

COMMITTEE REPORT ADDENDUM

APPLICATION DETAILS

APPLICATION NO:	DM/23/01868/FPA
FULL APPLICATION DESCRIPTION:	Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure (Resubmission)
NAME OF APPLICANT:	Lightsource SPV 189 Limited
ADDRESS:	Croxdale Farms, Hett Moor Farm, Hett, Durham, DH6 5LJ
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 chris.shields@durham.gov.uk

BACKGROUND

1. Planning Application No. DM/23/01868/FPA for the installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure (Resubmission) at Hett Moor Farm, Hett was presented to the County Planning Committee on 8 May 2024, where, after having regard to all material planning considerations, it was resolved to grant planning permission subject to conditions and a Section 39 Agreement under the Wildlife and Countryside Act 1981. Due to the additional time required to finalise the legal agreement, the decision notice could not be issued immediately following the Committee meeting.
2. On 9 July 2024, the Council received a letter (the "Letter") from Goodenough Ring Solicitors representing Mr. Ian Galloway and 'local residents of Hett.' ("the Objectors"). The Letter was accompanied by a 'Technical Analysis of Hett Moor Farm,' which raised concerns about the proposed development and specifically alleged that the Officer Report to the Committee, and hence the Committee resolution, contained a number of material errors of fact and/or law. The Letter was received following consideration of the application by the Planning Committee, and it should be noted that the application had been advertised in accordance with planning procedures, including being advertised in the press, site notices and neighbour notification letters to properties in the vicinity of the site. Whilst Officers refute the Objectors' assertion that the previous Committee Resolution was based on any material errors of fact and/or law, as the decision notice has not yet been issued, then on a precautionary basis, the application is being brought back to Committee for reconsideration, with particular emphasis upon the matters raised by the Objectors. Accordingly, this report supplements the previous report and sets out the contents of the Letter, the applicant's observations upon it and our response to it. Officers consider it prudent to provide Members with this information along with an explanation as to why Officers conclude that there are no new matters raised that affect the previous recommendation to approve the application.

3. This Report is to be read alongside the Committee Report for Planning Application No. DM/23/01868/FPA presented to the County Planning Committee on 8 May 2024, the Letter and the note in response from Lichfields (agent for the Applicant) dated 18 September 2024 and the Council's letter in reply dated 23 September 2024, all of which are appended to this Report.
4. The Letter and technical analysis submitted by the Objectors' Solicitor in respect of the proposed Hett Solar Farm allege significant errors in the Officer's Report presented to the Planning Committee. In particular, the errors are said to relate to the peak output calculation, overplanting and the community fund. Regarding the direct current (DC) or 'output' capacity of the proposed solar project, the original Committee Report stated the capacity as 77 MWp, while the Objectors' calculations suggest that the output could be between 92.7 MW and 94.7 MW based on the surface area of the solar panels and applying data from a limited range of commercially available solar panels.
5. Furthermore, the Letter alleges that the overplanting of solar panels is excessive, resulting in associated environmental impacts. The Applicant claimed that a DC to AC ratio of between 1.25 and 1.8 is industry standard for solar farms, but the Objectors' analysis suggests that industry standards, and research indicate much lower ratios, ranging from 1:1.13 to 1:1.40. The ratio Mr Galloway alleges that the Applicant is working to (between 1.86 and 1.90) is significantly higher than both the industry norms and the Applicant's own claims. It is also said that the lack of justification for the chosen inverter ratio has direct implications for the size of the solar farm and the amount of land it would occupy.
6. The Letter also raises concerns regarding the community benefit fund proposed by the Applicant. It argues that the Committee Report failed to clarify that such a fund is not a material planning consideration. Nonetheless, it is said that members of the Planning Committee appeared to rely on the community benefit fund as a positive factor in their decision-making during the May 2024 meeting.
7. In addition to the Letter, the Council has received three additional representations since the May Planning Committee meeting. These letters raise concerns about various issues, including the potential impact of the solar farm on property values, a lack of community support for the project, and the visual and emotional impacts on residents. Some objectors argue that solar technology should be installed on buildings rather than on agricultural land. Criticism has also been directed at local MP Mary Foy, accusing her of supporting the project without consulting local residents. Lastly, discrepancies between the proposed construction hours and the restrictions outlined in the planning conditions have also been highlighted.
8. In light of these concerns, this Report seeks to address the matters raised while ensuring that all material issues have been given due consideration by the Planning Committee.

PLANNING HISTORY

9. Application reference DM/21/02990/FPA for the installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure was refused in June 2022. This application is a resubmission of the previously refused proposal.

10. This application was originally presented to the County Planning Committee on 8 May 2024 where Members resolved to approve the development.

PLANNING CONSIDERATIONS AND ASSESSMENT

11. This Addendum Report is intended to address the issues raised since the County Planning Committee resolved to grant planning permission at the meeting held on 8 May 2024. The proposed development is unchanged, and there have been no updates to local or national policies.
12. It is not uncommon for representations to be submitted after an application has been determined by the Planning Committee, either before or after the decision has been formally issued. Typically, such representations do not introduce new matters and/or are deemed to have been adequately addressed in the Officer's Report to the Committee, negating the need for further assessment. However, in this instance, whilst it is not considered that there is any merit in the Objectors' grounds, given his previous track record of Judicial Review challenge of solar farm development and as the Applicant has made submissions to both expand upon the statements it had provided (prior to determination of the application in May 2024) in respect of 'overplanting' and to address the matters raised since by the Objectors, Officers have decided to bring the application back to Committee for reconsideration. This is a precautionary approach.

Overplanting & Peak Output

13. A recent High Court Judgment, issued by Fordham J, concerning a claim by Mr. Ian Galloway against Durham County Council's decision to grant planning permission for a solar farm in Burnhope, resulted in the quashing of the Council's decision. The Court held that the Planning Committee had failed to consider whether the proposed development could be delivered on a smaller site with fewer solar panels, which would have potentially reduced its environmental and visual impacts.
14. To address this issue in the current application, the Council sought to understand whether the scale of the proposed development is essential to achieve the projected power output. In response, the Applicant provided a detailed Supplementary Statement on 8 March 2024 justifying the quantity and location of the solar panels on the site which was accepted by Officers. Their note of 18 September supplements that further.
15. The process of exporting power from grid-connected power stations, such as solar farms, requires the electricity to be converted from DC (direct current), which is generated by solar panels, into AC (alternating current) to meet grid quality standards. This involves using inverters, transformers, and power electronics to ensure proper voltage and frequency before the energy is injected into the grid.
16. Solar panel output varies with sunlight intensity, or irradiance, and temperature, meaning real-world performance often differs from the maximum capacity measured under idealised Standard Test Conditions (STC). While solar farms are rated by their peak power output in MWp (megawatt peak), real-world conditions typically produce less power.
17. The Applicant's statement explained that the proposed solar farm would adopt an 'overplanting' strategy, where the energy generation capacity of the installed solar panels exceeds the amount of energy that would ultimately be exported to the national grid.

18. Overplanting, or oversizing, is a perfectly standard practice whereby the installed DC capacity of a solar farm exceeds the grid's AC export capacity. This maximises renewable energy generation efficiency by utilizing the grid connection more effectively, even if the maximum DC capacity is not always used. Overplanting helps account for losses in DC-AC conversion, power transport, and less-than-ideal operating conditions such as cloudy weather or shading. For example, during partial sunlight conditions, additional DC capacity can still ensure the grid connection is optimised, even though the panels are not producing at their full potential.
19. The DC to AC ratio typically ranges from 1.25 to 1.8 in solar farms, depending on factors like land, environmental conditions, and technical requirements. Without overplanting, a 1:1 DC-AC ratio would limit the ability of a solar farm to maximise its available export capacity. Overplanting allows solar farms to make the most of their grid connection during non-peak periods, such as when sunlight is weaker, enhancing overall energy generation throughout the year.
20. The Applicant in this case controls export capacity via a Power Plant Controller (PPC), which manages inverters to ensure the output stays within the grid connection limit.
21. The design and extent of a solar farm, such as that proposed at Hett Moor, is influenced by local site-specific factors such as topography, landscape features, ecology, and archaeological considerations. These factors help determine the layout and size of the solar panel array. The design process seeks to balance environmental impacts while also delivering additional benefits like biodiversity improvements, in line with national policy guidance under EN-3.
22. The proposed solar farm would occupy around 114 hectares of land and consist of approximately 135,420 solar panels. The built development footprint is approximately 1.7 hectares per MW of output, aligning with industry standards. In this case, the installed solar panel capacity would be around 77 MW_p, while the maximum capacity of the inverters is 49.9 MW_{ac}. The Applicant emphasised that the design of the site has been optimised to minimise environmental impact while maximising energy generation. This balance aligns with national renewable energy objectives outlined in National Policy Statement EN-3, which encourages efficient use of land for large-scale renewable energy generation.
23. The justification further indicates that the size and capacity of the development are essential to meet national renewable energy targets, and the overplanting approach is consistent with best practice for solar farm projects. The Applicant has also stated that every effort has been made to minimise harm to the local environment and ensure that the project complies with planning policies at both national and local levels.
24. In response to the Letter and the technical analysis, the Applicant has conducted a thorough assessment of the criticisms directed at their original calculations and provided a robust response, which is appended to this report and accepted by Officers.

Response to issues raised in the Letter

25. It is alleged that the Applicant misrepresented the total number of panels to be installed on the site; the application documents state 135,420 whereas the Objectors have calculated from the 'Basic Layout' that there would be 135,360. It is also stated that the size of the panels exactly matches that of the 'Trina 685 WP' panel type.
26. The Applicant has confirmed that the number of solar panels for the Hett Moor Solar Farm is 135,420, verified through internal CAD software.

27. The type of solar panel is not specified in the application, and no particular model is proposed to be approved by the Council as part of this application. The "typical" panel elevation used in the planning application represents a range of panels available on the market at the time, including a 685Wp panel from Trina Solar. Given there are over 12,000 panel models available, with most panels appearing nearly identical to the untrained eye, the exact model used is not crucial for the planning assessment.
28. Solar farm developers, such as the Applicant, have advised that they typically choose panels based on various factors, including efficiency, carbon footprint, and regulatory compliance. Procurement decisions, including panel selection, are made closer to construction, meaning flexibility in panel choice at the planning application stage is essential. The panels proposed in the application are representative of larger utility-scale panels, and finalising the specific model is considered a non-material issue in planning terms which is proposed to be controlled through condition.
29. Using 3 different reference panels, the following DC capacities have been calculated by the Objectors: Trina 685 panels yield 92.762MW, the draft EN-3 reference panel gives 94.693MW, and Longi 540 panels generate 93.010MW. Additionally, with the Objectors' panel count of 135,360 and applying the draft EN-3 reference panel, the surface area is 420,476 m², resulting in a capacity of 94.607MW being alleged by the Objectors.
30. Given the Objectors' calculation of capacity, the Letter requests an explanation for how the overplanting figure of 77MW was calculated by the Applicant and argues that there was a greater overcapacity than that which the Committee members were informed of, which directly impacts the amount of land required for the solar panels. The Objectors also contend that as the actual DC capacity is 20.39% to 22.99% higher than the figure which was presented to the Committee, this would potentially exceed the 1.8 maximum over-planting ratio suggested by the Applicant.
31. The Applicant has contended that the DC capacity calculations in the Letter and Technical Analysis are based on a "total surface area" method and refer to assumptions from a draft of EN-3 from 2021, which were removed in later versions, including the final EN-3 adopted in January 2024. This method is not typically used by the solar industry to calculate capacity. The author of the Objectors' technical note also made assumptions about the panel type and overall capacity, which the Applicant rejects as technically flawed. The Applicant has provided calculations to demonstrate that the installed capacity for the proposed development would be around 77MWp, with a maximum inverter capacity of 49.9MWac, in line with EN-3 regulations. The Applicant has also advised that the proposed design is realistic, based on factors such as topography, irradiation, and environmental constraints but that the final technical design would be optimised after planning permission is granted.
32. The Applicant's Supplementary Statement submitted on 8 March 2024 states that the proposed peak capacity of approximately 77 MWp is within an optimal range for a 49.9 MWac project at this site, resulting in an overplanting ratio of around 1.54 (or 54%). The planning process allows for flexibility in panel types and capacities, with the typical elevation sized to accommodate various manufacturers' panels, such as a 570Wp panel. The proposed planning conditions (4 and 10) require the final design, including the panel specifications, to be approved before construction. Overplanting with the proposed ratio can be achieved with different panel configurations.
33. Officers are satisfied that the Applicant has provided sufficient technical justification for its calculation of the peak power output of the proposed solar farm of 77MW DC

and that a 54% overplanting ratio is appropriate to achieve optimal performance for a solar farm of this size.

34. The Letter alleges that the Committee report repeatedly referenced the community fund as a benefit without stating its immateriality and that Members relied on this benefit in their discussion of the application, as recorded in the meeting minutes.
35. The reference to a 'community benefit fund' is mentioned three times in the Committee Report; twice in the summary of public responses (Paragraphs 69 and 79) and again in the Applicant's Statement section (Paragraph 88). The provision of a community benefit fund formed no part of the Officer assessment of planning merits in the Committee Report and was not afforded any weight in the planning balance as it is acknowledged that it is not a material consideration. Furthermore, during the previous Planning Committee meeting whilst the Applicant did state that there would be a community benefit fund, the Planning and Development Lawyer advised that (in relation to the community benefit fund) 'this was an agreement which was outside of the planning system and therefore could not be afforded any weight.'
36. In these circumstances, it is not considered that Members fell into error as to the materiality of the Applicant's community fund. However, for the avoidance of doubt, this community fund is not a material planning consideration in the assessment of this application and accordingly, Members are advised that they cannot afford any weight to it in the determination of this application.

Other Matters

37. The observation from a member of the public that the construction hours set out in the proposed Condition 6 do not match the hours proposed in the planning application by the Applicant is correct. The hours proposed by the Applicant in their submitted Construction, Decommissioning and Management Method Statement are 0800 to 1800 Monday to Friday and 0800 to 1400 on Saturdays.
38. The construction hours set out in the condition are 0730 to 1900 Monday to Friday and 0730 to 1200 on Saturdays. These hours are typical of other major development projects, including solar farms, and are not considered to be unreasonable or unacceptable. The Applicant's proposed hours are shorter than those set out in the planning condition, and they are not prevented from working shorter hours if that suits their construction program.
39. Objectors have stated that the proposal would have a negative impact on property values. Property values are affected by many factors and cannot be taken into account as a material consideration in the determination of a planning application.
40. It has been noted that the development lacks broad community support. Although there is no formal requirement for the Applicant to demonstrate public backing for the application, a survey of local residents was conducted during the application determination process. This survey, carried out by a third-party company, targeted residents in Hett, Ferryhill, and Spennymoor, with a total of 134 participants. The results indicated that 43% of residents were supportive, 41% were neutral, and 16% were opposed to the proposed solar farm. Further details on the survey can be found in the Committee Report, Paragraph 69.
41. Additionally, the application has received 28 public comments, comprising 18 letters of objection, 7 letters of support, and 3 neutral representations. A petition opposing the development, signed by 47 individuals, was also submitted. The application was widely publicised through on-site notices, local press coverage, and direct letters sent

to 1,128 neighbouring properties. Assuming each objection and petition signature represents an individual property, this amounts to less than 6% of those originally notified expressing opposition. While a lack of response cannot be interpreted as support, the relatively low number of objections suggests that the development is not highly contentious.

42. The issue of landscape impact and harm to amenity has been raised again. This issue has been considered in detail in the Committee Report at Paragraphs 107 to 129 and 141 to 143.
43. Objectors have stated that solar panels should be installed on buildings rather than agricultural land. Planning policy for renewable energy, including solar, does not require Applicants to adopt a sequential approach to site selection and, as such, applications cannot be refused on the basis that a preferable site may be available. The application must be determined on its merits in accordance with relevant policy and guidance.
44. The criticism of local MP, Mary Foy, for supporting the application without consulting residents is not an issue for the Planning Committee to deal with and is a matter for the MP.

CONCLUSION

45. The issues raised by the Objectors have been carefully assessed with the benefit of further information and explanation from the Applicant in their note. It is considered that the Applicant's peak output figure is backed up by calculations, that the scale of overplanting is not excessive and that it has been made clear to Members that the community fund offered by the Applicant is not something which weight can be afforded to in the assessment of this planning application. Accordingly, there is no error in the Committee's previous decision making on this application.
46. The other matters raised since the 8 May 2024 have been carefully considered and addressed where a new issue, not previously addressed, has been raised. None of these issues are considered to materially impact the recommendation to approve the application.
47. Furthermore, there have been no changes to the proposed development or to national or local plan policy that would provide justification for drawing a different conclusion to the Committee resolution of 8 May 2024 which is itself a material consideration. Accordingly, the application remains recommended for approval in line with the detailed assessment set out in that Committee Report.

RECOMMENDATION

48. That application no. DM/23/01868/FPA for the installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure be **APPROVED** subject to the following conditions and completion of an agreement under Section 39 of The Wildlife and Countryside Act 1981 to secure biodiversity management for the life of the development:
 - 1 The development hereby permitted shall be begun before the expiration of seven years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development hereby approved.

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

- 3 This consent is granted for a period of 40 years from the date of first export of electricity to the Grid (“the date of first export”). Within 1 month of the date of first export, written confirmation of the same shall be given to the Local Planning Authority. Before the expiry of the 40-year period hereby approved the buildings, structures and infrastructure works hereby approved shall be removed and the land restored to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority. The approved details shall then be implemented in full within 6 months of approval of those details.

Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14, 31 and 39 and Part 15 of the National Planning Policy Framework.

- 4 The development hereby approved shall be carried out in accordance with the following approved plans unless amended by details approved under the terms of Condition 10:

Drawing Number	Drawing
LP3-BDL	Basic Design Layout
PNL_2P_25/6854_01	Panel Elevations
UK_EPD_INV	Inverter Elevations
UK_EPD_FNC	Fence Elevations
UK_EPD_AUX	Auxiliary Transformer
UK_EPD_CAM	CCTV Elevations
UK_EPD_TLT	Toilet
UK_HUL&SRT_EPD_66kV	66 kV Substation
UK_EPD_MTR	Cabinet DNO Meter
UK_EPD_S40	Spare Parts Storage Container
UK_EPD_TFM	Transformer
UK_EPD_MH/CB	Monitoring House / Communication Building
UK_EPD_SWG	Switchgear / Production Substation / LV & MV Kiosk
210331-1.1-HMSFD-TCP-NC	Tree Constraints Plan
P23-1024_02 Rev.C	Detailed Landscape Proposals
UK_EPD_GTD	Gate Elevations

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

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

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

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

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

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

6 Construction operations shall only take place within the following hours:

- 07.30 to 19.00 Monday to Friday

- 07.30 to 12.00 Saturday

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

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

- 7 The development shall be carried out in accordance with the submitted flood risk and drainage impact assessment. The mitigation measures detailed within the flood risk assessment shall be fully implemented prior to the date of first export. These measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure there is no increase of flood risk elsewhere as a result of this development in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

- 8 All vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud is not transferred onto the public highway.

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

- 9 If, within a period of 24 months from the date of first export, the Local Planning Authority has received a complaint from Network Rail relating to signal sighting safety or driver distraction and communicated the same to the operator, the operator shall submit details of a scheme for remedial measures (including timescale for implementation) to the Local Planning Authority for approval in writing no later than 28 days after receiving the complaint. The approved details shall be implemented in full thereafter.

Reason: To ensure the safety, operational needs and integrity of the railway in accordance with County Durham Plan Policy 10 and Part 9 of the National Planning Policy Framework.

- 10 Notwithstanding the details contained in the plans approved under condition 4, no development shall take place until full details of the:

- final positioning;
- design; and
- materials

of any above-ground structures have been submitted to the Local Planning Authority and approved in writing. The approved details shall be implemented in full thereafter.

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

- 11 No development shall take place until a landscaping scheme has been submitted to the Local Planning Authority and approved in writing. This scheme shall include provision for

tree planting on the western edge of the roundabout connecting the A688 and A177 road at Tursdale with provision for long term management for trees within the site boundary. The approved landscaping scheme (along with the landscaping scheme set out on plan P23-1024_02 Rev.C) shall be implemented on site in the first planting season following the development being brought into use. Any tree or shrub which may die, be removed or become seriously damaged within a period of 5 years from the first implementation of the approved landscaping scheme shall be replaced in the first available planting season thereafter.

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

- 12 No development shall take place until a Written Scheme of Investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' has been submitted to the Local Planning Authority and approved in writing.. The programme of archaeological work will then be carried out in accordance with the approved Written Scheme of Investigation.

Reason: To safeguard any Archaeological Interest in the site in accordance with County Durham Plan Policy 44 and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

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

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

- 14 No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be prepared by a suitably competent person and include an updated Phase 2 site investigation and ground gas risk assessment. If the Phase 2 site investigation identifies any unacceptable risks, a Phase 3 remediation strategy shall be prepared by a suitably competent person (including a programme of implementation and where necessary gas protection measures and method of verification) and submitted for approval by the Local Planning Authority.

If during development, contamination not previously identified by the land contamination scheme is found to be present at the site, then no further development shall be carried out until a remediation strategy prepared by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority detailing how this contamination shall be dealt with.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

15 All remediation works shall be carried out in accordance with the approved remediation strategy prepared by a suitably competent person. The development shall not be brought into use until a Phase 4 verification report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

16 No development shall commence until:

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the site is appropriately stabilised and suitable for use, in accordance with County Durham Plan Policy 32 and Part 15 of the National Planning Policy Framework.

17 Prior to the development being brought into use a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the site is appropriately stabilised and suitable for use, in accordance with County Durham Plan Policy 32 and Part 15 of the National Planning Policy Framework.

18 In the event the site does not export electricity to the grid for a continuous period of 12 months after the date of first export, a scheme for the restoration of the site, including the buildings, structures and infrastructure works, dismantling and removal of all elements, shall be submitted no later than 3 months after the end of the 12 month non-electricity generating period to the local planning authority for its approval in writing. The approved scheme shall be carried out and completed within 6 months of approval of the scheme.

Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14, 31 and 39 and Part 15 of the National Planning Policy Framework.

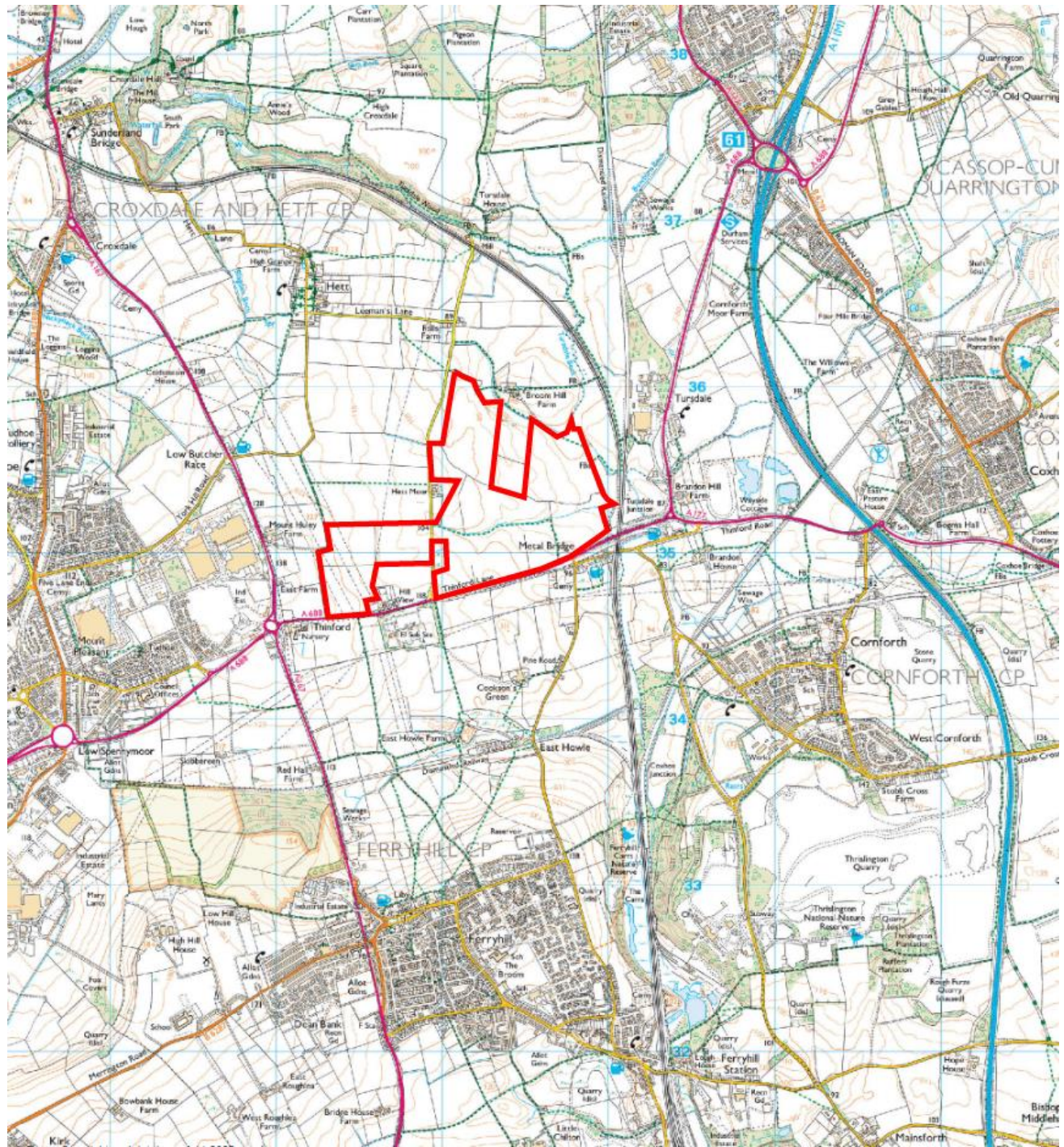
19 The approved development, once operational, shall have an export capacity of not more than 49.9MW(AC).

Reason: To ensure that the development does not exceed the threshold for a generating station with a capacity of more than 50 megawatts, in accordance with Part 15 of the Planning Act 2008.

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the Applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the Applicant.
- The National Planning Policy Framework (December 2023)
- National Planning Practice Guidance notes
- County Durham Plan (2020)
- County Durham Landscape Strategy (2008)
- County Durham Landscape Character (2008)
- EN:1 Overarching National Policy Statement for Energy (published in January 2024)
- EN-3 National Policy Statement for Renewable Energy Infrastructure (published in January 2024) Powering Up Britain: Energy Security Plan (April 2023)
- Statutory, internal and public consultation responses



Planning Services

DM/23/01868/FPA

Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure

Croxdale Farms, Hett Moor Farm, Hett, Durham

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Comments

Date September 2024

Scale Not to Scale