

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 9 November 2022**

---

<b>APPLICATION REF. NO:</b>	22/00213/FUL
<b>STATUTORY DECISION DATE:</b>	22 June 2022 (Extension of time agreed 18 November 2022)
<b>WARD/PARISH:</b>	HEIGHINGTON AND CONISCLIFFE
<b>LOCATION:</b>	Land North of Burtree Lane, Burtree Lane, Darlington
<b>DESCRIPTION:</b>	Installation of a solar farm comprising of ground mounted bifacial solar panels, access tracks, string inverters, transformers, substation, storage containers, underground cables and conduits, perimeter fence, temporary construction compound and associated infrastructure and planting scheme (Supplementary Heritage Statement received 1 June 2022, amended site layout plan received 22 June 2022, additional Biodiversity Management Plan received 19 July 2022, amended site layout plan, mitigation plans and biodiversity management plan received 11 October 2022, biodiversity metric received 12 October 2022 and amended biodiversity management plan received 14 October 2022)
<b>APPLICANT:</b>	Aura Power Developments Limited

---

**RECOMMENDATION: GRANT PERMISSION SUBJECT TO SECTION 106 AGREEMENT AND 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: [22/00213/FUL | Installation of a solar farm comprising of ground mounted bifacial solar panels, access tracks, string inverters, transformers, substation, storage containers,](https://www.darlington.gov.uk/22/00213/FUL)

[underground cables and conduits, perimeter fence, temporary construction compound and associated infrastructure and planting scheme \(Supplementary Heritage Statement received 1 June 2022, amended site layout plan received 22 June 2022, additional Biodiversity Management Plan received 19 July 2022, amended site layout plan, mitigation plans and biodiversity management plan received 11 October 2022, biodiversity metric received 12 October 2022 and amended biodiversity management plan received 14 October 2022\) | Land North Of Burtree Lane Burtree Lane DARLINGTON](#)

## **APPLICATION AND SITE DESCRIPTION**

1. This is an application for the installation of a solar farm comprising of ground mounted bifacial solar panels, access tracks, string inverters, transformers, substation, storage containers, underground cables and conduits, perimeter fence, temporary construction compound and associated infrastructure. The proposed development would have a generating capacity of up to 49.99MW at the point of connection. Planning permission is sought for a temporary period of 40 years after which the site would be decommissioned and returned to its former use.
2. The application site extends to approximately 62 hectares of agricultural land located to the north of Burtree Lane, immediately to the north west of properties known as Little Whessoe and Whessoeville. The A1(M) forms the western boundary of the site and the Darlington to Bishop Auckland railway line forms the site's eastern boundary. Footpath No. 6 in the Parish of Whessoe runs from Burtree Lane to the south of the application site, through the group of buildings at Little Whessoe and heads in a northerly direction along part of the eastern site boundary before heading in an easterly direction away from the site towards Coatham Grange. The site is predominantly located within Flood Zone 1, with the exception of a small area to the north which is located in Flood Zone 2 and 3.
3. There are a number of dispersed dwellings and farms surrounding the site, with the nearest property being the landowner's property at Little Whessoe, adjacent to the south-east corner of the site boundary. Other nearby properties include Burtree Barns and Burtree Grange approximately 137m and 233m to the south west of the site respectively, Quess How and Whessoe Grange Farm approximately 235m and 360m to the south respectively, and Coatham Grange which lies approximately 450m to the north east of the site.
4. The proposed development will comprise ground mounted bi-facial solar panels in rows that will run in an east/west orientation to allow the panels to tilt south to face the sun. The panels have the capability to generate electricity from light received to both the front and back of the panel and the proposed development would generate power during daylight hours, not just during times of direct sunlight, throughout the year. The solar panels will be mounted at a maximum height of 3.5m with a minimum clearance of 0.8m from the ground to allow sheep to graze beneath the panels. The space between frames is provided for maintenance access and to avoid shading from neighbouring panels. The frames are typically constructed of aluminium and fixed to the ground with ground

anchors. This would be for a 40 year period and would be removed at the end of the operational period.

5. Plant and other equipment to support the generation of electricity would be located around the site. A substation building will also be constructed within a connection compound located towards the south of the site, from which onward connection will be made from the site to the wider network, which is likely to be the Darlington North Substation, located approximately 950m south east of the site. This connection will be the responsibility of the Distribution Network Operator (Northern Powergrid) and is not considered as part of this application.
6. The site will be enclosed by a security fence which will be a stock-proof post and wire fence approximately 2m in height. The fence design includes a 150mm gap at the base which will allow small mammals to transit across the site. The majority of the fence will be screened by new or existing hedgerows. No lighting or CCTV is proposed within the solar farm.
7. Access to the site would be via an existing field entrance off Burtree Lane to the south of the site. A construction compound will be formed adjacent to the southern boundary of the site. It is proposed to use existing farm tracks and field entrances within the site, which will be upgraded where necessary to allow access to the arrays, although a number of new access tracks are also proposed. The tracks will typically have a crushed stone running surface and will be approximately 4m wide. A temporary construction compound will be created adjacent to the southern boundary. The construction period is anticipated to take 4 months.
8. Once operational, the facility would be unmanned, being remotely monitored and operated. The site will be checked regularly, and periodic cleaning of the panels will take place. During normal operations it is expected that personnel will visit the site once a month in a light van or four-wheel drive vehicle.
9. At the end of the 40 year period the solar farm would be decommissioned, which would involve the removal of all above ground elements and restoration of the site to its current condition. Access tracks and ancillary infrastructure may remain in place following decommissioning if required by the landowner.

## **MAIN PLANNING ISSUES**

10. 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**

11. 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

### **National Planning Policy Framework, 2021**

### **National Planning Practice Guidance**

## **RESULTS OF TECHNICAL CONSULTATION**

12. No objection in principle has been raised by the Council's Highway Engineer or the Environmental Health Officer subject to conditions. The LLFA and Environment Agency raise no objection. National Highways, Network Rail and British Transport Police also raise no objection subject to conditions. Durham County Council Archaeology Section raises no objection subject to conditions to secure a programme of archaeological investigation and mitigation. The Council's Ecology adviser raises no objection, subject to a final biodiversity management plan being secured.
13. The Council's Rights of Way Officer is supportive of amended proposals to omit panels from Block 8, but considers further amendments should be undertaken to Blocks 1, 2 and 3 areas. The Heritage Action Zone Project Officer also considers that the proposal negatively affects the S&DR, and its setting and mitigation is required.

## **RESULTS OF PUBLICITY AND NOTIFICATION**

14. One letter of support has been received which raises the following issues:
  - Important that UK creates a diversified portfolio of power generation options
  - Cumulative effect of such schemes produce downwards pressure on gas prices
  - Converting old landfill site into power generation for 21<sup>st</sup> century is ideal choice for clean energy generation
15. Whessoe Parish Council support the application.
16. Friends of the Stockton and Darlington Railway object to the application for the following reasons:
  - Concerned about harmful impact of proposed development on setting of the Stockton and Darlington Railway and setting of recently Grade II listed overbridge at Whessoeville and Myers Flat embankment and Coatham Grange accommodation bridge when seen from public footpath and A1(M)
  - It is proposed to designate the S&DR as a conservation area affording its features the status of designated heritage assets.
  - Application identifies number of distant viewpoints but does not assess impact from A1(M)
  - Application claims that passengers in railway will experience transient exposure to solar farm when crossing embankment, but must be assessed in context of diminishing rural gap between Darlington and Newton Aycliffe
  - Acknowledge benefits of providing renewable energy but believe scale and location causes harm to setting of designated and non-designated S&DR heritage assets, contrary to national and local planning policies
  - Scale of development should be reduced to alleviate impact on designated and non-designated heritage assets.
  - Contribution should be sought towards creation of S&DR Walking and Cycling Route

Following the amendment of the scheme to remove arrays from some parts of the site and the submission of a supplementary Heritage Statement to consider the impact on the recently listed overbridge, the following further comments have been received:

- Support the removal of arrays from area 8 and the submission of the supplementary Heritage Statement however amendments have not addressed harm to the setting of the Myers Flat embankment nor the need to remove arrays from other parts of the site and objection remains.
17. CPRE Durham objects to the application for the following reasons:
    - Concerned about the amount of greenfield sites now being used for solar arrays for a “temporary” period of 40 years
    - Loss of such land for industrial purposes of considerable concern
    - Note representations of Friends of Stockton and Darlington Railway and are concerned about the potential impact on this heritage asset
    - Proposal will increase industrialisation of farmland on eastern side of A1(M). Much is now allocated for development in the recently adopted Local Plan. Merit in saving other land adjoining the motorway from such development.

18. Durham Bird Group objects to the application for the following reasons:
  - Note the number of breeding birds the site supports, which are species of particular importance
  - Unable to find consideration of mitigation measures proposed
  - If provision is not made to secure their conservation, application should be refused.
  
19. Savills, on behalf of Hellens Land and Homes England object to the application for the following reasons:
  - Impact of the proposed development on the land to the south of the application site at Greater Faverdale for the Burtree Garden Village site which is allocated in Darlington Local Plan for 2,000 homes and up to 200,000 sq m employment space
  - Clarification needed of access arrangements during construction and operation and the relationship with Local Plan infrastructure
  - Implications relating to objectives of Burtree Garden Village Design Code
  - Assessment of visual impacts and glint and glare upon residential receptors and access road within allocation H11 and consideration of any impacts on character or amenity within Burtree Garden Village.

## **PLANNING ISSUES/ANALYSIS**

### **(a) Principle of Development**

20. 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.
  
21. 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.
  
22. 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 low carbon energy and associated infrastructure.

23. 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.
24. 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 (BMV) land as land in grades 1, 2 and 3a of the Agricultural Land Classification.
25. 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.
26. 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.
27. The application site is located to the north west of Darlington and is currently in agricultural use. It is not currently proposed or identified for any use within the adopted Local Plan and so the proposed development will not prejudice the delivery of any other. It does however involve development of 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. In this instance the site does include some areas of made ground and some former landfill/tip sites in addition to agricultural land.

28. An agricultural land quality survey has been provided which demonstrates that 85% of the site area is Grade 3b, 4 or other classification (i.e. access tracks, ditches, streams, wooded areas) and that 15% of the site focussed in the south western part of the site is Grade 3a which does meet the definition of best and most versatile agricultural land. In this instance the extent of BMV land affected (9.1ha) is below the threshold for statutory consultation with Natural England, as set out in Schedule 4 of the Town and Country Planning (Development management Procedure (England) Order 2015 which requires Local Planning Authorities to consult Natural England on all non-agricultural applications that result in the loss of more than 20ha of BMV land if the land is not included in a development plan.
29. The submitted survey states that due to moderately high topsoil clay content and imperfect drainage this land has wetness limitations which restricts machinery access in winter and early spring. Ordinarily to satisfy the policy requirement the scheme should be amended to exclude this area of BMV and retain this for growing and production. However the specific characteristics of this Grade 3a land, which is currently used for grazing and not arable production, and which would continue to be used for grazing to a lesser degree, means this temporary loss is unlikely to result in a significant reduction in growing and production from this land parcel particularly given its limited size (9.1ha). On this basis, the proposal is not considered to conflict with the particular requirements of Policy IN9B in relation to agricultural land quality.
30. Although the development would temporarily remove a proportion of agricultural land from arable use it would still be available for low intensity grazing with the establishment of a more biodiverse meadow planting scheme proposed, which would satisfy the policy requirements of Policy IN9 B for continued agricultural use and biodiversity improvements. Furthermore, the development is 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.
31. 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.
32. 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 Impact**



33. 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 existing solar farm at School Aycliffe, located on the western edge of Newton Aycliffe, and a consented solar farm at Whinfield Farm, Lime Lane, Brafferton approximately 3.7km to the north west of the application site have also been considered within the baseline of the assessment. The LVIA includes photomontages from 6 key viewpoints in close proximity to the development at Year 1 and Year 10 with mitigation in place. These viewpoints are representative of views of the site from residents, walkers and motorists/rail users. A full landscape character assessment has been undertaken for the development site. The site is located predominantly within National Character Area (NCA) 23 'Tees Lowlands', with a small part of the north of the study area located within NCA15 'Durham Magnesium Limestone Plateau'.
34. A Zone of Theoretical Visibility (ZTV) has been generated which illustrates the potential visibility of the proposed solar panels at the application site based on topography, but not accounting for screening as a result of vegetation or built form, due to the limitations of the model. The ZTV suggests that potential visibility of the proposed solar farm would be variable across the undulating landform of the study area, with the main potential visibility concentrated within approximately 2km of the site, with further areas of potential visibility across the northern parts of the study area, and more limited potential visibility across the remaining parts of the study area. Landscape features such as woodland, tree belts, built form etc are however likely to reduce the amount of the proposed solar farm visible from any given location, particularly given the limited height of the proposal.
35. The visual impact of the proposed development is further assessed in more detail by viewpoint analysis at 6 key viewpoints around the site. The assessment considers the effects of the development on landscape character and visual amenity from these viewpoints, at Year 1 and Year 10 with proposed mitigation planting. Overall effects of major/moderate and above are considered significant whereas at the opposite end of the scale, moderate/minor effects or lower changes are unlikely to result in significant changes to views of landscape character.
36. Overall, the assessment concludes that in terms of landscape character there will be no effects on 3 of the 6 viewpoints at Year 1. There will be a minor adverse effect on landscape character at viewpoint 1 (Burtree Lane layby, 0.3km to the SE of the site) in year 1 which will reduce to no effects with proposed mitigation in year 10. There will also be moderate/minor adverse effects at two further viewpoints 2 and 5 (Footpath near Whiley Hill Farm, 0.8km to the north of the site and Footpath near Trafalgar House, Heighington 3.5km to NW of the site) which will not reduce with mitigation. In the context of the assessment criteria this is not however considered to be significant.
37. In terms of visual impact, the assessment concludes that there would be minor/no effects at 4 of the viewpoints at Year 1 and Year 10 and moderate/minor effects at viewpoint 5, the footpath near Trafalgar House, Heighington to the NW of the site, which are not

considered to be significant. The assessment does however identify that there will be major/moderate impacts to residents and walkers at viewpoint 2, which will reduce to moderate+ with mitigation in year 10. This residual impact would be considered as a significant impact in this location.

38. Aside from the viewpoints, the LVIA considers the impact on individual properties within close proximity to the proposed development. Some of these properties would have limited views of the proposed development based on such factors as distance from the site and intervening topography, vegetation and built form. Some of the properties however are likely to have more direct views of the development, and the assessment concludes that in some cases this would result in a significant effect to a small number of properties located within the vicinity of viewpoint 2, to the north west of the site, and to the south east of the site. A native tree belt between 5 – 10m wide is proposed around the south western and south eastern boundaries of the site which over time will add further filtering and screening of the closest parts of the proposal.
39. The assessment also considers the impact of the development on the local rights of way network, public highways and rail users. It is proposed that existing hedgerows adjacent to footpath no. 6 that passes close to the eastern boundary of the site will be allowed to grow to a height of 4m and will also be supplemented by additional native tree and hedgerow planting along its length. It is anticipated that it will take between 5 and 7 years for new hedgerows to establish and existing hedgerows to reach full height. No significant effect on the visual amenity of this right of way is expected. Viewpoints 2, 3 and 5 all illustrate views of the proposal from the public right of way network at distances ranging between 0.8km and 3.5km from the site. None of these views would result in a significant effect on the visual amenity of walkers, however there would be localised impacts confined to sections of public rights of way in close proximity to the site including footpaths no. 6 and no. 7 which pass close by the eastern and northern site boundaries.
40. The proposed development would potentially be visible from parts of the A1(M) and Burtree Lane in the vicinity of the site. Landscape mitigation proposals show that existing hedgerows along these boundaries are to be grown and maintained at a height of 4 metres and will be reinforced with new native hedgerow and tree planting which will also be grown and maintained to a minimum 4m height. Motorway users would gain fleeting views of the proposal initially before mitigation planting establishes and this would not be significant for these road users. There would be a significant effect to motorists on Burtree Lane in year 1 which would reduce by year 10 due to mitigation resulting in no significant effect on visual amenity. Beyond these two routes, visibility of the proposals from the local road network would be extremely limited and generally screened by roadside and intervening hedgerows.
41. The development would be visible from the Darlington to Bishop Auckland Railway line which runs adjacent to the eastern boundary of the site. The East Coast Mainline is also located approximately 1.7km to the east of the site, however the assessment concludes that in view of this distance and due to intervening vegetation, potential views of the proposal from this route would largely be screened. The development would be more

readily visible from the Darlington to Bishop Auckland Railway line for a section of the route between Burtree Lane and the A1(M), approximately 1.6km in length. Due to the speed of travel of trains on this route, this would represent a short amount of time and a small proportion of the overall route. Existing vegetation along the route would filter visibility of the proposal, especially in the summer months and the assessment concludes that the proposal would have no significant effect on the visual amenity of rail passengers on this route.

42. The assessment concludes that through careful site design and with mitigation, there would be some localised residual significant effects in terms of landscape character and visual amenity to a small number of residents. There would not be any significant effects on landscape fabric, landscape designations or any of the other landscape character areas located within the 5km radius study area. There would be no significant effects on the visual amenity of the vast majority of residential receptors, or on the visual amenity of rail passengers within the study area. Proposed mitigation measures would establish and provide filtering and screening of views over time. Officers agree with the conclusions of the assessment.
43. While there would be some harm to the character, quality, and distinctiveness of the local landscape which in some localised areas would be substantial, this is limited to a small area within close proximity of the site and to the visual amenities to a small number of residents. 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**

44. It is proposed that the development will be accessed from Burtree Lane via an existing field access which is to be upgraded to serve the development. While the Highway Engineer considers this to be acceptable in principle, further information is required. This would be secured by planning condition which would require details of appropriate visibility splays and other technical requirements of the access and works within the public highway to be submitted for approval. Swept path analysis is also required to demonstrate that the access and internal access roads are suitable for the largest vehicles needed to enter the site. Further information is also required regarding internal parking areas for vehicles both during the construction and operational phases of the development.
45. Information relating to traffic generation and vehicle movements during the construction period has been provided with the application. It is expected that there will be a 4-month construction period. During the construction period deliveries, where possible, are to be

limited to off-peak hours (09:00 and 15:00) during weekdays to reduce impacts on local road users. The total number of HGV movements (including for deliveries to and vehicles leaving the site) is 1644 across the four month construction period, equating to an approximate daily average of 9 HGVs (18 two-way movements per day). The construction programme shows that the busiest period for vehicle movements will be weeks 1 – 4 which are anticipated to have a maximum of 30 two-way HGV movements per day. This equates to an average of 5 HGV movements per hour assuming off-peak delivery between 9am and 3pm. Based on this expected level of temporary traffic generation, the proposed development does not raise any highway safety concerns or traffic capacity assessment requirements.

46. In line with other similar developments, post construction phase, the site is to be remotely monitored and operate with automated systems with routine visits for checking of the site and cleaning of the panels. During normal operations, this will equate to a monthly visit and as such the site is not considered to have any material impact upon the local highway network post-construction, provided a safe means of access is secured and maintained for the lifetime of the development, to be secured by planning condition. It is also recommended that pre-construction and post-construction road surveys to identify and rectify any damage to Burtree Lane or the verges caused by construction traffic take place to ensure any damage associated with the development is rectified at the developers' cost. This is a matter between the developer and the Council as Highways Authority and is to be dealt with as an informative to any permission granted.
47. A review of the past 5 years of Police data reveals that 1 'minor' personal injury collision and 1 'serious' collision has occurred within the vicinity of the site access. 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 issue, which the proposed development would adversely impact.
48. Whilst the development would generate a significant amount of construction traffic movement during the proposed 4 month construction period, based on the expected level of temporary traffic generation, the proposed development does not raise any highway safety concerns or traffic capacity assessment requirements. During the operational period, the site would be automated and would only be attended for monitoring and maintenance purposes. Subject to conditions requiring the submission of a final construction management plan and details of the site access, the Council's Highway Engineer raises no objection.
49. The application also has a direct north-western boundary with the A1(M) which forms part of the strategic road network. National Highways recommend that conditions be attached to ensure that details of the proposed site boundary fence adjacent to the A1(M) are submitted for approval and that a construction traffic management plan which specifically considers how construction traffic will impact upon the A1(M) also be submitted for approval. Subject to these conditions, National Highways raise no objections to the proposal.

50. Network Rail have also commented on the application and raise no objection to the proposal subject to a number of conditions which seek to protect the safety and operational needs of the adjacent railway. Network Rail advise that they accept the findings of the submitted Glint and Glare study which concludes there will be a low impact on the adjacent railway line, however request that a monitoring condition be attached to deal with any future issues should they arise relating to glare issues for an approaching train driver passing the site. These conditions address the matters raised for consideration by British Transport Police in relation to the impact of the development on the operational safety of the railway line.
51. Subject to these conditions, the proposal is considered to comply with Local Plan Policies DC1, IN4 and IN9.

**(d) Residential Amenity**

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

Noise

53. The submitted noise assessment has identified the nearest noise sensitive receptors not associated with the development and has calculated and modelled the noise from the development at those locations. The noise model assumed that all equipment associated with the solar farm was running at 100% and noise contour plans created by the model show that at the nearest noise sensitive receptor (Little Whessoe) the noise level when the solar farm is operational are unlikely to be discernible above the existing background noise levels. Having reviewed the noise assessment, the Environmental Health Officer agrees with the conclusions of the assessment that there are no noise-related issues arising from the development and that noise mitigation is not required.

Construction Activities

54. The construction phase of the development is proposed to take 4 months. Although this is a relatively short time and the development is separated from nearby dwellings, there is still potential for occupiers of those homes to be impacted by noise and dust from construction activities. This should be dealt with in a Construction Management Plan which is to be secured by planning condition. In addition, a condition restricting construction works, including deliveries to the site to between the hours of 08:00 – 18:00 Monday to Friday and 08:00 – 14:00 on Saturdays, with no work to take place on Sundays and Bank Holidays, unless with the prior agreement of the Local Planning Authority, is also recommended.

Land Contamination

55. A Preliminary Contaminated Land Risk Assessment has been submitted with the application which identifies that the south eastern corner of the proposed site was once a licensed landfill site, operational during the 1980s. The report also identifies that historical Ordnance Survey Records show a further 'refuse tip' in the north of the site to the west of the railway line. This appears to be associated with a former sand quarry,

Whiley Hill Sand Pit, and appears to have been excavated prior to the construction of the A1 and appears on OS records between 1966 – 1989. The Risk Assessment also includes details of previous site investigations at the site undertaken in 2019 and 2020.

56. The submitted Risk Assessment is a comprehensive desktop study and review of the historic ground investigations of the site. It has shown that there are valid pollution linkages which could impact on the proposed use for the site as a solar farm, however the Environmental Health Officer advises that these are not so significant as to refuse the application. Further site investigation is however needed to better understand the risks and how to mitigate against them, which will include ground gas monitoring over a suitable time period. It is therefore recommended that standard land contamination conditions are attached to any approval granted.
57. The Environment Agency raises no objection to the application and concurs with the views of the Environmental Health Officer that further monitoring is undertaken to inform any risk posed by the development interacting with previously deposited waste. The suggested land contamination conditions will also cover the points raised by the Environment Agency.

#### Glint and Glare

58. The submitted Glint and Glare Assessment considers the possible effects of glint and glare from the proposed development on a number of receptors, including nearby dwellings, road and rail users. In terms of impact on residential receptors the assessment concludes that ground effects such as buildings and vegetation cover would prevent any possible residential receptors from being impacted, and that glint and glare would not be an issue at any of the residential receptors considered in the assessment and no further mitigation is required. The Environmental Health Officer concurs with this conclusion. Neither the Council's Highway Engineer nor National Highways have raised concerns about glint and glare on the safe operation of the strategic or local road networks.

#### Health Impact

59. 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.
60. 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**

61. 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.

62. 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.
63. 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. Paragraph 203 of the NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
64. Policy ENV2 also states that proposals which seeks to conserve and enhance elements which contribute to the significance of the Stockton and Darlington Railway and its setting, including the trackbed and branchlines, will be supported. Proposals will be supported where they include measures that preserve any physical remains along the route, include site interpretation and where appropriate reinstate a legible route where those remains no longer exist. Development proposals that support the development of the S&DR as a visitor attraction including the creation of walking and cycling paths along its route will also be encouraged. The application proposes the siting of an information board along the route of the S&DR and also proposes to enhance the section of the footpath within the application site as part of the proposals to encourage walking and cycling along the route.
65. A Heritage Statement (HS) has been submitted with the application which identifies the relevant heritage assets affected by the proposed development and considers the impacts on their significance and settings. This is considered to meet the requirements of paragraph 194 of the NPPF. There are no designated heritage assets within the site boundary, however the proposal lies within the setting of a number of assets and has the

potential to impact on the setting of these assets. The Stockton and Darlington Railway, which forms part of the eastern boundary of the site, is a non-designated heritage asset of national importance. The proposed development has the potential to impact upon the setting of the railway, together with that of the Grade II listed overbridge at Whessoeville (designated heritage asset) and the Myers Flat embankment incorporating the Coatham Grange accommodation bridge (non-designated heritage asset) when seen from footpath No. 6 and the A1(M). Since the overbridge was listed around the time the application was submitted, a supplementary HS has been provided which assesses the impact of the development on the setting of this now designated heritage asset.

66. A geophysical survey, desk based research and trial trenching have been carried out which have recorded a number of certain and possible archaeological features on the site. The assessment of development effects is largely restricted to those areas within the application boundary which have not previously been affected by modern landfill or associated made ground. A former refuse tip and pond and an area of disturbed or made ground which extends to some 13.6ha in the northern area of the site, as well as an area of modern landfill and made ground extending to 8.8ha to the north west of Little Whessoe have been excluded from the assessment. A number of potential heritage assets of archaeological interest that date to the prehistoric or Roman periods have been identified within the site boundary as a result of trial trenching evaluation. Later activity associated with the construction of the S&DR which opened in 1825 and the construction of the A1(M) was also recorded.
67. Depending on the results of proposed further ground investigations within the planning application boundary, including contamination surveys, it is possible that additional trial trenching may be required within the northern part of the site and also in the south western part of the site where Roman pottery was recorded. In addition, the HS sets out a programme of proposed mitigation which has been considered and agreed with Durham County Council Archaeology Section. In order to secure the proposed further trial trenching and proposed mitigation measures conditions are proposed.
68. The potential effects upon both the setting and significance of the Stockton and Darlington Railway (S&DR) relate to those upon the overall length of the railway link adjacent to or east of the planning application boundary, and upon the two associated structures, namely the Coatham Grange accommodation bridge at the northern end and the listed overbridge at the southern end. The scheme has been amended since the application was submitted to omit arrays entirely from area 8 between footpath no. 6 and the listed overbridge and to reduce the extent of arrays from area 2 towards the northern end of the site. Subsequent reductions in the extent of arrays within area 3 adjacent to the A1(M) have also occurred to remove panels from areas of higher flood risk. The application site would run adjacent to the S&DR for a length of approximately 420m in the north eastern corner.
69. Views of the proposed solar farm from the Heighington Conservation Area would be limited to the north western corner of West Green, the south eastern edge of the area, and the tower of St Michael's Church. In these views, the rear of the panels would be a



distant feature to the south-east and seen against the backdrop of the other buildings beyond. Any predicted effects upon the special interest of the conservation area are therefore considered to be minor or neutral in magnitude. No cumulative effects with other existing or consented solar farms are predicted.

70. The proposed solar arrays would be located adjacent or close to the Darlington and Stockton Railway, including two associated bridges along this length. As a result some effects are predicted upon the setting of this section of the S&DR and the two bridges. Amendments have been made to the scheme to omit arrays entirely from area 8, between footpath no. 6 and the listed overbridge, and to reduce the extent of arrays in area 2 in the north eastern corner of the site.
71. In regard to the listed overbridge, the supplementary HS concludes that there would be no direct effects upon the bridge structure, and while the proposed arrays would be located within the setting of the bridge it is not predicted to have any impact on the understanding of the historical significance of the railway. The omission of arrays from area 8 will increase the separation of the arrays from the designated heritage asset and overall there will be no interruption in views of the bridge from this aspect.
72. The solar arrays and associated infrastructure would be located across a substantial area further to the north and west of the line (to which there is no public access) and views northwards of the embankment would be partially restricted, particularly those from the A1(M). Views of the northern extent of the embankment from the footpath would also be partially interrupted by the arrays. There would be extensive views of the arrays from trains on the northern part of the railway, but these would be both transitory and seen against the backdrop of the A1(M). Despite the proximity of the proposals any impacts upon the setting of the railway line and embankments would be limited to its western side. While the landscape setting would be altered, no effects upon the understanding of the historical significance of the railway are predicted. The HS predicts only a moderate or slight adverse effect upon the archaeological and architectural significance of the trackbed and bridges, which would be moderate or minor in magnitude and reversible.
73. Overall, and as a result of the mitigation measures incorporated at the design stage, together with the subsequent omission of arrays from area 8 and a reduction in the number of arrays from area 2 to the north, and subject to the implementation of the proposed outline mitigation strategy for further archaeological investigation and recording, it is considered that the residual effects of the proposed development would result in less than substantial harm to those heritage assets affected. In such cases the NPPF requires that this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use (para. 202).
74. In this instance, there is a raft of policy support at both a national and local level for renewable energy projects. Other public benefits include:

- The project would make an urgent contribution to clean energy generation by utilising predominantly lesser quality agricultural land currently in intensive agricultural use
- The solar PV installation would result in a reduction in carbon emissions associated with energy generation equating to approximately 10,900 tonnes of CO<sub>2</sub> per annum. The proposed PV installation is the equivalent of providing energy needs of approximately 14,400 Darlington households
- The proposed development will assist in Darlington Council's and the UK Government's target of reaching net zero carbon emissions by 2040
- The construction phase will create up to 100 full time equivalent (FTE) on site jobs and a further 135 indirect and induced FTE jobs from the supply chain and related services
- The boost to the local economy and available local workforce will help support the vibrancy of the local economy in nearby settlements
- Any perceived heritage impacts would be temporary, the development would occupy the application site for a temporary period after which the equipment would be removed, and the land reinstated
- The proposals will result in biodiversity enhancements and can achieve a biodiversity net gain of 46%
- The upgrading of the footpath within the site and provision of an information board to advance understanding of the S&DR as required by Policy ENV2.

75. In noting the Friends of the Stockton and Darlington Railway's sustained objection to the application, on the basis of the information provided with the application, including the Heritage Statement and Supplementary HS and subsequent revisions to the layout of the proposed development in terms of the removal of arrays from area 8 and a reduction in the number of arrays in area 2, together with the provision of an information board and the upgrading of a section of the footpath, officers are satisfied that the proposal has been thoroughly considered in accordance with the requirements of Planning (Listed Buildings and Conservation Areas) Act 1990.

76. Furthermore, in accordance with the requirements of the NPPF, 2021 (para. 202) it is considered that there are significant social, economic, and environmental public benefits which would be derived from the proposed development which would outweigh the less than substantial harm to the setting of nearby designated and non-designated heritage assets. While there will be some residual conflict with Local Plan Policy ENV2 this conflict is also outweighed by the range of public benefits identified and overall, the proposal is considered to accord with the Planning (Listed Building and Conservation Areas) Act 1990 (Sections 66 and 72) and the National Planning Policy Framework, 2021.

**(f) Ecology**

77. An Ecological Assessment has been undertaken for the site which includes a desktop study, Phase 1 Habitat survey, breeding bird and great crested newt surveys, and a Biodiversity Net Gain calculation using the Natural England/DEFRA Biodiversity metric. The assessment confirms that there are no statutory or non-statutory nature

conservation designations present within the site. There are three Local Wildlife Sites (LWS) in proximity to the site, but none of these would be affected.

78. The proposed development is located on agriculturally improved grassland and that this is the only habitat that would be lost to the development, other than a small loss of species-poor native hedgerow. There will be no need for tree felling, and existing watercourse crossings have been used where possible, with only a single new drain crossing required, the ecological impacts of which will be minimised through the use of a bridge rather than culverting.
79. The site layout has been designed to ensure that only lower quality habitats would be affected, with buffers applied from the main stream following through the site (minimum 10m), from all other watercourses (minimum 5m) and all hedgerows (minimum 5m). These buffers will also ensure that any adverse effects on bats are avoided. Mitigation measures will be required during construction to avoid any significant impacts on breeding birds through the implementation of a Breeding Bird Protection Plan. Great Crested Newts were recorded on the Coatham Marsh LWS, within 500m of the site boundary and an outline mitigation plan for this species to avoid any significant impacts is set out in the assessment.
80. Pre-construction survey checks will also be required for badgers and for water voles, to inform any additional mitigation for these species, in case they have moved into the site prior to any construction activities starting.
81. 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.
82. The Ecological Assessment identified that some breeding birds will be displaced from the site during the operational phase by the presence of the solar panels, which include open ground species such as lapwing and curlew, and the BMP includes mitigation measures within the site boundary together with some revisions to the site layout, as follows:
  - Restoration of lowland meadow - grassland will be managed after construction to reduce grazing from its current levels, and to promote the re-establishment of a more diverse meadow community. An area of 50ha of improved grassland will be enhanced to deliver a more biodiverse neutral grassland, located under and around the proposal panel land.
  - Expansion and enhancement of marshy grassland – proposed to reduce grazing of the wetter ground alongside the main stream to encourage marshy grassland habitat to develop further over a wider area. An area of 5.4ha of marshy

grassland will be restored from agriculturally improved grassland, and will be specifically managed to provide optimal habitat for breeding ground-nesting species including lapwing and curlew

- Native hedgerow planting – 950m of new native hedgerow planted along the A1(M) boundary of the site
- Native woodland planting – 0.2ha of new native broad-leaved woodland planted in the south east corner of the site
- Fence design/management – to avoid barriers to mammal movement (brown hare, badger, hedgehog)
- Great crested newt – a hibernaculum will be created as part of the works, installed within 100m of where great crested newts were recorded, to further enhance the habitats on site for amphibians
- Bird and bat box provision – to provide enhanced nesting/roosting opportunities
- Breeding Bird and Protected Species Protection Plan - to be implemented during construction.

83. 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 46% in habitat units and 8.41% 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.
84. The Council's Ecology adviser considers that the draft BMP is sufficient to give the Local Planning Authority confidence that the measures can be delivered. The production of a final version of the Biodiversity Management and Monitoring Plan and its delivery will need to be secured. 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**

85. The site is predominantly located within Flood Zone 1, with the exception of a small area to the far north of the site which is located in Flood Zone 2 and 3. The application has been amended to show the arrays removed from within Flood Zones 2 and 3 such that all development on the site will take place entirely within Flood Zone 1. This is in accordance with the aim of the sequential approach set out in the NPPF and echoed in Local Plan Policy DC2, to steer new development to areas of 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.
86. The application has been submitted with a Flood Risk Assessment (FRA) and Drainage Strategy (DS). The FRA has considered the potential consequences of flooding from all other sources, which include directly from rainfall and rising groundwater, sewers, and other artificial sources. While some parts of the proposed site access tracks are expected to be subject to localised flooding, this is an unmanned facility and as such this would rarely impact people. The proposed maintenance road will cross the identified surface

water flow routes in places, however it is proposed that these crossings will be suitably constructed so as not to impede flows.

87. The development will create a large impermeable area with the potential to increase surface water runoff from the site if not suitably managed. The DS sets out that this will be addressed by careful panel arrangement comprising a large number of small panels separated by surrounding greenfield land. Rainfall will fall onto the panels and run off directly to the ground beneath the panels, although this will do so in a concentrated drip line beneath the bottom edge of the panel, with the potential to saturate and erode the top layer of soil. To manage this localised effect, a small SuDS source control feature will be introduced at each panel comprised of a planted or stone-filled interception depression to enhance natural storage, erosion protection and diffused overflow. Small interception depressions will also be created to serve the small battery sites, inverters, and associated equipment located around the site.
88. It is not proposed to formally drain the access tracks that will be constructed around the site. They will be created with permeable materials such as gravel or grass-crete such that rain falling on these areas will mimic the greenfield condition. The proposed sub-station will create an impermeable area of approximately 1700m<sup>2</sup>, which has the potential to increase runoff locally if not suitably managed. A small SuDS scheme will be introduced with runoff from the impermeable area collected into an attenuation storage basin/swale with outfall controlled by a small weir.
89. On this basis, the Flood Risk Assessment and Drainage Assessment concludes that the proposed development is appropriate for the flood risk and is not expected to increase the risk of flooding elsewhere subject to the mitigation measures outlined. Stockton Borough Council acting as technical advisors to Darlington Borough Council as Lead Local Flood Authority raise no objection to the proposed development and subject to a condition requiring the development be carried out in accordance with the FRA/DS the proposal is considered to comply with Policy DC3 and the NPPF in regard to flood risk.

**(h) Public Rights of Way**

90. Footpath No. 6 in the Parish of Whessoe runs from Burtree Lane to the south of the application site, through the group of buildings at Little Whessoe and heads in a northerly direction along part of the eastern site boundary before heading in an easterly direction away from the site towards Coatham Grange. The site layout has been amended to omit a small area of panels (area 8) between the footpath and the railway line in the eastern part of the site which would have resulted in the footpath running through the development for a short section of approximately 200 metres.
91. The submitted plans show that the proposed panels would be off set from the western side of the footpath and that the boundary of the development with the footpath would be enclosed by a combination of new native tree and hedgerow planting and existing hedgerows which would be grown and maintained at a height of 4 metres. There would also be some impact to the footpath during the construction period, although the

application states that the footpath would remain open during this period with appropriate safeguards in place to protect users during this time.

92. While there would be some initial visual impact until the landscape mitigation measures reach maturity. This will allow close range views of the development to the west of the footpath, however the omission of panels from area 8 will remove the sense of enclosure by the development for users of the footpath for this short section, retaining open countryside views from the footpath in an easterly direction. As set out previously in the report, the impact of the development on footpath No. 6 has been assessed in the LVIA which concludes that while there would be some localised impacts to sections of footpath no. 6, with mitigation none of these views would result in a significant effect on the visual amenity of walkers. Enhanced biodiversity provision in and around the site will also be a positive experience to users of the path over time.
93. While the footpath has not been considered as a receptor as part of the noise assessment, the overall conclusion of the assessment was that there are no noise-related issues arising from the development and that noise mitigation is not required. Any noise from the development that may be perceptible to users of the footpath would however only be experienced for a relatively short period of time and given that the footpath is used in a transient way, noise is not considered to unacceptably impact upon users of the footpath. 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.
94. The Council's Rights of Way Officer is supportive of this amendment to the proposed development and welcomes support for the provision of an information panel. It was also suggested that the surface of the footpath be upgraded adjacent to the proposed development for use by both pedestrians and cyclists since this is proposed to become part of the Stockton and Darlington Railway promoted route and the applicant has agreed to the upgrading of the section of footpath 6 to the north of the group of buildings at Little Whessoe to the accommodation bridge at Coatham Grange, with details of both to be secured by planning condition. Overall, and subject to these conditions, the proposal is considered to comply with Local Plan Policies DC4 and IN9(b).

**(i) Other matters**

95. An objection to the scheme has been received on behalf of Hellens Land and Homes England with regard to the impact of the proposed development on the land immediately to the south of the site which is the Burtree Garden Village housing and employment land allocation within the Local Plan. The objection relates to potential conflict with the proposed solar farm site access and Local Plan infrastructure with regard to the proposed access to the garden village site to the south; the need to assess the impacts of the development on the objectives of Burtree Garden Village Design Code; and to assess the visual impacts and glint and glare upon residential receptors and users of the access road within the allocated site, together with consideration of any impacts on character or amenity within Burtree Garden Village.

96. At the time of writing, there were no live applications submitted in respect of the Burtree Garden Village site to the south of the application site. The Greater Faverdale Burtree Garden Village Design Code was adopted as a Supplementary Planning Document in July 2022 and sets out series of principles in a masterplan and infrastructure phasing plan that any applications coming forward on the site would be required to adhere to.
97. The SPD sets out that access to the wider site will be provided from Rotary Way to the south and Burtree Lane to the north, providing a link road through the development. There is no current application for the proposed link road, however it should be acknowledged that in view of the proposed 4 month construction period associated with the solar farm, any potential conflict between the 2 accesses will be for a relatively short period during the construction period only. Operational access requirements would equate to approximately 1 maintenance visit per month, and decommissioning proposals at the end of the 40 year period would need to be approved by the Local Planning Authority, and account for change in vehicular access and activity arising from any development that has occurred within the operational lifetime of the development.
98. While the development has not been specifically addressed in terms of its direct impact on the housing allocation to the south, the conclusion of the various assessments including the LVIA and Glint and Glare reports conclude that when these matters have been assessed at nearby receptors, any impact will not be significant, and any residual effects can be appropriately dealt with by mitigation.

#### **THE PUBLIC SECTOR EQUALITY DUTY**

99. 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**

100. 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 solar PV installation would result in a reduction in carbon emissions associated with energy generation equating to approximately 10,900 tonnes of CO<sub>2</sub> per annum. The proposed PV installation is the equivalent of providing energy needs of approximately 14,400 Darlington households. This represents a significant contribution to the legally binding national and international requirements and associated targets to increase renewable energy generation and reduce CO<sub>2</sub> emissions.

101. 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 result in the loss of a small amount (9.1ha) of best and most versatile agricultural land, although the majority of the site is Grade 3b land or lesser quality. The site would continue to be used for grazing, albeit to a lesser extent and when decommissioned, the site can revert to its former use and resume agricultural production.
102. There would be some localised harm to the character, quality, and distinctiveness of the local landscape, and in places this would be substantial. This is however limited to a small area within close proximity of the site and to the visual amenities to a small number of residents. In all other areas, these impacts can be 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 section 106 agreement and are considered appropriate to mitigate against any ecological impacts.
103. The heritage assessment identified less than substantial harm to the archaeological resources on the site and to the setting of the Stockton and Darlington Railway and the Myers Flatt Embankment which are non-designated heritage assets. Impacts on the setting of the Grade II listed overbridge to the south of the site have been reduced by the omission of arrays closest to this part of the site. In accordance with paragraph 202 of the NPPF a sufficient amount of public benefit can be identified to outweigh this less than substantial harm.
104. Consideration has also been given to the impact of the proposals upon highway safety, residential amenity, flooding and drainage, and public rights of way and, subject to appropriate conditions, these impacts are considered to be acceptable.
105. 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. Accordingly, it is recommended:

**THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE COMPLETION OF A SECTION 106 AGREEMENT AND 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 after 5 years from the commencement of development. 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 above and below ground to a depth of a minimum of 1000mm 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 does not export electricity for a continuous period of 12 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. Alternatively, valid reasoning for the inactivity of the development should be provided in writing to the Local Planning Authority not later than 12 months following the last export of electricity.

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) Proposed site layout plan, drawing number GBR.0008.DEV.MA.001.0.O dated 11.10.2022
  - (b) Proposed mitigation plan, Figure LV5, Version 1, dated 11.10.2022
  - (c) Proposed mitigation plan, Figure LV5, Version 2, dated 11.10.2022
  - (d) Typical solar panel, Figure 3
  - (e) Typical arrangement of solar panel rows, Figure 4
  - (f) Typical transformer unit, Figure 5
  - (g) Typical client substation/control room, Figure 6
  - (h) Typical DNO substation, Figure 7
  - (i) Typical substation fencing, Figure 8
  - (j) Typical cable trench detail, Figure 9
  - (k) Typical storage unit, Figure 10
  - (l) Proposed site entrance, Figure 11
  - (m) Typical site track detail, Figure 12
  - (n) Typical ditch crossing, Figure 13
  - (o) Typical site fence, Figure 14

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

5. 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

6. Prior to the commencement of the development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement(s) specifically and in writing:
  - (a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014
  - (b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites”
  - (c) 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 and residential amenity.

7. 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.

8. 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.

9. Precise details of the boundary fencing shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways prior to the commencement of the development. The details shall include details of the height, design and location of the fence. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of the safe and efficient operation of the A1(M) Motorway and to ensure that National Highways retain reasonable access onto motorway land and that opportunities for errant access are reasonably minimised.

10. No development shall commence of any phase of the development until a Construction and Traffic Management Plan (CTMP) for the development has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall specifically include:
  - Access arrangements specifically ensuring that the site is not at any stage accessed from the Strategic Road Network (SRN)
  - Impacts from the construction site on the A1(M)
  - Workforce/contractor parking and access; and
  - Details of delivery arrangements

REASON – To ensure that the A1(M) continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, in the interests of road safety.

11. Within 24 months of the completion and commencement of operations of the development hereby approved (such a date as to be notified to the Local Planning Authority) in the event of any complaint to the Council from Network Rail relating to signal sighting safety or driver distraction, upon notification to the Local Planning Authority, the applicant or operator of the solar farm shall as soon as possible and not later than 28 days, submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for the implementation of the works. The works shall be carried out in accordance with the approved details and timescale.

REASON – In the interest of the safety, operational needs and integrity of the railway.

12. Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. Thereafter the development shall be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interest of the safety, operational needs and integrity of the railway.

13. A suitable trespass proof fence shall be erected adjacent to Network Rail's boundary, details of which shall be submitted to and approved in writing by the Local Planning Authority, to include provision for its future renewal and maintenance. The fence shall be erected in accordance with the approved details and shall be maintained for the lifetime of the development.

REASON – In the interest of the safety, operational needs and integrity of the railway.

14. Prior to the commencement of the development and any site investigation works, or at a time agreed in writing by the Local Planning Authority, a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documents by a suitably competent person(s) in accordance with the published technical guidance (e.g. BS10175 and CLR11) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to full and effectively characterise and evaluate the nature and extent of any potential contamination and assess pollutant linkages. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

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 future users 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.

15. Prior to the commencement of the development, or at a time agreed in writing by the Local Planning Authority, a Phase 2 Site Investigation works shall be conducted, supervised and documented by a suitably competent person(s) and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a suitably competent person(s) in accordance with the published technical guidance (e.g. BS10175 and CLR11) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically and in writing.

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 future users 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.

16. Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority, a Phase 3 Remediation and Verification Strategy shall be prepared by a suitably competent person(s) to address all human health and environmental risks associated with the contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing.

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 future users 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.

17. Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent construction/remediation works, shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination shall be subject to a further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development 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 future users 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.

18. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a suitably competent person(s) and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

A Phase 4 Verification and Completion Report shall be compiled and reported by a suitably competent person(s), documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing by the Local Planning Authority within 2 months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing.

The development site or agreed phase of development site shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

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 future users 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.

19. 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.

20. 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).

21. The development permitted by this planning permission shall only be carried out in accordance with the approved Burtree Lane Solar Farm Flood Risk Assessment & Drainage Strategy, Version 3.0 RAB:2681L dated 4<sup>th</sup> March 2022.

REASON – To prevent flooding by 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

22. 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 known 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.

23. Prior to the commencement of the development hereby approved (including demolition work, details shall be submitted of a scheme to protect those existing trees to be retained as part of the development. The submitted details shall comprise generally the specification laid down within BS 5837 and where necessary shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachments. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of protection works prior to the commencement of any of the work to allow an inspection of the measures to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- (a) The raising or lowering of levels in relation to the existing ground levels;
- (b) Cutting of roots, digging of trenches or removal of soil;
- (c) Erection of temporary buildings, roads, or carrying out of any engineering operations;
- (d) Lighting of fires;
- (e) Driving of vehicles or storage of materials and equipment.

REASON – To ensure a maximum level of protection in order to safeguard the well being of the trees on site and in the interests of the visual amenities of the area.

24. Prior to the commencement of the development hereby approved, details of a scheme to include the upgrading of the section of Footpath No. 6 in the Parish of Whessoe within the application boundary and under the applicant's control shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the upgrading works shall be implemented in accordance with the approved details and shall be available for use prior to the first exporting of power from the approved development.

REASON – To comply with Local Plan Policy ENV2.

25. Prior to the commencement of the development hereby approved, details of a scheme for the siting and design of an information board along the route of Footpath No. 6 in the Parish of Whessoe within the application boundary to promote understanding of the Stockton and Darlington Railway in this location shall be submitted to and approved

in writing by the Local Planning Authority. Thereafter the information board shall be provided in accordance with the approved details and prior to the first exporting of power from the approved development.

REASON – To comply with Local Plan Policy ENV2.

26. 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

27. Prior to the commencement of the development hereby approved, pre-construction survey checks shall be undertaken for the presence of badgers and water voles, 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.

## **INFORMATIVES**

### **Highways 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 this 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. 6 in the Parish of Whessoe shall remain open and unobstructed at all times during the construction period of the development.

### **Drainage Informatives**

The proposed maintenance road crosses the unmanned watercourse in three locations. Land Drainage Consent must be obtained for these watercourse crossings. A Land Drainage Consent



is a separate application that could take up to 8 weeks for completion and no works on the watercourse can proceed until consent has been approved by the LLFA. Contact [LLFA@stockton.gov.uk](mailto:LLFA@stockton.gov.uk)

### **Network Rail Informatives**

#### **Fail Safe Use of Crane and Plant**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

#### **Excavations/Earthworks**

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

#### **Security of Mutual Boundary**

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

#### **Demolition**

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

### **Bridge Strikes**

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

### **Abnormal Loads**

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

### **Two Metre Boundary**

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

### **Encroachment**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

### **Access to the Railway**

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

### **Standard Drainage Requirements**

We ask that all surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site.

Water must not be caused to pond on or near railway land either during or after any construction-related activity.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any lease area is not permitted.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be **below** existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be **above** existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

#### **Wayleaves and or easements for underline drainage assets**

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

#### **Protection of existing railway drainage assets within a clearance area**

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.

There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Asset Protection ([assetprotectioneastern@networkrail.co.uk](mailto:assetprotectioneastern@networkrail.co.uk)) for further information and assistance.

