

**DARLINGTON BOROUGH COUNCIL**

**SPECIAL PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 24 June 2015**

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<b>APPLICATION REF. NO:</b>	<b>14/01305/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>10 April 2015</b>
<b>WARD/PARISH:</b>	<b>HEIGHINGTON AND CONISCLIFFE</b>
<b>LOCATION:</b>	<b>Field At OSGR E426359 N523713 School Aycliffe Lane SCHOOL AYCLIFFE</b>
<b>DESCRIPTION:</b>	<b>Installation and operation of solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, access tracks, pole-mounted CCTV cameras and fence (amended site location plan received 2 February 2015) (additional constructional and operational access plans received 8 April 2015) (additional Landscape and Biodiversity Management Plan received 8 April 2015) (additional Landscape and Visual Impact Assessment received 16 April 2015) (amended plans received 16 April 2015) (additional email received 23 April 2015) (amended plans and elevations received 20 May 2015)</b>
<b>APPLICANT:</b>	<b>Lightsource SPV 170 Limited</b>

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**APPLICATION AND SITE DESCRIPTION**

The site is divided into two broad areas measuring some 10.6ha in total and comprising arable agricultural land to the south of School Aycliffe Lane. Only the northern half of the site is located in Darlington Council's area with the southern half being located within Durham County Council's area (and subject to a separate planning application). The Local Planning Authority's decision on this application is therefore confined to the development proposed in the northern part of the site.

Aycliffe Industrial Estate is located to the east of the site and to the west, beyond a further field, there are residential properties on Cypress Grove and Magnolia Close. To the north of the site, opposite School Aycliffe Lane is West Cemetery. There are mature hedges adjacent to the

boundaries with some large trees in the hedges. A public right of way passes north-south immediately outside the western boundary of the site.

The panels would be fixed in position and located in rows of various lengths. Cumulatively the two sites would amount to a 5MW solar farm which would be capable of generating electricity to power the equivalent of over 1,200 homes. The solar modules would cover approximately 30% of the site area.

The solar panels would each be approximately 1.65m by 1m in area and mounted to a maximum height of 2m. There would be some 0.8m from ground level to the lower part of the panels. The panels would be mounted on steel or aluminium frames.

There would be a Storage Building Cabinet (2.7m by 3m with a height of 2.6m) and a Substation (5m by 4.9m with a height of 4.4m) located next to the northern boundary of the site. Next to the eastern boundary of the site there would be a Substation Cabinet (6m by 2.4m with a height of 3.3m), three Inverter Cabinets (each 2.5m by 2.1m with a height of 2.2m), and a Communications Cabinet (4m by 2.4m with a height of 3.3m).

A 2m high timber and wire perimeter fence would be installed around the solar farm and there would be CCTV cameras on 2.4m high poles at regular intervals around the perimeters.

The northern field would be accessed from the existing field access from School Aycliffe Lane. An internal access road (compact hardcore) would be created running centrally within the northern field.

The solar farm is expected to operate for a period of 30.5 years after which works would take place to remediate the site.

A request was made on 17 November 2014 pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011(SI 2011/1824) for the local planning authority's screening opinion on the matter of whether or not the development proposed is "EIA" development within the meaning of the 2011 Regulations. This process has been undertaken and having taken into account the relevant criteria, the Local Planning Authority has determined that the proposal does not constitute EIA development.

## **PLANNING HISTORY**

There is no relevant planning history.

## **PLANNING POLICY BACKGROUND**

The following policies of the development plan are relevant:  
Borough of Darlington Local Plan 1997:

- E4 – New Buildings in the Countryside
- E12 – Trees and Development
- E14 – Landscaping of Development

Darlington Core Strategy Development Plan Document 2011:

- CS2 – Achieving High Quality, Sustainable Design

- CS3 – Promoting Renewable Energy
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety
- CS17 – Delivering a Multifunctional Green Infrastructure

The National Planning Policy Framework 2012 is relevant.

## RESULTS OF CONSULTATION AND PUBLICITY

Occupiers of neighbouring properties have been consulted on the proposal and a site notice has been displayed.

Objections have been received from the occupiers of **7 Cypress Grove, 11 North Cottages and 12 North Cottages**. The points raised are summarised as follows:

- *There are existing congestion and traffic problems in the area including speeding and unauthorised access by larger vehicles. The proposal would make this situation worse.*
- *It will take time for screen planting to grow and this will be inadequate.*
- *The proposal would have an industrial appearance which is inappropriate.*
- *Wildlife will be harmed by the proposal.*

The objector's also mentioned property values but as set out in the consultation letters, this is not a material planning consideration.

A letter in support of the application has been received from the occupiers of **3 Tees View Piercebridge**.

The **Environmental Health Officer** raised no objections subject to conditions (which are set out below).

The **Highways Engineer** raised no objections.

**Heighington Parish Council** raised no objections if the screening of the site is improved.

The **Rights of Way Officer** commented that there were no objections providing that any damage done to the right of way at the northern vehicle entrance is repaired promptly.

The **Archaeology Officer** raised no objections.

The **Environment Agency** advised that there may be Great Crested Newts in the area and Water Voles. These species are protected under the Wildlife and Countryside Act 1981 and this information and guidance has been sent to the applicant.

The **Ecology Officer** raised no objections.

**Northern Power Grid** provided information on their apparatus in the area.

**Northumbrian Water** advised that they will contact the applicant directly to make sure that there is no impact on their apparatus.

The **National Air Traffic Services** raised no objection.

**Durham Tees Valley Airport** raised no objection.

## **PLANNING ISSUES**

The main issues to be taken into consideration are:

- Planning Policy
- Visual Amenity
- Heritage Assets
- Residential Amenity
- Agricultural Land
- Ecology
- Flood Risk
- Highways
- Right of Way

### **Planning Policy**

Policy CS3 (Promoting Renewable Energy) of the Core Strategy states that significant weight will be given to the wider environmental, economic and social benefits arising from renewable energy schemes while considering the anticipated effects upon surroundings including natural, built historic and cultural landscape and residential amenity.

The National Planning Policy Framework is supportive in principle of renewable energy developments. Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 93 indicates that planning plays a key role in helping to secure radical reductions in greenhouse gas emissions and providing resilience to the impacts of climate change. Paragraph 98 identifies that local authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy. It goes on to state that applications for renewable energy should be approved if impacts are, or can be, made acceptable.

The main impacts that need to be considered would be in relation to visual amenity including landscape, heritage assets, residential amenity, loss of agricultural land, ecology, flood risk, highways impacts and the impact on the right of way to the west of the site.

### **Visual Amenity**

A Landscape and Visual Impact Assessment (Lightsource December 2014) was submitted with the application and was updated in April 2015. This looked at the visual impact of the proposal based on several potential viewpoints. The Assessment concludes that the proposal would result in the loss of some landscape features such as the arable land but notes that there are existing mature hedgerows and trees to the boundaries which would be retained.

The solar farm would be visible in part from School Aycliffe Lane (especially in the winter). The development would also be visible from business' on Aycliffe Industrial Estate and would be partially visible from some of the neighbouring residential properties to the west. The proposed

solar farm would be highly visible from the public right of way which is located immediately adjacent to the western part of the site.

However visibility of the site would largely be contained by the vegetation to the boundaries. Additional tree planting is proposed including some 16 trees along the northern boundary and some 15 trees along the eastern boundary. The exact details of the landscaping scheme have not been confirmed and therefore a condition in this regard would be required.

The development would also be adjacent to Aycliffe Industrial Estate to the east which has a strong industrial character and would form a backdrop to the development viewed from the west and the public right of way. Overall the proposal would not be harmful to visual amenity to the extent that planning permission should be refused.

### **Heritage Assets**

An Archaeological Desk Based Assessment and an Historic Environment Settings Impact Assessment (CgMs Consulting December 2014) were submitted with the application.

The Historic Environment Record (HER) does not currently record any known heritage assets within the proposed development area, mostly as the land has never previously been significantly developed.

The County Archaeologist advised that the Geophysical Survey submitted with the application clearly shows that there do not appear to be any potential archaeological anomalies which could be negatively impacted upon by the proposed solar farm.

There are no listed buildings, conservation areas or scheduled monuments in close proximity to the site and it is considered there will be no significant impact on such assets.

### **Residential Amenity**

The nearest residential properties are on North Cottages (some 108m to the north west) and Cypress Grove and Magnolia Close (some 160m west of the northern field) . A Noise Impact Assessment (Impact Acoustics December 2014) was submitted with the application. Conditions are required in relation to potential noise emissions from the associated equipment of the solar panels. The panels themselves make no noise.

A Glint and Glare Study (Pager Power November 2014) was submitted with the application. This shows that any such issues are unlikely to occur however a condition would be appropriate requiring suitable mitigation measures should glint and glare become an issue. The only lighting to be installed would be on one of the substations which would only be operated in after-dark emergencies.

### **Agricultural Land**

The National Planning Policy Framework indicates that the loss of poorer quality land is preferable to the loss of better quality land and that economic and other benefits can be taken into consideration. The land in question is categorised as Grade 3A and 3B and would therefore constitute poorer quality agricultural land. The proposal would result in the temporary loss of this land for arable farming but would still allow for an effective dual use in terms of sheep grazing and the provision of clean energy. There are also opportunities for habitat and

biodiversity enhancement. The proposed development would be temporary and all infrastructure can be removed at the end of the solar farm's operational life with the fields returned to purely arable production.

### **Ecology**

Sheep would graze under and between the rows of solar panels which would help to manage the vegetation. Planning permission is not required for grazing sheep.

An Ecological Assessment (Hyder Consulting December 2014) was submitted with the application. A subsequent Landscape and Biodiversity Management Plan (Hyder Consulting April 2015) was also received. It was concluded that the site is of negligible intrinsic ecological value. The proposal would provide an opportunity to enhance the interests of ecology as it will not be used for arable farming. The proposals would provide a benefit to local biodiversity as a result of the proposed planting and habitat enhancements. The enhancement measures would include the 'gapping up' of existing hedgerows, planting of new hedgerows and the creation of a wildflower meadow around the margins of the solar farm. Bat boxes and a barn owl box are also proposed. The Ecological Assessment includes mitigation measures and a condition that the permission be implemented in accordance with these measures would be necessary.

### **Flood Risk**

A Flood Risk Assessment (Hyder Consulting December 2014) was submitted with the application. This concluded that the proposed development would have a negligible impact on the existing surface water runoff. The development will not increase the risk of flooding on either the subject site or the surrounding areas.

Swales are proposed as part of the proposed development to help reduce runoff from the site. These have been designed to attenuate any run-off from the small areas of semi-permeable access tracks in both fields and to help reduce overland run-off from the existing fields.

### **Highways**

The site will generally be a low traffic generator once operational therefore the existing field access point onto School Aycliffe Lane would be acceptable and is sited within the 40mph limit with good visibility.

There is an HGV weight restriction on School Aycliffe Lane restricting vehicles above 7.5T from going through School Aycliffe Village, therefore all construction traffic should be directed from/to the east via the industrial estate roads. As such the existing adopted industrial estate roads should be suitable to take potential construction traffic.

### **Right of Way**

There is a public right of way adjacent to the western part of the site. A minimum usable width of 7m would be afforded to the right of way. The public right of way would remain open during construction and operation of the solar farm.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to

exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

## CONCLUSION

Policy CS3 (Promoting Renewable Energy) of the Core Strategy states that significant weight will be given to the wider environmental, economic and social benefits arising from renewable energy schemes whilst considering the anticipated effects upon surroundings including natural, built historic and cultural landscape and residential amenity. The policy support for the principle of renewable energy is reflected in the National Planning Policy Framework. The solar farm would be visible in part from School Aycliffe Lane (especially in the winter) but would largely be contained by the vegetation to the boundaries. Additional tree planting to the site boundaries is proposed. The clearer views of the site from the adjacent public right of way would be mitigated by the industrial back drop to the development. Conditions are required to mitigate potential noise issues and glint and glare but there are no objections to the application from Environmental Health on this basis. There are no ecology objections to the proposal and it can revert back to arable farming use when the solar panels are no longer required.

## RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1 A3 Implementation Limit (3 years)
- 2 Prior to commencement of the development, full details of the final locations, design and materials to be used for the panel arrays, inverters, transformers, control room, switchgear substations and CCTV cameras shall be submitted to the Local Planning Authority and agreed in writing. Thereafter the development shall only take place in accordance with the approved details.

Reason – In order that the Local Planning Authority may be satisfied with the details of the development.

- 3 Within 6 months of the cessation of energy generation from the site, or a period of 30 years and 6 months following completion of construction, whichever is the sooner, all infrastructure associated with the solar farm will be removed from the site.

Reason – in the interests of visual amenity and the remediation of the site.

- 4 Written notice is to be given to the Local Planning Authority at least 5 days prior to construction starting on site.

Reason – so the Local Planning Authority can keep a record of the commencement date of development in connection with condition 3 which limits the planning permission to 30 years and 6 months from the completion of construction works.

- 5 The proposed development shall be only carried out in all respects in accordance with the recommendations and methods contained within the Ecological Appraisal (Hyder Consulting December 2014) and the Landscaping and Biodiversity Management Plan (Hyder Consulting April 2015).

Reason – in the interests of ecology.

6 E2 Landscaping (Submission)

- 7 Before any diesel generators are used on site, details of their specification, operation and location shall be submitted to and approved by the Local Planning Authority. Thereafter the use of the diesel generators during the construction and demolition phases shall only take place in accordance with the approved details.

Reason – To protect the amenity of local residents from noise.

- 8 The Rating Level, as defined by BS4142:2014 associated with plant and machinery associated with the development shall not exceed the daytime and night time background noise levels (as indicated in the document entitled “Industrial Noise Impact Assessment”, Report Reference IMP4418-5, by Impact Acoustics.) at any surrounding residential property unless otherwise agreed in writing by the Local Planning Authority

Reason – To protect the amenity of local residents from noise.

- 9 At the reasonable request of and/or following a noise complaint to the Local Planning Authority which in the opinion of the Local Authority may be a justified complaint, the operator shall employ a suitably qualified noise consultant to measure and assess the noise emissions from the solar farm at the complainant’s property or other sensitive receptor to be agreed with the Local Planning Authority. The detailed noise assessment must demonstrate that the rating level, as defined in BS 4142:2014, from operation of the solar farm does not exceed the relevant daytime and night time background noise levels (as indicated in the document entitled “Industrial Noise Impact Assessment”, Report Reference IMP4418-5, by Impact Acoustics.)

Within 21 days of a written request from the Local Planning Authority the proposed scheme of noise assessment, the noise consultant employed and timescale for submission of the written report shall be agreed in writing with the Local Planning Authority prior to any noise assessment being carried out. The written noise assessment shall provide details of any noise mitigation measures shown to be necessary in order to comply with the noise limit stated above. The written noise assessment and any identified noise mitigation measures including timescale for implementation shall be submitted and agreed in writing with the Local Planning Authority. Thereafter, the agreed mitigation measures shall be implemented without undue delay and within a timescale to be agreed with the Local Planning Authority, and thereafter retained for the life of the development.

Reason – To protect the amenity of local residents from noise.

- 10 No construction activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents should take place before 0800 hours and continue after 1800 hours Monday to Friday. The use of a mini-piler shall not take place outside of the hours of 0900 – 1700 Monday – Friday. No works should be carried out on weekends or bank holidays.

Reason – To protect the amenity of local residents.



- 11 At the reasonable request of and/or following a complaint to the Local Planning Authority which is regarded as being a justified complaint regarding glint and/or glare, the solar farm operator shall employ a suitably qualified independent consultant, with experience in assessing glint and glare issues at solar farms. An assessment of glint/glare shall be undertaken by the appointed consultant at the complainant's property or other representative location to be agreed with the Local Planning Authority. Within 21 days of a written request from the Local Planning Authority the proposed scheme of glint/glare assessment, the consultant employed and timescale for submission of the written report shall be agreed in writing with the Local Planning Authority prior to any glint/glare assessment being undertaken. The written glint/glare assessment shall provide details of any mitigation measures shown to be necessary. The written assessment and any identified glint/glare mitigation measures including timescale for implementation shall be submitted and agreed in writing with the Local Planning Authority. Thereafter, the agreed mitigation measures shall be implemented without undue delay and within a timescale to be agreed with the Local Planning Authority, and thereafter retained for the life of the development.

Reason – To protect the amenity of local residents

- 12 Any damage to the Right of Way on or adjacent to the application site, during installation, operation and removal stage of the Solar Farm, shall be repaired promptly to the satisfaction of the Local Planning Authority.

Reason – In order to protect the Right of Way from damage from the development.

The following policies have been taken into consideration in arriving at this decision.

Borough of Darlington Local Plan 1997:

- E4 – New Buildings in the Countryside
- E12 – Trees and Development
- E14 – Landscaping of Development

Darlington Core Strategy Development Plan Document 2011:

- CS2 – Achieving High Quality, Sustainable Design
- CS3 – Promoting Renewable Energy
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## **INFORMATIVE**

The applicant is advised that works are required within the public highway, to construct new vehicle crossing and contact must be made with the Assistant Director : Highways, Design and Projects (contact Mr S. Brannan 01325 406663) arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.