DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 9 November 2022

APPLICATION REF. NO:	22/00727/FUL
STATUTORY DECISION DATE:	17 October 2022 (Extension of time 11 November 2022)
WARD/PARISH:	SADBERGE AND MIDDLETON ST GEORGE
LOCATION:	Land south of Gately Moor Reservoir, Redmarshall Road, Bishopton
DESCRIPTION:	Solar farm and energy storage facility together with associated works, equipment and infrastructure (cross boundary application with Stockton Borough Council) (amended site layout plan received 26 August 2022, further amended site layout plan, landscape and green infrastructure plans, addendum to LVIA (cumulative impact assessment) and response to consultees received 29 September 2022 and amended biodiversity management plan received 18 October 2022)
APPLICANT:	Mr Harry Wilder, Darlington Solar 1 Ltd

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: 22/00727/FUL | Solar farm and energy storage facility together with associated works, equipment and infrastructure (cross boundary application with Stockton Borough Council) (amended site layout plan received 26 August 2022, further amended site layout plan, landscape and green infrastructure plans, addendum to LVIA (cumulative impact assessment) and response to consultees received 29 September 2022) | Land South Of Gately Moor Reservoir Redmarshall Road BISHOPTON (darlington.gov.uk)

APPLICATION AND SITE DESCRIPTION

1. This is a cross-boundary application with Stockton Borough Council for the construction of a solar farm consisting of panels, inverters and transformers, with an installed generating capacity of up to 49.99MW, energy storage and associated works, equipment and necessary infrastructure. Planning permission is sought for a temporary period of 40 years and 6 months from the date of first exportation of electricity from the site.

2. The application site straddles the administrative boundaries of the two authorities and duplicate planning applications have been submitted to both authorities for consideration. The majority of the site lies within the administrative boundary of Stockton Borough Council, with the western section of the site located within the administrative area of Darlington Borough Council and eastern portion of the site, including the grid connection corridor and off-site station compounds, located with the administrative area of Stockton Borough Council. The development would connect to the National Grid at the Norton electricity substation.

3. The site extends to approximately 123.37ha and comprises agricultural land across two blocks of land which are bisected by the road linking Whinney Hill and Bishopton, known as Bishopton Back Lane which connects Redmarshall Road, north of the site, to Darlington Back Lane, located south of the site. The western parcel of the site (in Darlington) comprises agricultural fields bordered by hedgerow and further agricultural land beyond. The eastern parcel (in Stockton) is larger and more irregular in shape. The northern boundary of this parcel follows the field boundary and wraps around Gately Moor Reservoir. The eastern boundary lies adjacent to a collection of farm buildings located at High Farm and an area of woodland known as Langton Wood.

4. The site is located approximately 1.1km to the south east of Bishopton and 400m to the west and south west of Redmarshall, in Stockton. There are also a number of isolated properties within the vicinity of the site. Within Darlington these include Sauf Hall Farm which lies approximately 235 metres to the south of the site, Stoney Flatt Farm which is approximately 575m to the west of the site and New Town Farm approximately 485m to the north west. Public footpath no. 7 in the Parish on Bishopton and footpath no. 4 in the Parish of East and West Newbiggen run through the western most parcel of land. These existing rights of way within and abutting the site would be retained as part of the application proposals. The entirety of the site in which the solar panels and supporting infrastructure is located is within Flood Zone 1.

5. The proposed solar farm would consist of solar PV panels placed on a single axis tracker mounting structure with a typical overall height not exceeding 3.1m, depending on existing ground levels which would remain unaltered. The solar panels would move gradually throughout the day, tracking the sun as it moves from east to west. The panels would be arranged in rows, allowing for boundary landscaping, perimeter fencing and access. The panels would be laid in north south rows with spacing between each row to allow for maintenance and to avoid shading. The panels would be installed on metal

framework mounted on piles driven into the ground, avoiding the need for substantive foundations. This would be for a 40 year period and would be removed at the end of the operational period.

6. Plant and other equipment to support the generation of electricity would be located around the site, adjacent to internal tracks to ensure access can be achieved for maintenance purposes. The tracks would have a width of approximately 3.5m and be constructed with crushed aggregate. The energy storage system would be located along the internal access tracks throughout the site of the PV arrays. The ancillary infrastructure, such as central inverter cabinets, switchgear, spares container, energy storage, and energy auxiliary storage container, would be proprietary elements, with a dark finish to be agreed.

7. Underground cabling will be placed around the site leading to an off-site substation at or adjacent to the existing Norton electricity substation. The cable route and proposed substation are located within the administrative area of Stockton Borough Council.

8. For security purposes, the site will be enclosed by an approximately 2m high deer style fence with CCTV cameras mounted on 2.4m high poles. The fence will include small mammal gates to allow native wildlife to enter and exit the site. The infrastructure within the substation areas will be enclosed by a 2.8m high palisade fence.

9. The main access to the solar farm will be taken from the existing farm access from Redmarshall Road to the north. An existing access track will be used to access the solar farm, with a temporary construction compound, provided to the south of the existing agricultural buildings. Additional accesses are proposed to both the eastern and western parcels for construction and on-going maintenance purposes, although it is anticipated that use of these accesses will be significantly less than the main access and may only be required during the construction period to allow vehicles to access between the eastern and western parcels. Access tracks within the site will be kept to a minimum, they will be approximately 3.5m wide with the purpose of facilitating the operation and maintenance of the solar farm.

10. Construction is expected to take place over approximately 8 months, based on the construction of similar developments. Once operational, the facility would be unmanned, being remotely operated and monitored. Vehicles movements associated with the operational period of the solar farm are very low, being mainly associated with the monitoring, upkeep and cleaning of the site. This is anticipated to involve approximately 10 – 20 trips per year in small vans.

11. At the end of the 40-year operational lifespan of the solar farm, the last 6 months would be used to restore the site to its current agricultural use with all equipment and below ground connections removed, with the exception of any equipment situated 1m or more below ground level which will be made safe. Landscape enhancement measures would remain.

MAIN PLANNING ISSUES

15. The main planning issues for consideration are:

(a) Principle of Development
(b) Landscape and Visual Impact
(c) Access and Highway Safety
(d) Residential Amenity
(e) Impact on Heritage Assets
(f) Ecology
(g) Flooding and Drainage
(h) Public Rights of Way
(i) Other matters

PLANNING POLICIES

16. The relevant planning policies for consideration are:

Darlington Local Plan (2016 – 2036)
SD1 Presumption in Favour of Sustainable Development
DC1 Sustainable Design Principles and Climate Change
DC2 Flood Risk and Water Management
DC3 Health and Wellbeing
DC4 Safeguarding Amenity
DC5 Skills and Training
ENV1 Protecting, Enhancing and Promoting Darlington's Historic Environment
ENV3 Local Landscape Character
ENV4 Green and Blue Infrastructure
ENV7 Biodiversity and Geodiversity and Development
ENV8 Assessing a Development's Impact on Biodiversity
IN1 Delivering a Sustainable Transport Network
IN2 Improving Access and Accessibility
IN5 Airport Safety
IN9 Renewable Energy Infrastructure

Tees Valley Joint Minerals and Waste Core Strategy DPD
MWC4 Safeguarding of Minerals Resources from Sterilisation

National Planning Policy Framework, 2021

National Planning Practice Guidance

RESULTS OF TECHNICAL CONSULTATION

17. No objection in principle has been raised by the Council's Highway Engineer, the Environmental Health Officer or the Lead Local Flood Authority subject to conditions. The

Council's Conservation adviser has confirmed that the proposal will have no significant impact on heritage assets, and Durham County Council Archaeology recommends a condition be attached to secure trial trenching of the site and mitigation. The Council's Ecology adviser raises no objection, subject to a final biodiversity management plan being secured. The Council's Rights of Way Officer is concerned about the impact of the proposed development in the footpath than runs through the site.

18. Northern Gas Network raise no objection to the application and the Health and Safety Executive do not advise against the development, in respect of the high-pressure gas pipe that runs close to the eastern part of the site.

RESULTS OF PUBLICITY AND NOTIFICATION

19. Seven letters of objection have been received which raise the following issues:

- Loss of Grade 3 agricultural land. Once lost, rarely reinstated
- Very current need for the UK to produce more of its own food, such solar farms might be better located elsewhere i.e., on large roof slopes and brownfield sites
- Should permission be granted could a condition requiring the land to revert back to agricultural use once it ceases to operate be applied.
- Proposal contrary to national and local policy which aims to strictly control development in rural areas
- Proposed development will cause irreparable damage to wider agricultural landscape
- Will create other environmental impacts such as light and noise pollution
- Impact on public rights of way network
- Impact of construction traffic on local villages and residents and safety of road users, in particular cyclists
- Road to site is dangerous due to the neglected condition of the running surface major highway improvements and resurfacing should be in place first
- Statement of Community Involvement not been carried out
- If approved, developers may consider a contribution towards rural infrastructure in the affected villages
- No assessment of the cumulative impact of the proposal has been carried out
- Development will result in significant area of industrialisation in a green wedge and cumulative impact of both developments (this application and application at California Farm, Horseshoe Close, Carlton, Stockton on Tees) considered to have significant adverse impact on character and appearance of the area
- Impact on residential amenity, individually and cumulatively, in terms of noise and disturbance during construction period
- Long terms significant adverse impact on visual amenity for residents of Hill House Farm and New Town Farm.
- No submission of an assessment of alternative sites provided as required by Policy IN9
- Lack of benefits to local residents to off-set significant impacts

- Installation of security fencing and CCTV monitors will create a prison effect and give the feeling of driving around an industrial estate.
- Planting options will not be sufficient in the short term
- Disruption to area during the construction period
- Already other renewables in the area with nearby wind farms
- Too big for the area and should be reduced
- Impact on the countryside should be minimised by use of screening hedges and reducing size of development to a minimum
- Local area subjected to multiple renewable energy applications over the last few years
- Other solar farms nearby providing same output using less land
- No images provided showing visual impact from Bishopton Back Lane looking north towards Bishopton
- Commodity prices for crops increasing, not just energy
- Massive carbon footprint generated during installation phase
- Potential change by the government to bring Class 3B land into best and most versatile land classification which would bring development into question. Application should be suspended until clarified by government
- Panels susceptible to storm damage due to high prevailing westerly winds. Risk to people and vehicles due to panels breaking loose.

20. Bishopton Parish Council object to the application on the following grounds:
    - Major concerns regarding proposed construction traffic route to main site
    - Route from Darlington Back Lane to site via Whinney Hill and onto Redmarshall Road is in a state of disrepair.
    - Cyclists in danger from oncoming traffic including increased construction traffic
    - Major road improvement works required in advance of any construction works
    - Planning condition should stipulate maximum speed limit of 30mph for all construction traffic and construction traffic restricted to off-peak hours and not allowed on a weekend due to increased equestrian and cyclist use
    - Detailed traffic management plan and road condition survey also required.

21. CPRE Durham has also objected to both the Darlington and Stockton applications, the main points of the objection are summarised below:
    - Support the provision of renewable energy applications, but increasingly concerned about the amount of agricultural land now being proposed for solar arrays. Food production becoming increasingly important following Brexit and the war in Ukraine
    - The proposed development, if approved, along with other solar farm developments in the Stockton and Durham areas will have a considerable cumulative impact. (Accept that applications within Darlington at Brafferton and Burtree are unlikely to result in a significant cumulative impact)
    - Proposal will result in industrialised feel to the area, which is popular with recreational users, particularly cyclists.
    - Will impact upon enjoyment of rights of way network

- Land stated to be Grade 3b in Agricultural Land Classification Survey report which is not 'Best and Most Versatile'. Appears however to be productive but if not, may have other value for landscape or biodiversity value
- Species abundance must be considered in addition to a straight gain using the biodiversity metric approach
- Sheep grazing land between the arrays may affect biodiversity
- More details required on restoration scheme
- Consider the application should be assessed against the Energy Institute Guidance on battery storage with regard to fire risk

PLANNING ISSUES/ANALYSIS

(a) Principle of Development

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework, 2021 (NPPF) supports the plan led system providing that planning decisions should be "genuinely plan-led". The Darlington Local Plan (2016 – 2036) has recently been adopted (February 2022) as the development plan for the Borough and all previously saved policies of the Local Plan (1997) and Core Strategy (2011) have now been superseded.

23. There is a raft of policy support at international, national, and local level which aims to combat climate change and to provide energy security. The UK Solar PV Strategy identifies the need for large-scale solar farms on greenfield sites and it is acknowledged that the delivery of a solar farm, amongst other renewable technologies, will have a positive role in tackling climate change and contributing towards a diverse energy mix.

24. Chapter 14 of the NPPF deals with the promotion of renewable energy projects. Paragraph 152 states that 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 ow carbon energy and associated infrastructure.

25. Paragraph 158 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 recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside

these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

26. The NPPF also states that Local Planning Authorities should recognise the economic and other benefits of the best and most versatile agricultural land. Footnote 53 indicates that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The NPPF defines best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification.

27. Local Plan Policy DC1 also recognises the role that good design plays in helping to reduce carbon emissions and increasing the resilience of development to the effects of climate change and is supportive of proposals for energy efficiency measures and low carbon technologies.

28. Local Plan Policy IN9 is also supportive in principle of renewable and low carbon energy developments across the Borough where proposals are in accordance with the relevant criteria and in determining planning applications for such projects significant weight will be given to the achievement of wider social, economic and environmental objectives. Part B of Policy IN9 does also specifically state that solar power developments will be granted permission if it can be demonstrated that a range of specific considerations have been accounted for. These include siting, area coverage and colour of solar panels; landscape and visual impact; agricultural land quality; glint and glare. Appropriate mitigation and/or compensation measures and monitoring to address any effects identified and considered will be required prior to any development proceeding.

29. The application site is located to the south east of Bishopton and is currently used as farmland. It is not currently proposed or identified for any use within the adopted Local Plan so this proposed form of development within the application will not prejudice any other. It does however involve development of greenfield, agricultural land and although advice contained within the National Planning Practice Guidance (NPPG) encourages the use of land by focussing large scale solar farms on previously developed and non-agricultural land, the development of agricultural land is not precluded.

30. In this instance, the agent has advised that the location of large-scale solar PV arrays is dictated by a number of factors. Firstly, they need to be located where there is an available grid connection which limits the number of brownfield sites that are suitable on this basis. Secondly, in order to provide economies of scale and to make an effective contribution to net-zero carbon energy production, solar PV require a sufficiently large area of land, usually in excess of 40 hectares. An inspection of Darlington Borough Council's Brownfield Register reveals the largest identified brownfield site is a 24.26ha site at Teesside Airport, which is less than a quarter of the site required to accommodate the proposed development. The requirement to demonstrate effective use of land as required by Policy IN9(b)(iv) has therefore been met.

31. An Agricultural Land Classification (ALC) has been carried out on 123.37ha of land. The assessment includes a desktop study and fieldwork analysis with the conclusion that all the soils on the site are Grade 3b. The site is therefore not comprised of best and most versatile (BMV) land. Local Plan Policy IN9(b)(v) (1 and 2) also requires that where solar power developments are proposed on agricultural land it has been demonstrated that the land has been shown to be poorer quality land in preference to higher quality agricultural land; and the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around the solar arrays.

32. Although the development would temporarily remove a significant proportion of land from arable use it would still be available for low intensity grazing. The agent has confirmed that the scheme is designed and will be built to enable grazing of sheep between the PV arrays and that there is an arrangement for this to be managed by the current farmers of the land in co-operation with the operators and in accordance with the biodiversity management plan which has been submitted with the application.

33. Developments of this type are temporary in nature and fully reversible, and as such the expectation is that there would be no adverse effects following decommissioning of the land's capability for agriculture. A planning condition is recommended limiting the development to a period of 40 years and requiring the submission of a scheme for the restoration of the site to its former condition, to be agreed in writing by the Local Planning Authority. The decommissioning of the site at the end of the operational period (40 years) would see the land restored to its former condition and capable of resuming arable production. On this basis, the proposal is considered to comply with Local Plan Policy IN9 and the NPPF in regard to seeking to protect BMV land from development.

34. There is a presumption in favour of sustainable development in Local Plan policies and the NPPF. Local Plan Policy IN9 is supportive of proposals for renewable energy schemes, including solar development, and the proposal is therefore acceptable in principle subject to consideration of site-specific issues relating to landscape and visual amenity, access and highway safety, residential amenity, heritage assets, ecology, flooding and drainage, which are assessed below.

(b) Landscape and Visual Amenity

35. A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application which considers the likely landscape and visual effects associated with the proposed development. An addendum to the LVIA which considers the cumulative impacts of the proposed development when assessed against other large scale solar developments within the area has also been submitted. These documents have been considered by Stockton Borough Council's Landscape Officer on behalf of both authorities.

36. The LVIA has been provided including photomontages from 3 key viewpoints in close proximity to the development at Year 1 and Year 15. A full landscape character assessment has been undertaken for the development site. The site is located within the

National Character Area (NCA) 23 'Tees Lowlands' and the assessment considers that impacts upon the NCA will be negligible.

37. The solar farm is located within Landscape Character Area (LCA) 7 – Bishopton Vale within Darlington Borough and within the West Stockton Rural Fringe LCA within Stockton Borough. The proposed substation locations, within the Stockton area, fall within the Thorpe and Billingham Beck LCA. The report assesses that the proposed development would not have any discernible effect with regard to the key defining characteristics of LCA7: Bishopton Vale and, those LCAs within the Stockton area, resulting in negligible effects upon the LCAs beyond the site and its immediate environs. The Landscape Officer agrees with the landscape character assessment.

38. With regard to the impact of the proposals on the site itself, the assessment sets out the majority of the fields within the site would change as they would now accommodate solar arrays, but the underlying character of the fields would remain and would return fully upon decommissioning of the solar farm in the longer terms. The character of the site where the substations are proposed would change, however this is within the Stockton part of the site and is not assessed as part of this application. Notwithstanding this, the proposal has been amended to omit the western most substation in response to the concerns of the Landscape Officer.

39. The applicant has prepared a 'Screened Zone of Theoretical Visibility' (SZTV) as part of their visual assessment. There are three villages within close proximity, Bishopton, Redmarshall and Carlton, as well as numerous farms and scattered residential properties within the rural landscape. A total of 12 viewpoints have been identified for the purpose of the SZTV across the local area at close and medium range to represent local road and footpath users, and residential receptors. These viewpoints are split equally between Stockton and Darlington and demonstrate the visibility of the site and its relationship with the surrounding landscape and vegetation.

40. Photomontages have been provided for 3 of these viewpoints (1, 6 and 8) indicating the views at Year 1 and Year 15 as mitigation planting matures and the results of an alternative hedgerow management regime are realised. The assessment concludes that only viewpoints 1 – 5 will experience any significant effects of major or moderate scale at Year 1, however these effects will reduce in severity for all of these sites with mitigation. Impacts on viewpoint 5 (within Stockton) have been removed following the omission of the western substation option from the application.

41. Users of public rights of way, road and residential receptors have been separately considered within the assessment. Whilst a detailed assessment of views from residential properties was not undertaken, the broad issues have been considered. The assessment notes that for many of the nearby residential receptors, who would be of high sensitivity to the proposals, clear and direct views of the proposed scheme would be restricted. Vegetation around the edges of villages within gardens and field boundaries across the landscape, combined will result in negligible effects at years 1 and 15 for residents of the surrounding villages.

42. The assessment also notes that many properties along Darlington Back Lane are single storey and therefore views of the solar farm will be filtered by intervening vegetation. A number of isolated properties close to the site have also been considered as part of the viewpoint assessments. Within Darlington this includes Sauf Hall Farm, located approximately 230 metres to the south of the site. The assessment considers that views from the property towards the site are currently restricted by vegetation and intervening built form (a large barn) and as a result, the magnitude of change is assessed as low at year 1, reducing to negligible by year 15.

43. Overall, the assessment concludes that with regard to residential receptors that these receptors would predominantly be subject to a low magnitude of change, with the exception of residents of a limited number of properties within the Stockton area. The effects upon residential receptors would vary from major to negligible at year 1, with the effects reducing to moderate to negligible by year 15 with mitigation. At the request of the Landscape Officer, the landscaping mitigation proposals have been updated to further reduce the scale of visual effects on some of these properties.

44. The addendum LVIA concludes that there would be a negligible or minor cumulative adverse effect on local landscape character areas. With regard to the cumulative visual impacts, the assessment considers that there may be cumulative impacts where the application site is visible in conjunction with the two closest sites, which are an operational site at High Meadow Solar Farm and a current undecided application for California Solar Farm to the east of Carlton and Redmarshall, both within the Stockton Borough Council area. The report considers the impacts upon viewpoints, recreational routes, road users, and two of the residential receptors. The Landscape Officer accepts the findings of the addendum LVIA and raises no objection relating to the cumulative impacts of the proposal.

45. The impact on existing site trees and hedgerows is minimal as the site layout allows for roads, solar panels and fencing to be sufficiently offset from existing features. Only small sections of hedgerow removals are required to facilitate site access. The submitted Arboricultural report sets out various tree protection measures during the construction period, with these measures to be secured by planning condition.

46. With regard to landscape mitigation on the site, the following enhancements are proposed. These have been updated in response to the initial comments of the Landscape Officer and would be secured by planning condition:

- Species rich meadow grassland around the periphery of the site with a grazing mix below the solar panels
- Special grass mixes to encourage Skylark to the site
- Infill and replacement of hedgerows, particularly near Delholme Farm (in the Stockton part of the site) and additional hedgerow tree planting

- New sections of hedgerow to line the on-site footpath (no. 7) which crosses the site, and in key locations where the development does not extend to existing established hedgerow field boundaries
- New tree and woodland planting in areas not utilised for panels.

47. Proposed mitigation to footpath no. 7 which crosses the site from north to south within the westernmost parcel of land, within the Darlington part of the site, will provide a more pleasant route through the development. In addition, planting along the southern boundary of the site has been increased in areas not utilised for planting which once established will provide additional screening to views from properties to the south of the site, and will achieve the effect of reducing the impacts in year 15 as set out in the original LVIA. On the basis of the modifications made to the landscaping mitigation proposals and the submission for the addendum LVIA considering cumulative impact, the Landscape Officer raises no objection.

48. While there would be some harm to the character, quality, and distinctiveness of the local landscape it would be localised and would not be substantial. There would be no harm to important views or features. Given the benefits of the proposal in respect of renewable energy generation this level of harm is not considered to be unacceptable in the balance of considerations. The proposals incorporate mitigation measures to mitigate adverse landscape and visual effects and make some localised contribution to the conservation and enhancement of the local landscape. This is considered in more detail in the Ecology section of this report. The proposal is therefore considered to comply with Local Plan Policies DC1, ENV1, ENV3 and IN9 and the NPPF.

(c) Access and Highway Safety

49. The proposal straddles the boundaries of both Stockton (SBC) and Darlington Borough Councils (DBC) both as Local Planning Authority and Highway Authority, with the main site access point located on the southern side of Redmarshall Road under the control of SBC via an existing access point. The site comprises two parcels of land which are bisected east and west by the C37, referred to in the application as Bishopton Back Lane. A cable route along Redmarshall Road and a 13kv/33kV substation to connect to the National Grid at Norton Substation is also proposed.

Access Arrangements

50. The main access for the solar farm is taken from an existing access on Redmarshall Road located approximately 270 metres east of the Borough boundary with Stockton Borough. SBC's Highway Officer considers this appropriate and offers no objection. Two secondary accesses are to be constructed for each parcel of land from Bishopton Back Lane (C37) which falls within DBC's boundary. Access to the off-site substation will either be taken from the existing Norton Substation access, or as a back-up from an existing access circa 650 metres to the east of Norton Substation along Letch Lane, either of which would fall within the SBC highway network and are out with consideration of the Darlington application.

51. The primary highways consideration is therefore to demonstrate that the new accesses located within the jurisdiction of DBC are safe and that the proposed routes to site are appropriate. Speed surveys have been undertaken to establish the actual recorded travelling speed of approaching vehicles to establish 85th percentile speed, from which visibility speeds can be calculated in line with Design Manual for Roads and Bridges (DMRB) methodology. Visibility splays based on the calculated stopping site distances for each access on Bishopton Back Lane based on the recorded 85th percentile speeds are suitably demonstrated on plan and are considered appropriate given the main road vehicle flows are low and the use of the site accesses in limited even during the peak construction phase. Visibility splays must be maintained for the life of the development to ensure a safe means of access and egress for all vehicles. Both new access points will require technical approval of the Highway Authority under Section 184 of the Highways Act relating to matters such as surfacing material, drainage, setting back of access gates etc. Such matters are also the subject of a planning condition.

Traffic Impact and Highway Safety

52. A Transport Statement (TS) has been prepared in support of the application and provides sufficient information to provide a detailed assessment of both traffic impact and any highway safety concerns both during the construction phase and long-term operation of the site post construction.

53. The TS sets out that approximately 1,100 HGV deliveries will be spaced across the 8 month construction period, typically averaging 5 deliveries per day (10 HGV movements). It is unlikely that, even at the most intense period of construction there will be more than 10 deliveries (20 two-way HGV movements) per day. Whilst peak hours are not identified for HGV movements based on this level of traffic generation it would not be easy to soundly evidence a 'severe impact' on the local highway network given an average daily HGVs movement of 20 two-way trips would only equate to around 2 vehicle movements per hour. While the information provided is a best estimate at the present time given that a contractor is yet to be appointed, it is considered necessary to apply a planning condition requiring the submission of a 'Final' CMP.

54. Post construction phase, the site will have very little impact on the local highway network, given that such sites essentially run autonomously and only require periodic visits for inspection/servicing. This is generally done by personnel who arrive on site in light commercial vehicles, so HGV traffic is not expected post construction under ordinary operation conditions. Information contained within the TS states that the frequency of vehicle trips associated with monitoring and upkeep of the site is typically about 10 – 20 times a year. Due to the low number of vehicular movements being made to and from the site during its operational period, the site is unlikely to have any significant impact on the local highway network once operational. Turning facilities must be provided within the site however along with gates placed sufficiently far back from the carriageway edge to ensure that vehicles can pull clear of the highway.

Glint and Glare

55. A glint and glare report has been prepared to assess the possible glint and glare effects from the proposed solar photovoltaic (PV) installation. This assessment relates to the possible effects upon multiple receptors including road users in the surrounding area. Impact on residential amenity is assessed elsewhere in this report.

56. The results of the analysis have shown that reflections from the proposed development are geometrically possible towards 22 of the 46 identified road receptors across all three identified roads. However, once existing and proposed screening is taken into consideration no views of the reflective area are possible for all 22 road receptors. No impact is predicted, and no further mitigation is necessary. Mitigation in the form of hedgerow between the proposed development and Bishopton Back Lane which bisects the site. The height of the screening is expected to be 3m and will successfully screen views of the proposed development for road users travelling across receptor 26 (Bishopton Back Road). Overall, no impact is predicted, and no further mitigation is required.

Road Safety

57. A review of the past 5 years of Police data reveals 1 minor personal injury collision has occurred within the vicinity of the site within Darlington Borough. This was a 'minor' collision recorded close to the junction of Bishopton Back Lane; however, it is concluded that there is no pattern of accidents in the immediate locality of the site or the study area which suggests a particular road safety issues, which the proposed development would adversely impact.

58. The issue of road safety has been raised by objection, particularly the condition of the local road network and the potential for HGVs using the road network to present a risk to other users of the roads including cyclists, pedestrians and horse riders. The respective Highways Authorities of Stockton Borough Council and Darlington Borough Council have a statutory duty under the Highways Act 1980 to maintain the public highway in a safe and proper condition. While this matter has been brought to the attention of the highway maintenance teams of the respective Highways Authorities, it is not considered appropriate for this matter to be dealt with as part of this planning application where the statutory duties of the Highways Authorities are covered by other primary legislation.

59. The presence of cyclists and horses using the local highway network is true and evident on the many quiet roads around Bishopton, however is expected on roads which offer attractive leisure routes. Non-motorised vehicles and horses have a right to use the public highway and the Highway Code is explicit in the hierarchy of road users where drives of all motorised vehicles have a legal duty to drive safely and considerately. However, the presence of horse riders and cyclists does not offer sufficient justification to prohibit large vehicles from using the local highway network. This is further evidenced when reviewing the most recent 5 year period of recorded accident history in the locality referred to previously.

60. Objections also raise concerns about limited forward visibility on Bishopton Back Lane and how it does not meet currently advised DMRB visibility requirements for a

60mph/national speed limit. This is however entirely typical of a rural road which is historic in nature and was never designed as such. Drivers should therefore adjust their speed, accordingly, as evidenced by the speed survey data submitted as part of the TS. The request that major road improvements are carried out in advance of any construction works is not considered proportionate or reasonable given the limited vehicle movements expected over an 8 month period. Similarly, the request for planning controls to be imposed over HGV access is not considered to be reasonable or enforceable where overriding legislation such as the Road Traffic Act allows for such vehicle movements. The routes to site contained within the Construction Management Plan (CMP) are considered the most logical and appropriate routes given they are chosen to avoid HGV movements through Bishopton as well as other nearby villages within SBC such as Redmarshall and Carlton. HGVs and other large agricultural vehicles make use of this road currently, with give and take being evidence where opposing vehicles would otherwise have some conflict on bends.

61. To avoid traffic routeing through local villages, it is proposed that HGV access to the main solar farm site will be taken from the A66, via Yarm Back Lane, Darlington Back Lane, Bishopton Back Lane and Redmarshall Road. While the Parish wish to impose restrictions of delivery times and HGV movements, it is not considered that this is appropriate or enforceable, given that there is no highway link or junction capacity issue associated with the proposed route through the DBC highway network. Given that the proposed route to site does not pass through Bishopton or other nearby settlements any argument of residential amenity or traffic congestion being made worse by the development is not therefore evidence based.

62. Whilst the development would generate a substantial number of construction traffic movements for the 8 month construction period it would not be unacceptable in this location due to good access and existing highway capacity for this temporary period. Once operational, the site would be automated and would only be attended for monitoring and maintenance purposes. A final construction management plan would be secured by condition, with a further condition requiring details of the site accesses to be approved. It is considered that the proposal has been appropriately assessed through a TS and would not result in harm to the safety of the local highway network and would not cause an unacceptable increase in congestion. Subject to these conditions, it is considered the proposal complies with Local Plan Policies DC1, IN4 and IN9.

(d) Residential Amenity

63. Specific considerations in relation to residential amenity are noise, construction activities, contamination, glint and glare and visual amenity which are considered below.

<u>Noise</u>

64. The application has been submitted with a noise assessment which considers how noise from the proposed solar farm operation, including the battery storage facility and proposed substation could impact at the surrounding residential receptors. The assessment concludes that the proposals would generate low levels of noise at

surrounding properties and the Council's Environmental Health Officer agrees with this statement. Assessing the predicted noise levels using a 'worse case' scenario of noise from the facility shows that noise would be commensurate with a No Observed Effects level during the most sensitive night time and early morning periods. Within the DBC administrative area, Sauf Hall Farm would be the most impacted property, however noise levels would be so low that noise mitigation would not be required. On this basis, the Environmental Health Officer advises there is no reason to attach further conditions relating to noise mitigation.

Construction Activities

65. A Construction Management Plan (CMP) has been submitted with the application which sets out that the main temporary construction compound for the project will be located in the north east corner of the site at High Farm accessed off Redmarshall Road, within Stockton Borough Council. It is not therefore considered that locating the compound in this location would have any significant impacts for dwellings in Darlington Borough Council. The CMP also sets out that construction works, including the delivery of materials to the site will be restricted to between 08:00 – 18:00 Monday to Friday and between 08:00 – 14:00 on Saturdays. It is recommended that a condition stipulating these hours, and also clarifying that no work should take place on Sundays and Bank Holidays, unless with the prior agreement of the Local Planning Authority, be attached to any approval.

66. Measures to mitigate against potential negative impacts on air quality during the construction phase are also set out in the CMP and these are considered appropriate to minimise dust from the site. Given the type of installations proposed it is not anticipated that any significant piling associated with the construction will take place, and given the distances to the nearest residential properties, vibrations from any site works are not anticipated.

67. Overall the CMP clearly sets out how the impact from construction activities will be managed and provided it is adhered to, impact on dwellings within Darlington Borough Council should therefore be minimal. While ordinarily a condition requiring compliance with the CMP would be attached, as set out in the Access and Highway safety section of this report, the submission of a final construction management plan is required to ensure the full range of construction impacts is assessed once the final contractor is appointed. This is to be secured by a planning condition which requires that the final CMP is submitted for approval prior to the commencement of development and that once approved the construction phase of the development is carried out in accordance with the final CMP.

Land Contamination

68. A Phase 1 Desk Top Study and Site Walkover report has been submitted with the application which consulted the historic Ordnance Survey reports of the area and concluded that the majority of the site (and certainly the areas in DBC) has historically been in agricultural use and is unlikely to be impacted by historic land contamination. The assessment was supported by a site walkover which did not show any signs of past

industrial or commercial uses of the site. The site walkover did identify a small amount of waste materials had been deposited within the yard of High Farm, but this area is in SBC.

69. Given the type of development proposed and the history of the site, the Environmental Health Officer agrees with the conclusions of the report that the risk of ground contamination impacting on the development is low and no further site investigations are required should the application be approved. In line with the conclusions of the report, and to ensure that the development can be completed safely, a condition is recommended to deal with any unexpected ground contamination that may be encountered.

Glint and Glare

70. A Glint and Glare Study has been submitted with the application which considers the possible effects of glint and glare on aviation activity at Teesside Airport, road users and residential amenity in the surrounding area. The assessment has identified 45 possible dwellings within both Darlington and Stockton Borough Councils areas which could potentially be impacted by the development, of which approximately half are located within the administrative area of Darlington. Of those properties within Darlington the proposed development is expected to have either 'no impact' or 'low impact' in terms of glint and glare either because the effects are not expected to be significant or because screening between the panels and houses would block views of the proposed development. The assessment concludes that mitigation to reduce the impact of glint and glare from the proposals is not required and the Environmental Health Officer concurs with this conclusion.

Health Impact

71. As required by Local Plan Policy DC3(g) a Health Impact Assessment has been submitted with the application which sets out how health considerations have informed the design. The HIA has been undertaken in line with government Public Health guidance and is proportionate to the nature of the proposed development.

72. Overall, the proposed development would not result in unacceptable impacts upon the amenities of nearby residential receptors subject to those conditions as outlined. On this basis, the proposal is considered to comply with Local Plan Policies DC1, DC3 and DC4.

(e) Impact on Heritage Assets

73. In assessing the proposed development regard must be had to the statutory duty 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. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, 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 gives rise to a strong (but

rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.

74. 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. Local Plan Policy DC1 is supportive of energy efficiency measures and low carbon technologies where this does not result in harm to the significance of a heritage asset. Policy ENV1 requires proposals affecting all designated heritage assets to give great weight to an assets conservation, conserving those elements which contribute to the assets significance and any contribution made by their setting in a manner appropriate to their significance irrespective of whether any potential harm amount to substantial harm, total loss or less than substantial harm.

75. Part D of Policy ENV1 states that proposals which would remove or harm the significance of a non-designated heritage asset will only be permitted where the benefits are considered to outweigh the harm. Proposals should seek to avoid harm to those features, including setting, which contribute to the significance of a non-designated heritage asset, through measures such as good design.

76. A Heritage Impact Assessment (HIA) has been submitted in support of the application. The HIA identifies the relevant heritage assets affected by the proposed development and considers the impacts on their significance and settings. As such this is considered to meet the requirements of paragraph 194 of the NPPF. There are no designated heritage assets within the site boundary which straddles land within both DBC and SBC administrative boundaries. The proposal lies within the setting of a number of assets and has the potential to impact on the setting of these assets. Within the borough boundary of Darlington, the development has the potential to impact on the setting of the Castle Hill Scheduled Monument and the character of Bishopton Village, including the Bishopton Conservation Area.

77. A geophysical survey and desk-based assessment have also been carried out which revealed no anomalies suggestive of significant archaeological features were recorded in the survey area, however anomalies of both agricultural and undetermined origins and an undetermined classification have been detected which further investigation. A programme of trial trenching therefore is needed to test and confirm the results of the survey, as well as any subsequent mitigation. Given the cross boundary nature of the application discussions have taken place with Durham County Council Archaeology, Tees Archaeology and the archaeological consultant to agree a programme of targeted trial trenching across the site and any resulting mitigation to be secured by planning conditions, the wording of which have been agreed by both Durham County Council Archaeology and Tees Archaeology.

78. The scheduled monument of Castle Hill is located within the 1km study area identified within the HIA. This comprises the Motte and Bailey castle 400m southeast of Bishopton, which is located approximately 790m northwest of the proposed development site. As a scheduled monument the asset is afforded the highest level of significance, with the

NPPF (paras. 199 -202) requiring that great weight be given to its conservation. The monument is situated on relatively low-lying ground at the southern extent of Bishopton village. To the immediate north of the site, a garage and residential properties within Bishopton bound the Scheduled Monument. High Street, which runs south from Bishopton, forms part of the Scheduled Monument's eastern boundary. The remainder of the asset's surroundings are comprised of agricultural land. The existing field boundary systems have already been affected by historic development and changes to agricultural practices as evidence by historic map regression.

79. The scheduled monument is located approximately 770m northeast of the proposed development site at its nearest point. Intervisibility between the proposed development site is limited due to the distance between the asset and the site as well as intervening built form, planting and changes to topography. The overall conclusions of the Landscape Visual Impact Assessment (LVIA) are that the identified works would have a minor adverse impact reducing to negligible impacts as the proposed 15 year landscaping scheme matures. Viewpoint 2 within the LVIA considers the resulting view from Footpath No. 7 which runs through the scheduled site and the landscape setting of the monument and concludes that there will be a low magnitude of change to the landscape at year 1 reducing to negligible at year 15.

80. Due to the proposed nature of the development comprising low lying solar panels combined with the topography of the site, intervening built development, and screening it is not considered that the proposed development would adversely impact on the setting or the significance of this historic asset.

81. Bishopton Conservation Area is a linear settlement located on the road between Stockton and Darlington. It is largely inward facing with evidence of surviving mediaeval burgage plots to the rear of historic properties. It is set around the main street (The Green) and contains a number of listed buildings all of a domestic scale aside from the central St Peters Church. The village and conservation area are situated some 690m away from the application site. Due to the distance between the site and the conservation area, combined with changes to topography and screening from existing mature planting, no clear intervisibility exists between the two. It is therefore considered that the proposed development site does not contribute towards the significance of Bishopton Conservation Area nor will the proposed development, being relatively low lying, adversely impact on the setting of the conservation area nor the listed buildings contained within.

82. The resulting impacts on the setting of built heritage assets, including the scheduled monument and Bishopton Conservation Area are considered to be neutral. The proposals will therefore conserve the setting and significance of neighbouring heritage assets and any resulting impacts would be neutral or negligible and therefore no harm would result, with clear public benefits resulting from the development in respect of sustainable energy generation. In accordance with Local Plan Policy ENV1, subject to the suggested archaeological conditions, it is considered that the proposals will have an acceptable impact on the setting and significance of the designated heritage assets within the vicinity of the development.

(f) Ecology

83. A detailed ecological appraisal has been undertaken and is based on the results of a desktop study, Phase 1 habitat survey, wintering bird and breeding bird surveys, and protected species survey work. The assessment confirms that there are no statutory or non-statutory nature conservation designations present within the site and that there will be no direct effect on any statutory or non-statutory designated sites in the surrounding area due to the separation distances. Indirect effects on both statutory and non-statutory designated sites are not anticipated due to the nature of the designations, largely habitats and associated species and lack of any clear connected pathways for effects.

84. The Phase 1 Habitat Survey confirms that the habitats within the site and wider survey area predominantly comprise of arable fields bordered by a combination of fences and hedgerows. Two fields to the south west of the site comprised grazed improved grassland at the time of the habitat surveys and a small field located to the north east comprised poor semi-improved grassland. A ditch which largely bisects the site north to south, with sections of wet and dry ditch are also present along sections of the site boundary.

85. The proposed development will mostly affect intensively managed arable land and improved grassland fields considered to be of low ecological value. The solar panel array layout has largely been designed to avoid field boundary features such as hedgerows trees and ditches within and immediately surrounding the site which provide the greatest ecological interest. Direct loss of habitat is therefore considered to be small and will comprise entirely low ecological value arable land and improved grassland, which is widely present in the local landscape.

86. Effects during construction relate to physical disturbance, primarily comprising temporary compaction and soil disturbance from plant machinery and vehicles in addition to the loss of low value arable and improved grassland. This will be temporary and for the operational lifetime of the development and the arable land and improved grassland will be replaced by more species-diverse grassland habitats of higher value to a range of wildlife. The solar farm will not be lit once constructed, maintaining dark corridors along boundary habitats included woodland edges and hedgerows.

87. A series of Wintering Bird Surveys have been undertaken and the Ecological Assessment concludes that the site is not considered to represent important habitat for over-wintering species.

88. The development has the potential for the temporary displacement of foraging and nesting birds. The majority of breeding birds within the site are associated with field boundary vegetation, including hedgerows and trees. The solar panel array layout and construction process has been designed to minimise impact on hedgerows and trees with only a few short sections requiring removal. All retained hedgerows and trees are to be

protected during construction. Birds nesting on open ground such as skylark may be temporarily displaced if construction takes place during the breeding season, however in the context of comparable habitats locally, the area lost will be small. Ground nesting bird species may potentially nest between rows of panels, so permanent displacement is unlikely.

89. Overall, the development will retain current habitat features and provide additional benefits for roosting and foraging bats. Other than a possible disused badger sett on the site there is no other evidence of current badger activity and construction activities are unlikely to result in disturbance. A pre-construction survey will be undertaken prior to works commencing on site to check for any newly constructed setts in and surrounding the site.

90. On site ditches were considered to provide poor habitat suitability for otter and water vole, and no evidence was found of either species during the habitat survey. Upon completion, the ditches and bankside habitat will remain available for water voles and otters to utilise should they colonise the area in future. Given the mitigation measures proposed, the land of ponds within the site and poor suitability of waterbodies in the wider area, the proposed development is unlikely to adversely affect any local population of amphibian, including great crested newts, or common and widespread reptile species.

91. The site and surrounding area may potentially support notable species including brown hare and western hedgehog. The loss of a relatively small area of arable land and grazed grassland is not considered to affect local populations of these species, especially when considered in the context of the extensive availability of more suitable habitats in the wider area and the proposed creation of more favourable habitats as part of the development.

92. A Biodiversity Management Plan (BMP) has been submitted with the application which has been informed by the Ecological Assessment and associated surveys. The BMP sets out the proposed habitat protection, mitigation and enhancement measures for the proposed development as well as detailing the ecological management and monitoring practices to be adopted with the aim of developing and maintaining wildlife habitat to provide a biodiversity net gain for the lifetime of the development (40 years). The BMP has been amended during the course of the application in response to the comments of the Council's Ecology adviser.

93. Habitat enhancement measures proposed for the site include the planting of a grassland sward beneath and surrounding the panels and within the perimeter fencing replacing what was largely arable fields, a species and structurally diverse meadow grassland around the margins of the site; native tree and hedgerow planting, including infilling of existing hedge gaps; the creation of a skylark mitigation area; and, inclusion of bird nesting boxes, bat roost boxes and insect boxes/hotels. The BMP would be a live document and be reviewed and revised (where applicable) before and during construction, as well as during the operational stage of the development to ensure it remains fit for purpose.

94. The biodiversity impacts associated with the proposed development have been assessed using the Natural England/DEFRA Biodiversity metric. The calculations show that the proposed development will result in a biodiversity net gain of 71.13% in habitat units and 26.25% in hedgerow units. Additionally, the provision of bird and bat boxes also provide biodiversity benefit which is not included in the net gain calculation process.

95. The Council's Ecology adviser is satisfied that the amended BMP provides sufficient detail to be confident that the target habitats and enhancements can be met. As a live document further details of target habitat descriptions, monitoring protocols, and finalisation of species mixes, and long-term management of the grasslands are amongst the items that will need refining at a later date. The production of a final agreed management plan and its implementation would be secured by planning condition to secure the delivery of biodiversity net gain improvements over the lifetime of the development. On this basis, the proposal is considered to comply with Local Plan Policies ENV7 and ENV8 and the NPPF with regard to biodiversity net gain.

(g) Flooding and Drainage

96. The application is accompanied by a flood risk assessment (FRA) which identifies that the solar farm and substation sites fall within Flood Zone 1, which is fully in accordance with the aim of the sequential approach set out in the NPPF and echoed in Darlington Local Plan Policy DC2, which is to steer new development to areas at the lowest probability of flooding in Zone 1. In relation to Flood Risk Vulnerability and Flood Zone 'Compatibility' the planning practice guidance to the NPPF advises that all uses of land are appropriate in Flood Zone 1.

97. The below ground cable route crosses an area of Flood Zone 2 associated with Letch Beck in the village of Carlton, however this lies within the SBC part of the wider application site. Notwithstanding this, the cable route will be located entirely below ground and resilient to flooding and would not impact upon flood risk elsewhere. The cable route is classified as essential infrastructure and compatible with respect to flood risk and is appropriate in Flood Zone 2.

98. The FRA has considered the potential consequences of flooding from all other sources, which include directly from rainfall and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes, and other artificial sources. The majority of the site lies with a 'very low' risk of surface water flooding with areas of elevated risk present on the site and subject to 'low' risk (between 0.1% and 1% chance of flooding), 'medium' risk (between 1% and 3.3% chance of flooding) and 'high' risk (greater than 3.3% chance of flooding). The small, isolated areas of elevated risk are associated with low points on the site where surface water runoff could collect and are related to localised low points.

99. The site layout has been devised to locate all control equipment in areas of 'very low' surface water flood risk. Only solar arrays, security fencing and access tracks extend into

areas of elevated surface water flood risk. The proposed solar PV panels will be raised at least 1m above ground level and above the surface water level by at least 0.1m on metal frames (arrays). The solar arrays would not therefore be vulnerable to the shallow depths and flow of surface water and would be above the highest risk and level of surface water accumulation. The panel supports and security fence will be resistant to shallow flood depths and will be securely anchored to the ground. The development extending into areas of elevated surface water flood risk does not affect its ability to continue to operate safely and does not increase flood risk elsewhere.

100. With respect to surface water drainage, rainfall falling onto the PV panels will run off directly to the ground beneath the panels and infiltrate into the ground at the same rate as it does in the site's existing greenfield state. Existing drainage features will be retained, and the site will remain vegetated through construction and operation of the solar farm to prevent soil erosion. The amount of impermeable cover as a result of the proposed development amounts to only 0.27% of the total site area, which equates to a minimal increase in the Mean Annual Flood (Q_{bar}) of just 0.54% compared to the existing greenfield runoff rate.

101. A sustainable drainage system, involving the implementation of SuDS in the form of interception swales, is proposed for managing surface water runoff on the site. Interception swales are proposed at the low points of the application site to intercept extreme flows which may already run offsite. The swales do not form part of a formal drainage scheme for the development but are provided as a form of 'betterment'. The volume of storage provided within the proposed swales is greater than the additional runoff generated as a result of the extreme 1 in 100 year storm event, including an allowance for climate change.

102. The FRA concludes that the provision of swales would lead to an overall reduction in surface water flow rates from the site and mitigate any increase in run-off due to the minor reduction in the overall permeable area of the site. The proposed drainage strategy would ensure that the development would therefore have a negligible impact upon site drainage, and surface water arising from the developed site would mimic the surface water flows arising from the site prior to the proposed development. The natural drainage regime would be retained except in the extreme storm event when a benefit is achieved by reducing the extreme storm run-off flows.

103. Overall, future users of the development would remain appropriately safe throughout the lifetime of the proposed development, and subject to planning conditions to secure the implementation, maintenance and management of a sustainable surface water drainage scheme as outlined, the development will not increase flood risk elsewhere and will reduce flood risk overall.

104. Stockton Borough Council acting as technical advisors to Darlington Borough Council as Lead Local Flood Authority advise that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area and raise no

objection subject to planning conditions as detailed above. On this basis, the proposal is considered to comply with Policy DC3 and the NPPF in regard to flood risk.

(h) Public Rights of Way

105. Within Darlington, Public Footpath No. 7 in the Parish of Bishopton passes in a north – south direction through the western parcel of the application site and would run through the proposed solar farm for a distance of approximately 420 metres in this location.

106. The submitted plans show that there would be a distance of approximately 10m between the panels either side of the right of way. The panels would be enclosed either side of the footpath by a 2m high deer style fence to prevent users of the right of way entering into the development, in front of which a proposed mixed native hedgerow and hedgerow trees will be planted as part of the landscape mitigation proposals and to screen views of the development from the footpath. A width of approximately 3m would be maintained along the length of the footpath as it passes through the site. An access track would also pass over the right of way which would be used for periodic maintenance of the site, which is likely to result in between 10 – 20 visits annually. There would also be some impact to the footpath during the construction period, which is considered and assessed in the submitted construction management plan.

107. The Council's Rights of Way Officer is concerned that the enjoyment of users of the footpath would be adversely affected by the proposed development, in terms of users feeling enclosed by the development and also in respect of noise and glint and glare and is also concerned that the footpath has not been identified as a sensitive receptor in the assessment of these matters.

108. It is acknowledged that the experience of users of the right of way will change for a short section as it passes through the development. This will allow close range views of the development and reduce the sense of openness and the availability of countryside views from the right of way for a section of approximately 420m. As set out elsewhere in this report, the impact of the development on footpath no. 7 has been assessed in the submitted LVIA which concludes that while there would be a notable change in year 1, with mitigation, this would reduce to low in Year 15 being bounded by hedgerow, not untypical of many other footpaths. Enhanced biodiversity provision in and around the site will also be a positive experience to users of the path over time.

109. An inverter station and two battery storage stations would be sited close to the eastern side of footpath no. 7 as it passes through the central part of this part of the site. It is also proposed to use tracking solar panels with one motor attached to each array of the panels. The inverters and associated equipment would be housed within steel containers which would ensure noise from the plant operating internally would not be clearly audible outside. Likewise, the batteries for the energy storage would also be housed within containers, thus minimising any noise break out. Cooling fans and vents attached to the units would however be audible and would be the principal source of noise

externally. Periodic movement of the motors on the arrays as the panels move would also be audible for a few seconds at a time.

110. The noise assessment submitted with the application sets out that noise from these sources is based upon the plant operating at full capacity, which would generally occur during periods of hot weather and at peak generation during the daytime periods. Overall, the inverter stations and battery storage stations have been sited to minimise impact on nearby residential properties and the noise assessment concludes, as has been previously set out in this report, that noise levels at surrounding properties would be so low that noise mitigation would not be required.

111. While there may be noise impact from the cooling fans and the motorised arrays which would be audible to users of footpath 7, this would be limited to a short section of the footpath immediately adjacent to the inverter and battery storage stations. Given this affects only a short section of the footpath as users pass through the development, it is not considered that this would be so unacceptable as to warrant refusal of the application on this basis. Similarly, users are unlikely to be adversely impacted by glint and glare given that screening between the panels and the footpath would block views of the proposed development over time.

112. While there will be some impact on the footpath from the proposed development this will be mitigated by landscape planting proposals in terms of visual impact and glint and glare. Noise impacts will also be of limited impact and duration due to the transient way in which the footpath is used over the relatively short distance it will pass through the development site. Given the low level of maintenance visits proposed, it is not considered that the proposed access track will adversely impact on users of the footpath, subject to a condition requiring any access gates to open inwards only. Overall, the proposal is considered to comply with Local Plan Policies DC4 and IN9(b).

(i) Other matters

113. A number of other matters have been raised in response to the consultation and publicity exercise, as follows:

<u>Statement of Community Involvement</u>

114. A Statement of Community Involvement (SCI) has been submitted with the application. The application sets out that a 3 week community consultation exercise was undertaken during March/April 2022. The consultation material comprised a leaflet and bespoke website which was distributed to 695 addresses within an approximately 3km radius of the site. A total of 46 responses were received, with 69% of respondents fully supporting or broadly supporting the proposal. Concerns raised about the proposal were varied but included loss of agricultural land, landscape and visual impacts, the scale of the proposal, proximity to residential dwellings, effects on ecology and wildlife, and impact on local highways particularly during the construction phase. The SCI sets out the applicant's response to the points raised during this process.

115. Some of the objections raised refer to the adequacy of the community consultation carried out and that some people are unaware of the proposals. The NPPF recognises the importance of early engagement with the community and pre-application discussions. The Council's Statement of Community Involvement Part 2 (SCI) also sets out when pre-application community and stakeholders engagement should be carried out and as a minimum what this should involve. This is however guidance, and an application cannot be refused because community engagement has either not been carried out at all or has not been carried out in accordance with the guidance. In this instance however the submitted Statement of Community Involvement is considered to meet the requirements of the Council's guidance.

116. In addition, the application itself has been publicised in accordance with the requirements of Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 by way of a press advert, site notices around the site and by way of letters to a total of 21 properties within the Darlington administrative area.

Battery Storage Safety

117. The issue of battery storage safety has also been raised by CPRE Durham in their objection to the application, with regard to the potential for fire risk arising from such systems which in their view should be assessed against the Energy Institute Guidance on Battery Storage.

118. Battery Energy Storage Systems (BESS) provide a means of storing off-peak energy production for release to the Grid in peal demand periods, or storing power from the Grid in periods of high supply but low demand. Storage is recognised as a necessary part in achieving net zero and providing flexibility to the renewable energy system. In this instance there has been no objection from the Health and Safety Executive (HSE) nor the Environmental Health Officer. The NPPF is clear that the planning system should not duplicate other regimes in place to control such matters (paragraph 188).

119. The agent has advised that it is in the developers and operator's interests to ensure the highest safety standards ae in place for their works and contractors, as well as to protect valuable equipment and avoid any disruption in operation. All equipment and processes employed during the construction and operational phases of the development will be certified and regulated for use in the UK and conform to relevant industry standards. Furthermore, as the electricity will be supplying the National Grid there will be strict requirements with regard to installation and connectivity.

120. The BESS will be located in purpose-built containers. Fire risk within the BESS container is managed in a number of ways, including software and hardware fail safes and fire suppression systems. Overall, these measures are considered to be sufficient to ensure any associated risks can be managed and mitigated through the appropriate control regimes that exist alongside the planning system which the NPPF makes clear should not be duplicated. In this instance, given the scale of the proposed development and the

proximity of the battery storage containers to local populations, it is not considered that this is a matter that carries significant weight in the overall planning balance.

Benefits to Local Community

121. A number of objections refer to a lack of benefits to the local community to off-set the impact of the proposed development. The agent has confirmed that a community benefit fund of £50,000 is to be made available to local organisations, however this fund does not form part of the planning application and is not regarded as a material planning consideration that carries any weight in the determination of the application.

THE PUBLIC SECTOR EQUALITY DUTY

122. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above.

CONCLUSION AND RECOMMENDATION

123. It is clear that the development of renewable energy is in principle in the public interest and is considered a benefit in those terms. The proposed development, with associated energy storage, will generate and store a significant amount of electricity from renewable sources and result in a reduction of approximately 25,370 tonnes of CO_2 emissions annually compared to generating the same amount of electricity using coal. This represents a significant contribution to the legally binding national and international requirements and associated targets to increase renewable energy generation and reduce CO_2 emissions. The proposal would also provide a range of other benefits including a significant contribution to local employment and the economy more generally. Additional benefits of the scheme include biodiversity and landscape improvements to the site. The development would not result in the loss of best and most versatile agricultural land and when decommissioned, the site can revert to its former use.

124. There would be some localised harm to the character, quality, and distinctiveness of the local landscape, although this would not be substantial, and these impacts have been mitigated to an acceptable level. Mitigation measures proposed for biodiversity would result in a significant biodiversity net gain which would be secured for the lifetime of the development by planning condition and are considered appropriate to mitigate against any ecological impacts. Consideration has also been given to the impact of the proposals upon highway safety, residential amenity, heritage assets, flooding and drainage, and public rights of way and, subject to appropriate conditions, these impacts are considered to be acceptable.

125. The proposed development is considered to broadly accord with the relevant policies of the Darlington Local Plan (2016 – 2036) and relevant sections of the NPPF. On balance however, the considerable environmental and public benefits of the scheme for the generation of renewable energy are considered to outweigh any harmful impacts of the development. According, it is recommended:

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard 3 year time limit)

2. The permission hereby granted is for the development to be retained for a period of not more than 40 years from the date when electricity is first exported to the electricity grid (First Export Date) or in the event that electricity is not exported to the electricity grid from the date that works first commenced on site. Written confirmation of the First Export Date shall be submitted to the Local Planning Authority within one month of the First Export Date. The site shall be decommissioned and all buildings, structures and infrastructure works hereby approved shall be removed and the land restored to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority in writing. The approved details shall then be implemented in full within 6 months of approval of those details.

   REASON - The proposed development has a limited lifetime and when that point is reached the land should be restored to its previous character and appearance and to productive agricultural use.

3. In the event that the solar farm is inoperative for a period of 6 months or longer, a scheme for the restoration of the site, including the removal of all buildings, structures and infrastructure works, dismantling and removal of all elements, shall be submitted to and approved in writing by the Local Planning Authority not later than 12 months following the last export of electricity from the site. The approved details shall then be implemented in full within 6 months of approval of those details or such other period as may be approved in writing by the Local Planning Authority.

   REASON - The proposed development has a limited lifetime and when that point is reached the land should be restored to its previous character and appearance and to productive agricultural use.

4. The development hereby approved shall be carried out in accordance with the following plans and documents:

   (a) Site location plan, drawing number P20-0234_03F dated 8.6.2022
   (b) Site layout plan, drawing number P20-0234_04O dated 28.9.2022
   (c) Landscape mitigation proposals, drawing number P20-0234_12F dated 28.9.2022
   (d) Green infrastructure plan, drawing number P20-0234_19A dated 28.9.2022
   (e) Inverter station elevations, drawing number GMSF_CS21GB001_01 dated 16.5.2022
   (f) Panel elevations bifacial, drawing number GMSF_CS21GB001_02 dated 16.5.2022

(g) Customer Station Elevation, drawing number GMSF_CS21GB001_04 dated 16.5.2022
(h) Cable Trench Cross Section, drawing number GMSF_CS21GB001_05 dated 16.5.2022
(i) Fence and Gates, drawing number GMSF_CS21GB001_06 dated 16.5.2022
(j) Spare Parts Building Details, drawing number GMSF_CS21GB001_07 dated 16.5.2022
(k) Battery Storage Elevations, drawing number GMSF_CS21GB001_08 dated 16.5.2022
(l) Meteo Station Details, drawing number GMSF_CS21GB001_09 dated 16.5.2022
(m) CCTV Pole Details, drawing number GMSF_CS21GB001_10 dated 16.5.2022
(n) Road Cross Section, drawing number GMSF_CS21GB001_11 dated 16.5.2022

REASON – To ensure the development is carried out in accordance with the planning permission.

5. Prior to the commencement of the development hereby permitted a final biodiversity management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and operated in full accordance with the measures contained within the final biodiversity management plan, including provision for future monitoring, reporting and any necessary amendment of management measures, or such other alternative measures which may subsequently be approved in writing by the Local Planning Authority for the lifetime of the development hereby approved.

   REASON – To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works, and biodiversity net gain are secured.

6. Prior to the commencement of the development hereby approved, pre-construction survey checks shall be undertaken for the presence of badgers and the results of the survey and any necessary mitigation measures required shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved mitigation measures shall be implemented in full.

   REASON - To ensure any impacts on protected species can be appropriately mitigated.

7. Prior to the commencement of the development precise details of the colours and finishes for all buildings, fixed plant and machinery shall be agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved.

   REASON – In the interest of visual amenity

8. Tree protection measures outlined in the Arboricultural Impact Assessment shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site. This shall include:

- Permanent perimeter site deer fencing which will provide protection to site trees and hedgerows during construction; and
- Temporary site tree protection fencing centrally within the site and described in paragraph 6.2 of the Arboricultural Impact Assessment

REASON – To safeguard and enhance the character and amenity of the site, and to avoid any reversible damage to retained trees.

9. No development shall commence until full details of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations, inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following commencement of the development and completed to the satisfaction of the Local Planning Authority.

   REASON – To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhanced biodiversity.

10. Prior to the commencement of the development, a Construction Management Plan (CMP) shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include a dust action plan, the proposed hours of construction, vehicle and pedestrian routes, type and frequency of construction/staff vehicles, road maintenance, and signage, wheel washing plant, methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen and on-site parking arrangements. The development shall not be carried out otherwise than in complete accordance with the approved details.

    REASON – In the interests of highway safety.

11. Prior to the commencement of the development, precise detail of access(es) shall be submitted to and approved in writing. Details shall include visibility splays, details of cut off drainage to prevent the discharge of surface water onto the highway, location of gates, and turning facilities for the long-term operation of the site. The first 12m of each access/internal road shall be constructed in a sealed material (i.e., not loose gravel).

    REASON – In the interests of highway safety.

12. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08:00 – 18:00 Monday to Friday, 08:00 – 14:00 Saturday with no activities on a Sunday or

Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interest of residential amenity.

13. Any unexpected ground contamination identified during subsequent construction/demolition works shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority. The development must be completed in accordance with any further agreed amended specification of works.

    REASON – The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

14. The development hereby approved shall not be commenced on site until a scheme for the implementation, maintenance and management of a sustainable surface water drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include, but not be restricted to providing, the following details:
    i. Detailed design of the surface water management system (for each phase of the development)
    ii. A build programme and timetable for the provision of the critical surface water drainage infrastructure
    iii. A management plan detailing how surface water runoff from the site will be managed during the construction phase
    iv. Details of adoption responsibilities.

    REASON – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area, in accordance Darlington Local Plan Policy DC2 and the National Planning Policy Framework, 2021.

15. The development permitted by this planning permission shall only be carried out in accordance with the approved Gately Moor Solar Farm Flood Risk Assessment, Issue 01 dated 17th June 2022.

    REASON – To prevent flooding be ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants

16. The development hereby approved shall not be brought into use until:

i. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said development
ii. The drawings of all SUDS features have been submitted and approved in writing by the Local Planning Authority. The drawings should highlight all site levels, including the 30 year and 100 year +cc flood levels and confirmation of storage capacity
iii. A management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority. This should include the funding arrangements and cover the lifetime of the development.

REASON – To reduce flood risk and ensure satisfactory long-term maintenance are in place for the lifetime of the development.

17. No development shall commence until a Strategy for Archaeological Mitigation, including a phased programme of archaeological 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 mitigation will then be carried out in accordance with the approved strategy.

    REASON – To safeguard any archaeological interest in the site and to comply with Part 16 of the National Planning Policy Framework (NPPF). This is required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

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

    REASON - To safeguard any archaeological interest in the site and to comply with Part 16 of the National Planning Policy Framework (NPPF).

19. No gates shall be designed to open out from the access track which bisects Footpath No. 7 in the western part of the application site over the footpath.

    REASON - To safeguard the amenities of users of the public right of way.

20. Notwithstanding the submitted details should any external lighting be required at either the construction or operational phases of the development, details of such lighting including measures to prevent light spillage, shall be submitted to and approved in writing by the Local Planning Authority. Any such external lighting as approved shall be

installed in accordance with the approved details and shall be retained as such for the lifetime of the development.

REASON – To minimise possible light pollution in the interests of visual and residential amenity

INFORMATIVES

Highway Informatives
The developer is required to enter into an agreement under Section 59 of the Highways Act 1980 prior to commencement of the works on site where Darlington Borough Council, acting as the Highway Authority, wish to safeguard the public highway from damage caused by any construction traffic serving the development. Contact must be made with the Assistant Director – Highways, Design and Projects (contact Mr Steve Pryke 01325 406663) to discuss the matter.

The applicant is advised that works are required within the public highway to construct a new vehicle crossing. Contact must be made with the Assistant Director – Highways, Design and Projects (contact Mrs Lisa Woods 01325 406702) to arrange for the works to be carried out or to obtain agreement under Section 184 of the Highways Act 1980 to execute the works.

Public Rights of Way Informative
Footpath No. 7 in the Parish of Bishopton shall remain open and unobstructed at all times during the construction period of the development.