

# COMMITTEE REPORT

---

## APPLICATION DETAILS

---

<b>APPLICATION NO:</b>	DM/23/02510/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Construction of a solar farm of circa 16MW, Battery Energy Storage System, and associated infrastructure
<b>NAME OF APPLICANT:</b>	Farm Energy Company
<b>ADDRESS:</b>	Land South-West of West Farm, Stainton, DL12 8RD
<b>ELECTORAL DIVISION:</b>	Barnard Castle East
<b>CASE OFFICER:</b>	Steve France Planning Officer Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

---

## DESCRIPTION OF THE SITE AND PROPOSALS

---

### The Site

1. The site of the proposed solar farm occupies an area of around 26 hectares (ha) of arable agricultural land between Barnard Castle and the village of Stainton to the north. 3 large fields of irregular shape are separated by established hedgerows currently produce arable crops on a rotational basis.
2. The site is gently sloping to the south, with a slight undulation on its lower part. Beyond the south boundary, where a Northumbrian Water pipeline infrastructure project (Planning Permission No. DM/21/04293/FPA) has been implemented during the course of this application, the slope below the site increases in gradient to fall to Black Beck, beyond which the ground rises again towards Barnard Castle, and the Hub, a state of the art facility, home of the charity Teesdale Community Resources (TCR). The playing fields associated with Teesdale School sit south of Black Beck on the rising land, to the west of which, part separated by a disused railway embankment upon which there is an informal footpath to the west of which GlaxoSmithKline (GSK) factory, the intended client of the power the scheme would generate. GSK manufacture medicines and are a significant local employer.
3. The site is surrounded by and is bounded to the west by open farmland in arable and grazing uses, within which there are sporadic dwellings, generally agriculturally related.
4. The surrounding fields are generally hedged, including sporadic trees. The south site boundary circumvents a small area of woodland. Trees within the site are not covered by a Tree Preservation Order (TPO).
5. The site and all its surroundings lie wholly within an area of Higher Land Value (AHLV) as defined in the County Durham Plan but is not affected by any other national or local

landscape designations. The site has 4.5km and 5.3km separation from the former North Pennines AONB at its nearest points. It is noted that the AONB designation has been replaced in November 2023 with new terminology, the North Pennines National Landscape (NPNL).

6. There are four Sites of Special Scientific Interest (SSSI) to the west and north of the site, at Cotherstone Moor, Baldersdale Woodland, Shipley and Great Woods and Bollihope, Pikestone, Eggleston and Woodland Fells, all more than 5km away. There is a Local Wildlife site to the south-west beyond the B6278, south of the Golf Club at Flatts Wood. The site is entirely within the Teesmouth and Cleveland coast Special Protection Area (SPA)/Ramsar site nutrient neutrality catchment.
7. The entirety of the site is within the lowest risk flood area, Flood Zone 1 as defined by the Environment Agency, although there are some very small areas of historical flooding within the site. The site is also situated in a major Groundwater Vulnerability Zone as defined by the Environment Agency.
8. There are no designated or non-designated heritage assets within the solar farm application boundary. Barnard Castle: ringwork, shell keep castle, chapel and dovecote, designated Scheduled Monuments are 1.9km south-west of the site in the centre of the eponymous settlement. There are listed buildings alongside the principal routes into the town, including Bowes Museum, Barnard Castle School and Percy Beck Bridge, the nearest of these over 1.2km from the site. The north part of Barnard Castle Conservation area is contained within the built settlement, extending as far north as the junction of the A67 and A688, where Footpath No.10 (Barnard Castle Parish) heads north towards the site, 1.3km distant. Non-designated Heritage Assets include the disused railway line and associated bridges that form the west boundary, visually and physically separating the site from the intended beneficiary of the proposal – the GSK factory to the south-west.
9. There are several public rights of way in and around the site: Footpath No.1 (Streatlam & Stainton Parish) crosses land to the east of the site connecting Stainton to Stainton Grove. Footpath No.3 (Streatlam & Stainton Parish) runs from West Farm at Stainton past Daisy Hill, alongside the east boundary of the site, again leading to Stainton Grove. Footpath No.4 (Streatlam & Stainton Parish) runs from West Farm on an irregular route following field boundaries south-west in the direction of GSK diverging and connecting with other footpath routes, to connect to Dent Gate Lane, the C42 (Footpath Nos. 4 and 31) and the B6278 Harmire Road to the west (Footpath No.21). Footpath No.21 heads south into Barnard Castle, becoming Footpath No.10, running along the side of Teesdale School, emerging at the A688 near the junction with the A67 Darlington Road. A Public Right of Way order has been made but not confirmed on the line of the dismantled railway that runs along the west boundary of the site, which in a broad sweep connects Coal Row Cottages to the GSK works.
10. The nearest settlements to the site are: within Barnard Castle, the new housing estates currently under development between A67 and A688 around 550m south of the site, and surrounding, the small hamlet of Stainton to the north-west, with the residential development of West Farm within 300m of the northern extent of the site and Stainton Grove, which sits east of and adjacent the A688, 160m from the eastern extent of the site. Isolated dwellings include Quarry Grange 420m to the west, Coal Road Cottages 290m north-west, Field House and New Broomielaw are respectively 330m and 530m to the north-west, with the semi-detached bungalows of 56/57 Stainton 330m to the north, with a dwelling off The Crescent, approximately 100m southeast of the site, the closest residential property.

11. The is not located in a Coalfield Development Risk area but is affected in small part by a Glacial Sand and Gravel safeguarding area.

## Proposal

12. The proposal seeks the erection of a solar farm, with a generating capacity of 16MW and an associated 12 MWh Battery Energy Storage System (BESS). The renewable energy generated by the proposed solar farm would directly power operations at the nearby GSK's (Glaxo Smith Kline), Barnard Castle factory over the 40 year operational period of the solar farm, with oversupply of electricity being exported onto the local electricity network and 'sleeved' to the other GSK facilities across the UK.
13. The physical development would consist of Solar PV modules mounted on to tracker system arrays, containerised Battery Energy Storage System (BESS) areas, inverter/transformer units, access tracks, onsite cabling, fencing and security measures and a substation.
14. In the event of an approval, underground cabling would also be required to connect the solar farm to the nearby GSK site. Any excess generation being exported to the local electricity network for 'resleeving' to other GSK sites. This underground cabling would be the subject of a separate planning application.
15. With insufficient land available within the GSK boundary, sites were sought as close to the factory as possible, but where landform minimises views. Further mitigation is proposed to be provided through improved boundary planting. The solar panels would be composed of photovoltaic cells mounted to angled arrays utilising a tracking system, with the panels moving slowly following the daily movement of the sun. The final detailed layout of the arrays is yet to be finalised, the submitted plans showing an indicative arrangement. The arrays would likely have a ground clearance of 1m, with a post height of 2m. The height of the PVs on the arrays would vary as they track the sun between a height of 2m and 3.5m.
16. The proposed Battery Energy Storage System (BESS) would appear as dark green coloured containerised units, 3m width x 6m length x 2.5m height. The proposed battery is a 12 MWh system (4 MW, 3 hour system). Potential options for the foundations of the BESS and inverter units include pile driven solutions or concrete slab, the chosen method for which would be removed fully during decommissioning and restoration when the PV units are removed. The location of the BESS has been amended during the course of the application to disassociate it from the PRoW, and is now proposed grouped alongside the maintenance road that runs parallel with the existing tree/hedge line that runs east / west across the centre of the site.
17. Security fencing would enclose the areas of solar panels, originally proposed as 2m high green mesh fencing, but amended to deer-proof fencing of a similar height at the suggestion of Landscape Officers. A pole mounted CCTV/lighting system is proposed as 'likely to be deployed around the perimeter of the proposal'. Additional security measures may be required to meet with the requirements of the chosen insurance company. These would be the subject to further applications,
18. Access to the site would be from the A688 via existing access tracks. Tracks would be constructed within the site to provide access for construction and maintenance. The access track would be a gravel track to be overseeded with durable grass mixture. This would allow it to be assimilated into the landscape while also providing access for ongoing maintenance and servicing through the lifespan of the proposal.

19. The proposed development site extends across 26ha of land, with the layout contained within the existing field system, avoiding intrusion into existing hedgerows and small woodland features. The application proposes continued agricultural use of the land along with environmental improvements. The installation of the arrays are stated as causing little ground intrusion, equivalent to under 5% of the site area, with the associated inverter/transformer units and access track covering less than 10% of the site. The BESS units and sub-station occupy under 1% of the site. Underground cabling would be required to connect the solar farm to the GSK factory to the south-west.
20. The Public Right of Way which runs through the centre of the site would remain throughout the operational period of the solar farm. With a general requirement for a Public Right of Way to provide a 2m width (i.e. for two users to comfortably pass) the proposed retained route would vary between 9m and 30m in width, within which planting will provide for a green corridor. The PROW adjacent the site would remain unaffected. A new permissive path between the existing PROWs is proposed.
21. Existing mature trees along the boundary of Field 3 would be retained. The proposals include for Biodiversity Net Gain from planting new hedgerow trees, creating new hedgerows along with landscaped areas for countryside users.
22. The proposals would directly power operations at GSK around 500m to the south-west, providing around 52% of the factory's energy demand. It has the potential to provide around 16MW of solar power (the equivalent for around 3,250 houses) and includes a 12MWh BESS to store energy at peak generation times when GSK is unable to use it, discharging this when required, contributing to energy security. This would reduce the carbon footprint of the business by approx. 4,353 tonnes of CO<sub>2</sub> per year and contribute to GSK achieving a carbon neutral chain by 2045.
23. This direct supply to a single user is a noteworthy aspect of the application, where most schemes presented to this Committee supplying power into the National Grid. There is therefore a direct impact on the local economy, rather than a benefit to the greater good.
24. The proposals are represented as a temporary loss of 31% of the site as grade 3a, or 'best and most versatile' agricultural land, with the land available for biodiversity gain and potentially grazing in the interim.
25. A detailed assessment of the biodiversity net gain of the Proposal has been undertaken as part of the Ecological Impact Assessment submitted as part of the planning application. Against a legislative requirement for 10% bio-diversity net gain (BNG) the scheme sets out a proposal for a minimum of 68% BNG, which is contended a significant benefit.
26. Both the construction and operational phases of the development would create direct employment; however, this is not quantified within the application. The construction phase should take 3 to 6 months. As an energy development with a direct client, the proposal claims ensuring job security for those employed at the factory as a direct benefit.
27. The development would occupy the site for a temporary period of 40 years, after which the equipment would be removed and the land reinstated.
28. The application is accompanied by an Environmental Statement (ES) as it is considered to be Environmental Impact Assessment (EIA) development having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations

2017 (as amended) (the EIA Regulations). This report has taken into account the information contained in the ES, further environmental information including that submitted under Regulation 25 of the EIA Regulations and information arising from statutory consultations and other responses.

29. The application is being reported to Planning Committee as it is a major development with a site area greater than 1 hectare.

---

## **PLANNING HISTORY**

---

30. Two very small areas of the southern boundary of the site overlap with the extent of the approval for approval DM/21/04293/FPA: Installation of below ground pipeline from Lartington Water Treatment Works to Shildon Service Reservoir and associated works.

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

31. A revised National Planning Policy Framework (NPPF) was published in December 2024. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The following elements of the NPPF are considered relevant to this proposal.
32. *NPPF – Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social, and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
33. *NPPF - Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
34. *NPPF - Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive, and safe communities. Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and community facilities and services should be adopted.
35. *NPPF - Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
36. *NPPF - Part 14 Meeting the Challenge of Climate Change - Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in

a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

37. *NPPF - 15 Conserving and Enhancing the Natural Environment* - The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, site of biodiversity or geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
38. *NPPF - Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
39. *NPPF Part 17 - Facilitating the sustainable use of minerals*. It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

40. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; biodiversity net gain; climate change; determining a planning application; environmental impact assessment; flood risk and coastal change; historic environment; natural environment; noise; light pollution; land affected by contamination; planning obligations; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions.

<https://www.gov.uk/government/collections/planning-practice-guidance>

41. Other material considerations include EN:1 Overarching National Policy Statement for Energy and EN-3 National Policy Statement for Renewable Energy Infrastructure. Both National Policy Statements came into force on 17 January 2024. EN-3 states that electricity generation from renewable sources of energy is an essential element of the transition to net zero and meeting our statutory targets for the sixth carbon budget (CB6). Further, it is stated that the Government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such solar is a key part of the Government's strategy for low-cost decarbonisation of the energy sector. The Policy Statement cites the key considerations involved in the siting of a solar farm.
42. Also relevant are: the Climate Change Act 2008 which sets a targets for the year 2050 for the reduction of targeted greenhouse gas emissions; the Climate Change Committee 2022 Progress Report to Parliament, which stated, '*Following Russia's invasion of Ukraine, the UK Government's response to heightened energy security*

concerns has been to double down on Net Zero. This is welcome, but the new Energy Security Strategy (ESS) is almost entirely supply-focused and many of its commitments may not be delivered until well after the immediate crisis. There remains an urgent need for equivalent action to reduce demand for fossil fuels to reduce emissions and limit energy bills'; the Net Zero Strategy: Build Back Greener (Oct 2021, Update April 2022), which covers a wide range of sectors including Power, which 'recognises that reliable and affordable power is a foundation of a modern industrial economy, and plays a critical role in decarbonising the economy and achieving net zero goals cost effectively'; Energy White Paper: Powering our Net Zero Future, with the goal to, 'deliver energy reliably, while ensuring fair and affordable costs and accelerating our transition to clean energy, we need to create investment opportunities across the UK to enable a smarter, more flexible energy system, which harnesses the power of competition and innovation to the full' and the British energy security strategy (Updated 2022) which provides a '10 point plan' for a 'green revolution' for less reliance on the global gas market.

## **LOCAL PLAN POLICY:**

The County Durham Plan (October 2020)

43. *Policy 10 – Development in the Countryside* – States that development in the countryside will not be permitted unless allowed for by specific policies within the Plan or within an adopted neighbourhood plan relating to the application site or where the proposed development relates to the stated exceptions. Footnote 54 includes low carbon and renewable policies within the list of relevant specific Policies.
44. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources* – States that development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. Development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
45. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.
46. *Policy 25 – Developer Contributions* – advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
47. *Policy 26 – Green Infrastructure* – States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.



48. *Policy 27 - Utilities, Telecommunications and Other Broadcast Infrastructure* – relevant for the BESS element of the proposals, Policy 27 supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing sites must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
49. *Policy 29 - Sustainable Design* - requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
50. *Policy 31 – Amenity and Pollution* - Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that the development can be effectively integrated with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised to an acceptable level.
51. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land* – requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
52. *Policy 33 – Renewable and Low Carbon Energy* – States that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associate developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
53. *Policy 35 – Water Management* – Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development.
54. *Policy 39 – Landscape* – States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are



expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.

55. *Policy 40 – Trees, Woodlands and Hedges* – States that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
56. *Policy 41 – Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons, and a suitable compensation strategy exists.
57. *Policy 42 – Internationally Designated Sites* – States that development that has the potential to have an effect on internationally designated site(s), either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.
58. *Policy 43 – Protected Species and Nationally and Locally Protected Sites* – States that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.
59. *Policy 44 – Historic Environment* – Requires development proposals to contribute positively to the built and historic environment. Development should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets.
60. *Policy 56 - Safeguarding Mineral Resources*. Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

## SUPPLEMENTARY PLANNING DOCUMENTS

61. *Trees, Woodlands and Hedges SPD (2024)* – Provides guidance on good practice when considering the impacts of development on trees, woodlands, and hedgerows, as well as new planting proposals.
62. *Development Viability, Affordable Housing and Financial Contributions SPD (2024)* – Provides guidance on how CDP Policy 25 and other relevant policies requiring planning obligations for affordable housing or other infrastructure will be interpreted and applied.
63. *Solar Energy SPD (2024)* - This 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.

<https://www.durham.gov.uk/article/7444/County-Durham-Plan-supporting-documents>

### NEIGHBOURHOOD PLAN:

64. There is no Neighbourhood Plan for this area.

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

---

## CONSULTATION AND PUBLICITY RESPONSES

---

65. The National Planning Policy Framework (NPPF) was updated on 12 December 2024 as this report was being prepared. The Policy implications of the changes will be discussed below. It must be noted that where consultees quote paragraph numbers and references from the NPPF in their responses, that these may now have changed. In the main body of this report, the up-to-date paragraph numbers and advice is used. However, to put this in context, the changes to Part 14 of the NPPF, 'Meeting the challenge of climate change, flooding and coastal change', are designed to give 'significant' weight to the benefits associated with renewable and low carbon energy generation, and proposals' contribution to meeting a net zero future with the stated aim of the changes for this topic described as seeking to increase the likelihood of local planning authorities granting permission to renewable energy schemes and contribute to reaching zero carbon electricity generation by 2030.
66. The nature of the changes are such that Consultees comments are not considered likely to be significantly or fundamentally affected to a point where a reconsultation is justified for updates, nonetheless, this issue should be borne in mind when reviewing them.
67. In November 2023 the Government renamed Areas of Outstanding Natural Beauty (AONBs) 'National Landscapes' which now come within the remit of National Parks and National Landscapes (NPNLs) following a consultation to review their role in environmental land management schemes and the planning system. The rebranding embodied their role in environmental land management schemes and the planning system following legislative changes.
68. Again, Consultee comments issued during the course of the application may refer to the earlier designation, but such comments are not considered likely to be significantly

or fundamentally affected to a point where a reconsultation is justified for updates, nonetheless, this issue should be borne in mind when reviewing them.

#### **STATUTORY RESPONSES:**

69. *Highway Authority* – has raised no objections to the proposals. Officers advise that by their very nature, solar farms do not generate very much traffic once constructed, and so their impact on the local road network is negligible.
70. The proposal would generate a higher level of traffic during the construction phase, and so a Construction Management Plan should be submitted. This could be secured by condition.
71. The proposed site access is currently just a farm gate just off the A688. This access should be improved with proper hardstanding at the access to the A688, installation of proper radii and provision of 60mph visibility splays (215m x 2.5m). This would require the applicant to enter into a S278 agreement with the Local Highway Authority for works to the adopted highway. All works to the adopted highway would be at the applicant's expense.
72. *Lead Local Flood Authority (Drainage and Coastal Protection)* - advise approval of the submitted Flood Risk and Drainage Assessment Report for this proposal.
73. *Environment Agency* - have no objection to the proposed development as submitted but do offer some comments and advice: Energy storage will play a significant role in the future of the UK energy sector. Effective storage solutions will benefit renewables generation, helping to ensure a more stable supply and give operators access to the Grid ancillary services market. The National Grid's Enhanced Frequency Response programme will provide a welcome catalyst for a significant level of battery storage deployment in the UK. Currently, the Department for Environment Food and Rural Affairs (DEFRA) does not consider the need to regulate the operation of battery energy storage systems (BESS) facilities under the Environmental Permitting Regulations regime.
74. Although these are a source of energy to the National Grid they do not result in the direct impact to the environment during normal operations. The Environment Agency advises that they do not generally object to battery storage proposals, however, the potential to pollute in abnormal and emergency situations should not be overlooked, including the scope of the UK's producer responsibility regime for batteries and other waste legislation.
75. *County Durham Fire and Rescue Brigade* – have not responded to their consultation, issued on the basis of the BESS element of the proposals. In lieu of response Officers have given due regard to the advice in guidance on battery storage and fire safety produced by the National Fire Chiefs Council (NFCC): 'Grid Scale Battery Energy Storage System planning – Guidance for FRS'.
76. *National Powergrid* – have confirmed they have no Grid Electricity Transmission assets affected by the development.
77. *National Gas* - have confirmed they have no National Gas Transmission assets affected by the development.
78. *Natural England* – In deference to the importance of the advice, this response is set out at length, only slightly abridged:

79. Based on the plans submitted, Natural England considers that the proposed development would not have significant adverse impacts on designated sites and protected landscapes and has no objection.
80. Natural England considers that the proposed development would not have likely significant effects on the notified features of the North Pennine Moors Special Protection Area (SPA) & Special Area of Conservation (SAC) European habitat sites, with consideration of this meeting the requirements of the Habitat Regulations advising that the LPA record the decision that a likely significant effect can be ruled out. This conclusion is reached taking into consideration the location, type and scale of the proposed scheme and adopting a source-pathway-receptor approach.
81. The application site lies just over 5km away from a number of SSSIs. Based on the submitted information Natural England does not anticipate adverse effects on the notified features of these SSSIs and has no objection.
82. The submitted Landscape and Visual Impact Assessment (LVIA) and the additional Glint and Glare Assessment have been reviewed. These have sufficiently addressed concerns outlined in the earlier response letter dated 9/10/2023. Based on the submitted information Natural England has no objection to the proposed development. They do not consider that the proposed development would compromise the purposes of designation or special qualities of the National Landscape but advise that the proposal is determined in line with relevant NPPF, and development plan policies, landscape and visual impacts are minimised as far as possible and landscape advice is obtained from the National Park team.
83. Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.
84. From the description of the development this application is likely to affect 26.9ha of agricultural land of which 8.3ha is BMV agricultural land. The proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas of BMV agricultural land.
85. However, during the life of the proposed development it is likely that there would be a reduction in agricultural production over the whole development area. The LPA should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land. Paragraph 174b (now para. 187) and footnote 53 of the National Planning Policy Framework (NPPF) states that:  
*'Planning policies and decisions should contribute to and enhance the natural and local environment by: recognising 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, and of trees and woodland.'*

86. Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.
87. For mitigation soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land would experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.
88. Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this would include the return to the former land quality (ALC grade).
89. It is also advised that conditions are applied to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.
90. *National Landscapes (NPNLs)* - views from receptors within the National Landscape are of key concern, ensuring that any development does not introduce a discordant note into the wide vistas to the south across Barnard Castle, but ultimately, no objection is raised.

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

91. *Spatial Policy* – has raised no objections to the proposed solar farm, noting CDP Policy 33 supports renewable and low carbon energy development and allows for its development in the countryside.
92. Officers identify the key planning policies and their current status relevant to the consideration of this proposal. Comments also highlight any policy related material considerations relevant to the consideration of this proposal in terms of national policy, guidance and locally derived evidence bases. Officers consider that the key determining factors will be the low carbon and economic benefits of the proposals balanced against impacts on the AHLV, BMV agricultural land, and any impacts on the setting of heritage assets, archaeology, biodiversity, PROW, amenity, surface water flooding, trees and hedgerows.
93. *Archaeology* – The applicant has submitted an evaluation report as a result of first phase trial trenching as agreed with Archaeology Officers This has identified significant archaeological remains in parts of the site and given an indication for the reliability of the geophysical survey. Further trenching is needed, and it has previously been agreed that this could be conditioned. Following this further mitigation would need to be agreed. Conditions to secure further trial trenching and a subsequent archaeological mitigation strategy are suggested. No objection is raised.

94. *Design and Conservation* - The proposal would have no direct impact to any known above ground heritage assets within the site boundary. Any impacts arising from the proposal would be visual and confined to setting. A range of designated heritage assets have been identified within the wider setting of the site in the application, although there is a substantially greater number than those listed within 2km for example.
95. The greatest cluster of these would be found within Barnard Castle to the south, including higher status designated heritage assets such the Castle (a Scheduled monument and Grade I listed asset), and a number of other Grade I and II\* listed heritage assets. The town centre is also covered by a conservation area designation and includes numerous additional listed buildings and non-designated heritage assets.
96. Within the wider 6km boundary are a number of additional conservation areas and a significant number of designated and non-designated heritage assets. Despite this, however any impact on setting would only be at a distance. These long-range views also incorporate surrounding built development such as to the northern edge of Barnard Castle and surrounding villages. The impact on the setting of heritage assets is also limited by the local topography and intervening built development and the natural environment in the form of vegetation and trees. The ZTV plan submitted notes no visibility from within Barnard Castle town centre and the core of the conservation area for example, limiting visual impacts to long-range views from beyond the town to the south and west. Therefore, whilst there would be some potential visibility within the setting of a range of designated and non-designated heritage assets these would be at a distance in wider views across the expansive surrounding landscape and would limit their overall impact on the setting of these assets. No objection is raised.
97. *Ecology* – Officers confirm that the supporting ecological data is sound and allows the LPA to assess the application. There are no expected impacts on protected species and the development provides a net gain as per CDP Policy 41. There are no issues with the metric and trading rules are met.
98. In terms of grazing management of the grasslands, this is an appropriate management tool and mentioned as an option in the Landscape and Ecological Management Plan. The LEMP has appropriate monitoring in place, and this would allow adjustments to be made to management techniques if these are required to meet the target habitat types and conditions specified in the metric. No objection is raised.
99. *Environmental, Health and Consumer Protection (Contaminated Land)* – have no adverse comments to make. There is no requirement for a contaminated land condition but suggest a standard informative for unforeseen contamination. No objection is raised.
100. *Environmental, Health and Consumer Protection (Air Quality)* – has raised no objections. Due to the scale and nature of the proposed development it is considered that it will be unlikely to exceed national air quality objectives and limit values in relation to particulate matter in operation. During the development phase, the operator recognises that dust escaping from the site could give rise to negative impact in the short term and also recognises the need to control such emissions; it is recommended a condition is attached to any approval requiring a Dust Management Plan, this could be incorporated into a Construction and Environmental Management Plan. No objection is raised.
101. *Environmental, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals. The Solar Photovoltaic Glint and Glare Study appears to

have been undertaken by suitably qualified and competent consultants. The study has been reviewed the study in relation to the impact upon residential receptors and not in relation to the impact upon roads users, rail users or aviation, planners are advised to seek consultation from relevant authorities in relation to roads, rail and aviation.

102. With regard to the impact upon residential receptors, the report concludes that impact upon residential receptors would not be significant: there is no reason not to agree with this finding. It is noted that Glint and Glare cannot be considered in relation to statutory nuisance, hence no advice is provided in that regard.
103. For potential noise issues, no issue is raised with a condition requiring a Construction Management Plan be submitted prior to commencement, referencing the submitted noise assessments and conclusions. No objection is raised.
104. *Landscape* – Officers have written detailed advice in response to three consultations, Abridged and summarised it sets out that the site covers approximately 26 hectares of farmed agricultural (arable) fields comprising 3 fields located within attractive open countryside between Barnard Castle and the village of Stainton. The topography of the site is undulating and broadly slopes gentle to the south.
105. The proposed site lies within an Area of Higher Landscape Value (AHLV) as defined in the County Durham Local Plan (CDLP) and as such would be a valued landscape for the purpose of Paragraph 187 of the National Planning Policy Framework (NPPF). The North Pennines Area of Outstanding Natural Beauty (AONB) (Now National Landscape (NPNL)) at its nearest boundary is approximately 5km to the west of the site.
106. The County Durham Landscape Character Assessment 2008 (CDLCA) identifies that the site lies in the Dales Fringe which forms part of the larger Pennine Dales Fringes National Character Area (NCA 22). It lies in the Raby & Streatlam Broad Character Area (BCA) which belongs to the Gritstone Vale Broad Landscape Type (BLT).
107. The site is made up of gently rolling arable farmland falling in a broadly southerly direction (Vale farmland: arable Local Landscape Type, Old enclosure Subtype) and forms part of a wider tract of attractive landscape with a nucleated settlement pattern of small green villages centred on the historic market town of Barnard Castle and is described in the CDLCA as a tranquil, settled, rural landscape with a strong sense of cultural continuity. The field pattern is sub-regular bounded by clipped hedgerows and scattered hedgerow oak, ash, and sycamore with occasional small plantations.
108. The landscape is open which in places affords broad scale panoramic views across the vale from higher vantage points as the site occupies a gently undulating landscape, falling in a broadly southerly direction. Due to the nature of the topography, views of the locality are generally shallow.
109. Key receptors in the locality include the network of well used public footpaths (FP) within or adjacent to the site (including Streatlam and Stainton No. 3 and 4 and the railway path (which is in the process of being designated as a PR
110. OW, with future plans for it to be incorporated into a strategic multi-user route from Bishop Auckland to Barnard Castle that bounds the site to the west), receptors within Stainton, Stainton Grove and on the northeast edge of Barnard Castle and local road users including Stainton Road (C43), Coal Road (C42) which also doubles as the promoted Sustrans Walney to Wear Cycle Route (W2W), A688 and Darlington Road (A67). It is overlooked in medium distance views to the south and more distance views from the higher ground of the North Pennines AONB to the northwest, west and south.



111. For effects on landscape features, there would be no material change to the landform of the site to accommodate the access tracks, solar panels and other associated structures.
112. The proposed development would locate the solar arrays within the existing field pattern. It appears that no trees, woodlands or hedges would be lost as a result of the development with the exception of two small sections to allow for the proposed permissive footpath linking Footpath Nos. 3 and 4. There would be a localised contribution to the conservation and enhancement of the local landscape from the proposed mitigation.
113. At the level of the site and its immediate surroundings the proposals would involve a transformative change from the currently open, rural, and agrarian character to a solar farm dominated by features of a notably man-made/industrial character adversely altering the physical and perceptual qualities of the site.
114. The visibility of the development, and therefore its effects on the character of the local landscape, would be reduced over time in varying degrees by a combination of tailored management of existing hedges and the planting of new trees and hedges which would help integrate the proposals with the surrounding area. This would also reinforce the existing landscape framework and enhance character to a lesser degree. The time taken to achieve this would vary. In some cases, rejuvenating existing hedges and allowing hedges to grow taller would be effective in a few years, in other cases where new planting was proposed it would take longer. New planting particularly adjacent to the most sensitive receptors will take a considerable length of time to become effective, and in the interim period the impact on character would be marked.
115. The effects of the proposal would become less with distance. In the wider landscape where views are typically shallow, and development would be largely filtered or screened by intervening topography and vegetation or difficult to perceive in the wider panorama and therefore the effects on the character of the landscape are reduced.
116. Due to the value and sensitivities of the AHLV, the proposals would have substantial albeit localised impact on the AHLV. Development would cause harm to the character, quality, distinctiveness, and the special qualities / valued attributes of the AHLV and particularly in respect of its condition and scenic qualities. These effects would be prominent in views from the well-used PROW network within the AHLV. The proposal would affect views from within and across the AHLV. The magnitude of change within the AHLV would become less with distance.
117. The proposed mitigation would reinforce the existing landscape framework and enhance the character to a degree, but landscaping within and on the boundaries of the site would do little to mitigate these effects from sensitive receptors.
118. For the relationship to the AONB (NLNP), the undulating nature of the topography coupled with a strong woodland and tree presence within the wider landscape and considering the intervening distance, the proposal would be a minor element and there would be no noticeable deterioration in the overall appreciation of the view out of the AONB. There would however be some views where the proposal would appear as a discordant element in the existing pleasing rural scene out across the AHLV in which the AONB is seen in the backdrop. Notwithstanding this, this is unlikely to impact significantly on the wider setting of the AONB.

119. After a series of amendments to reflect comments and suggestions, Landscape officers' final comments are summarised as: the Substation and Battery Energy Storage System (BESS) have been relocated to the central area of the site, removing it from the southwestern corner, adjacent to both the disused railway line and PROW through the centre of the site, which would reduce the prominence of the BESS and the east as per previous comments. Further mitigation should be considered.
120. For the BESS and Substation, indicative elevations of the substation are still missing. Further information on the colour of the Battery Energy Storage System and Substation will be required. Whilst these elements need to be a visually recessive colour such as dark green.
121. For landscape mitigation, the Landscape Proposals Plan has been updated to reflect the amended site layout and proposed additional landscape and visual mitigation proposals along with detailed softworks drawings.
122. Following further amendments are requested to enhancing the existing hedgerow to east of Field 1, bordering the PROW through ongoing management, infilling gaps and adding in additional hedgerow trees (if required); given the existing trees within this boundary, hedgerow species should be shade tolerant such as hazel or holly. Mitigation should be introduced on the southern boundary of Field 1, between the PROW and disused railway with additional hedgerow and trees / native structure planting. The new proposed hedgerow along western boundary of Field 3 should connect with southern boundary, with additional hedgerow trees and native structure planting between field 3 and 2 in the southwest corner of Field 3. Additional robust native structure planting to the northern boundary, to increased screening from visual receptors at Stainton and along the PROW routes north of the site should be considered. The new hedgerow along the western boundary of Field 2, should be extended east in the northwest corner, along the new proposed track to help further screen the substation in views from the PROW. Further native hedgerow trees introduced into the southern boundary of Field 2. It is noted that the amended landscape proposal plan suggests that small blocks of trees/structure planting is to be provided, however this is not shown on either this plan or the detailed softworks drawings.
123. A Landscape and Ecological Management Plan has now been supplied, but additionally needs, confirmation that monitoring should take place throughout the developments operational period (40 years). Throughout the lifetime of the development monitoring and management of hedgerows should be undertaken throughout the Site, building in coppicing, laying or re-planting as an ongoing programme if required. Management actions should include monitoring and replacing ash trees affected by Die Back as an ongoing programme throughout the lifetime of the development. Hedgerow cutting should follow a rotational regime.
124. The promised Woodland Management Plan should be secured.
125. With the requested details of the "Deer" style fencing having been accepted, a specification for the construction method and materials of the proposed track and the proposed gates need to be specified.
126. *Arboricultural Officer (Trees)* – Officers advise they defer to the comments of the Landscape Team. No objection is raised.
127. *Public Rights of Way* – Attention must be drawn to Footpath No. 4 (Stainton Parish) which runs through the site. It appears from the plans the PROW is to be retained and it is shown on the plans. It must be stressed that the PROW must be kept on the legal

line as per the definitive map held by DCC. The width of the footpath should be maintained with a minimum width of 2 metres surfaced path, with level grass verges each side of a minimum of 0.5m, the path must be surfaced with at least half a metre verge each side which is grassed, flat and level. Any tree planting or hedges should be set back from the path beyond this to allow for growth without encroaching on the available width.

128. It is noted that the north/south section of Footpath No. 4 (Stainton Parish) would have a 3-meter natural grassland retained either side, the west/east section of Footpath 4 needs to be clear that the same spacing is being allowed as this it a field edge path and future hedge growth needs to be taken into consideration.
129. The proposed permissive footpath should be constructed to the same width of surfaced path and side verges as Footpath No. 4 (Stainton Parish).
130. As the development would effectively fence in the footpaths, provision needs to be made by the developer on how the rights of way and permissive footpath would be kept clear and unobstructed for the public to use. No objection is raised

#### **EXTERNAL CONSULTEE RESPONSES:**

131. *Police Architectural Liaison Officer* – recommend that monitored CCTV should provide full coverage of the site, there should be no gaps in boundaries, consideration should be given to obstructing vehicular access, overt deterrents are considered (CCTV, warning signs), plant being forensically marked to aid recovery if stolen and that fencing is regularly monitored.
132. *Business Durham* – write that solar PV can offer both economic and environmental benefits to businesses whilst contributing to the carbon reduction targets of the County. The scheme would lower operating costs, provide energy security and support future energy demands. The cost savings can be redirected to research and development, expanding production and other critical areas, thereby protecting existing jobs and potentially creating new ones. Installation and maintenance of the PVs would generate employment opportunities in the local community. Embracing the scheme will enhance GSK's reputation as a forward thinking, environmentally friendly company, and this sustainable approach would support long term job security and growth.

#### **PUBLIC RESPONSES:**

133. The application has been advertised in the local press (the Teesdale Mercury) and by site notice. In addition, neighbour notification letters were sent to 773 neighbouring residential, commercial and properties and community facilities in and around the site. The receipt of further information was advertised in accordance with Regulation 25 of the EIA Regulations (including press notice) and a reconsultation took place with consultees and those members of the public who had originally been notified and those who had made representations.
134. A Statement of Community involvement, in line with the advice of paragraph 40 of the NPPF and Durham County Council's adopted Statement of Community Involvement (SCI) advice. has been submitted with the application detailing the consultation undertaken which included meetings with Cllr Mark Wilkes, Lead Member for Climate Change at Durham County Council and Stainton Parish Council and Streatlam Parish Council. The Farm Energy Company and GSK held an initial consultation event, described as 'relatively well attended'. This event informed a Landscape Masterplan with which a second event was undertaken. An invitation newsletter was distributed

to approximately 750 properties sitting close to the proposal site of the solar farm, and to the GSK site. This included all properties located in the village of Stainton to the north-east and the settlement of Stainton Grove to the south east, and a number of properties sitting to the west of the proposal site within Barnard Castle and rural properties north of the GSK facility. Residents that attended the original exhibition event, as well as those that had contacted The Farm Energy Company and GSK with queries, were also emailed a copy of the invitation. The invitation newsletter also displayed details of the Freephone information line, email address and the project's dedicated website address to allow people to request further information. To ensure the wider community was aware of the proposals, a press release was issued to local newspapers.

135. 14 objections and 22 letters of support (many being proforma letters) have been received in response to the consultation. 1 letter has been received offering comments.

## Objection

136. The Campaign for the Protection of Rural England (CPRE) = object, discussing whether the site is within an 'appropriate location' within the context of Policy 33 of the CDP. The charity question whether the development will meet the needs of GSK as stated, in particular with the seasonal variations in nature of the technology, and limitations of the supporting BESS. The use of 31% of the site as BMV is questioned directing development to the GSK site itself. The PRoW across the site is considered compromised from a pleasant open aspect to an industrial once, contrary to advice in the NPPF. The implications for the cabled connection to GSK to affect a potential cycle-track is queried. Conflict between potential low level grazing use of the land around the arrays and the biodiversity offer of the site is raised. Conflict with CDP Policies 26, 33 and 39 is contended.
137. Members of the public objecting, describe the historic layout and use of the land and the ancient route between Stainton and Barnard Castle which is now proposed to pass through the solar farm, the resultant effect running the character of this centuries old connection passing between metal fences and arrays of solar panels, compromising the appreciation of cultural heritage, and public and community visual amenity use of the footpath along with the loss of landscape value in an designated Area of High Landscape Value. New landscaping will take significant time to establish. Reference is made to the Council's Supplementary Policy on Solar Farms that was emerging during the course of this application. A lack of community benefits is stated.
138. Refusal of the development is not considered likely to compromise GSK's presence in Barnard Castle on the basis of a minimal reduction of the profits of a big international firm.
139. There is further objection to the very considerable impact upon the landscape of an AONB and the changes it will bring to the functioning of a quiet village founded and sustained on the agricultural economy. The loss of the natural environment will harm the desirability of Teesdale as a tourist destination.
140. The efficiency of solar farms in County Durham is questioned.
141. Property prices in Stainton will be compromised, along with the potential for locals to develop tourist accommodation.

142. Some objectors support the principle of the application, but object to the loss of high grade agricultural land, others suggest the use of sites closer to GSK, or the factory car parks for siting. Italy has banned solar farms being erected on agricultural land.
143. One correspondent queries the authenticity of the pro-forma letters, and that not all representations are from local addresses.

#### Support

144. Some residents of West Far, closest to the development in the village of Stainton, to the north, write to support the proposal, noting the development will be visible to them, but acknowledging that efforts have been made to screen and integrate it into the landscape, that it will revert to agricultural land, supporting GSK's efforts to reduce their carbon footprint. That the footpaths crossing the site are proposed retained is crucial to this support, likewise the creation of an additional permissive path.
145. As a significant local employer and global company, GSK is purported to contribute to the economic and cultural prosperity of the area: with their products always energy intensive, the site and community it supports are contended to have a responsibility to mitigate the climate impact as locally as possible, with the proposed solar farm the lowest impact way of doing this. The plans will make the business competitive with GSK's European counterpart.
146. The scheme aligns with both GSK's and the Council's environment and carbon neutral plans and are described as a 'discreet incorporation into the landscape', especially in comparison with other forms of renewable energy generation, such as the existing wind turbines.
147. The land will still be available for a form of agriculture, and can revert back to such, with biodiversity improvements facilitated through the life of the solar farm.
148. The pro forma letters write that the development will assist decarbonising, provide clean, green energy for the GSK Barnard Castle facility, providing up to 52% of the factory's need whilst reducing CO<sub>2</sub>, whilst noting the intention to provide a Community Benefit Fund of £15k per year for local initiatives and good causes. The development will support the County Council's net-zero efforts. Supporters consider that GSK attracts new residents, and that the proposal will ensure the site remains competitive with counterparts in Europe.

#### Comments

149. Some residents of West Farm, the nearest dwellings to the north of the proposed development note discussions with the applicants and that in principle they have no objection, acknowledging the proposed landscaping and the context of the use on a modern agricultural landscape and operation, having been concerned but reassured from meetings with the applicant. Landscaping proposals alongside the well-used footpaths are welcomed. Likewise, there is a positive reaction to the inclusion of a suggested permissive path connecting two existing footpaths on the southern boundary. It is suggested there is further opportunity for enhancing foot/cyclepath links in line with Government Strategies along the path of the dismantled railway to the west of the site, along which the cable feed from the solar farm to GSK will be constructed, to the benefit of both the general public and GSK employees.

#### **ELECTED MEMBERS:**

150. No comments have been received from Elected Members.

## **APPLICANTS STATEMENT:**

151. Regardless of the recent shift in national policy context, with a direction of travel towards increased security of energy generation from renewable energy and large scale ground mounted solar in particular, there are clear benefits to the Barnard Castle solar farm which would be felt within the local area and should be given weight when viewed against the limited identified adverse impacts of the proposal.
152. The Environmental Statement and supporting reports submitted as part of the planning application demonstrate that there will be an overall limited adverse impact on environmental, heritage and residential amenity. Where potential 'harm' has been identified, there is direct reference within the relevant policies of the County Durham Plan (i.e. Policy 14 – BMV, Policy 39 – Landscape, Policy 41 – Biodiversity and Geodiversity). The amendments to the layout of the scheme, in line with comments received from the Council's Landscape Officer, demonstrate significant improvements to the scheme including increased levels of planting which provides not only additional screening but improvements to biodiversity net gain, which is now seven times the 10% minimum required for all developments in England.
153. The key question is therefore whether, on balance, the absence of significant environmental effects on other receptors and the benefits of the Proposed Development are such that they outweigh the acknowledged limited harm of the Proposal on the environment, which are generally confined to local visual receptors and are noted to be inevitable as a result of a commercial solar energy development, or indeed any form of development. The harm is not only localised but is temporary and reversible. The construction of the solar farm does not require extensive groundworks and can be removed easily at the end of its operational life, with the fields returned to the current greenfield, agricultural use.
154. In terms of Agricultural Land; there will be no permanent detrimental impact on best and most versatile agricultural land nor will it demonstrably negatively impact on soils on the Application Site. Weight should also be given to the ability of this agricultural land to directly address the problems associated with food production as a consequence of climate change. The installation of solar farms is a reversible use of land and the deployment of this type of technology will help meet the UK's energy security and climate change objectives. The proposal would also continue to support an agricultural use through sheep grazing. The combination of sheep grazing and grassland will improve the soil quality (soil carbon and soil organic matter) for future agricultural use.
155. Intensive arable farming has been held partly responsible for widespread reductions in biodiversity within the countryside, especially in farmland species. A study carried out in 2016 (Link) across 11 solar farms in the south of the UK showed that, where a diverse grassland mix was established, there were significant biodiversity gains within one growing season when compared with intensive arable and grazing on the same farm. The Proposal seeks to actively improve biodiversity across the Site through the use of local seed mixes and native tree species.
156. Farm diversification is also a key reason for farmers signing solar leases, which in turn will support continued investment in the farm business.

157. There are also a wide number of benefits that will be derived from the Proposal, including:
- The power generated by the solar farm will directly supply GSK's Barnard Castle factory. The Proposal represents a significant investment in the local area, injecting investment into the local economy and creating potentially both temporary construction jobs and operational jobs. Furthermore, the provision of renewable energy solutions to GSK demonstrates a long term commitment to the site and the region. This promotes energy security in a climate where fuel prices continue to undermine business confidence.
  - This has indirect benefits to the local community where employees live, as they will be spending wages in local shops and services.
  - GSK have ambitious targets to reach net zero which can only be achieved through the provision of the proposed solar farm. Significant work has been carried out on site to improve energy efficiency, as well as exploring options for roof top solar, however these can only provide modest improvements. The graph below illustrates the emissions projections at GSK's Barnard Castle factory with the red line showing the current emission trajectory without any intervention. The green line shows the projections when incorporating all of the on-site solutions for energy efficiency and renewable energy production (i.e. the proposed solar farm), as well as the removal of the two existing CHP plants and wind turbines. The proposed solar farm would therefore:
    - Meet around 52% of its electricity consumption
    - Reduce its carbon footprint by around 4,353 tonnes of CO<sub>2</sub> per year (87,064 tonnes of CO<sub>2</sub> across the lifetime of the solar farm)
  - Work has been undertaken to make sure that there will be no impact on wildlife on the application site. Significant improvements to biodiversity have been demonstrated with BNG at approximately 73% for habitat and 168% for hedgerows.
  - While the solar panels may be visible in the landscape, the location, layout and topography have been utilised to ensure that views will be minimal. Further mitigation in the form of improved boundary planting will be utilised to reduce any visual impact making sure they are not unacceptable and are potentially seen in the context of existing industrial development.
  - There will be no unacceptable impacts from noise or air quality.
  - The development will not increase the risk of flooding the area.
  - There will be no loss of existing Public Rights of Way through and around the Site, and the Proposal incorporates a further permissive path along the southern boundary to improve connectivity around the Site. The PRow which runs through the Site will have a minimum width of approximately 30m where it runs between Fields 1 and 3 creating an attractive green corridor to pass through the Site.
158. It should be concluded that sustainable development, biodiversity enhancement, continued agricultural use through livestock grazing, reduction in carbon emissions, social and economic benefit are all arguments of environmental and economic improvement, which should weigh significantly in favour of the use of this arable land which will continue to be utilised for agriculture as well as a solar farm on a temporary basis.
159. The thrust of national and local policy would support the principle of the proposed solar farm to not only achieve net-zero targets but in terms of wider sustainability goals with regards to economic, environmental and social benefits.
160. The need to achieve the Government's legally binding net zero targets should be given significant weight in the determination of the application. This is alongside the declaration of a Climate Emergency in Durham County and the ability of the Proposal



to directly combat climate change. Again, significant weight should be given to the Proposed Development's ability to assist with achieving these locally agreed targets.

161. It should be acknowledged that the wider environmental benefits associated with increased production of energy from renewable sources should outweigh any potential harm. As detailed above, there will be significant environmental benefits including through significant planting and screening as set out in the Landscape Proposal Plan.
162. Having regard to all the beneficial and adverse effects which the Proposed Development could create in the context of national, strategic and local planning policy, it is considered that the Proposed Development is in accordance with the relevant provisions of NPPF and the Development Plan, and that there are no material considerations which indicate that the Proposed Development should not proceed. Indeed, there are material considerations which determine that the overriding need for Proposals such as this is essential in achieving legally binding renewable energy targets, as well as providing direct power to an existing large scale employer.

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

163. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, development in the countryside, landscape and visual impact, access and traffic, residential amenity, contamination, flooding and drainage, ecology, recreational amenity, cultural heritage, agricultural land, overplanting, cumulative impact, safeguarded areas, community fund, Battery Energy Storage Systems, farm diversification, other matters, climate change and public sector equality duty.

### Principle of Development

164. The 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. Recent 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.
165. 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 and EN-3 have limited applicability when determining other applications. 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.

166. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and is the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
167. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
  - c) approving development proposals that accord with an up-to-date development plan without delay.
168. In light of the adoption of the CDP, the Council now has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.
169. Planning Policy Guidance advises that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. 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.
170. The NPPF at Part 14, Paragraph 161 sets out that the planning system should support the transition to net zero by 2050 and support renewable and low carbon energy and associated infrastructure. At Paragraph 168 it is advised that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and at Paragraph 167, should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.
171. The proposal is for a circa 16 MW solar PV development and associated 12 MWh Battery Energy Storage System. In terms of potential economic benefits, it is stated the solar farm would directly power the nearby GSK's Barnard Castle factory (approximately 52% of the factory energy demand) and this would be secured through a long term PPA contract over the 40 year operational period of the solar farm.
172. The key policy for the determination of the principle of this application is CDP Policy 33 relating to renewable and low carbon energy. This Policy supports renewable and low carbon energy development in appropriate locations. The Policy advises that significant weight will be given to the achievement of wider social, environmental and economic benefits. The Policy also advises that proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings.
173. During consideration of this application, the Council has adopted a Solar Energy Supplementary Planning Document (SPD) August 2024 which 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.

174. These overarching Policies and advice relevant to consideration of the principle of development must be considered as each of the individual topic areas is assessed in detail, for eventual weighting and conclusion through the 'planning balance' at the end of this report.

#### Development in the Countryside

175. The opening paragraph of CDP Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. These specific policies are set out in footnote 54 (appended within the Policy) and includes applicable policies relating to low carbon and renewables. As this is a renewable energy development it is considered that the development could be allowed for by specific policies in the plan (CDP Policy 33). The development therefore does not have to demonstrate an exception to CDP Policy 10, but the acceptability criteria are engaged.
176. CDP Policy 10 states that new development in the countryside must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for, result in the merging or coalescence of neighbouring settlements, contribute to ribbon development, impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for, be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport.
177. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport, be prejudicial to highway, water or railway safety, and impact adversely upon residential or general amenity. Development must also minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding.
178. Assessing these requirements, the development would not result in the coalescence of settlements or adversely impact on the townscape of neighbouring settlements. The proposals would also not constitute ribbon development.
179. The site is within flood zone 1 and would not increase offsite risk of flooding. The purpose of the development is to generate renewable energy and it would therefore be inherently resilient to the impacts of climate change.
180. Paragraph 168 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.
181. It should be noted that the CDP has identified areas suitable for wind turbine development but not for solar.
182. The December 2020 Energy White Paper: Powering our Net Zero Future (WP) reiterates that setting a net zero target is not enough, it must be achieved through,

amongst other things, a change in how energy is produced. The WP sets out that solar is one of the key building blocks of the future generation mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener where under key policies it explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation such as solar.

183. The UK Government published their policy paper 'Powering Up Britain: Energy Security Plan' in April 2023. This document outlines the steps to be taken to ensure that the UK is more energy independent, secure and resilient. Within this document it is stated that to provide certainty to investors in the solar industry, in line with the 'Independent Review of Net Zero' recommendation the government will publish a solar roadmap in 2024, setting out a clear step by step deployment trajectory to achieve the five-fold increase (up to 70 gigawatts) of solar by 2035. The Government will also establish a government/industry taskforce, covering both ground mounted and rooftop solar to drive forward the actions needed by government and industry to make this ambition a reality.
184. The UK Government also published their policy paper 'The Growth Plan 2022' in September 2022, which 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.
185. 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.
186. 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.
187. The purpose of the proposed development is to generate renewable energy on a large scale directed to a single end user. CDP Policy 33 is permissive towards solar farm development, and it is therefore considered that the proposal is acceptable in principle. The social, environmental and economic benefits of the proposal are considered in the sections below. The acceptability of the development in relation to the issues set out below will assist in determining if the location of the development is appropriate in the context of CDP Policy 33 and Part 15 of the NPPF.
188. The SPD sets out guidance is provided based on three scales of solar development: small scale, medium scale and large scale, the latter defined as: commercial scale

solar farms which connect to the national grid, panels are free-standing ground mounted. It is noted that in this instance that the intention is to supply to a direct user, rather than to connect to the national grid – with any oversupply being sleeved through the grid to the applicant's other facilities.

189. There are also a number of applicable environmental protection policies within the CDP and the NPPF which are considered below.
190. In terms of the required assessment against Policy 10, against the backdrop of Part 15 of the NPPF, the proposals are considered benefit from the exemption set out at footnote 54, with low carbon and renewables, assessed against Policy 33, where 'Renewable and low carbon energy development in appropriate locations will be supported'. A detailed consideration of the 'General Design Principles for all Development in the Countryside' in landscape terms is then required.

#### Landscape and Visual Impact

191. Paragraph 187 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.
192. CDP Policy 10 states that development in the countryside must not give rise to unacceptable harm intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for and must not result in the merging or coalescence of neighbouring settlements.
193. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
194. CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will not be permitted that would result in the loss of, or damage to, woodland unless the benefits of the proposal clearly outweigh the impact and suitable replacement woodland planting, either within or beyond the site boundary, can be undertaken.
195. The Landscape Character Areas and Landscape designations the application site sits within are set out above in the Landscape Officer's comments.
196. The site is not covered by any national landscape designations. The site lies in an area identified in the County Durham Plan as an Area of High Landscape Value (AHLV). Trees within the site are not covered by a Tree Preservation Order (TPO).
197. The site is gently rolling arable farmland, with a sub-regular field pattern of hedges and trees, with occasional small plantations. the landscape is described as open, in

Landscape Officer's description, which allows for broad panoramic views from some vantage points, including from Footpath No. 4 (Streatlam & Stainton Parish), which runs from West Farm, Stainton on the higher slope to the north, through the site, to the former railway line, where it turns into Footpath No. 21 (Marwood Parish) and then in the directions of the GSK factory to the west, and Barnard Castle towards the Community Hub and through the grounds of Teesdale School, to the south. Footpath 3 heads south from the east side of West Farm, due south, passing the east boundary of the site to emerge onto the A688 at Stainton Grove. Footpath 1 runs in parallel with Footpath No. 3, gain heading south to the A688 from the east end of Stainton Village, 500m east of the site.

198. The recreational value of the area is advised as moderate by Landscape Officers, with that value being higher locally due to the well-used local network of public rights of way within and adjacent to the site which offer recreational opportunities to the south of Stainton where other alternatives are limited. This value will be enhanced by the currently informal railway path which is in the process of designation.
199. There would be no material change to the landform of the site to accommodate the access tracks, solar panels and other associated structures. At the level of the site and its immediate surroundings the proposals would involve transformative change from the currently open, rural, and agrarian character to a solar farm dominated by features of a notably man-made/industrial character adversely altering the physical and perceptual qualities of the site.
200. Improvements have been made during the course of the application to address criticism of the proposed security fencing. The Substation and Battery Energy Storage System (BESS) have been relocated to the central area of the site, removing it from the southwestern corner, adjacent to both the disused railway line and PROW through the centre of the site, which has reduced the prominence of the BESS and Substation. This prominent intersection is now proposed as a meadow planted area with additional informal native tree planting to reflect the site boundaries and enhance the vegetation along the disused railway line. Immediately north of this small meadow, an interpretation board would provide information on the solar farm. Confirmation is still required to ensure that the BESS and substation features are finished in a recessive colour. This can be achieved by condition.
201. The Landscape Proposals Plan, informed by an LVIA, has been updated to reflect the amended site layout and proposed additional landscape and visual mitigation proposals along with detailed softworks drawings. This shows proposed native structure planting in the form of hedge planting around site boundaries with additional individual trees and blocks of trees alongside the existing and proposed permissive footpaths. Wildflower seeding would be carried out under the overhead power line where arrays are not proposed. Landscape Officers have suggested a list of further detailed enhancements to reduce the impacts of the scheme, and these can be achieved through the imposition of appropriate conditions.
202. At the level of the site and its immediate surroundings, notwithstanding the applicant's landscaping scheme, the proposals would involve a transformative change from open arable and pastoral farmland to a solar farm dominated by features of a notably man-made/industrial character. Added to which, the internal tracks, perimeter fencing, CCTV, BESS, substation would undoubtedly increase the industrial character of the proposal in this rural location. New planting particularly adjacent to the most sensitive receptors would take a considerable length of time to become effective, and in the interim period the impact on character would be marked. The effects would be temporary and reversible but would last for a substantial period (40 years). The

additional hedge and tree planting would be a permanent feature of the landscape, retained after restoration.

203. The transformative effect on landscape character within the site and its immediate surroundings would be strongly evident in particular from Footpath No. 4 which runs through the site, from Footpath No. 3 which runs alongside its east boundary. The effect on the currently informal footpath on the disused railway line would be lessened by its form as it passes across cuttings and escarpments, but mainly from the established planting that flanks it. Ultimately, as set out in the Landscape response, the visibility of the development, and therefore its effects on the character of the local landscape, would be reduced over time in varying degrees by a combination of tailored management of existing hedges and the planting of new trees and hedges which would help integrate the proposals with the surrounding area. This would also reinforce the existing landscape framework and enhance character to a lesser degree.
204. The effects of the proposal would become less with distance. In the wider landscape where views are typically shallow, and development would be largely filtered or screened by intervening topography and vegetation or difficult to perceive in the wider panorama and therefore the effects on the character of the landscape are reduced.
205. From residential properties proposed planting development would appear a significant landscape feature from Stainton and Barnard Castle at a distance. The proposed planting would again reduce this by degree but would not screen. The establishing landscaping will reduce the effect by degree over time, and familiarity would also be a factor in reducing the shock of the new.
206. In terms of wider designated landscapes, the Government ran a consultation from 15 January 2022 to 9 April 2022 regarding changes to the legislative framework of Protected Landscapes, which included National Landscapes, the new name for Areas of Outstanding natural Beauty, for their role in environmental land management schemes and the planning system, and the potential for greater enforcement powers to manage visitor pressures. Since then, the strengthened biodiversity duty in the 2021 Environment Act has come into force which places a legal duty on public authorities to consider and take action to conserve and enhance biodiversity and has led to new DEFRA guidance that public bodies should consider Protected Landscapes as part of the duty, particularly if they have functions within or close to the designation.
207. In the context of the surrounding landscape and the local visual receptors the gently undulating landscape means that views of the site are generally shallow. The site is overlooked in medium distance views to the south and more distant views from the higher ground of the North Pennines NPNL (formerly AONB) to the northwest, west and south. Views from receptors within the National Landscape are noted a key concern by consultees, requiring that any development does not introduce a discordant note into the wide vistas to the south across Barnard Castle. The views from the NPNL would be concentrated on the main public-accessible routes but must be acknowledged that the designated area has large tracts of open access land too. The proposals would result in some substantial, long-term, and adverse, albeit localised effects to the character, quality and distinctiveness of the local landscape and views by virtue of its nature and visibility. Whilst localised, it would not conserve or enhance the special qualities of the Area of High Landscape Value. It would reduce the quality of the experience for recreational users using the countryside south of Stainton. The proposed landscape planting would not fully mitigate the effects.
208. The North Pennines National Landscape at its nearest boundary is around 5km to the west of the site. The site is overlooked in medium distance views to the south and more distance views from the higher ground of the North Pennines National



Landscape to the northwest, west and south. From this wider landscape the effects of the proposal would become less with distance. In the wider landscape where views are typically shallow, and development would be largely filtered or screened by intervening topography and vegetation or difficult to perceive in the wider panorama and therefore the effects on the character of the landscape are reduced. The undulating nature of the topography coupled with a strong woodland and tree presence within the wider landscape and considering the intervening distance, the proposal would be a minor element and there would be no noticeable deterioration in the overall appreciation of the view out of the designated National Landscape. There would however be some views where the proposal would appear as a discordant element in the existing pleasing rural scene out across the AHLV in which the National landscape is seen in the backdrop. Advised by the Landscape Officer's comments, notwithstanding this, this is unlikely to impact significantly on the wider setting of the National Landscape. It is noted that Natural England considers that the proposed development would not have significant adverse impacts on designated sites and protected landscapes and has no objection.

209. The views of the Council Landscape Officer, Natural England, National Landscapes and the Planning Officer's assessment of the effects of the development on Landscape issues have all taken into account the submitted Glint and Glare reports which conclude there would be no significant glint and glare impacts for the North Pennines Area of Outstanding Natural Beauty (AONB) (sic.). The proposed landscape mitigation would minimise potential effects on the wider and local landscape too.
210. In terms of the required Policy assessment, the land within the development site forms an attractive area of countryside and the proposed development would give rise to some changes in character with adverse effects, with the potential to reduce over time. There would be adverse effects on visual amenity and general amenity. However, additional areas of planting would be created and all existing recreational routes within and around the site would remain open. The harms would be most apparent at the local level, reducing with distance. It is therefore considered that there would be limited harm to the intrinsic character and beauty of the countryside, when assessed against CDP Policy 10. What harm there is will need to be assessed in the Planning Balance.
211. For assessment against CDP Policy 39, a similar conclusion is reached in terms of the parallel requirements not to cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. The requirement for development affecting Areas of Higher Landscape Value to 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 will be weighted and assessed in the Planning Balance section of this report.
212. For Policy 40 it is noted that no existing trees and hedges would be lost, and that these features will be strengthened and enhanced to improve screening of the site. The proposals are not in conflict with Policy 40.
213. Policies 10, 39 and 40 have been considered in the context of Part 15 of the NPPF, and the conclusions reached weighted appropriately against this document.
214. Whilst the scheme would represent as a change to the setting of the National Landscape, this assessment, informed by the views of consultees, has concluded that the proposed development would not have significant adverse impacts on protected landscapes.

## Access and Traffic

215. Paragraph 115 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 116 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
216. The access to the site both for construction and operation is from the A688, due east of the site where there is an existing farm gate which then gives wider transport access to the A66 and A67. This access should be improved with proper hardstanding at the access to the A688, installation of proper radii and provision of 60mph visibility splays (215m x 2.5m). This would require the applicant to enter into a S278 agreement with the Local Highway Authority for works to the adopted highway. All works to the adopted highway would be at the applicant's expense.
217. The construction access tracks would be implemented in stone aggregate and then retained for the operation of the proposal, overseeded with a durable grass mixture. There are a number of potential access routes for construction traffic on the strategic road network as identified that would need to be formally agreed. A construction compound and vehicle turning area would be required for the duration of construction, and when the temporary development is removed. This would be removed after construction. Suggested specifications for construction vehicles and working hours are set out for a likely construction staff of up to 60 employees, with an average of 25 persons per day expected on site. Use of public transport would be encouraged, and there are bus services that serve Stainton Grove and transit the A688 on this location. Standard working hours are proposed, and construction lighting would only be used during these times. Dust control and monitoring is proposed. Wheel-washing facilities will control the transit of mud onto the public highway. The construction period is anticipated to last around 3 months, across which time 185 HGV deliveries are expected. This equates to 60 HGVs per month or 3 per day. These deliveries would be on standard construction vehicles, and not 'abnormal loads'. Deliveries would be timed to avoid peak hours on the busy A688.
218. Officers consider that sufficient information has been submitted to assess the highway construction implications of the development, and a detailed Construction Transport Management Plan can be conditioned on the basis of this.
219. The operational nature of the development will generate negligible traffic, from occasional maintenance or security traffic.
220. No issues of glint and glare have been identified for highway safety in the submitted assessment. No concerns have been raised by the Highways Authority.
221. No objection is raised by the Council as Highways Authority subject to appropriate conditions. It is considered that the proposals have been appropriately assessed and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion or air pollution from this source. Subject to the conditions set out the development would not conflict with CDP Policy 21 nor Part 9 of the NPPF.

## Residential Amenity

222. Part 15, Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality.
223. Paragraph 198 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development, and seek to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life and identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
224. Paragraph 199 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.
225. Paragraph 200 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).
226. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated. CDP Policy 10 states that new development in the countryside must not impact adversely upon residential or general amenity.
227. The context of the site to the surrounding settlements of Barnard Castle and Stainton, and to nearby individual residential dwellings is set out at paragraph 10 of this report demonstrating a separation to one dwelling of 100m from the south-east of the site and thereafter a separation in excess of 280m to other receptors. An updated Noise Impact Assessment submitted with the application concludes noise from construction activities during the worst-case construction activity, namely the foundation posts ramming, daily predicted noise levels are expected to be below the lower threshold of 65 dB LAeq,T at all NSRs (Noise Sensitive Receptors), therefore, noise from construction activities as part of the proposed development are not expected to have a significant impact upon existing NSRs. For Operational Noise, the predicted internal noise levels at the NSRs are in the range of 12-14 dB below the BS 8233 internal

noise criteria for bedrooms. Therefore, the impact of noise from the proposed development at the NSRs is deemed to be low.

228. Environmental, Health and Consumer Protection (Nuisance Action) raise no objection to the proposals, subject to imposition of a condition for this aspect of the assessment, requiring submission of a Construction Management Plan be submitted prior to commencement, to ensure that the rating level of noise emitted from on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00.
229. 14 objections have been received in response to the proposal, with these including concerns for effect on residential amenity, including for issues of noise, glint and glare and visual impact. One objection relates to these issues potentially compromising a holiday accommodation operation.
230. A Glint and Glare Assessment has been submitted in support of the application. This provides background information for the review of legislation, assessment methodology including identification of receptors, baseline conditions and an impact assessment. Geometric analysis was conducted at 43 individual residential receptors and 26 road receptors. The assessment concludes that: Solar reflections are possible at seven of the 43 residential receptors assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as Low at seven receptors and None at the 36 remaining receptors. Upon reviewing the actual visibility of the receptors, glint and glare impacts reduce to Low at two receptors and to None at all remaining receptors. Solar reflections are possible at four of the 26 road receptors assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as High at one receptor, Low at three receptors and None at the remaining 22 receptors. Upon reviewing the actual visibility of the receptors, glint and glare impacts reduce to None at all receptors. Mitigation is not required due to all impacts on ground-based receptors being Low and None.
231. Environmental, Health and Consumer Protection (Nuisance Action) comment that there is no reason to disagree with these findings.
232. Landscape impact has been assessed in the section above, but it is acknowledged that those people living near to the site experience landscape harm as a constant rather than passing impact. Whilst the development would have a transformative impact the site would still retain green space and additional planting is proposed to lessen the visual impact. Given the existing screening and impact to a limited number of residential properties it is considered that the visual impact of the site in terms of residential amenity would be acceptable.
233. One correspondent objects to the solar farm as a landscape feature potentially undermining a holiday accommodation business. This objection is translated as objecting to the view of the solar farm from that property. Loss of view is not a material planning consideration.
234. The proposed solar farm has very limited potential to create any noise, dust or light pollution impacts. The panels themselves would be of the static variety that are silent in operation. Environmental Health and Consumer Protection Officers have considered the proposals and raise no objections in respect of potential nuisance, air pollution or glint and glare. Officers have, however, recommended a condition to control nighttime noise levels from the site.
235. It is considered that the proposed development would not create an unacceptable impact on health, living or working conditions or the natural environment. The

proposals would not result in unacceptable noise, dust or light pollution and, subject to the imposition of the conditions recommended above, including the Construction Management Plan, it is considered that the proposals would, both through the construction and operational phases of the development, provide an acceptable standard of residential amenity in accordance with CDP Policies 10 and 31 and Part 15 of the NPPF.

## Contamination

236. Part 15 of the NPPF requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
237. The application site is in agricultural use and historic plans do not indicate any other land use within the site boundary that may have caused any ground contamination. The proposed solar farm development is considered to be of low sensitivity with respect to Human Health, therefore the risk from any ground contamination is considered to be low. Risks to groundwater are also considered to be low given the relatively low environmental sensitivity of the site, although the Environment Agency has offered advice, principally for the applicant, for the presence of the BESS.
238. Environmental Health and Consumer Protection (Contamination) officers have considered the proposals and raise no objections in respect of land contamination but suggest a standard informative to address any potential for unforeseen contamination.
239. It is concluded that the proposed development would be suitable for the site in respect of this topic area and would not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and it is considered that, subject to the suggested informative note, that the proposals are compliant with the requirements of Policy 32 and the relevant elements of Part 15 of the NPPF.

## Flooding and Drainage

240. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 161 of the NPPF advises that planning decisions should take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change, with paragraph 187 advising Development should, wherever possible, help to improve local environmental conditions such as air and water quality.
241. Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
242. CDP Policy 35 requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure

there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water. CDP Policy 10 states that new development in the countryside must minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding.

243. A Flood Risk Assessment (FRA) and Drainage Impact Assessment have been submitted and updated in support of the application. Review of the EA Flood Map for Planning shows the site is located entirely within Flood Zone 1. A Screening Assessment shows that all sources of flooding have been identified as low risk or lower and therefore are not considered further. The impermeable area created by the development is small relative to the site area and will only have a small impact on the runoff rates from the site. However, without mitigation the development would have a lower permeability than the existing greenfield composition.
244. The existing land use at the site predominately comprises arable fields which are routinely furrowed and ploughed for crop production. The proposed development will result in the cessation of commercial farming at the site and allow for the widespread re-vegetation of the land. Proposed wildflower meadows would be seeded and allowed to establish / grow across parts of the site with other additional habitat planting within field margins and under seeding to the module arrays. The FRA states that this would provide significant betterment to the site hydrological runoff patterns / regime
245. A proposed Surface Water Drainage Strategy has been provided, including the implementation of erosion protection measures and runoff reduction / dispersion measures. The drainage strategy for the battery storage / substation facilities will comprise formal attenuation within the underlying makeup of these development areas (aided by a herringbone drainage system) with a restricted discharge to the Percy Beck via an existing drainage route / watercourse to the west of the site boundary. Access tracks with a total area of 0.42ha are to be required across the site. Permeable mediums would be used to create areas of new access tracks allowing surface water to be disposed through infiltration to the ground, in order to mimic as much as possible, the existing runoff conditions. PV solar arrays create an impermeable surface, however as the arrays are set above ground, they do not prevent the ground beneath from absorbing rainfall. Runoff from the site is therefore not considered to be increased as a result of the PV panels. Around the BESS and substation, a herringbone drainage system is proposed to convey flows to the hydrobrake chambers. The proposed SuDS systems have been designed as such that they can accommodate a 1:100-year return period event with an additional 40% to account for climate change.
246. Council Lead Local Flood Authority (Drainage and Coastal Protection) Officers advise approval of the submitted Flood Risk and Drainage Assessment Report for this proposal.
247. It is considered that submitted FRA and flood mitigation measures would meet with policy requirements. It is therefore considered that the proposed solar farm development would not lead to increased flood risk, both on and off site, and through the use of SUDs would ensure there is no net increase in surface water runoff for the lifetime of the development. It is therefore considered that the proposals would not conflict with CDP Policies 10 and 35 and Parts 14 and 15 of the NPPF.

## Ecology

248. Paragraph 187 of the NPPF sets out the requirement that Planning decisions should contribute to and enhance the natural and local environment by (relevant here):

protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); recognising 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, and of trees and woodland; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species; and, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

249. Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 42 seeks to restrict development that cannot demonstrate that there would be no residual adverse effects to the integrity of internationally designated sites. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts.
250. CDP Policy 25 advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
251. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
252. An Ecological Impact Assessment has been provided with the application. The assessment provides a baseline study of the site including the proximity of designated sites, habitats and constraints within the site and includes a Phase 1 habitat survey and breeding bird survey.
253. There are no SSSIs within 5 km of the site. The closest statutory designated sites are: The North Pennine Moors Special Area of Conservation (SAC) which is designated

for a wide range of habitats, and the North Pennines Moors Special Protection Area (SPA). The SPA is classified for the following Annex I breeding bird species: hen harrier, merlin, peregrine and golden plover. Both designations are approximately 6 km to the west and north-west of the Site. SACs and SPAs are of international importance. The nature of the development (which is unlikely to have a zone of influence very far beyond the boundaries of the Site), and the distance between the SAC and the site, mean there is no likelihood of an adverse impact on any of the habitat interests of the SAC. The SPA designation is for breeding populations of species that are not likely to breed on arable farmland that is 6 km from the habitat of the SPA.

254. The Site is located within the Impact Risk Zone (IRZ) for North Pennine Moors SAC / SPA. Guidance from Natural England is that the local planning authority should consider whether it needs to consult with Natural England. This has been undertaken. There is no objection from this consultee.
255. Data provided by ERIC North-East indicated that there are no non-statutory sites within 1km of the Site. Given the limited zone of influence of a relatively small solar development, significant impacts on non-statutory sites further afield are unlikely to arise. They were scoped out of this assessment.
256. A number of habitats were identified across the site, which is predominantly arable cropland. Hedgerows on the site are primarily defunct, with large gaps between hedgerow species, but were assessed as important at the level of the site. Two hedgerow verges as Neutral Grassland habitat – one on the east of the Site and one run north-south down the middle of the site. The sward of both is richer than the other, narrower hedgerow verges. There is a small area of mixed woodland is located just beyond the southern site boundary.
257. Relevant to CDP Policy 40, Trees and hedgerows on the site would be retained during construction and operational phases of development, with a 10-15m buffer strip around them. Access and movement for construction and maintenance within the Site will make use of existing gaps and gateways. No hedgerow loss is expected to arise during the construction period. However, if cabling were required to pass underneath a hedge line for unforeseen reasons, this would either be installed through directional drilling; or will give rise to minimal short-term loss of hedgerow which would be immediately replanted. Given the very gappy nature of many of the hedges, this may not result in the removal of any hedgerow shrubs. Potential harm arising from direct damage and soil compaction to retained trees and hedgerows would be avoided by installing tree protection fencing where appropriate during the construction phase. Semi-improved neutral grassland margins would be retained. No adjacent habitats would be directly impacted by the proposed scheme during construction or operational phases of development.
258. From the survey findings and impact assessment conducted the assessment concludes that the proposed development is likely to have no significant adverse effects on local wildlife. However, precautionary and mitigation measures have been proposed, which include pre-commencement survey checks for badger, bats and birds and working to avoid harm to reptiles and amphibians if any suitable habitat is removed during construction. These mitigation measures would form part of the Biodiversity Management Plan (BMP).
259. Habitats would be enhanced as new species-rich native hedgerows and hedgerows with trees would be created within the proposed development. Defunct hedgerows at the site would benefit from supplementary planting to gap them up to provide better structure and a greater species diversity in the hedges. Following construction, the



management of hedgerows would primarily be for nature conservation (for instance, less frequent rotational cutting). This would maintain their species diversity, size and structure, and would enhance their habitat value above their current value.

260. The submitted landscape drawing shows that grassland would be sown under and around the solar arrays in all three fields. This would be with a mixed native grassland suitable to the soil type). Further wildflower species would be incorporated into the marginal areas where a more diverse array of forbs is targeted, away from the shade of the solar panel arrays. Grassland would be managed through a low intensity mowing or grazing regime, to be agreed.
261. The proposed solar farm site is considered of negligible importance for bats due to lack of suitable habitat and features. The desk survey returned one record from 2010 of pipistrelle. bats within 1km of the site. The boundaries would remain unlit, and retained trees will have bat boxes installed. Habitat enhancements such as native hedgerow planting and wildflower meadows will improve the site for invertebrates that bats feed on. Safeguards, such as a root protection zone buffer, would be put in place to protect potential bat roosts within boundary trees during construction. No significant adverse effects on the local bat population is likely to arise. Residual effects are assessed as negligible at worst, and potentially beneficial.
262. The territories of nine species of bird have been found on site, including one species of high conservation concern, and six of moderate conservation concern. All but one of the bird species known to breed on site are associated with trees and hedgerows, which would be retained and protected with a buffer area. No direct or indirect (lighting) impacts on these species are assessed as likely to arise. The loss of the arable cropland would result in a loss of skylark nesting habitat, however, only a single territory was recorded, and the site is surrounded by arable land and grazing pasture of suitable quality. Skylark were observed displaying territorial breeding behaviour in arable fields to the immediate south of site. Given the low number of breeding pairs recorded and the abundance of suitable alternative habitat in the immediate vicinity, the loss of the single breeding pair from the area is considered unlikely to arise. There is evidence to suggest that a range of bird species, including passerine species and skylarks, would continue to use to solar farms during their operational phase. In the unlikely event that a single pair was lost from the area, this would be assessed as significant at the level of the site only. This would not give rise to a specific requirement to mitigate the loss.
263. Bird nesting habitat in the trees and hedges will be retained. Further habitat for birds would be created including enhanced and new hedges, tussocky wildflower grassland and grassland on the main development area underneath and between the solar panel arrays. In addition, six all-purpose bird nesting boxes would be fitted on different aspects of mature trees in the centre of the site. This would benefit a range of bird species for nesting and foraging. Skylark would potentially be the bird species most affected by the proposed development, as the arable habitats used for nesting will be changed to grassland the solar arrays would create a more locally "cluttered" environment for ground-nesting birds. However, following the creation / enhancement and management of grassland habitats within the solar array areas, skylark would be expected to use the site, although they may breed offsite locally. Overall, the post-development breeding bird assemblage is unlikely to be significantly adversely affected in the long-term, and residual effects are assessed as negligible at worst, and potentially beneficial.
264. For other protected and notable species, the site is not considered to provide optimal habitat for hedgehog or red squirrel but may afford opportunities for species such as brown hare, and there is a single record of a badger. Standard measures would be

put in place as a precaution during construction to avoid impacts on these and other protected and notable species.

265. The Ecological Impact Assessment concludes that the short-term disturbance resulting from the proposed development would not be significant if the recommended mitigation is undertaken. It is considered that the proposed development would not result in harm to protected species.
266. From 12 February 2024 the requirements of Schedule 14 of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, apply to all planning applications for major development unless falling under one of the listed exemptions. This application was valid from 21 August 2023 and so is not legally required to deliver biodiversity net gains of at least 10%, but there is a requirement through CDP Policy 41 to provide net gains for biodiversity.
267. Ecology Officers have considered the proposals and raise no objection, advising that the supporting ecological data is sound and allows the LPA to assess the application. There are no expected impacts on protected species and the development provides a net gain as per Policy 41. There are no issues with the metric and trading rules are met. It is recommended that the biodiversity enhancement would be secured through a condition and a legal agreement Section 39 Agreement under the Wildlife and Countryside Act 1981 to secure the long term management and monitoring of the development site. Section 39 of the Wildlife and Countryside Act 1981 enables local authorities to enter into management agreements with the owner of land for its conservation (and for other related purposes) and is regarded as a suitable mechanism for securing long term land management in relation to biodiversity net gain.
268. Durham County Council is the Competent Authority who must decide whether the application requires an Appropriate Assessment under The Conservation of Habitats and Species Regulations 2017 (as amended). The purpose of the Appropriate Assessment would be to determine whether the current proposals would constitute a plan or project under the Regulations which might have a negative, direct or indirect impact, on any European Protected Site on or near the application site or on any species for which the European site is designated. This would be undertaken by the carrying out of a screening exercise on the planning application using the survey data submitted by the applicant.
269. In this instance the potentially affected sites are the North Pennine Moors SPA and North Pennine Moors SAC that lie just over 5km from the site. As previously stated, Natural England advises that based on the submitted information it does not anticipate adverse effects on the notified features of these habitat sites and has no objection. To meet the requirements of the Habitats Regulations, the Council is advised to record its decision that a likely significant effect can be ruled out and suggests that a suitable justification for that decision is taking into consideration the location, type and scale of the proposed scheme and adopting a source pathway-receptor approach the Council conclude that that the development is not likely to have significant effects on Habitats sites. Ecology Officers advise that the qualifying features (hen harrier, merlin, peregrine falcon and golden plover) of the SPA are unaffected by the development and are regarded as absent from the development site and so no impacts are expected. Given the distances involved no direct impacts are expected on the qualifying features of the SAC and there are no pathways evident that would result in any indirect impacts on qualifying features arising from the proposed development.
270. The site lies within the catchment area of the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA). In this instance, the proposed works relate to the

installation of a solar photovoltaic array/solar farm with associated infrastructure and do not create any overnight accommodation. The planning application would fall outside the scope of nutrient neutrality.

271. The proposed solar farm would provide biodiversity enhancement to the site and, whilst there may be temporary displacement of wildlife during the construction process, the net increase in biodiversity value would adequately mitigate any residual harm. It is considered that the proposed solar farm would not impact upon any internationally, nationally, or locally protected sites. Suitable mitigation would be secured through Section 39 Agreement. It is therefore considered that the proposals would not conflict with CDP Policies 25, 40, 41, 42 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

#### Recreational Amenity

272. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. CDP Policy 26 states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.
273. There are several public rights of way in and around the site with Footpath No. 4 passing through the site and Footpath No. 3 passing along the eastern extent of the site. Footpath No. 21, west of the railway line is largely screened from the site. The former railway line is in the process of being designated a footpath, along which the existing established flora would provide some screening, with the submitted landscape plans proposing to reinforce this.
274. The development would retain and protect all existing public rights of way on their existing alignments. Footpath No. 4 would pass through the site and as described elsewhere, would pass on a wide channel between new planning to a meadow area at the intersection with the railway path. Deer-proof fencing, a significant improvement over that originally proposed would secure the site. Details of the pole mounted CCTV and security lighting would be required by condition. One section would be left unplanted and open, with an information board explaining the nature and operation of the development to footpath users. Notwithstanding this, the effect on users of this footpath would be transformational.
275. Access and Rights of Way Officers do not object to the proposals but stress that the PROW must be kept on the legal line as per the definitive map held by DCC and the width of the footpath should be maintained with a minimum width of 2 metres surfaced path, with level grass verges each side of a minimum of 0.5m, the path must be surfaced with at least half a metre verge each side which is grassed, flat and level, with tree planting or hedges should be set back from the path beyond this to allow for growth without encroaching on the available width. As the development would effectively fence in the footpaths, provision needs to be made by the developer on how the rights of way and permissive footpath would be kept clear and unobstructed for the public to use.
276. Objectors to the proposal have raised harm to the recreational and historic value of the path as an issue.

277. The development would not result in the loss of public rights of way and there would be no physical deterioration in the quality of the paths. However, the recreational value of the affected rights of way would be temporarily reduced while screen planting establishes. However, it is considered that the temporary harm would not be sufficient to conflict with CDP Policy 26, due to the short section of affected footpath and limited visual harm caused by the solar panels. The protection of the path's historic value is proportionate to the nature of the asset, and it is considered that any conflict with Policy 44 of the CDP is minimal.
278. A positive element of the proposals is the plan for a permissive path between Footpath Nos. 3 and 4 included within the landscaping proposals, reflecting an existing line of causal trespass. This feature would give additional permeability to the existing footpath network, adding an east/west link to the footpaths from Stainton which at present are north/south in nature.
279. Whilst the development would lead to a degree of change to views from established rights of way this would not lead to a deterioration in their quality and the proposal would not conflict with CDP Policy 26 or Part 8 of the NPPF.
280. Some correspondents have suggested there is further opportunity for enhancing foot/cyclepath links in line with Government Strategies along the path of the dismantled railway to the west of the site, along which the cable feed from the solar farm to GSK will be constructed, to the benefit of both the general public and GSK employees. The informal path along the dismantled railway is already in the process of adoption to footpath status. The cable link from the solar farm to GSK would be subject to a separate application.

## Cultural Heritage

281. In assessing the proposed development regard must be had to the statutory duties imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area, and when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this must be given considerable importance and weight by the decision-maker.
282. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
283. There are no designated heritage assets within the solar farm application boundary. As set out in the response from the Design and Conservation Officer, the greatest cluster of designated heritage assets would be found within the settlement of Barnard Castle to the south, including higher status designated heritage assets such as the Castle (a Scheduled monument and Grade I listed asset), and a number of other Grade I and II\* listed heritage assets. The town centre is also covered by a Conservation Area designation and includes numerous additional listed buildings and non-designated heritage assets.

284. The Design and Conservation Officer has written 'The ZTV plan submitted notes no visibility from within Barnard Castle town centre and the core of the conservation area for example, limiting visual impacts to long-range views from beyond the town to the south and west. Therefore, whilst there would be some potential visibility within the setting of a range of designated and non-designated heritage assets these would be at a distance in wider views across the expansive surrounding landscape and would limit their overall impact on the setting of these assets'.
285. Design and Conservation Officers raise no objection to the proposed scheme.
286. A Heritage Impact Assessment has been submitted in support of the application directed at archaeological potential. This assessment provides baseline information including a description of the site and the proposed development, methodology, and assessment of archaeological potential and consideration of designated and non-designated heritage assets in and around the study area.
287. The Assessment advises that that there are surviving remains of local and potentially regional heritage value (low and medium significance) within the proposed development site: a series of geophysical anomalies, in several discrete areas across the site appear to represent possible evidence of settlement, fields systems, trackways, and enclosures which has tentatively been dated to the Late Iron Age/Romano-British periods. Such archaeological features have the potential to contribute to regional research questions pertaining to rural settlement in the late prehistoric and Romano-British periods and may therefore be of regional heritage value and of medium cultural significance, depending on their character, preservation, and date. Post-medieval agricultural features of local heritage value identified within the site include former field boundaries, a canalised stream, and ridge and furrow cultivation.
288. For these assets archaeological evaluation, further investigation in the form of trial trench evaluation, would be required to characterise these archaeological anomalies. A programme of evaluation trial trenching is proposed to be defined in agreement with the Durham County Council Archaeological Services (DCCAS), allowing for subsequent mitigation measures to be designed as necessary. DCCAS has acknowledged and concurs with this approach, suggesting conditions for further trial trenching and an archaeological mitigation strategy.
289. Objectors to the application have identified the footpath that passes through the site as a historic link from Stainton to Barnard Castle, considering the proposal to detract significantly from this heritage asset. The setting of the path, and the experience of users would change significantly if the proposed scheme was implemented. The path and the existing field pattern is clearly apparent on the first available OS plan from c.1860. At that time the Darlington and Barnard Castle Railway and the North Eastern Railway (Bishop Auckland, Haggerleases and Barnard Castle Branch), with 'electric telegraph' are evident in the locale, perhaps illustrating the potentially transient nature of some man-made interventions on the landscape.
290. With existing hedges and trees adjacent to footpath retained, the width of the separation through the development increased, and with the BESS element of the development moved from the potential focal point of where the path meets the former railway line, in an area to be landscaped, the applicant has sought to address these concerns as far as possible. The change to the ambience of the path would be transformative, but localised.
291. Paragraph 216 of the NPPF advises that, 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in

determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. The footpath would stay on its existing route, and with the development proposed retained for a fixed term, the effect would be ultimately transient. With the applicant's revisions reducing the impact on the harm to footpath users' appreciation of the routes' historic value, the scale of harm attached to this aspect of the proposal's impact is concluded not significant, noting the relative significance of this heritage asset.

292. In terms of the wider heritage assets described above, both designated and non-designated, the degrees of harm at the distances involved are concluded less than substantial. The weighting for this level of harm will be assessed in the planning balance.
293. Subject to the imposition of conditions requiring further trial trenching and evaluation it is considered that the proposed solar farm would not conflict with CDP Policy 44. In addition, it would cause no harm to designated and non-designated heritage assets in accordance with Part 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Agricultural Land

294. Part 15 of the NPPF seeks to protect best and most versatile land. CDP Policy 14 states that development of the best and most versatile agricultural land (BMV) will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. It goes on to state that all development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
295. CDP Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources) states development of the best and most versatile land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
296. An Agricultural Land Classification Statement has been submitted which indicates that 31% of the land, or 8.3ha of the 26.9ha. as a band across the northern part of the site is grade 3a (BMV) and the remainder grade 3b and 4. It is suggested that the arrays physically would occupy less than approximately 5% of the application site area. The infrastructure associated with the built development, including inverter/ transformer units and access tracks would cover less than 10% of the ground. The BESS would cover less than an additional 1% of the Site.
297. It is the applicant's case that 'there is no competition between energy security and food production from the proposal, as solar farms have the ability to support both. The installation of solar farms is a reversible use of land and the deployment of this type of technology would help meet the UK's energy security and climate change objectives. This proposal would have minimal impact on the food security within Britain. Indeed, DEFRA have indicated that the biggest threat to the UK's food security is climate change'.
298. It is suggested that low intensity grazing or bee keeping could occur alongside the solar farm, although it is not clear if this is the intention, and no specific proposals are included. It is suggested a benefit of the proposal is that the funding to the farmer will enable farm diversification.

299. The applicant also sets out wider environmental benefits for this topic, including that the use of less intensive cultivation practices during the operational part of the development, if combined with complimentary management practices, such as low intensity grazing, can result in long-term improvements to soil health that can increase levels of organic matter and soil fertility.
300. Further it is argued that with intensive arable farming has been held partly responsible for widespread reductions in biodiversity within our countryside, especially in farmland species, there is within the proposed development the potential to directly target species that are in decline benefitting both the immediate local area and national populations of these species. Further, with the land would be removed from arable production there would be both an immediate reduction in soil disturbance thereby averting the carbon loss that would otherwise occur if arable farming continued on the site and the potential for grasslands in general to be a key tool to tackling the climate crisis in developing areas that can sequester carbon.
301. Tangibly, a benefit of the proposal is a secure rental income for the landowner which will facilitate farm diversification and job security.
302. Objectors seek to direct the proposal to the existing GSK site, and the use of buildings and car parks.
303. Considering this topic, certainly long term, with the development to be decommissioned, removed and the site reinstated after the proposed 40 year term this is true there would ultimately be no loss of BMV. In the short term, it is probably fair to say that there would be at least a reduced agricultural potential for the land. For grazing, the presence of the panels has the potential to affect the nature of the grass and the ability to control livestock through a series of complex structures. The reduced agricultural potential does have benefits, as set out at length in the applicant's supporting documents.
304. In determining the application, it will need to be considered if the benefits of the development outweigh the harm to the BMV land, as the Solar Power SPD states that 'Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits'. This application is different from most of the solar farm proposals in that the energy produced is not proposed fed into the Grid, but directly supplies a significant employer in Barnard Castle. There is therefore a direct benefit to the local economy.
305. More strategic benefits are also accepted in helping secure the future of the applicant's operations nationally. There are options for agricultural use of the site, which preclude arable which would benefit soil regeneration, and there are options for some grazing, although anecdotal evidence suggests that this may be compromised by degree from the presence of the panels – in addition to the slight land use from the presence of the required structures and service elements of the proposal. It is relevant for this topic that there is a relatively small 8.3ha of BMV involved in the proposal – as a third of the site. There are potentially biodiversity benefits that will be discussed elsewhere in this report. Likewise, the financial stability this diversification of the farm business would bring is accepted as a material benefit. Finally, but significantly, there are the accepted benefits in principle from the production of energy from sustainable sources, a significant initiative of Government as reflected in Policy papers, formal advice and Inspectorate decisions.
306. Natural England's response acknowledges the proposal is unlikely to lead to the significant permanent loss of agricultural land, and that the construction of the solar

panels would result in minimal soil disturbance and could be removed in future. Whilst conditions can be applied to any consent to safeguard, reinstate and restore the higher grade agricultural land, this aspect of the development does represent a harm, that must be considered in the Planning Balance.

307. The size of the development required is accepted as too large to be accommodated on the applicant's existing site.
308. It is officer's judgement that in this instance, acknowledging the requirements of CDP Policy 14 and concerns that this Committee has previously expressed for the balance between food security and energy security, the direct benefits of the proposal to the local economy, in addition to the more general positive aspects demonstrates that the benefits of the development outweigh the harm in terms of the requirements of Policy 14 of the CDP and Part 15 of the NPPF in this respect.

### Overplanting

309. Local planning authorities are responsible for renewable and low carbon energy development of 50 megawatts or less installed capacity (under the Town and Country Planning Act 1990). Renewable and low carbon development over 50 megawatts capacity are currently considered by the Secretary of State for Energy under the Planning Act 2008, and the local planning authority is a statutory consultee. The Government consulted on proposals to increase the threshold at which solar projects are determined as NSIPs and has intends to change the existing solar threshold from 50MW to 100MW.
310. Footnote 92 of National Policy Statement for renewable energy infrastructure (EN-3) states that "overplanting" refers to the situation in which the installed generating capacity or nameplate capacity of the facility is larger than the generator's grid connection. This allows developers to take account of degradation in panel array efficiency over time, thereby enabling the grid connection to be maximised across the lifetime of the site. Such reasonable overplanting should be considered acceptable in a planning context so long as it can be justified and the electricity export does not exceed the relevant NSIP installed capacity threshold throughout the operational lifetime of the site and the proposed development and its impacts are assessed through the planning process on the basis of its full extent, including any overplanting.
311. The High Court Judgement of Fordham J in relation to a claim by an objector against a grant of planning permission by Durham County Council for a solar farm at Burnhope resulted in the quashing of the Council's decision. The Judgement states that when making their decision the Planning Committee did not consider if the proposed development could be delivered on a smaller site, with less panels. The indicative layout presented has been designed to reflect the extent of the site required to generate the 16MW capacity on the basis of current technologies and efficiencies. The applicant has suggested imposition of a suitably worded condition to agree the detailed layout and the extent of the arrays at the time of construction/commissioning that would set the extent of the built development, with the remainder of the site controlled through the proposed Landscape Management Plan for BNG value. This is accepted as a considered approach to this concern.
312. For the current application, the applicant points out that these capacity assessments relate to ground mounted solar with a connection to the National Grid rather than private wire projects such as the current application which comprises a 'behind the meter' arrangement to supply GSK directly with the energy generated by the solar farm. Whilst there would be a grid connection this does not form the basis upon which the scale of development is being proposed. The energy generated by the solar farm



would meet the energy demands of GSK. GSK's Barnard Castle plant is a major energy user. In total the factory consumes approximately 18 GWh of electricity per annum. The proposal is estimated to generate approximately 15.9 GWh of electricity per annum. The proposal would generate up to 52% of the plant's total energy requirements (averaged over a year, taking into account various generation variables including length of days, irradiation levels, as well as GSK's energy demand profile). Any surplus electricity generated that cannot be used on the GSK Barnard Castle site would be exported onto the local electricity network. The excess power generated would then be sleeved to other GSK facilities across the UK.

313. The proposed solar farm at Barnard Castle is 16MW in size. Significantly below the 50MW threshold, 34MW under this threshold to be precise or 64% below the 50MW limit. Even when factoring in the proposed BESS which would be a 12 MWh system or a 4MW, 3 hour system. This would still only bring up the capacity to 20MW, which is 30MW under the threshold. The extent of the site is as directly proportionate to the scale of electricity generation proposed, but also including sufficient area to accommodate the proposed BNG offer and footpath corridor.
314. In terms of the area available for the solar panels, the site is constrained by buffers for overhead lines, tree protection zones, a corridor and planting alongside the PRoW. The design as submitted is in line with the solar technology currently available in order to provide a 16MW generating capacity. The final generating capacity of the solar panels would be determined by the construction timescale, however this would also be restricted to 16MW. Technology is moving quickly with panels becoming increasingly efficient. The indicative layout shown as part of this planning application relates to the current panel efficiencies, however the applicant offers that the final layout can be agreed as a suitably worded condition prior to construction. They anticipate that following the grant of any permission, the layout could be revised to provide a smaller development footprint in line with the panel efficiencies available at the time of construction/commissioning.
315. This recently contentious general issue has been assessed in detail, concluding that whilst the detailed layout of the site remains for approval, that as the scheme is aimed at a specific client rather than the National Grid, that its physical size and generating capacity are significantly below the critical 50MW threshold, the proposed development is acceptable in respect of any potential for overplanting.

#### Cumulative Impact

316. Paragraph 198 of the NPPF advises that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Specific to renewable energy schemes, Paragraph 160 notes that whilst maximising the potential for suitable development, adverse impacts should be appropriately addressed, including cumulative landscape and visual impacts. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment.
317. The application site is currently comprised entirely of agricultural fields and public rights of way. In the DL12 post code around Barnard Castle, applications for solar panels have been of domestic or small scale only, with no implications for a cumulative effect. An approval for construction of a solar farm at Cockfield, 1.6km north of the site is separated by landform and natural features and, when taken in conjunction with

proposed landscape mitigation proposed lead to a conclusion that it is not considered likely to have a limited cumulative effect at most.

318. The two wind turbines on the intended source of the electricity proposed generated, the GSK factory, are nearing the end of their operational life and will be removed. This does not form part of the current proposals. These are visually separated from the site by the presence of the heavily treed former railway line.
319. There is a current large infrastructure project passing through the site, with Planning Permission No. DM/21/04293/FPA approving 'installation of below ground pipeline from Lartington Water Treatment Works to Shildon Service Reservoir and associated works, including temporary construction compounds, pipe bridge, lagoons, pipe laydown areas, vehicular accesses and above ground ancillary structures'. This project is currently under construction in the vicinity of the site as this report is written. Any cumulative effects are likely to be transient, and it is possible that the works in the vicinity of the site could be complete before this project, if approved, is implemented.
320. The proposed solar panels would be of a modest height themselves and the associated screening would bring benefits to the site. Cumulative impacts of the proposal itself such as noise and dust have been considered above and subject to conditions considered to be acceptable. It is therefore considered that whilst there is a potential for a cumulative impact, this would not be unacceptable or overbearing. It is therefore considered that the solar farm proposal would not conflict with CDP Policy 31 and Part 15 of the NPPF.

#### Safeguarded Areas

321. CDP Policy 56, set against the context of Part 17 of the NPPF, states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan.
322. A small area of approximately 1000m<sup>2</sup> of the site is located on an area that has been designated as Mineral Safeguarding Areas for glacial sand and gravel as part of a deposit that sits to the west of the disused railway line and passes beneath it, that totals 42,700m<sup>2</sup> in area. That the solar farm is time limited for a period of 40 years the mineral reserve would not be permanently sterilised and could be extracted at a future date, but that this small area is physically separated from the larger deposit by the railway line and informal footpath is considered to make extraction likely to be unviable. In general terms, solar arrays are temporary in nature and this site is not identified as being required to meet a need in the emerging Minerals and Waste Policies and Allocations Plan. Therefore, there are no objections in this regard. It is therefore considered that the proposed solar farm would not conflict with CDP Policy 56 and the relevant elements of Part 17 of the NPPF.

#### Community Benefits

323. The applicant has submitted a Community Benefit Protocol (July 2023) which, whilst described as, 'very much part of the project proposals', is correctly clear that it is not a material consideration and do not reflect on the merits of the proposals.

324. The protocol sets out the intention to set up a Community Fund that would support an annual community benefit of £15,000 indexed linked annual payment towards the local community for the operational life of the project.
325. The fund would benefit the areas of Stainton Parish Council, Marwood Parish Council and the communities of Stainton, Stainton Grove and areas north-east of Barnard Castle (extent to be agreed). The fund would be open to applications from local bodies and initiatives (but not individuals) and would focus on areas including: Community facilities, groups and activities; Sports and recreation facilities and activities; Environmental and biodiversity improvements; Local heritage; and, Promoting social and economic inclusion. The fund would be managed by a small committee made up of representatives from the Parish Councils, local communities, and The Farm Energy Company.
326. Officers consider that the harm identified in the determination of this application could not be mitigated by a financial contribution and therefore such a contribution should not be weighed in the planning balance.
327. The Community Benefit Protocol also sets out 'further Community Benefits', including the maintenance of Footpath No. 4 passing through the site, which in a clear route of between 9m and 30 m when passing through the site (with a usual requirement for 2m) would be planted to provide a 'pleasant green corridor', screening the security fencing, which at the County Landscape Officer's request if now proposed as a 'deer-proof' style, more suited to the countryside location. Also, a permissive path has been included within the Landscape Plan which runs along the southern boundary of the Site. This would connect the two existing PROW as well as providing a direct link for residents of Stainton Grove to the wider settlement of Barnard Castle and GSK.
328. An open area of amenity planted meadow would be created to the south-west corner of the Site, close to the intersection of Footpath No. 4 and the currently informal path on the course of the disused railway. This area would be landscaped to make an attractive environment for users. Planting would not be provided along the boundary with the solar farm in this location so users would be able to see the solar farm and an Information Board would be erected to communicate to visitors the purpose of the solar farm and its association with GSK.
329. The proposed Bio-diversity Net Gains are also set out as community benefits, with difference for area habitats: 68% net gain and for hedgerows: 168.7% net gain.
330. The BNG gains are attributed positive weight elsewhere. The permissive path is a feature of positive weight, increasing agreed recreational use of the countryside and reflecting a demand from its use by casual trespass evident on the Case Officer's site visits and as described in informal discussion with the local farmer, and is again attributed positive weight under other topic headings.

### Battery Energy Storage Systems

331. The application has a Battery Energy Storage System as a functional and visual component of its wider function. Battery storage, or battery energy storage systems (BESS), are devices that enable energy from renewables, like solar and wind, to be stored and then released when the power is needed most. Intelligent battery software uses algorithms to coordinate energy production and computerised control systems are used to decide when to store energy or to release it when needed. Energy is released from the battery storage system either during times of peak demand, or when the solar farm is not generating.

332. When considered in isolation these types of facility are considered against CDP Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) which allows for such where it can be demonstrated that the scheme will not cause significant adverse impacts or that its benefits outweigh any adverse negative effects. The Government considers BESS to be a component of sustainable energy generation, so CDP Policy 33 is also relevant: there is a clear drive from central Government for the development of a network of commercial battery storage facilities to support the development of renewable and low carbon electricity generation necessary for the achievement of net zero carbon targets. CDP Policy 33 states that renewable and low carbon energy development in appropriate locations will be supported, and that in determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. It does state that where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Also relevant, CDP Policy 29 requires both development to contribute positively to landscape features, and also spaces to include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
333. The need for the BESS, and the associated sub-station, is accepted as an integral component of the sustainable energy generation. It benefits to the presumptions in favour for such expanded upon elsewhere in this report for the overall development, but likewise must be attributed in principle harm from its appearance as built development in open countryside. This must be considered in the Planning Balance.
334. As first submitted, the BESS was located in the best functional position close to the intersection of Footpath No. 4 and the proposed footpath on the disused railway line. This was however a prominent focal point in the recreational use of the area, and a redesign has spread the proposed units along the proposed maintenance track. Their relocation has been acknowledged and welcomed by Landscape Officers, with the original site now proposed for meadow planting. The adverse impacts on the landscape and recreational use of the countryside have been addressed to an acceptable degree, and whilst an in-principal harm remains from the introduction of semi-industrial structures into a countryside location, the harms to be assessed against the relevant elements of CDP Policies 27, 33 and 29, noting these units and the associated sub-station sit visually as a minor component of the wider proposal.
335. For safety issues, in lieu of a response from Durham Fire and Rescue Brigade, Officers have reviewed the National Fire Chiefs Council guidance. 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. This is capable of being secured by condition. This concern is directed principally at the battery storage element of the proposal. The NFCC's guidelines are currently being updated, and set out minimum distances, access by fire appliance, arrangements for tackling fires including access to water. The proposed BESS units have been relocated and rearranged as part of a redesign of the site instigated at the behest of County Landscape Officers. They are a significant distance, over 250m, from the nearest sensitive receptors – the dwellings at West Farm, Stainton. The distance is such that the smoke plume from any fire should disperse significantly before it reaches those dwellings.
336. A condition to require submission of a Battery Safety Management Plan (BSMP), including an Emergency Response Plan to include details of the type and specification of the batteries to be used and prescribe the measures to be implemented to facilitate

safety during the construction, operation and decommissioning of the Battery Energy Storage System, and to be deployed in response to any incident with potential to cause pollution is considered a robust response to the relevant requirements of CDP Policies 27, 29, 33 and Part 15 of the NPPF for this topic.

## Farm Diversification

337. CDP Policy 10, Development in the Countryside, in addition to the general design principles examined above also takes into account the economic dimension of development, including in its exceptions preventing new development: development necessary to support, at 10a. 'an existing agricultural or other existing rural land-based enterprise or associated farm diversification scheme...'
338. The development is presented as, 'an opportunity for farm diversification that would assist with the ongoing viability and stability of a rural business, as supported by both local and national policy'. This would be achieved, 'through a long term rental agreement with the farm owner for the use of the site for a solar farm, which would still allow the land to be utilised for agricultural purposes through the grazing of sheep'.
339. Setting out that, 'Following the UK's departure from the EU, farmers in England now no longer have regular income from the EU Basic Payment Scheme (BPS). From 2024, The Rural Payment Agency (RPA) plans to replace the Basic Payment Scheme (BPS) in England with delinked payments in 2024. RPA plans to make delinked payments each year from 2024 to 2027 but the payments will be phased out by the end of 2027. This only strengthens the need for farmers to diversify their incomes'.
340. The proposal is considered to benefit from the exemption preventing new development in the countryside in Policy 10a. The benefit is accepted in principle, but unquantified or supported by financial data, cannot be attributed precise weight. This benefit aligns with Part 2, Paragraph 7 of the NPPF, which sets out that, 'the purpose of the planning system is to contribute to the achievement of sustainable development', and at Paragraph 8, the first element of the tree overarching objectives: an economic objective – to help build a strong, responsive and competitive economy...'. These principals are expanded, more focussed for the current proposals in Part 6 of the NPPF, Building a strong, competitive economy, within which at Paragraphs 88 and 89, subtitled, Supporting a prosperous rural economy, it is set out that planning decisions should enable, at 88b., 'the development and diversification of agricultural and other land-based rural businesses'.

## Other Matters

341. Objectors have suggested that other sites, or within the GSK factory boundary be preferable, such as installing panels in car parks and on factory roofs. Noting that the existing wind turbines at the factory are nearing the end of their functional life, the applicant's agent contends that the scale of the project is such that it cannot be achieved on-site, nor as suggested by some, on the farmland closer to the factory, to the west of the former railway line.
342. The application sets out that GSK have committed to achieving a carbon neutral value chain by 2045 with 'ambitious' goals to reduce carbon, water and waste in the meantime.' Noting that 'similar renewable energy projects are under development for other GSK sites, including Irvine and Montrose', the applicant's supporting Statement makes clear that the project is not just to help achieve GSK's global net zero aspirations at a time of rising energy costs, but is also to enable the sustainable future of pharmaceutical manufacturing in the UK. This is interpreted by Officers as directly connecting the proposal to job security for a significant and prestige employer in

Barnard Castle. This has further indirect benefits both to the local and County economies where employees live, as they will be spending wages in local shops and services.

343. The applicants suggest that with a direct visual connection – albeit with a slight separation from the track and greenery imposed by the former railway line – the connection between the factory and its power supply would be clear as a tangible connection, rather than using a ‘greenwashing’ approach where companies buy renewable energy from a supplier without knowledge or connection to its source. It is noted that should this application be approved, there would need to be a separate application.
344. This aspect of the application is considered by Officers to be of significant weight. Applications for solar farms are usually to produce energy for the National Grid. Planning judgements on the local harms of such developments are in those cases balance against the positive outcomes for the ‘greater good’, which can seem disproportionate to residents and interested parties who perceive the local harms. In this case with the output of the farm directed into the operations of one of the largest and most high profile employers in the area, the benefits of the development are also local, with direct consequences for local employment, and therefore the local economy.
345. Objectors have raised the concerns about the inefficiency of solar panels and have stated that better alternatives are available. Solar is an established part of renewable energy production and whilst there are recognised limitations (day length / light intensity / latitude) this is no different from any other type of energy generation and is the reason for the inclusion of the BESS units on site, that would store energy and smooth delivery to the customer.
346. 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.

#### Public Sector Equality Duty

347. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
348. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

---

## **CONCLUSION**

---

349. The elements to be included in the planning balance for assessment are set out above. As headlines, the applicant contends that the national renewable energy policies of government and targets for such, along with the specific Policies in the Development Plan are of significant material weight. The recent changes to the NPPF in December 2024 have only added to this weight.

350. In simplistic terms, the assessment of the Planning Balance for this application relates to whether harms to the multifaceted values of the countryside are outweighed by the benefits of the development.
351. The application has been revised during its consideration, with the applicant seeking to better address the harms identified through the first consultation. The rearrangement of the site has moved the features of most industrial appearance – the BESS units and sub-station away from the focal point of the confluence of Footpath No. 4 and the (currently) informal path following the former railway line. Additional planting on the established field boundaries is proposed to further mitigate views from surrounding dwellings and settlements, from the surrounding footpath network, and from longer views from protected landscapes. The route of Footpath No. 4 through the solar farm has been significantly improved – widened, with additional planting and a form of fencing more appropriate to the rural location. The experience of footpath users will be significantly changed at the level of the site and its immediate surroundings; however, these harms have been addressed as far as the nature of the scheme allows.
352. Where the report identifies less than substantial harm in the distant relationships to designated and non-designated heritage assets, the benefits of the proposals discussed in these conclusions are considered to out-weight the level of harm identified.
353. The solar farm would be a new feature in the landscape, and alien to those who are familiar with the existing landscape. The proposed landscape schemes would mitigate, developing over time to help integrate the scheme into the landscape in medium to long views, including from vantage points in the National Landscape designation. The assessment above on the effects on these layers of effect on landscape concludes that the effects would diminish in time and would not be significant at distance.
354. Part of the site would occupy land that is considered to be best and most versatile agricultural land and whilst the development is temporary and reversible, the land would be temporarily unavailable for arable production for the duration of the development. This aspect of the planning balance is effectively between food security and energy security. The scale of the temporary loss in this instance is not such that it is considered to outweigh the benefits of the site set out below.
355. The visual impacts of the BESS and substation have been mitigated by re-siting within the proposals and can be further improved through the use of appropriate colouring, that can be controlled through condition.
356. The NPPF at Paragraph 161 sets out that the planning system should support the transition to net zero by 2050 and support renewable and low carbon energy and associated infrastructure and Paragraph 168 should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future. National and Local Policy do not require the benefits of renewable energy to be substantiated, but the reductions in reduced carbon dioxide emissions, reduced sulphur dioxide emissions and reduced use of non-renewable energy.
357. In this instance the energy proposed generated by the scheme is directly related to a significant and prominent local employer. This is considered to address a usual concern to solar farms that the local harms generated are for the benefit of a greater good and that the benefits are not tangible to local people. The benefits of the scheme, as described in the applicant's statement, include that the power generated by the

solar farm would directly supply GSK's Barnard Castle factory, and demonstrates a significant investment in the local area, injecting direct investment into the local economy and creating potentially both temporary construction jobs and operational jobs. The provision of renewable energy solutions to GSK, as they work towards a net-zero operation, demonstrates a long term commitment to the site and the region. Further, this promotes energy and employment security in a climate where fuel prices continue to undermine business confidence. The scheme would reduce the emissions of the current operation and would eventually replace the aging wind turbines on site that are reaching the end of their operational life on the adjacent GSK site.

358. Additionally, the scheme has indirect benefits to the local community where employees live, with a direct effect from their economic activity and confidence. It is therefore contended that there is a clear and tangible connection between the identified local harms and a clear local benefit and that the benefits are such that development in this location clearly outweighs the harm.
359. As the direct connection between the development and GSK is critical to this conclusion, a condition is proposed to ensure that the output of the solar farm is tied to GSK – either at Barnard Castle or as a fall-back sleeved to their other facilities.
360. Significant positive weight is derived Paragraph 167 of the NPPF, to the benefits associated with renewable and low carbon energy generation and a proposal's contribution to a net zero future.
361. Policy 33 of the Development Plan is clear 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.
362. That the development in principle represents an opportunity for farm diversification is accepted in line with the exceptions outlined in Policy 10a.
363. Additional positive weight is accrued from the provision of the permissive path proposed, and from the significant overprovision of 60% BNG within the site, well above the 10% required. These will be secured through the conditions and a legal agreement relating to the implementation, maintenance, and monitoring of the promised natural environment.
364. Although there would be a degree of landscape harm and reduction in the quality of the experience for recreational users, this harm must be weighed in the planning balance. As highlighted in the most recent appeal decisions in the County, both national and development plan policy recognise that large scale solar farms may result in some landscape and visual impact harm. However, both adopt a positive approach indicating that development can be approved where the harm is outweighed by the benefits.
365. Whilst it is accepted that in this case the proposed solar farm would have an impact on the landscape, including designated landscapes and best and most versatile agricultural land it is considered that the direct and localised benefits of the development in terms of energy supply and security, support for renewable energy, biodiversity enhancement and the local economy would outweigh the identified harms and planning permission should be granted. All other material considerations have been taken into account in the determination of the solar farm application and found to be acceptable.



366. The proposed development has generated public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, environmental and economic benefits.
367. The solar farm proposal is considered acceptable in terms of an assessment of the planning balance taking into account the relevant policies of the County Durham Plan, relevant sections of the NPPF and other identified advice.

---

## **RECOMMENDATION**

---

368. That application be **APPROVED** subject to the following conditions and completion of an agreement under Section 39 of The Wildlife and Countryside Act 1981 to secure biodiversity management and monitoring for the life of the development:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

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

3. This consent is granted for a period of 40 years from the date of first export of electricity to the GlaxoSmithKline (GSK). The energy produced by the approved development must be supplied to the GSK Barnard Castle operation or sleeved to other GSK operations. The applicants must have in place a methodology to demonstrate compliance with this requirement in writing at the reasonable request of the Local Planning Authority. 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 a condition to be agreed by submitted to, and agreed in writing with the Local Planning Authority. The approved details shall then be implemented in full within a timescale to be agreed within the 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 5:

DrawingNumber	Drawing
GBR.9400.DEV.M2.001.0.G	Barnard Castle Module Array Layout
Figure 2.1 (501-DRW-GSK-BC-Proposed development area –v6.0)	Site Location Plan
Appendix 7.2 (145738/8100 Rev G)	Landscape Proposals Plan
Appendix 7.3 (145738/8200)	Landscape Softworks Plans 1 of 6
Appendix 7.3 (145738/8201 Rev A)	Landscape Softworks Plans 2 of 6
Appendix 7.3 (145738/8202)	Landscape Softworks Plans 3 of 6
Appendix 7.3 (145738/8203)	Landscape Softworks Plans 4 of 6
Appendix 7.3 (145738/8204)	Landscape Softworks Plans 5 of 6
Appendix 7.3 (145738/8205 Rev A)	Landscape Softworks Plans 6 of 6

*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. 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, including, but not restricted to Solar panels and support structures, Sub-stations, BESS units, security fencing, CCTV cameras and supports, Security lighting and supports, all fencing and gates, 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.*

6. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall 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" 2023 V2.1;
  - With regards to noise, the construction phase of the proposed development should be addressed and will include the duration of the phases and details of mitigation measures to be employed to minimise the noise during construction on noise sensitive receptors as identified in the Noise Impact Assessment (Noise Consultants, November 2023). There shall be provision that, on written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level. The Assessment and Mitigation 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
  - 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 including on-site wheel washing and street cleaning;
- 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 on site construction lighting, including hours of operation
- Details of provision for all site operations, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic;
- Details of the erection and maintenance of security hoarding;
- Details of construction and decommissioning working hours;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

7. Prior to commencing any site preparation or construction works, a Construction Traffic Management Plan shall be prepared, submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall only be undertaken in accordance with the approved Plan.

*Reason: In the interest of maintaining Strategic Road Network operation and safety in accordance with Part 9 of the NPPF.*

8. Prior to the commencement of development, a road condition survey shall be carried out for 200m either side of the site entrance on the A688 at Stainton Grove and submitted to the Local Planning Authority for approval in writing. A further road condition survey shall be carried out within 3 months of the site being brought into use. A third survey shall be carried out within 3 months of the completion of site works. The second and third surveys shall include a schedule identifying any degradation of the road and a scheme of works, if necessary, to remedy the damage and shall be submitted to the Local Planning Authority for approval in writing. The scheme of works, if required, shall be carried out in full within 6 months of being approved.

*Reason: In the interests of highway safety in accordance with County Durham Plan Policy 21 and Part 9 of the National Planning Policy Framework. Required to be a pre-commencement condition and the details of the construction management statement must be agreed before works on site commence.*

9. Construction operations and vehicle movements on-site 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.*

10. The development shall be carried out in accordance with the submitted flood risk and drainage impact assessment Ref: GON.0196.0116 v.2, dated 29.03.2024. 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.

11. No development shall take place until a detailed landscaping scheme, based upon the Landscape Softworks Plans, Sheets 1-6, Refs: 145738/8200, 8201a, 8202, 8203, 8204, 8205a dated 11/04/2024 has been submitted to the Local Planning Authority and approved in writing. This scheme shall include a Tree and Hedgerow Survey, Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Woodland Management Plan (WMP). The approved landscaping scheme shall be implemented on site in the first planting season following the development being brought into use. Any tree or shrub which may die, be removed or become seriously damaged within a period of 5 years from the first implementation of the approved landscaping scheme shall be replaced in the first available planting season thereafter.

*Reason: In order to provide landscape enhancement and screening for the development and to ensure that the adjacent trees and hedges are not unnecessarily damaged throughout all stages of development in accordance with Policies 39 and 40 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. Details of the nature and maintenance of the proposed permissive path indicated on the approved Landscape Softworks Plans must be submitted to and agreed in writing by the Local Planning Authority before the approved development is brought into operation. The path must remain available for use through the full lifetime of the development.

*Reason: to ensure the public benefits set out in the application are secured in accordance with Policy 26 of the County Durham Plan and parts 8 and 15 of the National Planning Policy Framework.*

13. The created and enhanced habitats specified in the 145738/8100 Landscape Proposals Plan, the Landscape Softworks Plans, Sheets 1-6, Refs: 145738/8200, 8201a, 8202, 8203, 8204, 8205a dated 11/04/2024, the Ecological Impact Assessment

(EclA), BSG Ecology, June 2023 shall be managed and maintained in accordance with the details, Management Responsibilities and Requirements, Maintenance Schedules, and Longer Term Management set out in the Solar Farm, Barnard Castle Landscape and Ecological Management Plan, Ref: D/I/D/145738/804 Issue 1, dated: April 2024.

*Reason: To ensure the proposed habitat creation and/or enhancements are appropriately managed and maintained for the required 30 year period so the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

14. Prior to the commencement of development, a scheme to safeguard the soil resources to ensure the current ALC grade is maintained in line with the Agricultural Land Quality Report, Land Research Associates, dated 17th April 2023 throughout the operation phase of development. Thereafter, the site shall be restored in accordance with a scheme of work to be submitted to and approved in writing by the local planning authority no more than 6 months prior to the decommissioning of the development.

*Reason: In order to safeguard soil resources and agricultural land in accordance with Policy 14 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

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

*Reason: To safeguard any archaeological interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.*

16. The development shall not be brought into use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation, and an archaeological mitigation strategy, in light of the further trenching, to include mitigation of construction, operation and decommissioning impacts. The Mitigation Strategy should also make provision for the analysis, publication and dissemination of results, and archive deposition, which is to be completed in full and confirmed in writing to, and approved in writing, by the Local Planning Authority.

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

17. In the event that the solar farm is inoperative 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 to and be approved in writing by the Local Planning Authority not later than 12 months following the last export of electricity from the site. The approved scheme shall be carried out and completed within 6 months of approval of the scheme.

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

18. Prior to the first operation of the Battery Energy Storage System hereby approved, a Battery Safety Management Plan (BSMP) shall be submitted to and agreed in writing by the Local Planning Authority. The BSMP shall detail the type and specification of the batteries to be used and prescribe the measures to be implemented to facilitate safety during the construction, operation and decommissioning of the Battery Energy Storage System, and to be deployed in response to any incident with potential to cause pollution. An Emergency Response Plan must also be included. The BSMP should also set out a methodology detailing how there will be continued engagement with the County Durham and Darlington Fire and Rescue Service with the BSMP to be updated and sent to the fire service throughout the lifetime of the development. The BSMP shall be implemented as approved, and all measures shall be retained for the duration of the development.

*Reason: In the interests of safety and pollution prevention in accordance with County Durham Plan Policies 29, 31 and 35 and Part 15 of the National Planning Policy Framework.*

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

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.

---

## **PUBLIC SECTOR EQUALITY DUTY**

---

Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.

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

---

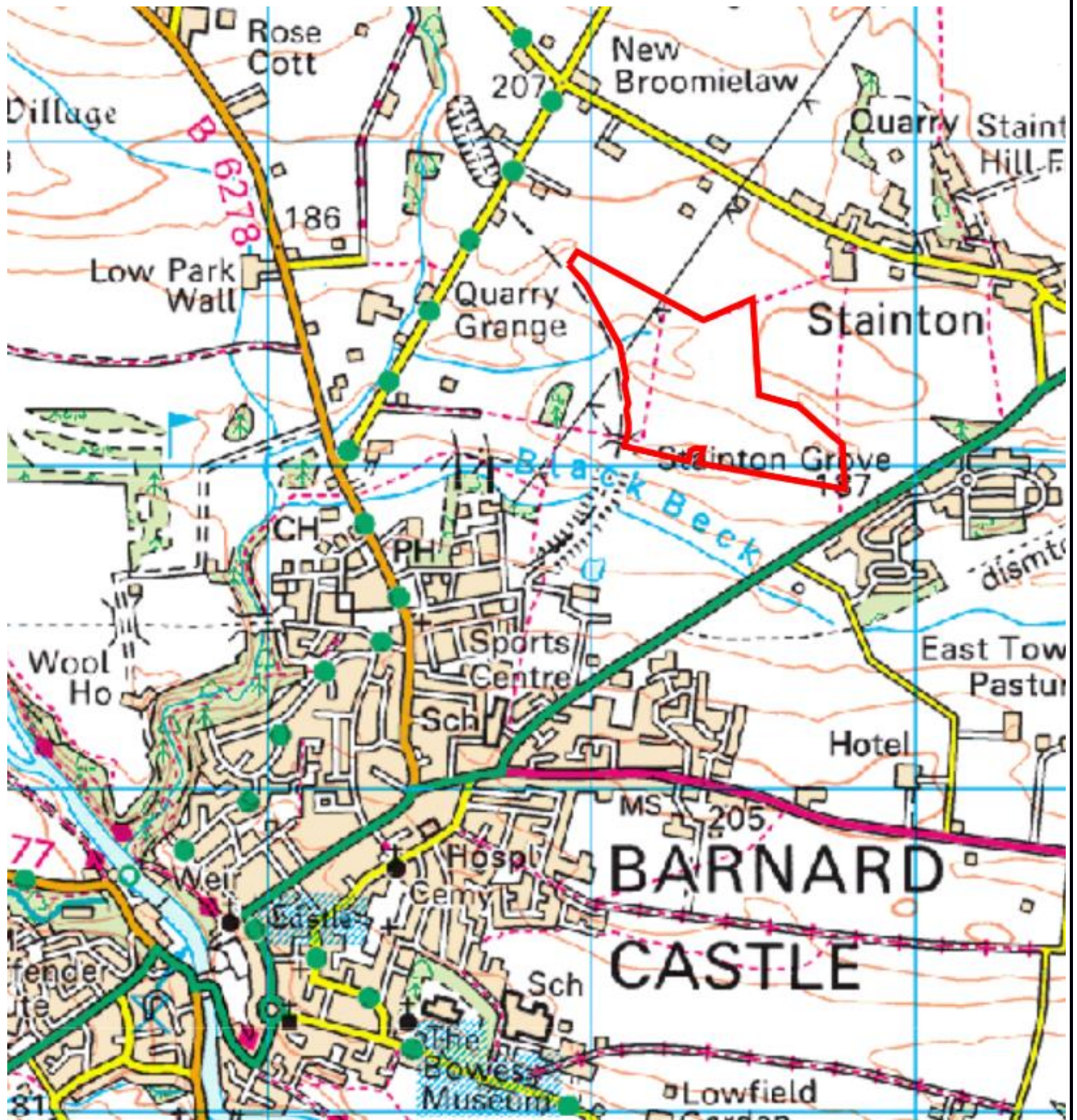
## **BACKGROUND PAPERS**

---

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (December 2024)
- National Planning Practice Guidance notes
- County Durham Plan (October 2020)
- Trees, Woodlands and Hedges SPD (2024)
- Development Viability, Affordable Housing and Financial Contributions SPD (2024)
- Solar Energy SPD (2024)
- County Durham Landscape Strategy (2008)
- County Durham Landscape Character (2008)
- EN-1 Overarching National Policy Statement for Energy (January 2024)
- EN-3 National Policy Statement for Renewable Energy Infrastructure (published Jan. 2024)

- Powering Up Britain: Energy Security Plan (April 2023)
- National Fire Chiefs Council 'Grid Scale Battery Energy Storage System planning – Guidance for FRS' (November 2022, updated)
- Climate Change Act (2008)
- Climate Change Committee 2022 Progress Report to Parliament
- Net Zero Strategy: Build Back Greener
- Energy White Paper: Powering our Net Zero Future
- British energy security strategy
- Statutory, internal and public consultation response





**Planning Services**

DM/23/02510/FPA

Construction of a solar farm of circa 16MW, Battery Energy Storage System, and associated infrastructure

Land South-West of West Farm, Stainton, DL12 8RD

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

**Comments**

**Date** December 2024

**Scale** NTS