts on the Strategic Road Network (SRN).
- h) Sport England requested reference be made to playing pitch policy.
- i) The SPD should be stronger in requiring high quality consultation and more generally the council should do more to support the community in securing community benefits from commercial scale solar developments.

### Changes to the SPD

6.7 Following consideration of the feedback received a number of changes were made to the SPD. These are shown in full in Appendix C but in summary key changes include:

- a) Updates to reflect National Policy Statements EN-1 and EN-3 have come into force; Biodiversity Net Gain is now mandatory for major and minor applications; and the latest status of the Climate Emergency Response Plan and relevant emerging SPDs.
- b) Reference has been added to the Future Homes Standard and Future Buildings Standard.
- c) Case studies have been added.
- d) Reference has been added to the Durham Heritage Coast and priority habitats.
- e) Additional text has been added on when Highways England are to be consulted in relation to impacts on the SRN.
- f) Reference has been added to playing pitch policy and Sport England's guidance on this matter.
- g) Reference has been added to BRE Solar Centre Community Engagement Good Practice Guidance for Solar Farms and that applicants should address how they have taken account of the community's responses within their application.
- h) Reference has been added to the Climate County Durham website and role of the council's Low Carbon Team.
- i) General corrections and changes for conciseness and clarification.

**Appendix A – Formal consultation responses stage 1**



<b>Respondent</b>	<b>Section</b>	<b>Comment</b>	<b>DCC Response</b>
Lanchester Parish Council	1.1 Purpose of this SPD	<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 terminology in the NPPF designated and non-designated heritage assets is 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 this section</p>
Eden Renewables	1.2 The Climate Emergency	<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>

Lanchester Parish Council	1.2 The Climate Emergency	<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 outlines the ambitions of the 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	1.2 The Climate Emergency	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	1.2 The Climate Emergency	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.

City of Durham Trust	1.3 Policy Context	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.	Agreed. An additional section has been added on neighbourhood plans.
Councillor Douglas Oliver	1.3 Policy Context	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 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.	The SPD provides supplementary guidance to the policies in the County Durham Plan. The policy context section sets out the relationship between the CDP and SPD. In addition, each section sets out the relevant CDP policy position.
David Friesner	1.3 Policy Context	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.	Agreed. Whilst the SPD sets out adopted neighbourhood plans form part of the development plan, an additional section has been added to provide further detail.

David Smith	1.3 Policy Context	<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</p>	<p>Agreed. 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. It is considered section 1.1 on the purpose of the SPD addresses the principles behind its development.</p>
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		<p>Statement for Energy Policy, EN-1.</p> <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"> <li>• 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</li> <li>• 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.</li> <li>• 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.</li> <li>• Needs to prioritise local solar schemes which support local industry and sustain local employment</li> </ul>	
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		<p>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</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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</li> </ul>	
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		<p>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> <ul style="list-style-type: none"> <li>• Needs to have an identified strategy for financial input into local community (not a material consideration but very much a local concern)</li> </ul> <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>	
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Eden Renewables	1.3 Policy Context	<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.
Highways England	1.3 Policy Context	<p>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.</p>	Reference is included in section 1.1 and 1.3, however, further emphasis has been added.
Jane Friesner	1.3 Policy Context	<p>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).</p>	Agreed. 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>Lanchester Parish Council</p>	<p>1.3 Policy Context</p>	<p>Neighbourhood Plans and the Lanchester Neighbourhood Plan (LNP)</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• 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</li> <li>• 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.</li> <li>• 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.</li> <li>• It is therefore essential the Solar Energy Supplementary Planning Document identifies and includes by name local 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 (&gt;50kw) solar PV arrays. January 2014]</li> </ul>	<p>Agreed. 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 by name 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>
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<p>Lanchester Parish Council</p>	<p>1.3 Policy Context</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. community-led initiatives will be viewed positively? 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>1.3 Policy Context</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</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. The challenges of location commercial scale solar farms on brownfield land is noted. The SPD seeks to provide guidance in relation to proposals on agricultural land and the information required to satisfy both national an local policy. Reference to Nationally Policy Statement has been updated to reflect the latest position.</p>
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		<p>and low carbon energy development. However, there has been another consultation on draft NPS in 2023 which sets a clear direction 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>	
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<p>Pegasus Group (on behalf of) Queequeg Renewables Ltd</p>	<p>1.3 Policy Context</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. 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,</p>	<p>The challenges of locating commercial scale solar farms on brownfield land is noted. The SPD seeks to provide guidance in relation to proposals on agricultural land and the information required to satisfy both national and local policy. 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 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 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>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 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</p>	
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		<p>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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City of Durham Trust	2.0 Small scale	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.	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. -check conservation?
City of Durham Parish Council	2.1 Permitted Development Rights	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	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.



City of Durham Parish Council	2.1 Permitted Development Rights	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.	Permitted development rights are set by government in 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 apply.
City of Durham Parish Council	2.1 Permitted Development Rights	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 can be found.

Durham University	2.1 Permitted Development Rights	<p>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.</p>	<p>Permitted development rights are set by government in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Solar panels on the front roof elevation on properties within a conservation area or World Heritage Site can be permitted development. Even when not permitted development solar panels may be acceptable, however, a planning application needs to be submitted.</p>
City of Durham Parish Council	2.2 Landscape and Townscape	<p>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.”</p>	<p>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.</p>

Durham University	2.2 Landscape and Townscape	(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. Wording of criteria g) clarified.
The County Durham Green Party	2.2 Landscape and Townscape	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.
City of Durham Parish Council	2.3 Cultural Heritage	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	2.3 Cultural Heritage	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 noted.

Durham University	2.3 Cultural Heritage	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 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.	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.
Lanchester Parish Council	2.3 Cultural Heritage	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	2.3 Cultural Heritage	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	2.3 Cultural Heritage	<p>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 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</p>	Support for the principle of the SPD is noted.
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		<p>important to their setting'. The SPD should therefore seek to limit and mitigate any such damage to the historic environment.</p>	
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Historic England	2.3 Cultural Heritage	We are pleased to see reference to our guidance within the document, Energy Efficiency and Historic Buildings Solar Electric (Photovoltaics) ( <a href="https://historicengland.org.uk/images-books/publications/eehb-solar-electric/heag173-eehbsolar-electric-photovoltaics">https://historicengland.org.uk/images-books/publications/eehb-solar-electric/heag173-eehbsolar-electric-photovoltaics</a> ). 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) ( <a href="https://historicengland.org.uk/images-books/publications/commercial-renewable-energy-development-historic-environment-advice-note-15/heag302-commercial-renewable-energy-development-historic-environment/">https://historicengland.org.uk/images-books/publications/commercial-renewable-energy-development-historic-environment-advice-note-15/heag302-commercial-renewable-energy-development-historic-environment/</a> A full list of our technical guidance on energy efficiency can be found in our publication directory: <a href="https://historicengland.org.uk/content/docs/advice/technical-conservation-guidance-and-research-brochure-pdf">https://historicengland.org.uk/content/docs/advice/technical-conservation-guidance-and-research-brochure-pdf</a> )	The guidance in Advice Note 15 is welcomed and the SPD has been checked for consistency.
City of Durham Parish Council	2.4 Biodiversity and Nature Conservation	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	2.4 Biodiversity and Nature Conservation	The University support installation outside of bird nesting season.	Support noted.
Councillor Douglas Oliver	3.0 Medium scale	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.	In intro so more prominent?

Eden Renewables	3.0 Medium Scale	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.	Reference to permitted development rights and the recent government consultation to extend these added.
Lanchester Parish Council	3.0 Medium Scale	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	3.0 Medium Scale	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.
Lanchester Parish Council	3.0 Medium Scale	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	3.0 Medium Scale	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.	Section on PD Rights for medium scale solar? More on solar on community and industrial buildings?
Durham University	3.0 Medium Scale	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.

<p>Banks Renewables</p>	<p>3.1 Use of Land</p>	<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 (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</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 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>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>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</p>	
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		<p>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 the agricultural practices are retained on productive agricultural land</p>	
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City of Durham Parish Council	3.1 Use of Land	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	3.1 Use of Land	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	3.1 Use of Land	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	3.1 Use of Land	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	3.1 Use of Land	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 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.	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.
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Eden Renewables	3.1 Use of Land	<p>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 &amp; Most Versatile (BMV)’.</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. 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.</p>
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Eden Renewables	3.1 Use of Land	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 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'.	Noted there is potential for mob grazing which involves a high stocking density in a restricted area on a very small proportion of the site over a very short time. Wording amended to reflect this.
Eden Renewables	3.1 Use of Land	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.	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.

Jane Friesner	3.1 Use of Land	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 future local development in the Parish needs to be stated more explicitly in the SPD.	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 plans has been added to the policy context section of the SPD.
Jane Friesner	3.1 Use of Land	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.

<p>Lanchester Parish Council</p>	<p>3.1 Use of Land</p>	<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 solar developments within a specific geographic area and IS NOT JUST confined to a specific type of agricultural land.</p>	<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>
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<p>Pegasus Group (on behalf of) Queequeg Renewables Ltd</p>	<p>3.1 Use of Land</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>All proposals which would have the potential to involve the</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 BMV 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 ALC on agricultural land over a threshold of 1ha reflects that the Natural England ALC maps are provisional intended for use at a strategic level and are not</p>
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		<p>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>sufficiently accurate for use in assessment of individual fields or sites.</p>
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Will Bridges	3.1 Use of Land	<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 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.  b) If not BMV land this is irrelevant.  c) This is considered unreasonable for the reasons set out above.</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 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. 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</p>
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			accordingly. Omitted section reference to be added.
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City of Durham Parish Council	3.2 Landscape and Townscape	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 'existing field and woodland patterns' is the correct term. On criteria l), it is good design to have compact solar arrays which do not straddle fields.
Durham University	3.2 Landscape and Townscape	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'	We disagree. Most of County Durham has an essentially rural character. Whilst it is influenced by human activity it is not full of man made structures. There are currently three operational commercial solar farms in the county. Solar farms remain a novel form of development in the countryside in County Durham.
Durham University	3.2 Landscape and Townscape	(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), it is good design to have compact solar arrays which do not straddle fields.



Eden Renewables	3.2 Landscape and Townscape	<p>(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."</p>	<p>We disagree. Most of County Durham has an essentially rural character. Whilst it is influenced by human activity it is not full of man made structures. There are currently three operational commercial solar farms in the county. Solar farms remain a novel form of development in the countryside in County Durham</p>
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Eden Renewables	3.2 Landscape and Townscape	<p>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) 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>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 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 criteria h) GED TO CONSIDER PRow caveat 'where possible.'</p>
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Eden Renewables	3.2 Landscape and Townscape	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.	GED TO CONSIDER v) amend text intrusive?
Eden Renewables	3.2 Landscape and Townscape	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 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:"	This is good practice and the approach taken by Durham County Council to date without opposition. GED TO ADD TO?
Lanchester Parish Council	3.2 Landscape and Townscape	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.

City of Durham Parish Council	3.3 Biodiversity and Nature Conservation	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	3.3 Biodiversity and Nature Conservation	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.

City of Durham Parish Council	3.3 Biodiversity and Nature Conservation	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.	Solar Farm developments can provide an opportunity to deliver net gains for biodiversity. In line with the requirements of the Environment Act onsite and local offsite BNG 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. There may be circumstances, where it has robustly been demonstrated onsite and local offsite is not possible.
Durham University	3.3 Biodiversity and Nature Conservation	Support requirement on provision of a biodiversity statement, especially due to the impact on nesting birds & insects.	Support noted.

Durham University	3.3 Biodiversity and Nature Conservation	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.	Solar Farm developments can provide an opportunity to deliver net gains for biodiversity. In line with the requirements of the Environment Act onsite and local offsite BNG 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. There may be circumstances, where it has robustly been demonstrated onsite and local offsite is not possible.
Eden Renewables	3.3 Biodiversity and Nature Conservation	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	3.3 Biodiversity and Nature Conservation	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 the Biodiversity Management & Monitoring Plans will be secured through appropriate legal agreements. It does not prescribe section 278 agreements or section 106 agreements.
Lanchester Parish Council	3.3 Biodiversity and Nature Conservation	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	3.3 Biodiversity and Nature Conservation	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.

Will Bridges	3.3 Biodiversity and Nature Conservation	<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 refence to the very latest study on this matter from 2022 (<a href="https://solarenergyuk.org/wp-content/uploads/2023/06/Solar-Habitat-Report-2023.pdf">https://solarenergyuk.org/wp-content/uploads/2023/06/Solar-Habitat-Report-2023.pdf</a> ) 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. The SPD will be subject to two stages of consultation, including targeted engagement with the industry.</p>
City of Durham Parish Council	3.4 Cultural Heritage	<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>SPD has been amended to state if 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>



City of Durham Parish Council	3.4 Cultural Heritage	<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 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>SPD has been amended to state if 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. For clarity reference to 'commercial scale' has been removed from the sentence as this consideration, as amended, would equally apply to medium and large scale solar developments.</p>
Durham University	3.4 Cultural Heritage	<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>SPD has been amended to state if 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>

Lanchester Parish Council	3.4 Cultural Heritage	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.	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, it is considered non-designated heritage assets is the most appropriate term to use here.
Historic England	3.4 Cultural Heritage	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	3.4 Cultural Heritage	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.
Highways England	3.5 Glint and Glare	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 produced, which satisfies the company that safety on our network is not compromised.	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.
Lanchester Parish Council	3.5 Glint and Glare	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.

City of Durham Parish Council	3.6 Residential Amenity	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	3.6 Residential Amenity	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	3.6 Residential Amenity	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	3.6 Residential Amenity	"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.

City of Durham Parish Council	3.7 Recreational Amenity and Public Rights of Way	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	3.7 Recreational Amenity and Public Rights of Way	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	3.7 Recreational Amenity and Public Rights of Way	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.
Environment Agency	3.8 Flooding and Drainage	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.

<p>Harmony Energy Limited</p>	<p>3.8 Flooding and Drainage</p>	<p>‘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)</p> <p>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 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,</p>	<p>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>
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		<p>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>	
Lanchester Parish Council	3.8 Flooding and Drainage	<p>Insert, ‘Subsection 3.8 applies in entirety to subsection 4.8.’</p> <p>For clarity and ease of understanding.</p>	It is considered 'Please refer to guidance in..' is sufficiently clear.

Will Bridges	3.8 Flooding and Drainage	The “normal” impacts from agricultural operations, that don’t need planning permission, need to be considered when discussing construction impacts and greater surface water volumes. This section has already concluded that impacts will be greater than a sites existing uses without the detailed analysis each application should have.	The SPD does not conclude this it states 'Solar development has the potential to impact on surface water flow through construction impacts and solar arrays concentrating surface water flow from rainfall.'
Durham University	3.9 Site Restoration	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	3.9 Site Restoration	<p>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."</p>	<p>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 LVIA 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.</p>
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<p>Harmony Energy Limited</p>	<p>3.9 Site Restoration</p>	<p>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 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>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. 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 LVIA 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.</p>
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<p>Lanchester Parish Council</p>	<p>3.9 Site Restoration</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.</p> <p>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. 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</p>	<p>Please refer to guidance...' is considered sufficiently clear. 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. CS extensions of time - could be VOC? 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 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>
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		<p>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>	
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Will Bridges	3.9 Site Restoration	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.	As an example 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.
Lanchester Parish Council	4.0 Large Scale	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	4.0 Large Scale	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.
Eden Renewables	4.1 Use of Land	See our responses to Section 3.1.	See council's response in Section 3.1

Exagen Group	4.1 Use of Land	<p>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".</p> <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> <p>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.</p> <p>b) Justification that the development needs to be located on the site and not on land of a lesser agricultural classification</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. 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</p>
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	<p>within the county.</p> <p>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>There is no policy or legislative requirement to carry out a 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</p>	<p>this and text has been amended accordingly.</p>
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		<p>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"> <li>• 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 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.</li> <li>• 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.</li> </ul> <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>	
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		<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> <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</p>	
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		<p>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 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</p>	
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		<p>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 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</p>	
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		<p>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 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</p>	
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		<p>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 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>	
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Harmony Energy Limited	4.1 Use of Land	<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>
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<p>Harmony Energy Limited</p>	<p>4.1 Use of Land</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 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>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. 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>
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<p>Harmony Energy Limited</p>	<p>4.1 Use of Land</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>
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<p>Harmony Energy Limited</p>	<p>4.1 Use of Land</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 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 (ie 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</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 BMV agricultural land. In terms of cumulative impacts, the council will monitor this and text has been amended accordingly.</p>
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		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.	
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<p>Lightsource BP</p>	<p>4.1 Use of Land</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 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</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. 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</p>
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		<p>energy supply. Lightsource bp is experiencing ever-increasing timescales for Grid connection dates across the local distribution and transition networks. Often, Distribution 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</p>	<p>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>rewording part b) for the following reasons.</p> <p>Part a) is unjustified and introduces new policy tests which 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.</p>	
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Locogen	4.1 Use of Land	<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>
City of Durham Parish Council	4.10 Green Belt	<p>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.</p>	<p>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>



City of Durham Trust	4.10 Green Belt	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.
Eden Renewables	4.10 Green Belt	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.	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.

Exagen Group	4.10 Green Belt	<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 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>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 substations 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>
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		<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 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,</p>	
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		<p>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 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</p>	
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		<p>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>	
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<p>Harmony Energy Limited</p>	<p>4.10 Green Belt</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 (ie. 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>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 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</p>
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Lightsource BP	4.10 Green Belt	<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 outweigh 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 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>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>
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Locogen	4.10 Green Belt	<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>
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<p>Pegasus Group (on behalf of) Queequeg Renewables Ltd</p>	<p>4.10 Green Belt</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 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>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 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</p>
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Will Bridges	4.10 Green Belt	<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>
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National Highways	4.11 Access and Traffic	<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 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</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>
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		<p>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>	
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Lightsource BP	4.11 Access and Traffic	<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 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.</p>	<p>Whilst it is agreed it is unlikely a solar farm would require a travel plan the SPD does caveat a plan would only be required 'where relevant.' This approach is consistent with the wording in National Policy Statement EN-1 (2011) and also the guidance of National Highways. / Reference to requirement for a travel plan where appropriate has been removed in acknowledgement it is rare for a travel plan to be required for solar farm development, unless it is of a scale to be considered a Nationally Significant Infrastructure Project in which case guidance in National Policy Statement EN-1 in relation to travel plans would apply.</p>
Will Bridges	4.11 Access and Traffic	<p>Consultation with National Highways should only be needed as and when appropriate not as standard.</p>	<p>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.</p>

Lightsource BP	4.12 Contamination and Soil	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	4.12 Contamination and Soil	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).	Consider if here or drainage section
Lanchester Parish Council	4.12 Contamination and Soil	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.



Locogen	4.12 Contamination and Soil	<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>
The Coal Authority	4.12 Contamination and Soil	<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 (<a href="http://www.gov.uk">www.gov.uk</a>) Please do not hesitate to contact me should you wish to discuss this further.</p>	<p>Support noted and link added.</p>

Banks Renewables	4.13 Associated Infrastructure	<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"> <li>• Enable connection to existing high voltage substations or overhead lines nearby;</li> <li>• Increased efficiency of power transfer;</li> <li>• 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;</li> <li>• 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.</li> </ul> <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>
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Lanchester Parish Council	4.13 Associated Infrastructure	<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>
Lightsource BP	4.13 Associated Infrastructure	<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>
Locogen	4.13 Associated Infrastructure	<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] <a href="https://www.nfumutual.co.uk/globalassets/farming/rural-crime/nfu-mutual-rural-crime-report-202222.pdf">https://www.nfumutual.co.uk/globalassets/farming/rural-crime/nfu-mutual-rural-crime-report-202222.pdf</a></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>4.13 Associated Infrastructure</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, 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>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 there 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 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>
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Will Bridges	4.13 Associated Infrastructure	“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.	Reference to this being rare has been removed.
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<p>Banks Renewables</p>	<p>4.2 Landscape and Townscape</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>GED TO WRITE SECTION ON 2008 STUDIES. The County Durham Landscape Character Assessment (2008) and The County Durham Landscape Strategy (2008) form part of the evidence base for the County Durham Plan which was found sound at examination. Welcome comment general locational advice is valid. The introductory text on commercial solar farms sets out as the starting point connection to the grid is a key constraint on where solar farms can be located, and this SPD sets out key planning considerations to help direct solar farms to the most appropriate locations. It is considered it would be beyond the scope of the SPD to map land which could be suitable for solar farms. This would need to be considered through a review of the County Durham Plan. The SPD can indicate areas of sensitivity to contribute to understanding. By identifying areas as suitable for solar development, this would infer other areas are not suitable and therefore could be interpreted as prescriptive. The appropriate approach will need to be carefully considered through the CDP review.</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>	
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Eden Renewables	4.2 Landscape and Townscape	(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."	It is considered wording is appropriate as can also detract from sites which aren't visually prominent. As worded is appropriate.
Eden Renewables	4.2 Landscape and Townscape	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"(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.	Criteria a) directly follows text stating '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 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. The introductory text on commercial solar farms sets out as the starting point connection to the grid is a key constraint on where solar farms can be located, and this SPD sets out key planning considerations to help direct solar farms to the most appropriate locations. Criteria f), GED TO CONSIDER WORDING



Eden Renewables	4.2 Landscape and Townscape	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.	GED TO CONSIDER WORDING
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<p>Harmony Energy Limited</p>	<p>4.2 Landscape and Townscape</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;</p> <p>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.</p> <p>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.</p> <p>Criteria H - There is currently no national policy requirement 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 et 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 (ie. 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</p>	<p>Criteria directly follow text stating '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 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. Criteria C) see response above. Criteria F) GED TO CONSIDER. Criteria H) states cumulative impacts should be minimised. This is consistent with NPPF paragraph 155 a) which states that adverse impacts of renewable and low carbon energy development should be addressed appropriately including cumulative landscape and visual impacts. Criteria M), this relates to position on contours and not orientation. Criteria X) GED TO CONSIDER WORDING. Criteria Y) GED TO CONSIDER WORDING. Criteria Z) GED TO CONSIDER WORDING. Criteria ee) support noted. Criteria gg) support noted.</p>
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		<p>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, ie 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>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>	
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<p>Lanchester Parish Council</p>	<p>4.2 Landscape and Townscape</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 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>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. Table 1 is to be applied in this context. GED TO CONSIDER IF ADDITIONAL TEXT NEEDED. The use of the term ' valley' is correct in this context. The purpose of the table is to outline the factors which will be considered in determining a sites sensitivity. It is not to identify if a site is inappropriate for development as landscape sensitivity is only one aspect to be considered in determining the acceptability of a proposal. 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>
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		<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>	
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<p>Lightsource BP</p>	<p>4.2 Landscape and Townscape</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.</p> <p>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. 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</p>	<p>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. Table 1 is not a list of requirements. It's purpose is to outline the factors to be considered in identifying a sites sensitivity. GED TO CONSIDER TEXT ON PRow. Introductory text of 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 introductory text on commercial solar farms sets out as the starting point connection to the grid is a key constraint on where solar farms can be located, and this SPD sets out key planning considerations to help direct solar farms to the most appropriate locations.</p>
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		<p>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 devolvement 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 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. 3.37 Part x) under the panel and ancillary elements states that House co-located batteries and inverters in existing 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>	
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Locogen	4.2 Landscape and Townscape	<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 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</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 man made structures. There are currently three operational commercial solar farms in the county. Solar farms remain a novel form of development in the countryside in County Durham. Criteria z) aa) bb) GED TO CONSIDER The purpose of the SPD and its relationship to targets within the Durham Climate Emergency Response Plan is outlined in the introduction and does not need to be repeated in the landscape section.</p>
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		<p>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>	
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<p>Pegasus Group (on behalf of) Queequeg Renewables Ltd</p>	<p>4.2 Landscape and Townscape</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 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</p>	<p>Table 1 is not a list of requirements. It outlines the factors to be considered in identifying a sites sensitivity. 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 introductory text on commercial solar farms sets out as the starting point connection to the grid is a key constraint on where solar farms can be located, and this SPD sets out key planning considerations to help direct solar farms to the most appropriate locations.</p>
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		<p>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>	
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Will Bridges	4.2 Landscape and Townscape	<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.</p> <p>j) “old rigg” should this be “old ridge”</p> <p>m) “This fails to take into account, or at least acknowledge, that the orientation of panels to the sun is critical to their operation.</p> <p>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.</p> <p>hh) stronger acknowledgement of the positive impact “resting” a site can have on soil composition and biodiversity is suggested.</p>	<p>The introductory text on commercial solar farms sets out as the starting point connection to the grid is a key constraint on where solar farms can be located, and this SPD sets out key planning considerations to help direct solar farms to the most appropriate locations. Criteria f) GED TO CONSIDER Criteria j) the use of 'old rigg' is correct. Criteria m) relates to position on contours. It does not prescribe orientation. Criteria x) promotes the co-location of batteries and inverters in existing buildings 'where possible', and it considers this provides sufficient flexibility. Criteria y) GED TO CONSIDER. Criteria z) GED TO CONSIDER Criteria hh) potential for biodiversity benefits recognised in section 4.3 Biodiversity and Nature Conservation.</p>
Eden Renewables	4.3 Biodiversity and Nature Conservation	See our responses to Section 3.3	See response in Section 3.3.
Lanchester Parish Council	4.3 Biodiversity and Nature Conservation	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).

<p>Lightsource BP</p>	<p>4.3 Biodiversity and Nature Conservation</p>	<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 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>This wording reflects guidance on BNG requirements in the council's emerging Developer Contributions SPD, which will apply to all forms of development unless exempt from BNG requirements. The guidance in both the Solar Energy SPD and Developer Contributions SPD reflect what is needed to meet the requirements of the Environment Act 2021 in relation to BNG. It also reflects the council's validation checklist. In the event guidance in the SPD deviates from national guidance and legislation which is to be issued in November 2023, the SPD will be revised accordingly.</p>
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		<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 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>	
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Lightsource BP	4.3 Biodiversity and Nature Conservation	<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>
Locogen	4.3 Biodiversity and Nature Conservation	<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 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>	<p>The SPD recognises solar arrays have the potential to deliver significant environmental gains through creating and enhancing habitats.</p>

Lightsource BP	4.4 Cultural Heritage	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.	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.
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Locogen	4.4 Cultural Heritage	<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 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.</p>	<p>The SPD is clear that in the first instance, and only where relevant, desk-based assessments and geophysical survey reports should be undertaken . Subject to the findings of these assessments trial trenches may then be required. 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>
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<p>Pegasus Group (on behalf of) Queequeg Renewables Ltd</p>	<p>4.4 Cultural Heritage</p>	<p>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.</p>	<p>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.'</p>
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Lightsource BP	4.5 Glint and Glare	<p>A glint and glare (G&amp;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&amp;G impacts can be mitigated and this should be referred to in Section 3.5. In particular the comments in the SPD around G&amp;G and aviation safety is concerning. In the draft NPPF it states that it has been shown that G&amp;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).</p>	<p>There is no specific reference to solar farms and aviation safety in the current NPPF, 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.</p>
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Locogen	4.5 Glint and Glare	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.
Lightsource BP	4.6 Residential Amenity	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	4.6 Residential Amenity	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 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.	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 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.
Lightsource BP	4.8 Flooding and Drainage	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.	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.

Locogen	4.8 Flooding and Drainage	<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>
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Lightsource BP	4.9 Site Restoration	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 LVIA 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	4.9 Site Restoration	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.	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.
Councillor Douglas Oliver	5.2 Community Engagement and benefit	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	5.2 Community Engagement and benefit	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.
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David Friesner	5.2 Community Engagement and Benefit	<p>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 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 (eg £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</p>	<p>As stated, 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>
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		levels of community benefit whilst making tens of millions of pounds of profit for 40 years	
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Jane Friesner	5.2 Community Engagement and benefit	<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 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 (eg £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>As stated, 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>
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<p>Lanchester Parish Council</p>	<p>5.2 Community Engagement and benefit</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>
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Lanchester Parish Council	5.2 Community Engagement and benefit	<p>Communities</p> <ul style="list-style-type: none"> <li>• “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)</li> <li>• Councillors understand that ‘community benefit’ is not a 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.</li> <li>• 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</li> <li>• 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</li> <li>• 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’</li> </ul>	<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>
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		<p>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</p> <ul style="list-style-type: none"><li>• 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 should be based on a minimum benchmark value of, say, £5000* per MW installed capacity per year for 40 years index</li></ul>	
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<p>Lanchester Parish Council</p>	<p>5.2 Community Engagement and benefit</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 eg 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 planning concerns of local communities. As such it is important that these planning concerns are properly heard.</p>	<p>The text has been split into community engagement and benefit. It is considered its location in the sub-section on the planning process is appropriate. The text proposed does not reflect the wording of the NPPG or Planning Practice Guidance.</p>
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		<p>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 development in County Durham. Evidence of this engagement, the form of a consultation statement must be</p>	
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		<p>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 considered as part of the decision making process on planning applications. They are a matter for discussion</p>	
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		<p>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"> <li>• Establishment of a Local Environmental Trust or Community Benefits Trust, with funds being contributed annually by the developer and used for energy conservation measures.</li> <li>• Local share issue.</li> <li>• Local or community ownership of panels.</li> <li>• Investment in Green Infrastructure provision and management, especially at the landscape scale.</li> </ul> <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 impact on communities hosting renewable energy developments Community Benefit Funds and Planning Any</p>	
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		<p>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]</p> <p>*"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 proposals, and objecting to or supporting the development does not affect their right to discuss the community benefits</p>	
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		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	
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<p>Lightsource BP</p>	<p>5.2 Community Engagement and benefit</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>
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<p>Pegasus Group (on behalf of) Queequeg Renewables Ltd</p>	<p>5.2 Community Engagement and benefit</p>	<p>There is concern that the SPD does not acknowledge that all community benefits, not required to make the development 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</p>	<p>It is considered the SPD is clear in stating for community benefits to be secured through planning 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>of actions in order for planning permission to be granted. This might include widening a road to enable turbines to get to 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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<p>Banks Renewables</p>	<p>general</p>	<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 subheadings.</p>
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<p>Banks Renewables</p>	<p>general</p>	<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 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>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>
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Banks Renewables	general	<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 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</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 subheading.</p>
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		<p>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>	
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<p>City of Durham Parish Council</p>	<p>general</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 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</p>	<p>Support for the principle of the SPD is noted.</p>
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		<p>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>	
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City of Durham Trust	general	Solar Energy SPD: Comments from the City of Durham Trust 1. 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.	Support noted.
City of Durham Trust	general	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.	Support for structure noted.
City of Durham Trust	general	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.	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.

City of Durham Trust	general	<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, it is accepted the SPD could be more encouraging and section 2.0 small scale has been amended to emphasise requirements in CDP Policy 29 and clarify where guidance is relevant to new housing developments.</p>
Councillor Douglas Oliver	general	<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>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>

Councillor Douglas Oliver	general	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.	Consider as part of next iteration of CDP circular economy policy?
County Councillor Mark Wilkes	general	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.	Support noted.
David Friesner	general	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.	In principle support for renewable energy noted. The purpose of the SPD is to provide guidance to help ensure solar development is located appropriately.



David Friesner	general	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 large scale solar production is supported throughout County Durham 'at almost any cost'	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.
David Friesner	general	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.	Noted.

David Friesner	general	<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</p> <p>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</p> <p>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 and as part of a 'design in' / 'Sustainable Design' (Policy 29) feature (similarly for building extensions where additional roof space is incorporated)</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.</p>
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Durham University	general	<p>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</p>	<p>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. 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.</p>
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Eden Renewables	general	<p>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). 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>	Noted. Please see responses to detailed comments below.
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Exagen Group	general	<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 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</p>	Support that the SPD recognises proximity to a grid connection with capacity as a site constraint noted.
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		<p>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 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</p>	
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		<p>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>	
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Exagen Group	general	<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 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>	Background to Exagen noted.
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Exagen Group	general	<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. 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>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 subheading.</p>
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Harmony Energy Limited	general	<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 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>	Noted. Detailed response has been provided to specific comments under the relevant subheadings.
Harmony Energy Limited	general	<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>	Noted. The SPD recognises constraints including proximity to a substation with capacity.

Historic England	general	<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 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</p>	Noted.
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		<p>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>	
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Historic England	general	<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 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.</p>	Noted.
Jane Friesner	general	<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>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.</p>

Jane Friesner	general	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	general	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.

Jane Friesner	general	<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.</p>
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Lanchester Parish Council	general	<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"> <li>• In principle, all Councillors are in favour of Renewable Energy.</li> <li>• It is important that the Council is aspirational and inspiring in taking forward all activities and initiatives relating to Climate Change and Renewable Energy</li> <li>• 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.</li> <li>• Councillors consider this SPD document one of the most important documents produced by the Council in recent years with the potential to impact across County Durham for decades to come.</li> <li>• 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)</li> <li>• Because of the critical role and importance of this SPD document, the Council's Cabinet should review and formally approve it in its entirety.</li> <li>• 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.</li> </ul>	<p>Noted. The Climate Emergency Response Plan is part of the strategic context which has informed the need for a Solar Energy SPD. Officers involved in taking forward the CERP have been engaged in the SPDs development. The importance of the Lanchester Neighbourhood Plan is noted and additional text highlighting the need to consider policies in neighbourhood plans has been added to the SPD.</p>
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		<ul style="list-style-type: none"><li>• 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</li><li>• 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.</li></ul>	
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Lanchester Parish Council	general	<p>Overall management and monitoring</p> <ul style="list-style-type: none"> <li>• 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 the installation of solar panels</li> <li>• 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</li> <li>• 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</li> <li>• 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.</li> <li>• 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</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. 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. • 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</li> </ul>
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			<p>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>
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Lanchester Parish Council	general	<p>Housing / dwellings development</p> <ul style="list-style-type: none"> <li>• 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)</li> <li>• ALL NEW housing developments should have the required 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.</li> <li>• House / dwelling extensions. Where a proposal seeks to increase roof area, ALL extensions should have 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</li> </ul>	<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.</p>
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Lanchester Parish Council	general	<p>Buildings (Business and Community).</p> <ul style="list-style-type: none"> <li>• 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: <ul style="list-style-type: none"> <li>• A detailed Table list file, matched to consultation sections detailing more specific comments</li> <li>• Glossary / Abbreviations file</li> <li>• 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</li> <li>• Additional text for inclusion in the Communities section</li> </ul> </li> </ul> <p>Councillors request that all the contents of this letter and accompanying files provided to the Council are fully considered and incorporated into the Solar Energy SPD document as it is develops.</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. Detailed response has been provided to specific comments under the relevant subheadings.</p>
Lanchester Parish Council	general	<p>ADD SECTION, MISSING. Include guidance on solar panel specification, layouts and related buildings eg 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.</p>	<p>Layout is addressed under Landscape and Townscape subheading and related buildings under Associated Infrastructure subheading.</p>

Lanchester Parish Council	general	<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>	<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.</p>
Lanchester Parish Council	general	<p>ADD SECTION DESIGN, LAYOUT AND MATERIALS, MISSING. Include guidance on solar panel specification, layouts and related buildings eg 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.</p>	<p>Design, layout and materials are addressed under landscape and townscape sections, and where relevant, cultural heritage, glint and glare, associated infrastructure.</p>

Lanchester Parish Council	general	<p>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.</p>	<p>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.</p>
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Lanchester Parish Council	general	<p>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, Neighbourhood Plan, Alien soil, Inverter, s106, CBS Community Benefit Scheme.</p>	<p>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 hyperlinks are provided. However, further clarity has been added on coalescence, fabric first and tracking.</p>
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Lanchester Parish Council	general	<p>Solar Development and Communities: Examples of Best Practice.</p> <ul style="list-style-type: none"> <li>• Community benefits from onshore renewable energy developments. Scottish Government. May 2019</li> <li>• Community Benefit from Solar Farms in Dorset. Pete West, Renewable Energy Development Officer Dorset County Council. January 2015</li> <li>• 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. <a href="https://www.cpreherts.org.uk/wp-content/uploads/sites/30/2021/10/The-Problem-withSolar-Farms.pdf">https://www.cpreherts.org.uk/wp-content/uploads/sites/30/2021/10/The-Problem-withSolar-Farms.pdf</a></li> <li>• <a href="http://ww.rsnonline.org.uk">ww.rsnonline.org.uk</a> How far do community benefit schemes reach into rural areas dated 9/12/2019</li> <li>• North Lincolnshire Council Planning for Solar Photovoltaic (PV) Development, January 2016</li> <li>• Planning Policy Advice Note: Large Scale (&gt;50kw) solar PV Arrays. Maidstone Borough Council, January 2014</li> <li>• Solar Farm Development Planning Guidance, Rushcliffe Borough Council, November 2022</li> </ul>	Examples noted.
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<p>Lightsource BP</p>	<p>general</p>	<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-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>Noted. Detailed response has been provided to specific comments under the relevant subheadings.</p>
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		<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> <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</p>	
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		<p>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) 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>	
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		<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 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</p>	
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		<p>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 any demonstration of reasonable flexibility), this must be in the context of the real-world considerations of commercial viability and delivery.</p>	
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Lightsource BP	general	<p>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.</p>	<p>Noted. Detailed response has been provided to specific comments under the relevant subheadings. 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.</p>
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Locogen	general	<p>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 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>	<p>Noted. Workshop was intended alongside seeking detailed responses in writing and not as a substitute.</p>
Locogen	general	<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	general	<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	general	<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 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>Support noted.</p>

Natural England	general	<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>	Tammy need for HRA screening?
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<p>Pegasus Group (on behalf of) Queequeg Renewables Ltd</p>	<p>general</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 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>Noted. Detailed response has been provided to specific comments under the relevant subheadings.</p>
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Pegasus Group (on behalf of) Queequeg Renewables Ltd	general	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.	Noted. Detailed response has been provided to specific comments under the relevant subheadings.
The County Durham Green Party	general	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.	Noted.

The County Durham Green Party	general	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.	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.
Will Bridges	general	<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 document 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>

## **Appendix B – Formal consultation responses stage 2**

Respondent	Section	Comment	Council Response
Mr Galloway	1.0 Introduction	<p>1.1.1 This is an over optimistic declaration and is not sufficiently qualified. Solar power does not work in the dark. In the winter months, because of the low angle of the sun in County Durham, it produces around 10% of it's maximum capacity, even at noon. That means we will need to supply another form of generation alongside solar that will work for 18 hours of the day, especially as wind power is also highly variable. This is (a) expensive as it more than doubles the capital costs of power generation because of having to build two different systems and (b) is currently planned by the Government to be from gas as the new generation of nuclear power stations are yet to even be designed and approved, let alone built. Solar energy has some 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. However additional means of power generation will need to be provided for when it is dark and during winter months. The most important benefit of solar is the ease with which it can be installed and used by individuals, community organisations and businesses to generate their own electricity and save on revenue costs by making, albeit quite expensive, capital expenditure. It would be good to make that clear in the introduction. Solar energy is particularly useful for individuals, community organisations, and businesses who are able to make capital expenditure now to save on the revenue cost of electricity for years to come.</p>	<p>The government in the British Energy Security Strategy (2022) pledges to achieve net zero targets to increase solar power capacity from 14 gigawatts (GW) to 70GW by 2035. As such, solar does have a contribution to make to net zero targets. This is as part of a range of technologies however this SPD is specifically in relation to solar energy as as such has this focus.</p>

Mr Galloway	1.0 Introduction	1.2.2 Deriving electricity from low carbon sources is not going to reduce bills, it will increase them. It is misleading to suggest that moving to low carbon energy will save consumers money. Carbon Tracker has estimated that the increase to the average household bill is £40 in 2023 and will probably rise to £150 by 2026 just to pay for wind curtailment costs. Professor Gordon Hughes from the Economics Department of Edinburgh University has conducted a major study which concludes that the breakeven price for new solar installations is £123 per MW. That compares very unfavourably with the current average price of between £60-£70 per MW. Either bills will have to go up or subsidies increased, or operators of solar installations will go out of business. It would be good to make this clear in the introduction and refer to the publication by Gordon Hughes: THE ECONOMICS OF UTILITY-SCALE SOLAR GENERATION, Gordon Hughes, School of Economics, University of Edinburgh, 2023.	The purpose of this section of the SPD is to outline government policy and wording here is taken from the government's Energy White Paper (2020).
Mr Galloway	1.0 Introduction	1.3.2 EN-3 has now been approved as of 17th January 2024.	Text has been updated.



Mr Galloway	1.0 Introduction	<p>1.3.5 Whilst provision of renewable energy is of environmental benefit, this needs a significant level of qualification when it comes to solar in fields. The land take of solar is 200 times that required for a gas power station. A 220 acre solar power station produces less than one wind turbine in the North Sea. Therefore the environmental impact of solar in fields is vast in comparison to other means of power generation. Swathes of solar panels bolted to steel framework piledriven into fields is not a green technology. It is industrial. The environment is filled with security fencing, CCTV cameras, electrical equipment, cabling, and regimented arrays of black glass and grey steelwork. Like most industrial landscapes, solar power stations in fields are ugly, lifeless, and soul destroying places. The relaxing greens and blues of the natural world are replaced with harsh blacks and greys, and dull yellows from reflected light. The grass dies. The soil is polluted with chemical cleaning of the panels and eroded by channels created by rainwater run-off from the panels. The interconnected habitats for wildlife are completely disrupted by panels, fencing, machinery, and electrical noise. It would be appropriate to acknowledge the environmental degradation of these projects. There are now examples to view, and the reality of them is in sharp contrast to the claims made about them by developers. It is this environmental cost which needs to be weighed against the environmental benefit of renewable energy. Particularly with solar, there are lots of places where solar can be installed with negligible environmental impacts. The report from the CPRE has demonstrated that there is potential for up to 117GW of low carbon electricity to be generated from roofs and other developed spaces. In applying CDP Policy 33, renewable energy generation and its contribution to the county being net zero carbon by 2045 is an environmental benefit and will be given significant weight. However the significant environmental impacts of solar power, particularly when installed in fields in large scale projects, will be also be given appropriate weight in the planning decisions.</p>	<p>This paragraph recognises the benefits of solar in terms of its contribution to County Durham achieving net zero. The SPD sets out guidance to guidance on what constitutes an appropriate location having consideration of impacts on a range of factors including landscape, biodiversity, amenity and agricultural land.</p>
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Fiona Christian	2.0 Small Scale	Community Organisations need to seek application advice from the planning team at DCC before beginning work, to comply with building regulations. Application advice for community organisations needs to be timely. They are often reliant on grant funding for capital works which have deadlines attached and a slow response may prevent the works being carried out at all. Expert independent advice would be beneficial for community organisations that are run by volunteers, often without knowledge of the technical aspects of installing solar panels. At present much of the advice they receive comes from companies selling them solar panels. This has caused issues where community buildings are being sold systems not suitable for them, or being installed on roofs that are later found to have been unsuitable.	Noted. The council has a Low Carbon Team which is working with residents, the community, businesses and other stakeholders to achieve the council's net zero ambitions, including through facilitating the installation of renewables. In terms of the role of planning, the SPD highlights that in many cases small and medium scale solar panels do not require planning permission, where they do there are statutory timescales that the planning authority must meet of a decision within 8 weeks for minor developments and 12 for major developments. Building control is a privatised service and residents can choose to use a private company or the council's service. In the case of the council's building control service we have service standards and commit to statutory timescales.
Durham University	2.1 Introduction	Durham University support the guidance that all new developments should minimise greenhouse gas emissions and seeks to provide renewable and low carbon energy generation, in accordance with CDP Policy 29 (Sustainable Design).	Support noted.

<p>City of Durham Trust</p>	<p>2.1 Introduction</p>	<p>We welcome the changes made to the Solar Energy Supplementary Planning Document (SPD) which have addressed most of the issues we raised in our response to the previous consultation. However, there are a few issues that still need to be covered in the SPD itself, plus other issues that we would urge the Council to cover in other actions outside the Solar Energy SPD. An important aspect that is still not covered by the SPD is that of guidance on how to design new buildings to facilitate and optimise energy generation, solar gain and energy-efficient ventilation, supporting the Building for Life SPD in this regard. The approach of the SPD for small and medium scale developments seems to be the addition of solar panels to a building, but not additionally appropriate design guidance for new buildings. There is external guidance available on this e.g.</p> <ul style="list-style-type: none"> <li>• <a href="https://arka360.com/ros/integrating-solar-energy-with-building-design-a-guide-for-architects-and-builders/">https://arka360.com/ros/integrating-solar-energy-with-building-design-a-guide-for-architects-and-builders/</a></li> <li>• <a href="https://www.renewableenergyhub.co.uk/blog/solar-ready-buildings-how-design-impacts-solar-installations">https://www.renewableenergyhub.co.uk/blog/solar-ready-buildings-how-design-impacts-solar-installations</a></li> <li>• <a href="https://www.oadby-wigston.gov.uk/files/documents/adopted_renewable_energy_supplementary_planning_guidance_pages_17_to_33/Adopted%20Renewable%20Energy%20Supplementary%20Planning%20Guidance%20pages%2017%20to%2033.pdf">https://www.oadby-wigston.gov.uk/files/documents/adopted_renewable_energy_supplementary_planning_guidance_pages_17_to_33/Adopted%20Renewable%20Energy%20Supplementary%20Planning%20Guidance%20pages%2017%20to%2033.pdf</a></li> </ul> <p>Therefore the Solar Energy SPD should contain a section covering this aspect. Additionally, as well as referring to CDP Policy 29 a brief mention should be made of the Futurehomes Standard which will be introduced nationally through building regulations and implemented in 2025.</p>	<p>Support for the changes made noted. In terms of design guidance for the incorporation of solar panels in new buildings, the SPD states the design principles outlined in paragraph 2.3.2 and 2.3.3 are equally applicable to new buildings. A case study of solar panels on a new build development has been added to further highlight this point. Reference has been added to paragraph 2.1.2 to the Future Homes Standard and Future Buildings Standard.</p>
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Durham University	2.2 Permitted Development Rights	The SPD suggests that solar panels ‘must not be fitted to a wall which fronts a highway’ within conservation areas, I assume that wall means roof. If this does mean roof, this is essentially a ban on solar panels in Durham City. As many solar installations are subtle and do not cause adverse impact on appearance of a building or area this seems very strict, putting a significant hurdle in place on decarbonisation for buildings in the conservation area. The SPD does not seem to now contain a blanket presumption against solar panels on walls fronting a highway within conservation areas which is welcomed.	This section of the SPD set out permitted development rights which are set by government rather than the local planning authority. The government has recently expanded permitted development rights and the SPD has been updated to reflect this.
Durham University	2.3 Landscape and Townscape	There remains strong general concern from Durham University that the tone of the draft SPD is negative towards the implementation of solar through setting out in detail the planning, ecological and cultural constraints associated with solar PV installations in County Durham, rather than opportunities for where and how they can be appropriately and sensitively incorporated and highlighting the importance of solar in decarbonisation. Section 2.3.2 gives the presumption that solar panels have a negative impact on a building's appearance which is considered to be subjective. For many people, seeing solar panels in prominent locations gives a sense of hope and pride for the local community, and seeing buildings built without solar panels gives a sense of frustration for not responding to the climate emergency.	Paragraph 2.3.2 sets out general design principles for building-mounted panels to ensure they are sensitively integrated into a building. It does not state anywhere solar panels have a negative impact on a building's appearance.

Durham University	2.4 Cultural Heritage	<p>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. This comment remains relevant. The most important aim of this SPD should surely be to encourage the use of solar and its contribution and importance to combatting the effects of climate change and addressing the climate emergency. There is very little to link the guidance to the climate emergency declaration in section 1.2. Solar panels are temporary installations which require only minimal intervention to fix to existing buildings and different methods can be used to minimise any harm to historic buildings. Additionally, careful placement of panels can minimise their visual impact and the higher specification, more low profile panels may be able to be introduced into historic townscapes without causing significant harm, particularly when public benefits are taken into consideration, the guidance should more proactively promote how this can be done.</p>	<p>It is not considered necessary to repeat text in paragraph 1.2 throughout. The guidance is reflective of Historic England's guidance on Energy Efficiency and Historic Buildings. It is agreed that visual impacts can be minimised through careful placement of panels and the risk of damage to a building managed through means of fixing and this is reflected in the wording of the SPD.</p>
Durham University	2.4 Cultural Heritage	<p>It would be helpful for clarity to be provided over the relationship of the draft Solar Energy SPD and the draft Energy Efficiency, Renewables and the Historic Environment draft SPD. Which document/guidance should take precedence when considering applications for solar and how do the two documents relate to each other? Why are there two guidance documents on a similar theme and would it make sense to combine the two rather than requiring applicants to consult separated guidance documents?</p>	<p>The Energy Efficiency, Renewables and the Historic Environment SPD provides guidance on the range of technologies that can be considered on historic buildings, whilst the Solar Energy SPD covers solar technologies ranging from small scale to commercial scale solar farms, including outside of the historic environment. As such, the SPDs have different remits and it is considered appropriate they remain separate. The Solar Energy SPD references the Energy Efficiency, Renewables and the Historic Environment SPD as relevant.</p>

Patrick Conway	2.4 Cultural Heritage	Need to protect heritage sites from visual pollution.	Noted. The SPD provides guidance to ensure solar panels sustain the significance of heritage assets, including any contribution made by their setting.
Lanchester Parish Council	2.4 Cultural Heritage	We remain of the opinion that this section does not sufficiently reference the comprehensive and often very detailed information available at a local level on heritage assets. There is still confusion about heritage asset descriptions in the draft. All descriptions of heritage assets need to be fully clarified and described in this SPD. Equally, references to such assets, often detailed as part of Neighbourhood Plans, must be included and evaluated accordingly when deciding upon a planning application.	Paragraph 1.3.8 states neighbourhood plans are a material consideration in determining planning applications and may identify heritage assets of local value. A further sentence has been added to paragraph 2.4.2 to highlight neighbourhood plans may identify heritage assets of local value.
Durham University	2.5 Biodiversity and Nature Conservation	Durham University is supportive of the need to be sensitive to the potential impact on biodiversity of a building/location and the need to understand legislation surrounding protected species.	Support noted.
Highways England	2.6 Glint and Glare	We support the SPD's requirement that for small scale solar (serving residential, business and community uses), "A Glint and Glare Assessment may be required where there is potential for impacts on sensitive receptors. For example, where there is potential for solar reflection towards neighbouring properties or other sensitive receptors such as rail, road, and Public Rights of Way (PROW)". We also support the following requirement of the SPD: "Applications should fully consider the reflective capacity of all the materials used including panels, frames and supports. Low-reflectivity panels should be used, and panels should be located to avoid glint and glare. Where necessary, appropriate mitigation measures, such as screening, should be employed to ensure that harmful impacts are avoided."	Support noted.

Durham University	3.0 Medium Scale	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. This comment remains applicable as the focus of the draft SPD seems to remain ground mounted systems rather than roof mounted systems. Further clarity and guidance should be provided on the use of roof mounted systems for medium scale systems.	The SPD sets out at paragraph 3.1.2 panels can be roof mounted, on a solar canopy above car parking or ground mounted. This is where relevant and when planning permission is needed. The government has expanded permitted development rights and, subject to certain limitations, solar panels on non-domestic buildings no longer require planning permission in many cases. This is highlighted in paragraph 3.2.1 of the SPD.
Patrick Conway	3.0 Medium Scale	Commercial and Business sites should maximise use of solar panels. This should be a requirement for all new build.	CDP Policy 29 (Sustainable Design) states all new developments should minimise greenhouse gas emissions and seek to provide renewable and low carbon energy generation and this is emphasised in the SPD. Next year the government is introducing the Future Homes and Building Standards which will mean all new buildings will need to achieve high levels of sustainability and need to be designed to be net zero ready.
Lanchester Parish Council	3.0 Medium Scale	Concerning your responses to our comments, we understand and appreciate that Durham County Council still needs to undertake additional activities to align (our comments) about new building (including extensions) design etc., with other CDPlan Policies and national guidance in this area. We look forward to reviewing progress in this area to achieve this in the future.	Noted. This will be considered through the review of the County Durham Plan and there will be opportunities to engage in the plans development.

Lanchester Parish Council	3.1 Introduction	3 Local Employers and Grid Connectivity. Add, 'The Council will actively 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 direct long term employment and business sustainability'.	The council is unable to influence the prioritisation of grid connection. There is a prescribed process which in County Durham is managed by Northern Power Grid outside of the planning process.
Mr Galloway	3.10 Site Restoration	Developments will need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. – County Durham Plan Policy 33 (Renewable and Low Carbon Energy) This is going to be a huge issue. Most of these companies are contained as single purpose vehicles. All the parent company has to do is declare it bankrupt. Many of these investments are being sold on to overseas investors where there will be little legal or moral recourse for any action to be taken. How do you propose to enforce these agreements in such circumstances? Can companies be required to also submit a financial bond or an insurance that will pay for site restoration should the company default on their agreement. Can this be written into the policy?	A planning condition is applied to planning applications to secure site restoration. The condition runs with the land rather than the applicant and as such regardless of who owns the land the council can take enforcement action should the condition not be met.



Mr Galloway	3.3 and 4.3 Landscape and Townscape	<p>Creating Sustainable communities is a very important aspect of the Durham Plan. Two aspects of this which need detailed consideration regarding the impact of large scale solar in fields are:</p> <p>1. The isolating impact of having an unwelcoming, industrial area that can cut off the community from being connected to the surrounding communities. An isolated community is unhealthy and unsustainable. It is not just road links that join communities together. In the case of Burnhope, there are many attractive walking routes to Lanchester, Maiden Law, Quaking Houses, and Southmoor. The proposed development by BP was going to hugely disrupt these and effectively trap particularly elderly residents inside the village. Can a requirement be added to properly assess the isolating impact of developments?</p> <p>2. The sense of place. A sustainable community has a strong sense of place, and pride in place. This is who we are, and this is where we are. Huge scale industrial developments pose a massive threat to that important understanding. Communities that have these developments thrust upon them against their will, with no tangible benefits in return are likely to develop a hostile and aggressive attitude towards the development, potentially leading to a descending spiral of crime and vandalism. It is the sense of place and belonging to your neighbourhood that can enable communities to go in the opposite direction. There will still be incidents, but the community will be proactive against them happening.</p> <p>Can the policy recognise this vital aspect of building sustainability, particularly in the rural and often neglected communities who have already seen local services and local transport disappear?</p>	<p>In relation to point 1, section 3.8 and 4.8 of the SPD specifically addresses public rights of way (PROW). Setting out the access network, including PROW, is to retain its recreational amenity and character and be integrated as part of the proposal. 2. Sense of place, or how someone perceives and experiences a place or environment, is impacted by a variety of factors. It is considered the SPD addresses the components which contribute to a sense of place as relevant to solar development, these can include landscape, biodiversity, cultural heritage and amenity.</p>
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Mr Galloway	3.3 and 4.3 Landscape and Townscape	<p>4.3.3 This is very welcome. However the assessments are now substantially out of date – over 16 years. I notice that a small section of the landscape around Burnhope is included as being of higher value, but the area to the north and west is not. This needs to be reviewed as from the criteria of “higher value” it would appear that this area should be included. There are probably other parts of the County that have also matured and improved in their landscape value over the last 16 years. Can the policy include the means and a commitment for there to be regular reviews and consultation on this – perhaps every 10 years?</p>	<p>The County Durham Landscape Character Assessment (2008) (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. The County Durham Landscape Strategy (2008) (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. The council is currently undertaking further landscape sensitivity work as referenced in the SPD, which will complement the existing evidence base.</p>
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Eden Renewables	3.3 Landscape and Townscape	The beginning of this section, which identifies the key policies, namely: 29; 39; and, 38, should be rewritten to reflect the Energy NPSs, which recently came into force. Without reference to these, specifically the general presumption in favour of CNP infrastructure and the exempted issues where this presumption is disapplied, this section of the document is misleading. For the avoidance of doubt, landscape and townscape is not one of the exempted issues.	The SPD has been updated to reflect NPS EN-1 and EN-3 are now in force. EN-1 on the role of the NPS in the wider planning system at paragraph 1.2.2 states 'Whether the policies in this NPS are material and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy.' As the purpose of an SPD is to supplement Local Plan policy it is not necessary or appropriate to repeat content of the NPS. The SPD will assist in providing clarity on the extent matters are already covered by planning policy.
Eden Renewables	3.3 Landscape and Townscape	We do not support paragraph 3.3.8 (bullet 5) because it is unrealistic to suggest areas of ridge and furrow (assuming this is what is meant by 'old rigg and furrow') and other earthworks should be avoided given their common occurrence in the countryside and size in some cases. The aspiration behind this consideration would be more likely to be achieved, as well as comply with national policy, if it was changed to read as follows: "Avoiding sensitive locations such as historic parks and gardens and features of significant archaeological interest wherever possible, unless the proposed development meets the relevant tests set out in the current NPPF (NPPF 2023 - Paras 207, 208 and 209) or replacement version/document."	The bullet point is in the context '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 as such it is not considered the change is necessary.

Eden Renewables	3.3 Landscape and Townscape	We do not support reference to 'well-used' Public Rights of Way (PRoW) at paragraph 3.3.8 (bullet 8) because the term is neither clear (it is open to interpretation) nor is it practical to establish which routes would qualify. It is also significant that neither EN-1 nor EN-3 preclude development in the vicinity of PRoW nor do they suggest the level of use is relevant. For clarity, we suggest this statement is changed to read as follows: "Avoiding situations where the development would detract from the amenity value of public rights of way."	Proposed wording has been accepted and it is accepted this will avoid debate on what constitutes well-used.
Eden Renewables	3.3 Landscape and Townscape	As we stated in our 2023 representation, we thought it was unnecessary that the SPD required the whole scope and content of a Landscape & Visual Impact Assessment (LVIA) to be agreed with the Council's Landscape Officer (LO). Whilst changes have been made, our interpretation of paragraph 3.3.15 (bullet 3) means this is still required. To remove this ambiguity and to be consistent with the requirements for large scale solar farms, as set out at paragraph 4.3.23, we suggest the bullet is amended to read as follows: "Have its study area, viewpoints and visualisations agreed with the council's Landscape Officer."	Development of this scale is often subject to LVA rather than LVIA. LVA are more variable in content than LVIA and not subject to scoping. It is therefore important that scope and content are discussed and agreed which is why the requirement is different to that for large scale development in 4.2.23.
Lanchester Parish Council	3.3 Landscape and Townscape	"3.3.15 In rural situations a Landscape and Visual Impact Assessment (LVIA) or Landscape and Visual Appraisal (LVA) may be required." Given the significant potential harm and impact in rural situations, text should be changed from 'may' to 'IS'.	May' is correct in relation to medium scale solar development, which could for example include panels on a roof space to support an agricultural business. The need for an LVIA or LVA will be determined based on the scale of the proposal on potential impacts in accordance with the council's planning validation checklist.
Lanchester Parish Council	3.3 Landscape and Townscape	3.3.3 "Neighbourhood Plans...." Include weblink to DCC's webpage about Neighbourhood Plans etc.	A link has been added.

CPRE	3.3 Landscape and Townscape	In paragraphs 3.3.2 and 4.3.2, which address landscape issues, why is there no reference to the Heritage Coast?	Reference has been added to heritage coast in these paragraphs.
CPRE	3.3 Landscape and Townscape	3.3.8 Ensuring that the area of development is in scale with the landscape in which it lies, reflecting the scale of other features such as field patterns and woodlands. - This is one of a number of very helpful ways in which the adverse impacts of solar panels can be mitigated. It would be useful to define in more detail what is meant by being 'in scale with the landscape in which it lies'. The challenge of ground mounted solar panels is that the visual impact is very dominating because of their uniformity and close proximity. Can more work be done to identify what constitutes being out of scale?	Support for point noted. The bullet point relates scale to field patterns and woodlands. The landscape architect and case officer provide further guidance on the appropriateness of scale based on the specific character of an area on a case by case basis.
Mr Galloway	3.3 Landscape and Townscape	3.3.13 The impact of solar panels on landscape and visual amenity is recognised because of the significant attention given to "screening". It would be very helpful to have more precise definition as to the expected height and width of planting that constitutes screening. Planting of hedging needs to be in excess of 3m thick and preferably up to 10m to create a 'screen'. Can these expectations be specified in the policy? The other major concern with screening is the number of years it takes to grow to full height and width in County Durham - around 15 years. This means that screening will be ineffective for nearly 40% of the life of the development. Where visual impacts are significant, "screening" becomes a token gesture not an effective measure. It would be helpful if the policy can acknowledge this difficulty so that a realistic appraisal of the effectiveness of proposals for screening can be properly evaluated and a judgement made as to whether they are effective. If judged to be ineffective, and not obscuring the view of panels but there being a sustained visual impact it would be helpful if the policy enforces that to be identified so that 'screening' that doesn't screen is not maintained as a solution.	The screening needs to be designed to meet mitigation objectives in the LVIA or LVA and different depths and heights may be appropriate in different situations. As such it is not appropriate to prescribe in the SPD. In many cases screening does take time to become effective, and this is taken into account in determining the application in the planning balance.

Natural England	3.4 Biodiversity and Nature Conservation	<p>Natural England note that there is no mention of protection of Priority Habitats or Habitats of Principal Importance as part of the updated SPD. Priority Habitats are mentioned in policy 34 of the local plan concerning Wind Turbine Development. Natural England advise to consider the potential impacts of Solar Energy developments on Priority Habitats and ensure they are sufficiently protected by this SPD.</p>	<p>Noted. In the context section reference and a link has been added to the list of priority habitats and species in England. In addition, further wording has been added to paragraph 3.4.15 to state, in accordance with the mitigation hierarchy, development on priority habitats should be avoided. As policy 34 is in relation to Wind Turbine Development it has not been referenced in this SPD. However, policy 41 is referenced and gives protection to priority habitats in accordance with the NPPF.</p>
Eden Renewables	3.4 Biodiversity and Nature Conservation	<p>The beginning of this section, which identifies the key policies, namely: 41; 42; and, 43, should be rewritten to reflect the Energy NPSs, which recently came into force. Without reference to this, specifically the general presumption in favour of CNP infrastructure and the exempted issues where this presumption is disapplied, this section of the document is misleading. For the avoidance of doubt, biodiversity and nature conservation (other than irreplaceable habitats) is not one of the exempted issues.</p>	<p>The SPD has been updated to reflect NPS EN-1 and EN-3 are now in force. EN-1 on the role of the NPS in the wider planning system at paragraph 1.2.2 states 'Whether the policies in this NPS are material and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy.' As the purpose of an SPD is to supplement Local Plan policy it is not necessary or appropriate to repeat content of the NPS. The SPD will assist in providing clarity on the extent matters are already covered by planning policy.</p>

CPRE	3.4 Biodiversity and Nature Conservation	Paragraphs 3.4.11 and 3.4.17 draw attention to ground nesting birds, birds that are frequently considered to be “farmland birds”. While this may be an issue more for wildlife organisations, we represent that, in assessing compensation or mitigation, habitat that is suitable for such birds must be considered. Habitats that may be considered superior under the Biodiversity Metric, such as hedges or water features, may not be suitable for species like Skylark.	The SPD highlights the potential impacts on these birds and that care will be needed when assessing impacts and designing mitigation or compensation. The DEFRA BNG metric has its limitations and BNG requirements do not negate the need to address other policy requirements. A Preliminary Ecological Assessment is still required and surveys for specific species as appropriate.
CPRE	3.4 Biodiversity and Nature Conservation	Paragraph 3.4.12 refers to certain insects being attracted to solar panels, believing them to be water features. We represent that reference should also be made here to water birds that may be attracted to solar farms in the mistaken belief that they are water features. While this may not be the situation in every case, the risk must be enhanced if a solar array is situated close to an existing water feature, particularly one where water birds are already attracted. (For information, I attach our letter in relation to the Sheraton appeal where we addressed this point)	The extent and importance of these impacts is not well understood. The SPD sets out research on the impacts of solar arrays is in its infancy, developers should be aware of these and aim to mitigate impacts through site selection and design where appropriate.
CPRE	3.4 Biodiversity and Nature Conservation	In paragraph 3.4.18, reference is made to including wetland features and ponds/scrapes. Given our comments above, we represent that this should be carefully assessed as a proposed policy and whether these may attract water birds onto the panels.	The SPD highlights biodiversity enhancements need to be site specific, and informed by the Preliminary Ecological Assessment and surveys for specific species as appropriate. In this context it is considered appropriate to retain reference to wetland features alongside other examples of other enhancements to be considered.

Mr Galloway	3.4 Biodiversity and Nature Conservation	<p>3.4.11 Research indicates that ground nesting species such as skylark could be displaced from solar farms<sup>11</sup> and Birdlife Europe<sup>12</sup> suggests that there could be negative impacts from solar arrays on species such as lapwing and skylark with reduced opportunities for foraging and breeding. The effects of solar arrays on birds are likely to be species specific and care will be needed when assessing impacts and designing mitigation or compensation. Can the curlew be included in this section? The UK breeding population has declined by 62% (1969-2015), therefore curlew are red-listed in the UK. Internationally, curlew are classified as 'near threatened'. Staff from the RSPB, SNH, JNCC and Natural England published a paper in British Birds arguing that the curlew should be considered the UK's most pressing bird conservation priority. One reason why the curlew has declined so dramatically in the UK is the loss of habitats suitable for breeding. Adult Curlew tend to be site-faithful, returning year after year, with chicks establishing their own nesting grounds close to where they themselves were fledged. The Curlew prefer areas with a mixed ground vegetation structure, to provide suitable cover but allow watchfulness for predators. They also choose areas with dry nesting sites close to wet areas for feeding. This translates to open moorland, rough and damp pastures with rushes, unimproved hay meadows, and boggy ground; they occasionally use arable crops and silage fields. Landing fields and breeding fields close to a pond provide an ideal habitat for Curlews to breed and they have been making a comeback in County Durham where these fields are a sufficient distance from woodlands that contain predators. It is not possible to provide mitigation for these complex habitats by leaving some places free of panels. The whole interconnected habitat is required in all aspects. Please can the policy include the requirement for a detailed assessment of the impact on the habitat of ground nesting birds including skylark, lapwing and curlew and recognition given of the importance of preserving these fast disappearing habitats.</p>	<p>Paragraph 3.4.11 echos the findings of the two research studies cited which focus on solar farms and potential impacts on Skylark and Lapwing. However, we do reference the Curlew specifically in paragraph 3.4.17. In addition, we highlight research on the impacts of solar arrays is in its infancy, developers should be aware of these and aim to mitigate impacts through site selection and design where appropriate.</p>
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Durham University	3.5 Cultural Heritage	<p>Whilst Durham University welcome and support the need to sustain and enhance the County's heritage, particularly given the importance of the conservation area and WHS within Durham City, there is a careful balance to be struck when considering heritage and the climate emergency and associated targets. Clarity should be provided as to when solar and its contribution towards reducing carbon emissions amounts to wholly exceptional circumstances and increased emphasis should be put on the recognition of the public benefits that decarbonisation represents in terms of addressing the climate emergency.</p>	<p>Wholly exceptional circumstances are by their nature exceptional, and require consideration on a case by case basis. Moreover defining wholly exceptional circumstances would constitute the creation of policy which would be beyond the scope of an SPD.</p>
Durham University	3.5 Cultural Heritage	<p>We note the amendments made to the draft SPD in respect of the cultural heritage guidance and the suggestion that solar development in the setting of the World Heritage Site that harms its Outstanding Universal Value will not be permitted other than in wholly exceptional circumstances. Whilst Durham University is a custodian of a significant proportion of the WHS and strongly supports the need to sustain and enhance the setting of the WHS and its OUVs, the approach to heritage within the SPD, and specifically in relation to the WHS, seems to outweigh/fail to recognise the important contribution solar makes in minimising greenhouse gas emissions and reducing carbon. Durham University's position is that climate change and the climate emergency should amount to exceptional circumstances and that more guidance as to when solar may amount to 'wholly exceptional circumstances' should be provided within the SPD.</p>	<p>The wording reflects CDP Policy 45 (Durham Castle and Cathedral World Heritage Site) which is consistent with NPPF paragraph 206. Wholly exceptional circumstances are by their nature wholly exceptional and need to be considered on a case by case basis, as such it is not considered appropriate to define in the SPD. The SPD sets out at its introduction that 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.</p>

Eden Renewables	3.5 Cultural Heritage	<p>The beginning of this section, which identifies the key policies, namely: 44; 45; and, 46, should be rewritten to reflect the Energy NPSs, which recently came into force. Without reference to this, specifically the general presumption in favour of CNP infrastructure and the exempted issues where this presumption is disapplied, this section of the document is misleading. For the avoidance of doubt, cultural heritage is not one of the exempted issues.</p>	<p>The SPD has been updated to reflect NPS EN-1 and EN-3 are now in force. EN-1 on the role of the NPS in the wider planning system at paragraph 1.2.2 states 'Whether the policies in this NPS are material and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy.' As the purpose of an SPD is to supplement Local Plan policy it is not necessary or appropriate to repeat content of the NPS. The SPD will assist in providing clarity on the extent matters are already covered by planning policy.</p>
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Eden Renewables	3.5 Cultural Heritage	<p>Notwithstanding this, we acknowledge at paragraph 3.5.7 that archaeological features of significance should be protected wherever possible, however it should also be acknowledged that some types of archaeological investigative works can sometimes cause more damage to those features (and those of lesser significance), and solar farms can in some cases actually have a positive effect by removing the site from regular ploughing (EN-3, para 3.10.101). It is therefore crucial that any archaeological investigative works (which will not be necessary in all cases, as identified at paras 3.10.104 and 3.10.105 of EN-3) are proportionate “to the sensitivity of, and extent of proposed ground disturbance”, as is required by national policy (EN-3, para 3.10.106). On this basis, the last sentence of paragraph 3.5.7 should be changed to read as follows: “Where proposals are likely to affect sites of known importance, sites of significant archaeological potential, or those that become apparent through the development management process, background research followed up by proportionate archaeological investigation will be required prior to their determination.” For the same reasons as above, the first sentence of paragraph 3.5.8 should be amended to read as follows: “Archaeological desk-based assessments will be required followed by a proportionate evaluation, where necessary.”</p>	<p>Due to the limitations of geophysical survey subsequent trial-trenching is required. A Written Scheme of Investigation is required prior to any works commencing and through this process the need to mitigate any risks will be considered. Paragraph 3.5.8 reflects requirements in Durham's validation checklist and current practice.</p>
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Highways England	3.6 Glint and Glare	We support the SPD's requirement that for medium scale solar (serving business, leisure and community uses), "...National Highways should be engaged at an early stage", that a "Glint and Glare Assessment may be required", and that "Where required, the Construction Management Plan will need to address how users will be protected during construction". We would, however, request that the SPD wording in paragraph 3.6.2 is amended to include the Strategic Road Network as 'receptor' which could be sensitive to the impact of glint and glare. Additionally, whilst we support the requirement that "Where necessary, appropriate mitigation measures, such as screening, should be employed to ensure that harmful impacts are avoided and safety is not compromised", we request that the following additional wording is included in paragraph 3.6.5: "."	Wording has been added as requested.
CPRE	3.8 Recreational Amenity and Public Rights of Way	Paragraph 3.8.2 refers to railway paths, permissive paths and cycle routes. This is the only reference to these. Although the document addresses the need to consider the impact on public rights of way, the railway paths are not in fact included on the Definitive Footpaths Map. It is therefore unclear what protection (if any) these well used paths will have, nor what the situation is in relation to permissive paths or cycle routes.	Maps of railway paths, promoted routes and cycle routes are available on the council website. Permissive paths by their nature cannot be comprehensively mapped but can be identified in relation to a specific site through the outcome of public engagement and site visits.

Mr Galloway	3.8 Recreational Amenity and Public Rights of Way	<p>Development will be expected to maintain and protect, and where appropriate improve, the county's green infrastructure network. Development proposals should incorporate appropriate Green Infrastructure that is integrated into the wider network, which maintains and improves biodiversity, landscape character, increases opportunities for healthy living and contributes to healthy ecosystems and climate change objectives. 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. This is very welcome. There is a very well researched link between regular exercise and both physical and mental health. Regular exercise has a very positive impact on health.</p> <p>There is compelling evidence that demonstrates regular exercise has a very positive impact on health, both physical and mental health[1]. The National Planning Policy Framework (NPPF) acknowledges the role of planning in improving health. Examples include ensuring healthy living environments for people of all ages which support social interaction, encourage active travel and access to green open space and safe places for active play and food growing. The Durham County Plan acknowledges this: 5.310 People's health is affected by the nature of their physical environment, the quality of their housing, what kind of neighbourhood they live in, whether they have access to good quality green spaces and to a good quality food environment or places for children to play. Living close to areas of green space such as parks, woodland and other open spaces can improve physical and mental health. Access to green space is associated with a decrease in health complaints such as blood pressure and cholesterol, reduced stress levels and perceived better general health. It can also encourage social contact, provide space for physical activity and play and improve air quality[2].</p> <p>Especially in ex-mining rural communities of County Durham there are huge problems with mental health, including depression,</p>	Further wording has been added to paragraph 3.8.2 to highlight the importance of the green infrastructure network for physical and mental health.
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		<p>addiction, self-harming and suicide. Can this connection between PROW and health be made in the policy?</p> <p>[1] <a href="https://www.nhs.uk/live-well/exercise/why-sitting-too-much-is-bad-for-us/">https://www.nhs.uk/live-well/exercise/why-sitting-too-much-is-bad-for-us/</a></p> <p>[2] <a href="https://www.durham.gov.uk/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=637725862605900000">https://www.durham.gov.uk/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=637725862605900000</a>, page 158</p> <p>3.8.6 The area to be retained will be dependent on the character of the PROW. For example, footpaths might only be 1.8m wide, whilst bridleways can be much wider. Additional planting may be needed to provide screening and protect users.</p> <p>This is also very welcome. However more work is needed to assess the gap required between solar developments and PROW. It is not sufficient to provide only the width of the path. Otherwise the walking amenity will be very confined and claustrophobic. There needs to be sufficient width to allow walkers, riders and cyclists to still be able to engage with nature and have a sense of spaciousness. The width of railway lines plus the width of railway verges, embankments, or cuttings would be appropriate.</p>	
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<p>Sport England</p>	<p>3.8 Recreational Amenity and Public Rights of Way</p>	<p>This SPD presents the ideal opportunity to explain how it balance competing interests. As you state, Solar energy has an important contribution to make to our target for County Durham to be net zero carbon by 2045. Accommodating solar panel development should not be at the expense of other important assets that are protected by the planning system. One such asset is playing fields and the planning system sets out a presumption against development upon them (at para 103 of the NPPF) which results in the loss of playing field (in whole or part) or prejudices their use. Sport England’s playing field policy goes on to provide detail as to types of minor scale development which, under specific parameters would not be in conflict with the presumption against.</p> <p>Sport England’s playing field policy can be viewed at <a href="https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/2021-12/Playing%20Fields%20Policy%20and%20Guidance%20%E2%80%93%20Last%20updated%20December%202021.pdf?VersionId=2gSKc.DNZ7CfiMQJQZTyBvpl2AMDljHn">https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/2021-12/Playing%20Fields%20Policy%20and%20Guidance%20%E2%80%93%20Last%20updated%20December%202021.pdf?VersionId=2gSKc.DNZ7CfiMQJQZTyBvpl2AMDljHn</a></p> <p>If solar panels were to be proposed on playing field they would need to be located in compliance with playing field policy exception 3 which requires that it only land incapable of forming part of a playing pitch and does not:</p> <ul style="list-style-type: none"> <li>• reduce the size of any playing pitch;</li> <li>• result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);</li> <li>• reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;</li> <li>• result in the loss of other sporting provision or ancillary facilities on the site; or</li> <li>• prejudice the use of any remaining areas of playing field on the site.</li> </ul>	<p>An additional paragraph has been added under section 3.8 to highlight exception 3 and its context.</p>
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		Sport England is mindful of schools and sports clubs being keen to play their part in the County meeting net zero but their proposals for solar panels will need to be cognisant of playing field policy. The SPD should be amended to include the above requirements for that suitable schemes come forward.	
Mr Galloway	3.9 Flooding and Drainage	3.9.5 Ground mounted solar panels have 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. Whilst Sustainable Urban Drainage (SUDs) details are only required for major developments, applicants installing ground mounted solar panels are encouraged to utilise localise Sustainable Drainage Systems and consider guidance in section 4.9 Flooding and Drainage. Can this section be made much more definite and obligatory. Large scale solar in fields completely alters the impacts of surface water flow from rainfall. The collection and concentration of water from the panels with resulting impacts on the speed and volume of concentrated surface water will be massive. This will be further increased by the fact that piledriving the framework into the ground will have broken all the land drains. Particularly in places already prone to surface water flooding, such as Lanchester, this could prove to be disastrous. Please can the requirements for proper flood risk assessment and modelling be enhanced in the policy?	It is considered policy on flooding and drainage is definitive in stating development will not be permitted unless it can be proven through a Flood Risk Assessment that the development, including the access, will be safe, without increasing or exacerbating flood risk elsewhere, any residual risk can be safely managed and where possible will reduce flood risk overall and that where greenfield sites are to be developed, the runoff rates must not exceed and where possible should reduce the existing greenfield runoff.
Mr Galloway	4.1 Introduction	4.1.1 For operational reasons solar farms need to be in proximity to a substation with capacity. This isn't actually the case. Developers prefer this of course, because it means less expense for them. But it is perfectly possible for a developer to build a substation and grid connection point. It just costs about £1m. Please can this be reworded to make this clear? For reasons of cost developers of solar power stations prefer to develop a site in proximity to a substation with capacity, but this is not a necessary ingredient.	The statement is correct in that solar farms do need to be in proximity to a substation with capacity, whether existing or proposed. It also acknowledges the generation availability heat map only represents a snapshot in time.



Eden Renewables	4.11 Green Belt	<p>The beginning of this section, which identifies key policy 20, should be rewritten to reflect the Energy NPSs, which recently came into force. Without reference to these, specifically the general presumption in favour of CNP infrastructure and the exempted issues where this presumption is disapplied, this section of the document is misleading. For the avoidance of doubt, green belt is not one of the exempted issues.</p>	<p>The SPD has been updated to reflect NPS EN-1 and EN-3 are now in force. EN-1 on the role of the NPS in the wider planning system at paragraph 1.2.2 states 'Whether the policies in this NPS are material and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy.' As the purpose of an SPD is to supplement Local Plan policy it is not necessary or appropriate to repeat content of the NPS. The SPD will assist in providing clarity on the extent matters are already covered by planning policy.</p>
Eden Renewables	4.11 Green Belt	<p>Although the requirement to demonstrate a proposal cannot be accommodated on land in the county outside of the Green Belt has been removed as an application requirement (paragraph 4.11.6), paragraph 4.11.4 (last sentence) immediately preceding it suggests the issue should be considered. For clarity, we suggest the latter is deleted for the same reasons as set out in our 2023 representation.</p>	<p>The council maintains this should be considered and notes in appeal decisions in considering if very special circumstances can be demonstrated Inspector's are taking into account whether a locational need has been demonstrated.</p>

Eden Renewables	4.12 Access and Traffic	<p>The beginning of this section, which identifies key policy 21, should be rewritten to reflect the Energy NPSs, which recently came into force. Without reference to these, specifically the general presumption in favour of CNP infrastructure and the exempted issues where this presumption is disapplied, this section of the document is misleading. For the avoidance of doubt, access and traffic is not one of the exempted issues.</p>	<p>The SPD has been updated to reflect NPS EN-1 and EN-3 are now in force. EN-1 on the role of the NPS in the wider planning system at paragraph 1.2.2 states 'Whether the policies in this NPS are material and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy.' As the purpose of an SPD is to supplement Local Plan policy it is not necessary or appropriate to repeat content of the NPS. The SPD will assist in providing clarity on the extent matters are already covered by planning policy.</p>
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Highways England	4.12 Access and Traffic	<p>The SPD states that for Large scale solar (commercial solar farms), “A Construction Management Plan will be required for all major developments with existing sensitive receptors within 100m of the site boundary”. We will consider the requirement for a CTMP on a case-by-case basis and do not consider the definition of distance criteria (100m) to be useful; it is possible that the SRN (a sensitive receptor) is located more than 100m from the site boundary but that the site still needs to demonstrate and manage its construction phase impacts through a CTMP. We support the approach that for Large scale solar (commercial solar farms): Paragraph 4.12.3 “Where development could potentially affect the operation of the Strategic Road Network (SRN), applicants are encouraged to consult with National Highways before submitting a planning application. In such cases the Transport Assessment or Statement should outline the anticipated trip generation of the construction and operational phase of the development with sufficient detail to allow National Highways to assess the impact on the SRN. The Construction Management Plan would also need to be approved by National Highways prior to the development commencing. 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.” We would, however, suggest that the requirements of paragraph 4.12.3 should not be limited to only large scale solar; the requirement for evidence to be submitted to us is determined on a case-by-case basis and could, potentially, include solar developments that are not commercial solar farms.</p>	<p>Support for requirements in relation to CTMP noted. The council requires a CTMP for major proposals in proximity to sensitive receptors, as set out in its validation checklist. Medium scale solar development would be highly unlikely to meet the threshold of major development . It is considered it would be disproportionate to repeat this text under medium scale, but should a proposal come forward which is major development the council will require a CTMP in accordance with its validation checklist and consult as required.</p>
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Highways England	4.12 Access and Traffic	<p>National Highways request wording changes are required for the Solar Energy SPD. Context Both SPDs sits alongside the County Durham Plan (CDP) which was adopted on 14th October 2020. National Highways' reached a decision to offer no objection to the CDP, subject to the need for further detailed assessments to be submitted at the planning application stage. In terms of the proposed site allocations identified within the CDP, there is no specific mention as to any proposed mitigation identified as being required for the SRN, but Policy 22 identifies that: "...the transport implications of development must be addressed as part of any planning applications, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans" "...ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highways network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements". National Highways has considered the above context within our review of the SPDs.</p>	Noted please see response to detailed comments.
The Coal Authority	4.13 Ground contamination and stability	<p>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. The Coal Authority support, and are pleased to see, the inclusion at Sections 4.13.2 and 4.13.4 of the SPD, 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, with relevant links to further advice.</p>	Support noted.

CPRE	4.14 Associated Infrastructure	<p>In relation to large scale applications, it is now common for battery storage to be included as well. This in itself is a controversial issue and has the potential for significant impacts on the landscape and amenity. The document does refer to battery storage (see for example paragraph 4.3.16) but we wonder if this issue is so important that it should be highlighted in the title of the document and have a section of its own. Paragraph 4.14.2 seems to show the significant role that battery storage plays.</p>	<p>In the interests of keeping the document title concise it does not include BESS or related infrastructure. However, the SPD contains relevant guidance in relation to BESS in both specifically in section 4.14 on Associated Infrastructure, but also in 4.3 on Landscape and Townscape and 4.7 on Residential Amenity,</p>
CPRE	4.14 Associated Infrastructure	<p>CPRE Durham has previously raised safety concerns (particularly fire risks) relating to battery storage. We are pleased to see the reference to guidance from Fire Chiefs in paragraph 4.4.13. We note that the document referred to states “The NFCC’s expectation is that a comprehensive risk management process must be undertaken by operators to identify hazards and risks specific to the facility and develop, implement, maintain and review risk controls. From this process a robust Emergency Response Plan should be developed”. We represent that this quotation should be included in the Policy Document itself to emphasise the importance of this issue. Up to now, applications for or including battery storage have not contained this information. (For information, I attach our letter in relation to the Battery Storage application at Thinford, where we addressed this point by referring, at the end of the letter, to Guidance from the Energy Institute).</p>	<p>We note CPRE welcome the inclusion of this sentence which reflects changes in Planning Practice Guidance. Planning Practice Guidance sets out that engagement with the local fire service is so matters relating to the siting and location of battery energy storage systems, in particular in the event of an incident, prevention of the impact of thermal runaway, and emergency services access can be considered. The sentence quoted is in relation to operators maintaining and reviewing risk controls at operational stage. As such, we do not consider it need to be repeated within the SPD.</p>

Mr Galloway	4.14 Associated Infrastructure	Battery storage is fast becoming a national concern. Much more work needs to be done to establish the true risks and understand whether Battery storage is safe. It appears that it might not be.	The council will consult the local fire and rescue service on proposals in line with the recommendations in the Planning Practice Guidance and take their advice regarding fire safety. Whilst there have been reports of fires linked to lithium-ion batteries in the UK media research cited by the British Safety Council indicates these are predominantly linked to batteries that power electric vehicles such as e-bikes and e-scooters.
Mr Galloway	4.14 Associated Infrastructure	4.14.3 This is a huge and growing issue. The numbers and lethal impacts of lithium-ion battery fires are increasing rapidly. A thermal runaway fire in a battery storage plant could have disastrous consequences if proper provision has not been put in place. Can the policy make a much clearer statement that local residents, wildlife and water courses must be kept safe in the event of fire? This effects the detailed design of battery storage units, the provision of means to contain water and not allow contaminated water to flow into the water courses, the amount of water available on site to the fire department, and many other safety elements. Can the policy be enhanced to state all these much more definitely? At the present time, Councillors are liable in law for these risks and if applications have been passed without proper attention to the risks, that could have damaging consequences should there be litigation following a fire.	The council will consult the local fire and rescue service on proposals in line with the recommendations in the Planning Practice Guidance and take their advice regarding fire safety. Whilst there have been reports of fires linked to lithium-ion batteries in the UK media research cited by the British Safety Council indicates these are predominantly linked to batteries that power electric vehicles such as e-bikes and e-scooters.

Harmony Energy	4.14 Associated Infrastructure	4.14.2 Battery storage is not feasible or commercially viable for all schemes and would require a suitable grid connection. The SPD wording should be amended to state "Battery storage should be considered as part of all solar developments where possible and commercially viable". The location of batteries in existing buildings is not encouraged for safety and maintenance reasons and therefore we would suggest the remove of this sentence and 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'.	The SPD encourages the consideration of battery storage as part of all developments. It is not a requirement and therefore it is considered there is sufficient flexibility. It also encourages consideration of the co-location of batteries and inverters in existing buildings where possible, which gives sufficient flexibility. The guidance on battery storage and fire safety produced by the National Fire Chiefs does not make any statement on the use of existing buildings. In determining if this was possible consideration would be given to this guidance, and as stated in the SPD we would consult the local fire and rescue service where relevant.
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Highways England	4.14 Associated Infrastructure	<p>Paragraphs 4.14.6 and 4.14.7 relate to the planning application requirements for where planning permission is being sought for development of battery energy storage systems. We request that the following further evidence is included in the SPD: “If a BESS is located near to the Strategic Road Network, further evidence will also need to be submitted to National Highways regarding fire risks and the risk of an errant vehicle strike. The use of batteries for commercial electricity storage is a novel technology, which in itself poses safety risks (for example, fire, explosion, or terrorist activity – this list may not be exhaustive). Of particular concern to National Highways is ‘thermal runaway’, where overheated battery cells self-ignite and if left unchecked may burn for extended periods of time and cannot be extinguished easily by conventional methods through the use of water alone. Should these risks materialise they have the potential to negatively affect the safety and operation of the Strategic Road Network.” Overall, whilst we support many elements of the Solar Energy SPD, we require policy wording changes (as identified above) to allow us to fully support the SPD.</p>	<p>A sentence has been added to paragraph 4.14.3 stating If a BESS is located near to the Strategic Road Network, further evidence will also need to be submitted to National Highways regarding fire risks. The SPD references guidance by the National Fire Chiefs which provides more detail on this matter and potential risks.</p>
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Eden Renewables	4.2 Agricultural Land	<p>The beginning of this section, which identifies key policy 14, should be rewritten to reflect the Energy NPSs, which recently came into force. Without reference to this, specifically the general presumption in favour of CNP infrastructure and the exempted issues where this presumption is disapplied, this section of the document is misleading. For the avoidance of doubt, agricultural land is not one of the exempted issues. We do not support paragraph 4.2.11 (bullet 2) that requires applicants for proposals on BMV agricultural land to provide information on the ability of the farm(s) (on which the proposal is located) to continue to function as an agricultural unit with the development in situ for the same reasons as set out in our 2023 representation. Plus it is not required by either EN-1 or EN-3. We maintain that this requirement should be deleted so that it is in accordance with national guidance (and now also in accordance with new national policy).</p>	<p>The SPD has been updated to reflect NPS EN-1 and EN-3 are now in force. EN-1 on the role of the NPS in the wider planning system at paragraph 1.2.2 states 'Whether the policies in this NPS are material and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy.' As the purpose of an SPD is to supplement Local Plan policy it is not necessary or appropriate to repeat content of the NPS. The SPD will assist in providing clarity on the extent matters are already covered by planning policy. Paragraph 4.2.11 bullet point 2 directly reflects Planning Practice Guidance specifically paragraph 013 Reference ID: 5-013-20150327.</p>
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CPRE	4.2 Agricultural Land	<p>2) While we accept that it is government policy to protect, as far as possible, Best and Most Versatile agricultural land, this has little meaning in much of County Durham, Figure 6 of this document shows just how little land there is of Grade 2 in the county, and none of Grade 1. The document does not differentiate between Grade 3a (which is BMV land) and Grade 3b (which is not), but our experience shows that there is little Grade 3a land in the County. As a result, for much of the County, protecting BMV land is a meaningless concept and we represent that it is also necessary to address other merits of land.</p>	<p>This map reflects Natural England's provisional agricultural land classification map which does not distinguish between grade 3a and 3b. As Natural England's data is only provisional an Agricultural Land Classification Statement is required on applications for solar farms on agricultural land. This requires on site investigation and soil sampling. It would not be possible to confirm how much agricultural land in the county is BMV unless this exercise was undertaken on a county wide basis, which would be prohibitively expensive. Therefore it can not be said there is little BMV land in County Durham and this needs to be assessed through the planning process. The consideration of if land is BMV is one of many considerations set out in the SPD.</p>
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Harmony Energy	4.2 Agricultural Land	<p>This needs to consider the commercial and physical capabilities of connecting to the grid (i.e.. proximity to substations) and if this is viable from a developer perspective. Site considerations are multi-layered</p> <p>and cannot only be considered in the context of ALC only. There are numerous other constraints (land ownership, existing policy allocations, proximity to rid connection etc) and this Document needs to take those into account. 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>This is recognised in the SPD. The introduction of this chapter in paragraph 4.1.1 sets out 'For operational reasons solar farms need to be in proximity to a substation with capacity. Northern Power Grid generation availability heat map provides an indication of substation capacity, although this is very much a snapshot in time. Whilst appreciating this is a key constraint on where solar farms can be located, this SPD sets out key planning considerations to help direct solar farms to the most appropriate locations.'</p>
Harmony Energy	4.2 Agricultural Land	<p>Section 4.2 needs to consider the commercial and physical capabilities of connecting to the grid (i.e.. proximity to substations) and if this is viable from a developer perspective. Site considerations are multi-layered and cannot only be considered in the context of ALC only. 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 recognised in the SPD. The introduction of this chapter in paragraph 4.1.1 sets out 'For operational reasons solar farms need to be in proximity to a substation with capacity. Northern Power Grid generation availability heat map provides an indication of substation capacity, although this is very much a snapshot in time. Whilst appreciating this is a key constraint on where solar farms can be located, this SPD sets out key planning considerations to help direct solar farms to the most appropriate locations.'</p>

Harmony Energy	4.2 Agricultural Land	<p>"Solar farms can help generate an income to support the continued viability of a farm business and allow the agricultural function to continue. In accordance with Planning Practice Guidance consideration will be given to if the proposal allows for continued agricultural use, where applicable. In particular, the extent to which the design of the solar farm will allow the farm to continue to function as an agricultural unit with the development in situ. Livestock grazing can be a low cost means of managing grassland as well as increasing its conservation value. Sheep are the usual choice for solar farms, being small enough to pass beneath the rows of panels. There are examples of solar panels combined with cattle grazing, but in these cases the height of panels needs to be substantial. There is also growing research and examples of 'agrivoltaic arrays' where crops are grown between or beneath solar panels." This requires careful consideration of the crops, location and climate. This could only be complied with if agreeable to the landowner and is dependant on the type of farm at which it located. An arable farmer for example is unlikely to want livestock on this farm, and vice versa.</p>	<p>Guidance reflects requirements in Planning Practice Guidance specifically paragraph 013 Reference ID: 5-013-2015032.</p>
Harmony Energy	4.2 Agricultural Land	<p>"The council will monitor the cumulative impact of large-scale solar developments on the supply of agricultural land across the county." Harmony Energy would object to this on the basis of reasonableness - just because another scheme has been permitted using agricultural land 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>This sentence does not place any requirements on the applicant but sets out the council is monitoring the cumulative impact on BMV, and it is considered this data will be helpful in informed decision making and future policy development.</p>

Harmony Energy	4.2 Agricultural Land	<p>In relation to paragraph 4.2.11 Criterion 1 - This needs to consider the commercial and physical capabilities of connecting to the grid (i.e.. proximity to substations) and if this is viable from a developer perspective. Site considerations are multi-layered and cannot only be considered in the context of ALC. There are numerous other constraints (land ownership, existing policy allocations, proximity to grid connection etc) and this criterion needs to take those into account. Criterion 2 - 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 continuation of a farm to continue as an agricultural unit should not preclude or prevent development if the site is otherwise acceptable for solar.</p>	<p>Criteria reflect requirements in Planning Practice Guidance specifically paragraph 013 Reference ID: 5-013-2015032.</p>
Mr Galloway	4.2 Agricultural Land	<p>The classification of land and the differentiation of Best and Most Versatile is completely redundant in County Durham. The majority of farmland in County Durham is grade 3 and studies have shown it to be largely 3b. However for generations this land, when cared for, has profitably produced very good and useful food. Using BMV as a criteria for assessing the rightness of solar development will mean that the entire county can be covered in solar power stations. This is clearly not appropriate. It will be helpful for the policy to acknowledge that the classification of land value in this way is virtually meaningless and will not be used as a planning consideration. Otherwise developers will simply lean on it as a support to their case.</p>	<p>Natural England has provisionally categorised agricultural and in England. It would not be possible to confirm how much agricultural land in the county is BMV unless this exercise was undertaken on a County wide basis, which would be prohibitively expensive. Therefore it is not possible to state with certainty there is little BMV land in County Durham and this needs to be assessed through the planning process. Planning Practice Guidance requires consideration of whether the proposed use of agricultural land has been shown to be necessary and poorer quality land has been shown to be necessary to poorer quality. The additional requirements in relation to BMV are reflective of this.</p>

Mr Galloway	4.2 Agricultural Land	<p>Paragraph 4.2.6 There are no examples in the UK of solar power stations in rural areas being used for agriculture, even sheep grazing. The photographs that suggest this in marketing materials put out by developers are either staged shots or are from America. To maintain an agricultural use alongside the power generation, panel arrays will have to be widely spaced to allow grass or other crops to grow. None of the designs currently submitted in County Durham will allow this and it is very misleading to suggest this will happen. Furthermore intensive sheep grazing is not environmentally friendly and leads to a destruction of habitats and the environment. Please can the policy be reworded to reflect reality and avoid perpetuating the myth that solar power in fields is somehow "agricultural" and "environmental".</p>	<p>There are examples of agrovoltatics in the UK, including on the solar farm adjacent North West Industrial Estate in Peterlee where sheep graze alongside solar panels. The front cover has been replaced to include a selection of photographs to better represent different scales of solar development. Grazing can be used to manage grassland for the benefit of wildlife. Whether this is appropriate or not will depend on the habitat. In some circumstances it will be more appropriate to section off part of a site for wildlife.</p>
Mr Galloway	4.2 Agricultural Land	<p>4.2.9 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. The use of the word "temporary" to describe a forty year period is extremely unhelpful and misleading. For most residents in rural communities 40 years is not temporary, it is greater than the rest of their lives. Please can the policy be clearer and use 40 years instead of temporary?</p>	<p>The key purpose of this aspect of the guidance is to ensure agricultural use is restored at the end of the operational period of the solar farm. The operational life of a solar farm is generally in the range of 30 to 40 years, as such it is not considered appropriate to specify 40 years here.</p>

Eden Renewables	4.3 Landscape and Townscape	The beginning of this section which identifies the key policies, namely: 29; 39; and, 38, should be rewritten to reflect the Energy NPSs, which recently came into force. Without reference to these, specifically the general presumption in favour of CNP infrastructure and the exempted issues where this presumption is disapplied, this section of the document is misleading. For the avoidance of doubt, landscape and townscape is not one of the exempted issues.	The SPD has been updated to reflect NPS EN-1 and EN-3 are now in force. EN-1 on the role of the NPS in the wider planning system at paragraph 1.2.2 states 'Whether the policies in this NPS are material and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy.' As the purpose of an SPD is to supplement Local Plan policy it is not necessary or appropriate to repeat content of the NPS. The SPD will assist in providing clarity on the extent matters are already covered by planning policy.
Eden Renewables	4.3 Landscape and Townscape	We do not support the reference to 'the countryside around towns' at paragraph 4.3.5 because it suggests such locations should be given added protection from solar farm development. There is no such requirement in any national policy plus it is significant to note that the National Planning Policy Framework (NPPF, 2023) is clear that local planning authorities should approve applications for renewable and low carbon development "if its impacts are (or can be made) acceptable" (Para 163(b)). On this basis, we suggest that the third sentence of paragraph 4.3.5 is deleted.	Disagree. The text does not state these areas should be given added protection. It describes susceptibility to landscape impacts.

Eden Renewables	4.3 Landscape and Townscape	We do not support paragraph 4.3.13 (bullet 5) because it is unrealistic to suggest areas of ridge and furrow (assuming this is what is meant by 'rigg and furrow') and other earthworks should be avoided given their common occurrence in the countryside and size in some cases. The aspiration behind this consideration would be more likely to be achieved, as well as comply with national policy, if it was changed to read as follows: "Avoiding sensitive locations such as historic parks and gardens and features of significant archaeological interest wherever possible, unless the proposed development meets the relevant tests set out in the current NPPF (NPPF 2023 - Paras 207, 208 and 209) or replacement version/document."	The bullet point is in the context 'The location and siting of development can have a strong influence on its landscape and visual effects. These can be reduced by:' as such no change is considered necessary.
Eden Renewables	4.3 Landscape and Townscape	For the same reasons as above, paragraph 4.3.15 (bullet 2) should be deleted. It is also unnecessary given the aspiration behind this consideration is the same as an earlier consideration (Para 4.3.15, bullet 5), which we have suggested is retained but altered so that it complies with national policy.	The bullet point is in the context 'The location and siting of development can have a strong influence on its landscape and visual effects. These can be reduced by:' and addresses screening whilst bullet point 5 is in regard to sensitive locations. As such, no change is considered necessary.
Eden Renewables	4.3 Landscape and Townscape	We do not support reference to 'well-developed and well-used' PRoW at paragraph 4.3.13 (bullet 6) because neither term is clear (both are open to interpretation) nor is it practical to establish which routes would qualify. It is also significant that neither EN-1 nor EN-3 preclude development in the vicinity of PRoW nor do they suggest how long the route has been in existence (assuming this is what it meant by 'well-developed') or the level of use is relevant. For clarity, we suggest this statement is changed to read as follows: "Avoiding situations where the development would detract from the amenity value of public rights of way."	Wording has been revised and it is accepted this will avoid debate on what constitutes well-used.
Lanchester Parish Council	4.3 Landscape and Townscape	"4.3.11 The council will produce more detailed analysis of landscape sensitivity." We agree with this statement. Landscape Sensitivity is a critical consideration of any rural 'solar energy development'.	Support noted.



Lanchester Parish Council	4.3 Landscape and Townscape	"4.3.22 And where appropriate:" Add 'Neighbourhood Plans' to bullet point list	A bullet point and link has been added.
Mr Galloway	4.3 Landscape and Townscape	4.3.13 The location and siting of development can have a strong influence on its landscape and visual effects. - There is a lot of detail here which is most welcome. Please can the scale of developments also be considered alongside the other aspects helpfully noted. Rural communities are by definition small scale. Large scale solar developments can surround or isolate communities and take away both their sense of place and their sense of connectedness. Can another design aspect be added such as: Developments must be proportionate to the dwellings and communities alongside which they are sited. Total development must not exceed 50% of the size of such communities.	Support for detailed information noted. Consideration of appropriateness of scale and impact on settlement setting is an important factor which is reflected in the SPD. It is not considered appropriate to apply a percentage threshold to scale based on size of settlement, as sensitivity is determined based on a range of factors.
Mr Friesner	4.3 Landscape and Townscape	"4.3.11 The council will produce more detailed analysis of landscape sensitivity." We agree with this statement. Landscape Sensitivity is a critical consideration of any rural 'solar energy development'. The subject of landscape is very important where 'solar energy' developments are to be considered. Landscape contributes to each of the three planning foundations – environmental, social and economic – especially the first two elements. 'Landscape' and 'landscape sensitivity' must be given appropriate weight within the SPD. This includes ALL aspects and characteristics which make up 'landscape' as defined by DCC and also within Neighbourhood Plans. The SPD should clarify all aspects of landscape. Important characteristics which should also be referenced include setting, context, character, features and views. In addition, any analysis of 'sensitivity' should reference important 'linkages' to the landscape's 'historical development' – including historic environment, the natural environment and industrial activity and heritage.	Support for landscape sensitivity study is noted. This is a detailed piece of work being produced separate to the SPD. The SPD provides planning guidance setting out key principles including in relation to impacts on setting, context, features and views. The study will form an evidence base and help inform planning decisions and future policy development. Comments have been shared with the landscape team who are taking forward the study. Additional reference has been added to neighbourhood plans in this section.

Mr Galloway	4.3 Landscape and Townscape	4.3.13 Can the policy make it mandatory that large scale solar should not be visible at all from residential dwellings? Being able to see the development from your house and/or garden is a huge intrusion, particularly on those who have chosen to live in a rural location. The planting of screening will not mitigate this until about 15 years into the life of the development. Can the policy be clear that screening is not sufficient mitigation for residents being able to view the development from their own homes.	It is established in case law and reflected in Planning Practice Guidance that the protection of purely private interest, such as loss of a private view, is not a material consideration in determining planning applications. As such it is not possible to introduce this requirement through an SPD.
Harmony Energy	4.3 Landscape and Townscape	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.	Yes formatting has been changed since first stage of consultation to reflect criteria are not to be considered as a checklist.
Harmony Energy	4.3 Landscape and Townscape	Para 4.3.16 We consider that this should be reworded to say that 'Housing ancillary plant and facilities in existing buildings where possible and safe, alternatively they should be located within the site in the least harmful location to the wider visual landscape and other planning considerations' providing necessary flexibility to this point.	Existing wording states 'Housing ancillary plant and facilities in existing buildings where possible.' This allows for consideration of a range of factors including safety, and it is considered this allows sufficient flexibility.
Harmony Energy	4.3 Landscape and Townscape	Para 4.3.16 Solar panels tend to have an overall height (mount and panel itself) of 3m and so the CCTV needs to be at least 3.5m to be effective. However, it should be positioned so as to have a little visual impact as possible from public viewpoints.	Text has been changed to timber poles of the minimum height required.
Harmony Energy	4.3 Landscape and Townscape	Para 4.3.18 Where agreeable with the landowner and feasible from a commercial perspective.	As set out above this is not to be read as a prescriptive list and is about 'looking for opportunities.'

Eden Renewables	4.4 Biodiversity and Nature Conservation	<p>This section should reflect the Energy NPSs which recently came into force. Without reference to this, specifically the general presumption in favour of CNP infrastructure and the exempted issues where this presumption is disapplied, this section of the document is misleading. For the avoidance of doubt, biodiversity and nature conservation (other than irreplaceable habitats) is not one of the exempted issues.</p>	<p>The SPD has been updated to reflect NPS EN-1 and EN-3 are now in force. EN-1 on the role of the NPS in the wider planning system at paragraph 1.2.2 states 'Whether the policies in this NPS are material and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy.' As the purpose of an SPD is to supplement Local Plan policy it is not necessary or appropriate to repeat content of the NPS. The SPD will assist in providing clarity on the extent matters are already covered by planning policy.</p>
Eden Renewables	4.5 Cultural Heritage	<p>This section should reflect the Energy NPSs which recently came into force. Without reference to this, specifically the general presumption in favour of CNP infrastructure and the exempted issues where this presumption is disapplied, this section of the document is misleading. For the avoidance of doubt, cultural heritage is not one of the exempted issues.</p>	<p>The SPD has been updated to reflect NPS EN-1 and EN-3 are now in force. EN-1 on the role of the NPS in the wider planning system at paragraph 1.2.2 states 'Whether the policies in this NPS are material and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy.' As the purpose of an SPD is to supplement Local Plan policy it is not necessary or appropriate to repeat content of the NPS. The SPD will assist in providing clarity on the extent matters are already covered by planning policy.</p>

Highways England	4.6 Glint and Glare	For Large scale solar (commercial solar farms), the SPD refers to the Glint and Glare requirements for medium scale solar (serving business, leisure and community uses). Consequently, there is no need to duplicate our requests for additional wording (as identified above).	Noted.
Eden Renewables	4.7 Residential Amenity	The beginning of this section, which identifies key policy 31, should be rewritten to reflect the Energy NPSs, which recently came into force. Without reference to these, specifically the general presumption in favour of CNP infrastructure and the exempted issues where this presumption is disapplied, this section of the document is misleading. For the avoidance of doubt, residential amenity is not one of the exempted issues.	The SPD has been updated to reflect NPS EN-1 and EN-3 are now in force. EN-1 on the role of the NPS in the wider planning system at paragraph 1.2.2 states 'Whether the policies in this NPS are material and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy.' As the purpose of an SPD is to supplement Local Plan policy it is not necessary or appropriate to repeat content of the NPS. The SPD will assist in providing clarity on the extent matters are already covered by planning policy.
Harmony Energy	4.7 Residential Amenity	4.7.10 This should only be required where there are nearby sensitive receptors, and the detail of the assessment should reflect the complexity of the scheme and specific site constraints. Solar developments generally do not make a noise and so a Noise Assessment will not be reasonable to request in most cases.	A noise assessment is only required where a proposal raises issues of potential noise disturbance in accordance with the council's planning validation checklist.

Eden Renewables	4.8 Recreational Amenity and Public Rights of Way	The beginning of this section, which identifies key policy 26, should be rewritten to reflect the Energy NPSs, which recently came into force. Without reference to this, specifically the general presumption in favour of CNP infrastructure and the exempted issues where this presumption is disapplied, this section of the document is misleading. For the avoidance of doubt, recreational amenity and public rights of way is not one of the exempted issues.	The SPD has been updated to reflect NPS EN-1 and EN-3 are now in force. EN-1 on the role of the NPS in the wider planning system at paragraph 1.2.2 states 'Whether the policies in this NPS are material and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy.' As the purpose of an SPD is to supplement Local Plan policy it is not necessary or appropriate to repeat content of the NPS. The SPD will assist in providing clarity on the extent matters are already covered by planning policy.
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Eden Renewables	4.9 Flooding and Drainage	<p>Paragraph 4.9.5 is incorrect to suggest run-off rates at solar farms could lead to greater rates than on undeveloped greenfield sites. There have been several guidance documents for solar farms that have confirmed that solar panels do not have a significant effect on surface water runoff. This includes a published scientific study by Cook and McCuen (2013, Journal of Hydrologic Engineering) that assessed the hydrological impact from solar farms. The abstract from this study is reproduced below: “Because of the benefits of solar energy, the number of solar farms is increasing; however, their hydrologic impacts have not been studied. The goal of this study was to determine the hydrologic effects of solar farms and examine whether or not storm-water management is needed to control runoff volumes and rates. A model of a solar farm was used to simulate runoff for two conditions: the pre- and post-panelled conditions. Using sensitivity analyses, modelling showed that the solar panels themselves did not have a significant effect on the runoff volumes, peaks, or times to peak. However, if the ground cover under the panels is gravel or bare ground, owing to design decisions or lack of maintenance, the peak discharge may increase significantly with storm-water management needed. In addition, the kinetic energy of the flow that drains from the panels was found to be greater than that of the rainfall, which could cause erosion at the base of the panels. Thus, it is recommended that the grass beneath the panels be well maintained or that a buffer strip be placed after the most downgradient row of panels. This study, along with design recommendations, can be used as a guide for the future design of solar farms.” On this basis, we suggest paragraph 4.9.5 is deleted.</p>	<p>Paragraph 4.9.5 sets out solar farms have the potential to impact on surface water flow through construction impacts and solar arrays concentrating surface water flow from rainfall. A Surface Water Drainage Strategy is required to determine this on a case by case basis. The SPD is consistent with the findings of the study cited in that it found the kinetic flow that drains from panels was greater than rainfall and could cause erosion at the base of panels, and it recommends incorporating grassed filter strips to interrupt water flow and promote infiltration.</p>
Eden Renewables	4.9 Flooding and Drainage	<p>Paragraph 4.9.9 suggests no other form of development might be sited on agricultural land with potential pre-existing contaminants in the ground and groundwater. This does not reflect reality and therefore suggests the authority is unfairly treating solar farm applications. Given the requirement of paragraph 4.9.12 (bullet 3), this paragraph is unnecessary. We therefore suggest it is deleted to avoid solar farm applications potentially being penalised with additional hurdles to overcome in the future.</p>	<p>The SPD is silent on other forms of development on agricultural land given its focus on solar. This guidance has been developed with the Environment Agency.</p>

Highways England	4.9 Flooding and Drainage	In terms of the flood risk and drainage (paragraph 3.9.8), National Highways will continue to review relevant proposals in line with the requirements DfT Circular 01/2022 (paragraph 59).	Noted.
Harmony Energy	5.1 Pre- application Process	5.1.5 Harmony Energy acknowledge the value of constructive pre-application discussions with the Council as well as other statutory consultees.	Noted.

<p>Lanchester Parish Council</p>	<p>5.2 Community Engagement</p>	<p>We remain greatly concerned about the ‘community engagement’ section and would again refer you to our comments in our response to the Stage 1 consultation. We request that this section is totally reworked with additional text added, including, for example, ‘Developers must EVIDENCE how they have fully satisfied the effectiveness of their community engagement BEFORE and DURING the planning process’. Also, ‘Developers must produce a plan which demonstrates how they will continue community engagement POST application and on an ONGOING BASIS, to ensure a mutually beneficial relationship with the local community to result in an effective ‘good neighbour’ status throughout the whole course of the project’s life’. A much more positive approach is required to more fully clarify community engagement within this SPD. There is ample evidence locally and nationally, in recent years, of examples where community engagement has been considered unsatisfactory, ineffective and generally quite poor, (despite industry claims and proposed best practice stating to the contrary) resulting in harm and adverse impacts to local communities affected by such developments. Durham County Council must not default and rely on a ‘tick box’ exercise when considering this very important aspect of a development. To assist this situation further, we also propose that the following industry guidance published by BRE (amongst other publications) is referenced in the text and a weblink included. BRE (2015) Community Engagement Good Practice Guidance for Solar Farms N Waters, O Pendered and G Hartnell. (Also, National Solar Centre) <a href="https://files.bregroup.com/bre-co-uk-file-library-copy/filelibrary/pdf/Brochures/BRE-NSC_Good-Practice-Guide.pdf">https://files.bregroup.com/bre-co-uk-file-library-copy/filelibrary/pdf/Brochures/BRE-NSC_Good-Practice-Guide.pdf</a> “Community engagement should take place before, during and long after the formal planning process is complete. It is about the ongoing relationship with the community and its purpose goes beyond merely gaining planning consent. Above all it is about being a good neighbour” (pp7)</p>	<p>Additional wording has been added to state applicants should demonstrate how they have taken account of the community’s responses within their application and reference has also been added to the BRE Guidance. Whilst the Localism Act introduced provisions for the government to make pre-application engagement with the community mandatory, this requires secondary legislation and to date only applies to wind turbine development involving more than 2 turbines or where the hub height of any turbine exceeds 15 metres. As such, the council can encourage but can't mandate engagement.</p>
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Mr Friesner	5.2 Community Engagement	<p>I am still very concerned about this section. This section needs a much more comprehensive review and to be reworked. I have attended many local 'community engagement' exercises, several of which can only be described at best, as 'poor', misleading and not particularly professional and informative, often with consultants being quite vague and not prepared to answer relevant questions. A much more positive approach is required to clarify the importance of effective community engagement. 'Tick box' proof by developers is unsatisfactory. DCC must detail within the SPD that developers must be able to fully evidence at throughout how effective community engagement has been achieved; recording all comments made, how they were addressed, actions taken, during the timeline. Industry guidance published by BRE should be referenced (2015) Community Engagement Good Practice Guidance for Solar Farms N Waters, O Pandered and G Hartnell. (Also National Solar Centre)<a href="https://files.bregroup.com/bre-co-uk-file-library-copy/filelibrary/pdf/Brochures/BRE-NSC_Good-Practice-Guide.pdf">https://files.bregroup.com/bre-co-uk-file-library-copy/filelibrary/pdf/Brochures/BRE-NSC_Good-Practice-Guide.pdf</a></p>	<p>Additional wording has been added to state applicants should demonstrate how they have taken account of the community's responses within their application and reference has also been added to the BRE Guidance. Whilst the Localism Act introduced provisions for the government to make pre-application engagement with the community mandatory, this requires secondary legislation and to date only applies to wind turbine development involving more than 2 turbines or where the hub height of any turbine exceeds 15 metres. As such, the council can encourage but can't mandate engagement.</p>
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Mrs Friesner	5.2 Community Engagement	<p>I remain greatly concerned about the 'community engagement' section and refer you to my comments in response to the Stage 1 consultation. I have experienced local 'community engagement' exercises which can only be described at best, as 'poor', ineffectual and quite misleading. A much more positive approach is required to clarify the importance of EFFECTIVE community engagement. All local communities, have a right to be protected by DCC from inappropriate and bad practices by developers. DDC must not rely on a 'tick box' exercise by developers. This is just not good enough. DCC must detail within the SPD that developers must be able to fully evidence at ALL STAGES how EFFECTIVE community engagement has been achieved. This must include capturing ALL comments made by the local community, HOW they were considered / addressed and WHAT action was taken, CHANGES made, during the timeline of the project.</p>	<p>Additional wording has been added to state applicants should demonstrate how they have taken account of the community's responses within their application and reference has also been added to the BRE Guidance. Whilst the Localism Act introduced provisions for the government to make pre-application engagement with the community mandatory, this requires secondary legislation and to date only applies to wind turbine development involving more than 2 turbines or where the hub height of any turbine exceeds 15 metres. As such, the council can encourage but can't mandate engagement.</p>
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Lanchester Parish Council	5.3 Community Benefits	<p>Again, we remain greatly concerned about the 'community benefits' section and would again refer you to our comments in our response to the Stage 1 consultation. We note your response but cannot accept and question why this section cannot be detailed more comprehensively in County Durham's Solar Energy SPD. In contrast, several authorities across the south of England and in the Midlands have taken a different approach and successfully incorporated these details into their key planning guidance and SPDs for almost 10 years. This means it can be achieved within planning processes. There does not need to be any potential conflict of interest. We request that this section is totally reworked and comments we made in the earlier consultation are considered accordingly to be added here. We note that similar concerns about community engagement and benefits was also voiced by others involved in your online events. The SPD must state the differences to 'S106/planning obligations' and 'community benefits' for full unambiguous understanding and clarity for all interests involved. We welcome your statement that several Stage 1 respondents identified the need for community support by the Council about solar energy involving local communities. Also, how the Council might provide this service. Additionally, we would propose a more positive statement about this in the SPD, to more fully outline this, as follows (or similar), 'Community support services about solar energy and other renewable activities will be developed and undertaken by the Low Carbon Economy Team* within the County Council. Further clarification of this will be communicated in due course'. (Without naming a Dept/Officer, there will be no responsibility or ownership taken). Again, this should be explicitly stated in the SPD, 'Key goals of such a team* would be to, facilitate and support Parish Councils, and others, when negotiating with developers, develop a framework and process for identifying 'Community Benefit' maintain a consistent approach to 'Community Benefit' maximise opportunities for local communities (and for Durham County Council as an interested stakeholder establish a minimum benchmark value of, say, £5000* per MW installed</p>	<p>As community benefits are not a material consideration in determining a planning application the council maintains any such protocol should not form planning guidance. Dorset County Council have produced a guidance note on community benefits but this is not planning guidance and recognises the need for a distinction '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.' Contact details have been added to the Low Carbon Team who provide support to the community in relation to a range of matters including renewable energy development. A link to the Climate County Durham webpage has also been added. The UK government is also currently working the solar energy industry to develop a voluntary community benefits protocol in England for solar.</p>
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		<p>capacity per year for 40 years index linked to RPI, set by the Council. [*see references to Dorset County Council and Scottish Government]'We still maintain that national planning policy and industry best practice clearly and explicitly supports our view 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. We strongly urge that the above text is added explicitly to the SPD in order to clarify the interdependence of such community schemes with solar energy developments.</p> <p>Durham County Council should take account of a developer's approach and process adopted to 'community benefit / value'. This indicator of investing effectively in a local community clearly informs the 'social and environmental benefits' which form two of the three pillars to be considered when determining an application.</p>	
Mr Galloway	5.3 Community Benefits	Please can the policy adopt the Scottish model of £5,000 of community benefit for each MW of installed capacity?	The community benefits system in Scotland is a voluntary arrangement offered by renewable energy companies. The UK government is currently working with the solar energy industry to develop an equivalent voluntary community benefits protocol in England for solar.

Mr Friesner	5.3 Community Benefits	<p>I am still concerned about this section. It needs to be reworked and to include comprehensive information about community benefits, without which the SPD will have missed an ideal opportunity to achieve a 'joined up approach' to deliver benefits, including financial, for those communities affected by such developments, at a local level. A similar approach should be adopted by DCC along the lines to that which operated for 'wind power' in the county. Local communities across County Durham are the main communities directly affected BUT will never be able to fully realise the potential of such developments within their locality unless a coordinated and structured approach is actioned, facilitated and led by DCC. Dedicated officers (NOT part of the Planning Dept.) are deployed by other authorities to support and assist communities, thus avoiding potential conflict. Such a 'support team' of DCC officers would,</p> <ul style="list-style-type: none"> <li>• facilitate and support Parish Councils, and others, when negotiating with developers,</li> <li>• develop a framework and process for identifying 'Community Benefit'</li> <li>• maintain a consistent approach to 'Community Benefit'</li> <li>• maximise opportunities for local communities (and for Durham County Council as an interested stakeholder)</li> <li>• establish a minimum benchmark value of, say, £5000 per MW installed capacity per year for 40 years index linked to RPI, set by the Council.</li> </ul>	<p>As community benefits are not a material consideration in determining a planning application the council maintains any such protocol should not form planning guidance. Contact details have been added to the Low Carbon Team who provide support to the community in relation to a range of matters including renewable energy development. A link to the Climate County Durham webpage has also been added. The UK government is also currently working the solar energy industry to develop a voluntary community benefits protocol in England for solar.</p>
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Mr Galloway	5.3 Community Benefits	5.3.1 Can the policy give some definite guidance as to the acceptable level of community benefit? Scotland has a policy for onshore wind that sets community benefit at £5,000 per MW of capacity per year. Even half that figure would make a massive difference to communities. In their recent application at Burnhope BP were offering £250 per MW per year, which is almost an insult. In the arrangement that they made, BP completely bypassed the local community networks and structures, which meant the “community benefit” would be distributed over a much wider area than the communities most affected. Can the policy give greater definition to the location of where the community benefit will be distributed?	The community benefits system in Scotland is a voluntary arrangement offered by renewable energy companies. The UK government is currently working the solar energy industry to develop an equivalent voluntary community benefits protocol in England for solar.
Mrs Friesner	5.3 Community Benefits	I am still very concerned about the ‘community benefits’ section and refer you to my response to the Stage 1 consultation. To maximise opportunities from renewable energies, including solar energy, DCC must implement a community benefit framework and process, similar to that which has operated for ‘wind power’ in the county for some years. Local communities across County Durham are the main communities directly affected BUT will never be able to fully realise the potential of such developments within their locality unless a COORDINATED and STRUCTURED APPROACH is undertaken, LED by DCC. Other local authorities have successfully incorporated these details into their key planning guidance and SPDs for almost 10 years. Dedicated officers (NOT part of the Planning Dept.) are deployed to SUPPORT and ASSIST Communities, thereby avoiding conflict of interest. I request this section is reworked.	As community benefits are not a material consideration in determining a planning application the council maintains any such protocol should not form planning guidance. Contact details have been added to the Low Carbon Team who provide support to the community in relation to a range of matters including renewable energy development. A link to the Climate County Durham webpage has also been added. The UK government is also currently working the solar energy industry to develop a voluntary community benefits protocol in England for solar.
Sunderland City Council	General	Sunderland City Council have no comments to make on the SPDs at this point in time.	Noted.
Historic England	General	We have no further comments to make on its content.	Noted.

Durham University	General	<p>We note that the Solar Energy SPD provides detailed guidance on the application of the following policies in the CDP, providing information on how policies will be interpreted and applied: Policy 10 (Development in the Countryside), Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources), Policy 28 (Safeguarded Areas), Policy 29 (Sustainable Design), Policy 31 (Amenity and Pollution), Policy 33 (Renewable and Low Carbon Energy), Policy 35 (Water Management) and Policy 39 (Landscape). There is also considerable reference to Policy 44 (Historic Environment) and Policy 45 (Durham Castle and Cathedral World Heritage Site) within the draft Solar Energy SPD. Durham University previously provided comments in response to the draft Solar Energy SPD (stage one) in July 2023. Guidance provided within Section 3.0 'Medium scale: serving business, leisure and community uses' seems most relevant to Durham University. The comments provided highlighted the following concerns and an update for this round of consultation is provided in bold.</p>	Noted.
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Durham University	General	<p>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 Spatial Policy understanding of what it is trying to achieve. This comment still stands as the focus and nature of the SPD still reads rather negatively in providing great detail on the barriers to solar and the constraints that must also be considered such as landscape, heritage, biodiversity etc. What would be more helpful within the guidance would be examples or case studies of good solar PV installations that followed planning guidelines carefully, utilising solar PV in a variety of settings including heritage settings and how they can be most appropriately incorporated into the built environment, enabling their valuable contribution in addressing the climate emergency.</p>	<p>The SPD was revised in response to detailed comments made at stage 1 as outlined in the Consultation Statement. More generally, it is considered the SPD is consistent with national and local policy and provides guidance on how, where planning permission is needed, impacts can be mitigated and enhancements designed in to solar development. In many circumstances small and medium scale solar development is permitted development and this is highlighted in the SPD. Case studies have been added to the SPD to help highlight best practice and the extent of permitted development rights. The Cultural Heritage section has been reviewed and emphasis has been added that impacts on heritage assets can often be mitigated through sensitive design based on an understanding of the assets significance.</p>
Environment Agency	General	I can confirm that we have no further comments to make.	Noted.



<p>Lanchester Parish Council</p>	<p>General</p>	<p>We were disappointed by the quantity of respondents to Stage 1, especially from local authorities across County Durham. There may be several reasons for this including time pressures, limited resources, awareness, understanding and communication. We are concerned that this has the potential to unduly skew comments to this consultation and does not fully reflect a truly representative view of things. As Lanchester Parish Council, we request that going forward, Durham County Council fully ensures itself that at each subsequent stage (including consultation protocols) of this very important SPD, that ALL measures are undertaken to fully and positively engage all relevant stakeholders and partners, especially at local levels e.g. via CDALC / other groups, to ensure that the SPD is not only fully compliant with planning guidance, but also fully effective and efficient in its content and detail in response to local needs and to be applied locally. The following comments should be considered together with all other comments previously made. We note that you have made some revisions to the original first Draft. We now wish the following comments to be considered accordingly for inclusion in the revised SPD as part of Stage 2. Councillors request that all the contents of this letter (and earlier comments provided) to Durham County Council are fully considered and incorporated into the revised Draft Solar Energy SPD document as it develops.</p>	<p>The Consultation Statement outlines the range of methods used to promote the consultation across two stages of consultation. This includes through a direct email to over 1000 contacts on the council's planning policy consultation database, promotion via the council's webpage, social media, and holding four dedicated events. Responses were received from a range of individuals and organisations including residents, community groups, parish councils, statutory consultees, the industry and other local authorities. It is considered this represented a good range of different perspectives which has helped improve the SPD. Whilst we consulted local authorities it is at their discretion to respond and subject to capacity.</p>
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CPRE	General	<p>4) We note that sheep are shown on the front cover of this document, suggesting that this will be normal practice when solar arrays are approved. However, we are not aware of cases where sheep are in fact used for this purpose and we note there is only one reference to sheep in the document at paragraph 4.2.6. We are also concerned that grazing by sheep is not “environmentally friendly” as they graze particularly harshly. Sheep are not used for grazing in the Council’s nature reserves and we believe that their grazing method is the main reason for this. We believe that this issue needs to be fully addressed before this SPD is finalised.</p>	<p>There are examples of agrovoltatics in the UK, including on the solar farm adjacent North West Industrial Estate in Peterlee where sheep graze alongside solar panels. The front cover has been replaced to include a selection of photographs to better represent different scales of solar development. Grazing can be used to manage grassland for the benefit of wildlife, for example by conservation grazing organisations such as Flexigraze. Whether this is appropriate or not will depend on the habitat. In some circumstances it will be more appropriate to section off part of a site for wildlife.</p>
CPRE	General	<p>3) As a result, we represent that it is appropriate to consider the benefits which land that is not BMV can contribute to landscape, biodiversity or recreational enjoyment. While there may be policies in the County Durham Plan in respect of landscape and biodiversity, much of the County is not covered by these allocations and we represent that that should not mean that such “unprotected areas” are automatically suitable for solar development.</p>	<p>CDP Policy on landscape and biodiversity include policy applicable to all land. This is in addition to policy specific to AONB, Areas of Higher Landscape Value etc.</p>

CPRE	General	<p>5) When it is necessary to determine the output of a solar array (in particular, whether or not it exceeds 50 MW), we represent that consideration must now be given to the case, involving the Council, of Galloway v Durham County Council. Although much of this judgment addresses the legal interpretation of the planning permission (and, in particular, the words “in strict accordance with”), the essence of it was to determine whether the Council had in fact given an unlawful permission for a solar array exceeding 50MW output. The judge concluded that it had, or at least that, on the recognised methods of calculating the total output (even after allowing for flexibility of some “overplanting”), that this was possible. While this may be a legal issue, we represent that the principles should be addressed in the document, if only to act as a reminder for practitioners.</p>	<p>The SPD highlights in determining the capacity of a site and if a proposed development should be determined as a Nationally Significant Infrastructure Project, developers should have regard to guidance in National Policy Statement for Renewable Energy Infrastructure (EN-3).</p>
CPRE	General	<p>CPRE, the countryside charity, Durham Branch, welcomes the opportunity to comment on this document. However, we wish to make the following preliminary points</p> <p>1) CPRE nationally is promoting the use of roofs, particularly commercial roofs, for this purpose. While we note the references to using roof space in the document, we believe there should be greater emphasis on this issue and, in particular, new build (be it residential or commercial) should be encouraged to include solar panels in the design as much as possible.</p>	<p>CPREs promotion of the use of roof space for solar is noted. The government has recently expanded permitted development rights meaning in the majority of circumstances solar can be fitted on roof space without the need for planning permission.</p>

CPRE	General	<p>We appreciate that solar energy is part of the Net Zero commitment of the government but have major concerns about the amount of land that it requires. As we have stated, we support rooftop solar wherever possible and represent that this should be encouraged by the authorities. We also believe that the difference between winter and summer generation is an important consideration when assessing the planning balance of using land as opposed to roofs. That said, we accept that additional guidance will be required to supplement Policy 39 of the County Durham Plan. The need for this has become apparent given the number of applications that have already been made in the North East. We therefore welcome this proposed Supplementary Planning Document but represent that the above issues should be addressed before it is finalised.</p>	<p>Support for roof top solar noted. Please see detailed response to comments.</p>
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Harmony Energy	General	<p>Harmony Energy write in response to the latest round of consultation on the County Durham Plan Solar Energy Supplementary Planning Document 2024 (Consultation Draft), in addition to the representations made to the 2023 consultation document. Harmony Energy would like to state first that we welcome the updates that have been made to the to the latest version of this SPD and wish to make these further 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. As set out previously, 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 delivery 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 schemes. It is on this basis Harmony Energy make the following comments.</p>	<p>Note that changes made since last stage of consultation are welcomed. Please see detailed responses to further comments.</p>
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Mr Galloway	General	<p>The photograph on the cover, credited to Lightsource is very misleading. There are only two parallel arrays. Using the height of the sheep in the foreground, the arrays are 3m tall at the lowest point. None of the installations built or proposed in County Durham are of this nature, particularly the larger ones. There is a fence that separates the sheep from the arrays, so this is not sheep grazing among the panels, although without close inspection the perspective of the shot suggests that this is happening. And I am fairly certain that the picture is taken in America. It is not appropriate to use a picture of an American landscape from the marketing department of a large Solar development company on a policy document for County Durham. It strongly suggests that Durham Council are insufficiently critical of the marketing outputs of these companies. It would be better to have a picture of an existing solar installation in County Durham that has not been specially produced to show the industry in the best possible light. I would suggest using one from the site set back from Tower Road, Annfield Plain.</p>	<p>The front cover for the final version of the SPD includes photographs representing a range of solar developments which are predominantly in County Durham.</p>
Mr Friesner	General	<p>I would like my following comments considered for inclusion (in addition to my response to Stage 1).</p>	<p>Please see responses to detailed points.</p>

Mrs Friesner	General	<p>Consultation Effectiveness</p> <p>I remain concerned about the relative efficiency and effectiveness of the Stage 1 process, given so few respondents and also the lack of several stakeholder / partner representations on such an important topic. DCC must undertake a full 'quality control' review of its processes in order to ensure that full transparency, INCLUSIVITY and representation is achieved. In addition, DCC should consider additional further consultation given the findings of any such review.</p>	<p>The Consultation Statement outlines the range of methods used to promote the consultation across two stages of consultation. This includes through a direct email to over 1000 contacts on the council's planning policy consultation database, promotion via the council's webpage, social media, and holding four dedicated events. Responses were received from a range of individuals and organisations including residents, community groups, parish councils, statutory consultees, the industry and other local authorities. It is considered this represented a good range of different perspectives which has helped improve the SPD.</p>
Resident	General	<p>I fully agree with need for increased sensitivity to visual and environmental impact.</p>	<p>Noted.</p>

<p>City of Durham Trust</p>	<p>General</p>	<p>We appreciate the Council's argument that this SPD does not have the scope to require all new developments to incorporate solar energy and welcome the Council's commitment to consider this through the County Durham Plan (CDP) review. However, we feel that Policy 29 could be interpreted far more strongly in advocating that new builds should incorporate solar panels as it states in section 'c' "by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation". In our previous response we noted the major weakness of lack of any specific short-term targets for solar energy, and the Council's response that this covered under the Council's Climate Emergency Response Plan. We appreciate the Council's argument that the Solar Energy SPD may not be the place to cover this weakness. However, with reference to a stronger interpretation of Policy 29 with respect to solar panel installation, some targets could surely be set. By comparison, CDP Policy 21 is concerned with "Promoting sustainable transport". Its concluding paragraphs set out the principles for determining car parking provision at developments, for example ensuring that "a sufficient level is provided for both occupants and visitors". No numeric rates of provision are given. The recently adopted Parking and Accessibility SPD sets out detailed tables with the rates required. The Trust fails to see how this differs from the status of the Solar Energy SPD in relation to Policy 29(c). Just as the Parking and Accessibility SPD sets out the detail for car parking provision in different types of development, so the Solar Energy SPD can set out the generation requirements expected of developments. In each case there are costs involved. The requirements for land for car parking are far from negligible and can affect the viability of development. There are costs, too, for solar panel installation, but the panels will pay for themselves through energy generation over time. Such objections to compelling developers to install panels can be handled through appropriate clauses regarding viability assessment if necessary. The Council's response to the Trust was that "requiring all new developments to incorporate solar energy development would go</p>	<p>CDP Policy 29 sets out new developments should seek to provide renewable and low carbon energy generation. It does not specify a technology and it would not be correct for the SPD to interpret this as a requirement for all developments to include solar panels. In contrast policy 21 requires a sufficient level of car parking to be provided and the SPD provides guidance on how what is sufficient will be determined. Cornwall Council have taken forward their policy approach through a Development Plan Document rather than a SPD. The Local Plan is a Development Plan Document, and follows a different process to SPDs, including an independent examination. The council will consider this through a review of the CDP, which is our equivalent.</p>
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		<p>beyond the scope of planning guidance". If the contention is that this would go beyond what is compatible with national planning policy and guidance, how is it that Cornwall Council has adopted in February 2023 a revision to their local plan entitled the Climate Emergency Development Plan Document which includes policy SEC1(2b) which requires all residential development to generate on-site sufficient energy to match the total energy consumption, "with a preference for roof-mounted solar PV". This has been examined and approved by an Inspector, so must accord with planning guidance. See: <a href="https://www.cornwall.gov.uk/planning-andbuilding-control/planning-policy/adopted-plans/climate-emergency-development-plan-document/#cedpd">https://www.cornwall.gov.uk/planning-andbuilding-control/planning-policy/adopted-plans/climate-emergency-development-plan-document/#cedpd</a>. The idea of requiring solar PV generation in developments clearly does not go beyond planning guidance, because of the example of Cornwall Council's examined and adopted Plan. Neither does it appear to go beyond what can be achieved via an SPD, given the example of the elaboration of Policy 21 achieved via the Parking and Accessibility SPD. The Trust therefore asks the Council to reconsider its response.</p>	
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<p>City of Durham Trust</p>	<p>General</p>	<p>The Trust accepts that if this matter is to be addressed then the Council will need to develop the evidence base and suitable targets. In the Council's response to this issue they are relying on a high level generic target: "We have committed to reaching Net Zero by 2030 with an 80% real carbon reduction to our [DCC] emissions. We will work with partners and communities to achieve a carbon neutral County Durham by 2045." The Climate Emergency Response Plan document cites specific projects by the DCC and other organisations working on solar energy. However there is no specific target for the level of solar energy to be achieved in County Durham by a specific date. There is a statement for what could be potentially achieved on p.41 of this document: "We could contribute 25% of the effort required to meet Durham's target by generating an additional 25,000MWh of electricity in County Durham, which could be achieved by constructing either 30MW of solar or 10MW of wind turbines. Each of those would be expected to achieve around 25,000MWh electricity per year in Durham though it would be more practical to have a mixture of different generating technologies." However, this is not set as a target. There is also no specific monitoring of solar energy production other than this generic statement on p.99 "In the Council, a new Net Zero Carbon Board has been established that oversees all the Council's work as it relates to climate change. With high level strategic engagement across all departments this Board ensures that progress is measured, monitored, and scrutinised." This is a clear weakness in any strategy to increase solar energy production in the County, though this may need to be addressed outside the SPD process. The plan document is current to 2024 so the review of this document could be the time for specific targets and monitoring of these targets to be put in place.</p>	<p>This text is taken from the Climate Emergency Response Plan which is produced by the Low Carbon Team in conjunction with departments across the council and our wider targets. It is regularly reviewed and behind it sits a table of measurable targets. Data on solar energy generation is collated from data made available through the Department of Energy Security and Net Zero and also planning permissions.</p>
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Resident	General	<p>I am still shocked to see new builds without solar panels, surely this should be a condition of planning permission? And several council buildings in Willington, for example the school at Sunnybrow, have been fully re-roofed but the opportunity missed for fitting in roof solar panels. If we optimised roof top solar there would be little, or at least much less, need for standalone panels. The acreage of farm building roof space must be huge, as must the enormous Amazon warehouse - does that have solar on its roof?</p>	<p>County Durham Plan Policy 29 sets out new developments should seek to provide renewable and low carbon energy generation and this is promoted in the SPD. However, policy 29 can be addressed using a range of technologies and not necessarily solar. The Amazon building does have solar panels on the roofspace.</p>
Resident	General	<p>And no planning permission for big projects should be given until the infrastructure i.e. the national grid is ready to take the output.</p>	<p>The council engages with the National Grid and Northern Power Grid in relation to planning for future demand. However, it is for the applicant to secure a grid connection and not something which can be considered through the planning process in determining planning applications.</p>

Mrs Friesner	General	<p>Building and Design: New dwellings, commercial businesses and extensions DCC must take every opportunity, including within this SPD, to fully implement 'renewable energy' building and design guidance which is currently being developed and under review by national government. Such a link needs to be explicitly referenced in the SPD so that there is no undue delay in implementing national guidance immediately in all planning applications. Where possible DCC should encourage developers to MAXIMISE 'solar energy' technology in all new dwellings, including extensions, by requesting incorporation into ALL properties at the design stage. This should include all forms of 'solar energy', not limited to panels, but also systems such as 'integrated solar tiles' etc. I know of several developments where such designs are already being installed in new build dwellings elsewhere in the country, yet County Durham is lagging well behind. This is especially important where developers propose new commercial buildings with extensive 'flat roof' capacity which can be utilised for solar energy systems.</p>	<p>County Durham Plan Policy 29 sets out new developments should seek to provide renewable and low carbon energy generation and this is promoted in the SPD. Whilst SPDs can provide planning guidance they cannot create policy. The suggestion of a requirement for all development to include solar panels will be considered through a review of the CDP. Separately the government are bringing forward the Future Homes Standard and Future Buildings Standard through a change in building regulations in 2025. Whilst the details of the standards are still to be confirmed, government did consult on whether this should include a requirement for solar panels.</p>
Harmony Energy	General	<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>Please see response to detailed points.</p>

Lanchester Parish Council	General	<p>1 Images - various in the SPD All images contained in the SPD need to be checked and verified to ensure that they are in no way (mis)leading. Where indicative they should be stated as such. Generic images would be more acceptable, say from industry groups etc. than those from direct developer interests. All images should be referenced. It is incongruous to suggest that several of those images might actually demonstrate solar energy development within County Durham which most probably they would not.</p>	<p>The front cover for the final version of the SPD includes photographs representing a range of solar developments which are predominantly in County Durham.</p>
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**Appendix C – Schedule of Amendments following second stage of consultation**

Para Amended	Nature of amendment (new text underlined, deleted text struck through)	Representation Amendment is in response to
Para 1.1.6	<p>The following text amended in recognition that the SPD is no longer a consultation version:</p> <p><del>It will be</del> <u>was</u> subject to consultation in accordance with the council's Statement of Community Involvement. <del>Once adopted it will be</del> <u>It is</u> a material consideration in determining planning applications for solar development where planning permission is required.</p>	Officers
Para 1.1.7	<p>The following text amended in recognition that National Policy Statements EN-1 and EN-3 are now in effect and to reflect the recent government consultation on the NPPF and planning system.</p> <p>Solar farm developments generating <del>above</del> <u>50MW (AC) or above</u> are currently considered Nationally Significant Infrastructure Projects (NSIP) and determined by the National Infrastructure Directorate of the Planning Inspectorate on behalf of the Secretary of State. <u>The government is consulting on proposals to increase the threshold at which solar projects are determined as NSIP to 150MW. In determining the capacity of a site and if a proposed development should be determined as an NSIP, developers should have regard to guidance in National Policy Statement for Renewable Energy Infrastructure (EN-3). This e-council are a consultee on and this SPD will be used to help formulate the council's response to any solar farm NSIPs proposed within the county.</u></p>	Officers
Para 1.2.1	<p>The following text amended to reflect the latest status of CERP3.</p> <p>The <u>Durham Climate Emergency Response Plan (CERP) 2-3 (2022-2024-2427)</u><sup>4</sup> sets a 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. <del>The council is at an early stage in developing CERP is regularly reviewed-3, as is our which will review</del> <u>progress towards achieving our target and the actions needed.</u></p>	Officers
Para 1.3.1	<p>To reflect the recent government consultation on the NPPF and planning system.</p> <p>The National Planning Policy Framework (NPPF) encourages local planning authorities to promote renewable energy development and identify appropriate sites for it to support the transition to a low carbon future. <u>Proposed revisions to the NPPF further emphasise significant weight should be given to a proposal's contribution to renewable energy generation and a net zero future, and that community-led projects also provide a valuable contribution to cutting greenhouse gas emissions.</u> <del>It also states community-led initiatives for renewable and low carbon energy should be supported.</del></p>	Officers

Para 1.3.2	<p>The following text amended in recognition that National Policy Statements EN-1 and EN-3 are now in effect.</p> <p>The Overarching National Policy Statement for Energy (EN-1) and National Policy for Renewable Energy Infrastructure (EN-3)<sup>4</sup>, both from 2014, are applicable to <u>Nationally Significant Infrastructure Projects NSIPs</u> including those onshore projects delivering <u>over 50MW or above</u>. <u>EN-1 includes general policies for the submission and assessment of energy infrastructure applications</u>. <del>The government consulted on revised drafts of EN-1 and EN-3 in 2021 and more recently in 2023. These are still in draft form but give support to renewable and low carbon energy development in appropriate locations. Draft EN-3 provides guidance in relation to solar PV on the factors to influence site selection and design, the impacts to be assessed and potential mitigation which may be needed.</del></p>	Officers
1.3.3	<p>The following text amended to reflect the latest status of the Minerals and Waste Plan.</p> <p>The County Durham Plan (CDP) is the <u>Development Plan for Durham</u>, alongside Neighbourhood Plans and the <u>emerging Minerals and Waste Plan</u>.</p>	Officers
Para 1.3.7	<p>Correction</p> <p>Policy 43 (Protected Species and Nationally and Locally Protected <u>Species Sites</u>)</p>	Officers
Para 2.1.2	<p>Reference added to Future Homes Standard and Future Buildings Standard and to the Climate County Durham website for information.</p> <p><u>Furthermore, the Future Homes Standard and Future Buildings Standard is to come into effect in 2025 through a change in building regulations. This requires that buildings are energy efficient and zero carbon ready. Resources and latest information on funding that is available can be found on the Climate County Durham website.</u></p>	City of Durham Trust, Lanchester Parish Council, Mr Friesner, Mrs Friesner
Para 2.2.2	<p>Deleted for conciseness.</p> <p><del>It should be noted in November 2023 the government expanded permitted development rights to further support renewable energy generation on both domestic and non-domestic buildings. The latest information on current permitted development rights is available on the Planning Portal.</del></p>	Officers



Following para 2.2.4	<p>Case studies added for illustrative purposes.</p> <p><b><u>Case Studies</u></b>  <u>Solar panels retrofitted to the roof of a residential property in Newton Hall under permitted development rights.</u></p> <p><u>Solar panels retrofitted to the rear elevation of the roof of St John's Church at Neville's Cross under permitted development rights.</u></p>	Durham University
Following para 2.3.3	<p>Case studies added for illustrative purposes.</p> <p><b><u>Case Studies</u></b>  <u>Solar panels incorporated into developments in Meadowfield and Stonebridge.</u></p>	Officers
Para 2.4.2	<p>For completeness and ease of reference.</p> <p><u>Neighbourhood plans may also identify heritage assets of local value.</u></p>	Lanchester Parish Council
Para 2.4.3	<p>To highlight emerging SPD on non-designated heritage assets.</p> <p><u>The council is producing further guidance on our procedure for identifying non-designated heritage assets.</u></p>	Officers
Para 2.4.5	<p>To better reflect the SPD provides guidance on how solar panels can be sensitively designed in the historic context.</p> <p><u>The introduction of solar panels on or within the surroundings or broader context of a heritage asset in some circumstances will potentially cause a harmful impact. However, this can often be mitigated through sensitive design based on an understanding of the assets significance.</u></p>	Durham University
Following para 2.4.6	<p>Case studies added for illustrative purposes.</p> <p><b><u>Case Study</u></b>  <u>Solar panels integrated into the roof of the Grade II listed Belsay Hall Stable Block as part of its refurbishment.</u></p>	Durham University

Para 3.2.1	For conciseness.  In November 2023 <del>the</del> The government <u>has</u> expanded permitted development rights to support renewable energy generation for non-domestic buildings, <u>meaning in many cases there will be no need to apply for planning permission. There are permitted development rights for solar panels on or within the ground of non-domestic buildings and on solar canopies for off-street car parking, subject to certain limitations.</u> <del>This included introducing permitted development rights for solar canopies up to 4 metres in height above car parks, subject to certain limitations.</del>	Officers
Following para 3.2.1	Case studies for illustrative purposes.  <b><u>Case Study</u></b> <u>Solar panels fitted to the Louisa Leisure Centre in Stanley under permitted development rights.</u>	
Para 3.3.2	For clarity.  The Durham Landscape is one of enormous contrast and diversity. It includes nationally important landscapes including the North Pennines <u>National Landscape (Still referred to as Area of Outstanding Natural Beauty (AONB) for planning purposes)</u> and registered Parks and Gardens of Special Historic Interest.	Officer
Para 3.3.2	For completeness.  <u>Parts of the Durham Coast are also identified as heritage coast.</u>	CPRE
Para 3.3.3	Hyperlink added to neighbourhood planning webpage for ease of reference.	Lanchester Parish Council
Para 3.3.8, final bullet point	For clarity.  Avoiding situations where the development would detract from the amenity value of public rights of way, <del>and particularly those that are well used.</del>	Eden Renewables
Para 3.3.11, penultimate bullet point	To allow a degree of flexibility should solar panels be 3m.  Where fencing is required, using visually light specifications such as deer fencing and mounting CCTV on <del>low (2-3m)</del> <u>timber poles of the minimum height required</u> : Setting perimeter fences back from hedge boundaries to reduce their visibility from outside the site in near views.	Eden Renewables

Para 3.4.2	<p>Added reference to priority habitats to address omission and reflect County Durham Plan policy and to update reference to where data is now held.</p> <p>The <u>priority habitat and species lists</u> produced by the Durham Biodiversity Partnership are still valid and now held by the <del>North East England Nature Partnership</del>. <u>Environmental Records Information Centre (North East)</u> <u>This should be read alongside the national list of priority habitats and species of principal importance in England.</u></p>	Natural England
Para 3.4.4, second bullet point	<p>To clarify purposes of mapping in relation to BNG.</p> <p>A Local Habitat Map: existing distribution of habitats and areas already important for biodiversity, overlaid by locations considered suitable for delivering the outcomes and actions. <u>Mapping will determine strategic significance to ensure in delivering biodiversity net gains the right habitat is located in the right place.</u></p>	Officers
Para 3.4.5	<p>Update to highlight availability of mapping.</p> <p>All development in County Durham will need to be mindful of the LNRS (once adopted) and should aim to deliver against its priorities where appropriate. <u>In the interim, the council has produced a habitat network map based on a number of existing national data layers, with partner and specialist input. This will be used to help determine strategic significance for the purposes of biodiversity net gain.</u></p>	Officers
Para 3.4.15	<p>Added reference to priority habitats to address omission and reflect County Durham Plan policy.</p> <p>Ecologically important sites, including SPA (and their associated functionally linked land), SAC, SSSI, NNR and LNR, <del>and</del> Local Wildlife Sites <u>and Priority Habitats</u> should generally be avoided. Sites important for protected or priority species should also be avoided where possible.</p>	Natural England
Para 3.4.17	<p>Typo</p> <p>If breeding birds are identified on site, then <del>avoiding</del> installing solar panels on those areas used by breeding birds, being aware of species requirements such as sightlines.</p>	Officers

Para 3.4.18	<p>Updated to reflect latest status of BNG.</p> <p><del>From January 2024 a</del> <u>All major developments will be and small sites (unless exempt) are now required to achieve a minimum 10% net gain in biodiversity in accordance with the Environment Act (2021). Biodiversity Net Gain (BNG) requirements for small sites (unless exempt) will be applicable from April 2024;</u> and implementation for Nationally Significant Infrastructure Projects is planned for November 2025.</p>	Officers
Para 3.5.2	<p>For clarification and ease of reference.</p> <p><u>Neighbourhood plans may also identify heritage assets of local value.</u></p>	Lanchester Parish Council
Para 3.5.3	<p>To highlight emerging SPD on non-designated heritage assets.</p> <p><u>The council is producing further guidance on our procedure for identifying non-designated heritage assets.</u></p>	Officers
Para 3.5.5	<p>To better reflect the SPD provides guidance on how solar panels can be sensitively designed in the historic context.</p> <p>Heritage assets could potentially be affected by a solar development, either by direct physical change or by a change within the heritage asset's setting and impacting upon people's perception and experience of the heritage asset. <u>But this can be mitigated through site selection and a design process guided by a</u> A full understanding of the historic environment <del>should guide the site selection and design process.</del></p>	Durham University
Following para 3.5.7	<p>Case studies added for illustrative purposes.</p> <p><b><u>Case studies</u></b>  <u>Solar panels on the roof of Freeman's Quay Leisure Centre and Clayport Library which are within the inner setting of the World Heritage Site.</u></p>	Durham University
Para 3.6.5	<p>To respond to Highways England's request for further detail on when and how they are to be engaged.</p> <p><u>If any mitigation measures are required regarding glint and glare impacts on the Strategic Road Network, the applicant must demonstrate that the measures can be safely constructed, and safely maintained in terms of boundary treatment. If landscaping or planting is proposed as mitigation of potential glint and glare effects, National Highways will require appropriate evidence to demonstrate the permanency of the mitigation.</u></p>	National Highways

Following para 3.8	<p>To fully reflect relevant text in CDP Policy 26.</p> <p><u>Development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements.</u></p>	Sport England
Para 3.8.2	<p>To highlight the importance of the green infrastructure network for physical and mental health.</p> <p>The county benefits from a Green Infrastructure network which fulfils several important functions including recreation and sport <u>and supports both physical and mental health.</u></p>	Mr Galloway
New para 3.8.8	<p>In response to Sport England’s request to reference their guidance in relation to playing pitches.</p> <p><u>Proposals should look to protect the recreational value of open space, sports and recreational land including playing fields. Sport England will be consulted on any proposals impacting playing fields. They have produced playing fields policy and guidance which sets out exceptions to the presumption against development on playing fields. Of relevance to solar panels is exception 3, land incapable of forming part of a playing pitch which does not:</u></p> <ul style="list-style-type: none"> <li>• <u>reduce the size of any playing pitch;</u></li> <li>• <u>result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);</u></li> <li>• <u>reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;</u></li> <li>• <u>result in the loss of other sporting provision or ancillary facilities on the site; or</u></li> <li>• <u>prejudice the use of any remaining areas of playing field on the site.</u></li> </ul>	Sport England
Para 4.2	<p>To reflect the recent government consultation on the NPPF and planning system.</p> <p>Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. <del>The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development</del> – NPPF (Section 15 Conserving and Enhancing the Natural Environment)</p>	Officers

Para 4.3.2	For clarity.  The Durham Landscape is one of enormous contrast and diversity. It includes nationally important landscapes including the North Pennines <u>National Landscape</u> (Still referred to as <u>Area of Outstanding Natural Beauty (AONB) for planning purposes</u> ) and registered Parks and Gardens of Special Historic Interest.	Officer
Para 4.3.2	For completeness.  <u>Parts of the Durham Coast are also identified as heritage coast.</u>	CPRE
Para 4.3.2	Hyperlink added to neighbourhood planning webpage for ease of reference.	Lanchester Parish Council
Para 4.3.9	Typo.  The boundaries of the AONB, <u>R</u> egistered Parks and Gardens, and AHLV can be found on the Local Plan Policies Map.	Officers
Para 4.3.12, sixth bullet point	For clarity.  Avoiding sites <del>with well-developed and well-used public rights of way networks</del> where panels <del>could</del> dominate the user's experience of the <u>public rights of way network countryside</u> .	Eden Renewables
Para 4.3.15, final bullet point	To allow a degree of flexibility should solar panels be 3m.  Avoiding the use of tall CCTV poles and masts: mounting CCTV on <del>low (2-3m)</del> timber poles <del>where possible</del> <u>of the minimum height required</u> .	Eden Renewables

<p>Para 4.3.22</p>	<p>For completeness.</p> <p>The LVIA should have regard to the following documents, electronic copies of which can be obtained from the Landscape and Arboriculture section:</p> <ul style="list-style-type: none"> <li>• County Durham Landscape Character Assessment (2008)</li> <li>• County Durham Landscape Strategy (2008)</li> <li>• County Durham Landscape Guidelines</li> <li>• County Durham Landscape Value Assessment (2019)</li> </ul> <p>And where appropriate:</p> <ul style="list-style-type: none"> <li>• County Durham Plan Local Landscape Designations Review (2019)</li> <li>• The North Pennines AONB Planning Guidelines and Building Design Guidelines-</li> <li>• <u>Neighbourhood Plans</u></li> </ul>	<p>Lanchester Parish Council</p>
<p>Following para 4.13</p>	<p>To correctly reference to relevant policy.</p> <p><u>Development will not be permitted unless the developer can demonstrate that: a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development; b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and c. all investigations and risk assessments have been undertaken by an appropriately qualified person. – CDP Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) All development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. – County Durham Plan Policy 14 (Best and Most Versatile Agricultural Land and Soil Resource)</u></p>	<p>Officers</p>
<p>Para 4.14.3</p>	<p>To respond to Highways England’s request for further detail on when and how they are to be engaged.</p> <p><u>If a BESS is located near to the SRN, further evidence is also required by National Highways regarding fire risks.</u></p>	<p>National Highways</p>

Para 5.2.1	<p>To explain how the council will expect applicants to use data collected through consultation.</p> <p>The council will expect developers to engage with the community prior to submission of a solar farm application. Through this process an applicant will be able to explore areas of concern, options for mitigation and potential benefits that their proposal could provide to the local area. <u>The applicant should demonstrate how they have taken account of the community's responses within their application.</u></p>	Lanchester Parish Council, Mr Friesner, Mrs Friesner
Para 5.2.2	<p>To reference additional good practice guidance.</p> <p><u>BRE Solar Centre has produced Community Engagement Good Practice Guidance for Solar Farms.</u> The government has <del>also</del> produced Good Practice Guidance on Community Engagement and Benefits for Onshore Wind Developments. Whilst this is specific to onshore wind, the council endorses the approach to community engagement encouraged in the guidance. It considers the approach also reflects existing best practice for commercial solar development. <u>Key principles in both guidance documents include:</u></p>	Lanchester Parish Council, Mr Friesner, Mrs Friesner
Para 5.3.3	<p><u>The council's Low Carbon Team provide advice to community groups, including those seeking to take forward their own renewable energy projects. Further information is available on the Climate County Durham website and the team can be contacted at: <a href="mailto:ClimateCountyDurham@durham.gov.uk">ClimateCountyDurham@durham.gov.uk</a>.</u></p>	Lanchester Parish Council, Mr Friesner, Mrs Friesner