DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 9 August 2023

APPLICATION REF. NO:	22/01329/FUL
STATUTORY DECISION DATE:	17th March 2023 (extension of time agreed 16th August 2023)
WARD/PARISH:	SADBERGE AND MIDDLETON ST GEORGE
LOCATION:	Land to South of Long Pasture Farm, Little Stainton, Stockton on Tees
DESCRIPTION:	Proposed ground mounted solar farm consisting of the Installation of 49.9MW solar photovoltaic array/solar farm with associated infrastructure (additional health impact assessment and battery safety management plan received 20th January 2022, response to Northern Gas objection received 9th February 2023, Written Scheme of Investigation received 16th March 2023, Trial Trench Evaluation report received 28th June 2023 and amened Trial Trench Evaluation report received 20th July 2023)
APPLICANT:	Miss Michelle Howson, Lightrock Power

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

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RMU79WFPM7B00

APPLICATION AND SITE DESCRIPTION

1. This is an application for a ground mounted solar PV farm with associated infrastructure including housing for inverters, transformers, battery energy storage system (BESS) and substation electrical equipment, together with fencing, infra-red security cameras,

cabling and access tracks. The solar element of the development would have an export capacity of up to 49.99 megawatts (MW) and the battery element would have a capacity of approximately 40MW. 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 104.5 hectares of agricultural land located approximately 650 metres to the north east of Sadberge village at its closest point. The site extends northwards, parallel to Hill House Lane, and abuts Bishopton Lane at its north western edge. Pitfield Farm and the settlement of West Newbiggin lie adjacent to the site's eastern boundary, with part of the southern boundary abutting Norton Back Lane. The majority of the site comprises arable cultivation fields with a small number of improved grassland fields used for pastoral farming. There are no residential properties within the site, however there a number of isolated farms and residential properties within a 500m radius surrounding the site.

3. Public footpath no. 5 (East and West Newbiggin) crosses through the southern portion of the site in a northeast to south west direction. There is an 'Other Route with Public Access' (ORPA), or 'Green Lane', the road through West Newbiggin which is an unmetalled lane with highway rights which crosses through the site from east to the northwest. The majority of the site is located within Flood Zone 1 with a small area of Flood Zone 2 and 3 to the north east of the site associated with Newbiggin Beck and Bishopton Beck. No development is proposed in this area, and all infrastructure is located within Flood Zone 1.

4. The proposed development comprises a total of 13 no. Potential Development Area (PDA), groups containing strings or rows of solar PV panels and associated structures, surrounded by stock fencing. While the overall application site area is approximately 104.5ha, the development area would account for approximately 71.08ha, with the remaining land (c. 33.5ha) set aside for embedded mitigation and biodiversity enhancements.

5. Each panel would measure approximately 1.13m x 2.25m mounted on metal frames, likely to be screwed or driven into the ground to a depth of 1 – 2m depending on ground conditions. The lower edge of the panels would typically be 0.8m from the ground and the highest point a maximum of 2.4m in height from the ground. For the purposes of the application, a worst-case height of up to 3m has been assessed to account for any localised areas of slope. The rows or strings of panels would be orientated east to west, with the panels tilting north to south. They would be spaces 2 – 6m apart to prevent shading, with the spacing dependant on topography, and to allow access.

6. Plant and other equipment to support the generation of electricity would be located around the site. This will include up to 26 inverters/transformers housed within a GRP or container enclosure/kiosk; a temporary construction compound located in the southern section of the site adjacent to the site access point off Norton Back Lane; a 132kV transformer and a 23m 132kV substation connection tower that would join into the existing overhead line that crosses the site. A substation compound would be created

towards the southern end of the site which would include a switch room building and a 15m high communication tower surrounded by a 2.5m high fence. Adjacent to this would be a BESS compound including battery storage infrastructure likely to comprise up to 16 no. groups of four battery storage containers, 16 no. PCS Inverter Units, Switchgear and a DNO Switch room, with two battery spares containers. The compound would have an acoustic barrier to the north west and north east sides, 3m in height.

7. The site would be enclosed by 2.4m high post and wire deer fencing to the perimeter of the site, with a 2.4m high and 5m wide security gate to Norton Back Lane. CCTV cameras (infrared motion activated) would be located on 4m high poles at intervals around the site. A number of proposed access tracks, approximately 4m wide, are to be located within the site, with a connection to the public highway on Norton Back Lane to the south of the site, where the temporary construction compound is located. The internal tracks would be constructed from local sourced crushed stone on top of a geotextile membrane. These will be mainly new tracks, however use of existing tracks will be made where possible. Cables linking the solar panels to the inverters/transformers and from these to the substation compound will be buried underground.

8. A grid connection is available on the site and the development will connect to the Grid via the 132kV line that crosses the site via a connection mast located in the substation compound, thereby negating the need for lengthy underground transmission cables.

9. Construction is expected to take place over a 6 month period with construction impacts relating to traffic management, working hours and noise, impacts on the rights of way network etc set to be controlled by Construction Traffic Management Plan and Construction Environmental Management Plan. Once operational, the facility would not be permanently staffed, being remotely operated and monitored. Visits to the site are likely to be for maintenance and monitoring of the site, likely once per week on average by a van or similar sized vehicle.

10. At the end of the 40-year operational lifespan of the solar farm, the site would be decommissioned to allow for the removal of all solar PV array infrastructure including modules, mounting structures, cabling, inverters and transformers. The infrastructure would be recycled or disposed of in accordance with good practice and market conditions at the time. Decommissioning would take between 4 – 6 months.

11. The application requests a longer implementation period than the 3 year standard implementation period usually given. In this instance a 7 year implementation period is requested to account for complexities surrounding connection to the grid. This is discussed in more detail elsewhere in the report.

MAIN PLANNING ISSUES

12. 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) Health Impact Assessment
(j) Time Limit
(k) Other matters

PLANNING POLICIES

13. The relevant planning policies for consideration are:

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

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

National Planning Policy Framework, 2021

National Planning Practice Guidance

RESULTS OF TECHNICAL CONSULTATION

14. No objection in principle has been raised by the Council's Highway Engineer, Environmental Health Officer, Arboricultural Officer, Climate Change Officer, or the Lead Local Flood Authority subject to conditions. The Council's Conservation adviser has confirmed that the proposal will have no significant impact on heritage assets, subject to mitigation, and Durham County Council Archaeology recommends a condition be

attached to secure the completion of trial trenching across the site and mitigation. The Council's Ecology adviser raises no objection, subject to a final biodiversity management plan being secured. The Council's Rights of Way Officer considers that the rights of way network has been well considered in the application.

15. Northumbrian Water do not wish to comment on the application and the Environment Agency raise no objection subject to an informative regarding the need to secure an environmental permit. Teesside Airport raise no aerodrome safeguarding objection to the proposal. Northern Gas Network raise no objection to the application and the Health and Safety Executive do not advise against the development, in respect of the high-pressure gas pipe that runs close to the site. Stockton Borough Council as neighbouring authority has no comments to make.

RESULTS OF PUBLICITY AND NOTIFICATION

16. Five letters of objection have been received which raise the following issues:
    - Object to inclusion of field no. 5 in the proposals which is closest to our home and lakes, and visible from our property. No desire to look out onto industrial site
    - View already impacted by Moor House wind farm, especially lighting which is clearly visible from our home at night
    - Screening the development from our view by planting trees would not work as we need visibility across our fields for security and to check for escaped livestock
    - Proposal does not adequately assess the cumulative effects of the large number of solar farms being proposed in close proximity to this development, including the National Significant Infrastructure Project at Byers Gill
    - No fire protection details for the BESS units
    - Detrimental to local amenity during both development and operational phases
    - Industrial development eliminating 163 acres of productive farmland
    - 2.4m high fence, over 100 4m high CCTV pylons, and over 20 container-sized inverters/transformers and battery storage units will be an eyesore
    - Electricity generation of 49.9MW can be generated using less land. No details of how many panels will be required or used which dictates power level
    - No information included on how the site will be returned to agricultural use
    - Noise report does not assess any noise associated with the motorised articulation of solar panels, and no mention is made regarding excessive noise from BESS storage and high voltage transformers
    - Lack of community consultation
    - Application does not address health issues for this type of development
    - Contrary to the objectives of the NPPF for development in the green belt, with catastrophic impact on the openness of the landscape
    - Development will dominate the panorama despite the proposals for screening, exacerbated by insufficient proximity distances between the development and dwellings in the location

- Major impact will occur whilst hedges grow in first 10 years. Long time to live with an eyesore. Any amount of planting will not be a replacement for the open views we enjoy now. Do not wish to feel enclosed within our villages
- Live in a conservation area surrounded by open countryside so we have an expectation that we should not have to endure being walled in by solar schemes leaving us living in a power plant
- Financial mechanisms put in place by UK Government to ensure developers can propose appropriate projects to address climate crisis fundamentally undermines use of climate crisis as the justification
- No sequential assessment of alternative sites
- Proposal contrary to adopted Darlington Local Plan
- Proposed increase in ecological activity it optimistic
- Where significant development of agricultural land shown to be necessary, use of poorer quality land should be sought in preference to that of high quality
- Needs of food production industry should be considered
- Scheme provides no local benefit with all energy generated entering the Electricity National Transmission System

17. Four letters of representation have been received which raise the following issues:
    - Solar provides an affordable and reliable renewable option, allowing the UK to be more self-sufficient in energy production
    - Provides much needed diversification for farmers
    - Scheme provides large areas for wildlife to enhance biodiversity
    - In more isolated location than other proposals and not overlooked by villages
    - Will cause let impact to local communities when finished and during construction
    - Land is not good for arable crops and so should be used for other production, such as energy
    - Solar panels are not fully permanent structures and do not pose a permanent intrusion on the landscape
    - Broadly support proposal, but concerned delays in connection to National Grid may mean site does not become operational
    - Planning condition should be inserted that the land must continue to be used for agricultural purposes i.e. sheep grazing. Energy security should not be at the cost of undermining future food security

18. Sadberge Parish Council object to the application on the following grounds:
    - Impact of construction traffic on Sadberge village
    - Most of land faces north with limited sunlight exposure
    - Loss of rights of way, forcing these to be re-routed
    - Impact on wildlife, flora and fauna
    - Visual impact, large landscapes to disappear
    - Solar equipment not an asset to landscape
    - Loss of arable land
    - Proposal reduces valuable food production capacity

- Too large for the area and collective impact with other solar farms will have an overall detrimental impact on local environment
- Benefits of solar energy outweighed by energy generated by wind turbines
- Solar panels not carbon zero

19. Bishopton Parish Council object to the application on the following grounds:
    - Development inappropriate in rural, agricultural environment
    - Introduction of manmade structures on scale proposed will have catastrophic impact on openness of agricultural landscape
    - Proposal contrary to Darlington Local Plan

20. East and West Newbiggin Parish Meeting object to the application on the following grounds:
    - Disappointed with another proposal for renewable energy in north east corner of Darlington
    - Cumulative impact of this, along with others planned for this area will be substantial in addition to wind farms which were sanctioned in this area a number of years ago
    - Concern that development may impact upon main water supply to houses and businesses situated at West Newbiggin which runs close to hedgerows of north east fields shown as nos 8 and 9. Request sufficient distance is left between hedgerow and development to ensure pipe is not damaged during construction and for maintenance purposes
    - Visual impact of solar farm on some of the properties who are already compromised by the wind turbines and their night lights
    - Lack of pre-application consultation

PLANNING ISSUES/ANALYSIS

(a) Principle of Development

21. 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.

22. 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.

23. 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.

24. 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.

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

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

28. One matter raised by objection relates to the site being green belt land with the use of such land for the development proposed being contrary to the objectives of the NPPF and policies set out in the Darlington Local Plan. The site is not green belt, there being no such designation around Darlington, although the land is classed as open countryside. The proposal will therefore be assessed against relevant national and local planning policies.

29. The application sets out that the location of large-scale solar PV arrays is dictated by a number of factors. The site is located in an area of relatively high solar irradiance in the UK and the proposed development intends to make efficient use of this resource. A key requirement for the development is also the availability of a grid connection, without which the proposal would not be viable. A unique grid connection is available on the site which will allow the development to connect to the Grid via the 132kV line that crosses the site, with the connection point located adjacent to the proposed substation compound, without the need for underground transmission cables. The distance to the point of connection must also be minimised to ensure the financial viability of the solar farm.

30. The application further sets out that the Council's Brownfield Register has been reviewed for potentially suitable alternative sites within the vicinity of the available grid connection. No suitable non-agricultural (e.g. roof top) or brownfield sites were identified, principally due to the large area of land required for the development and the associated grid connection. Although rooftops in proximity to the point of connection were assessed a high level, to maximise the available generation opportunity and achieve a significant contribution to renewable energy deployment and climate targets, the scale of any rooftops in the study area are considered too small to house a proposal similar to the proposed development. Additionally, this would require multiple commercial agreements and complex combinations of interconnecting infrastructure which would make the project technically, commercially, and financially unviable. The requirement to demonstrate effective use of land as required by Policy IN9(b)(iv) has therefore been met.

31. An Agricultural Land Classification (ALC) survey report has been carried out on 98 ha of land. The assessment includes a desktop study and fieldwork analysis with the conclusion that 96ha of land is Class 3b (97.9%) and 2ha of land, within the northern portion of the site, is Class 3a (2.1%) The site is therefore not comprised of best and most versatile (BMV) land. Local Plan Policy IN9(b)(v) (1 and 2) also requires that where solar power developments are proposed on agricultural land it has been demonstrated that the land has been shown to be poorer quality land in preference to higher quality agricultural land; and the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around the solar arrays.

32. Although the development would temporarily remove a significant proportion of land from arable use it would still be available for low density sheep grazing. The application sets out the scheme is designed and will be built to ensure grazing of sheep between the PV arrays. Sheep will be moved on a rotational basis within sections of the site during March to September, with stocking densities reviewed in consultation with the project

ecologist in accordance with the biodiversity management plan which has been submitted with the application.

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

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

(b) Landscape and Visual Amenity

35. The proposed development would comprise strings of PV solar panels, and associated equipment, structures and access tracks, as set out in paragraphs 5 – 7 of this report. Landscape mitigation including micro-siting of the development, omission of development in some parts of the site, and the improvement, maintenance and planting of native species hedges, trees, meadow and other habitats, has been proposed to reduce potential landscape and visual effects, as well as deliver landscape enhancements and biodiversity net gains.

36. A Landscape and Visual Assessment (LVA) has been submitted with the application which considers the likely landscape and visual effects associated with the proposed development, and recommendations for mitigation measures. The LVA has recorded and analysed the baseline landscape resource and visual amenity of the site and surrounding area within 2km; identified the landscape and visual receptors likely to be affected by the development; and determined in the nature and extent of these effects. Landscape and visual effects of the construction and operation phases of the development have been appraised. The assessment has been considered by a Landscape Consultant on behalf of the Council who advises that it forms a robust assessment of the landscape and visual impacts of the proposed scheme.

37. A full landscape character assessment has been undertaken for the development site. The site is located within National Character Area (NCA) 23 'Tees Lowlands'. Due to the scale of the NCA, any changes at site level arising from the proposed development relative to the scale of the NCA would be extremely small in scale and unlikely to impact on the key landscape characters of the NCA. The NCA is not therefore considered further

in the LVA. The solar farm is located within the Bishopton Vale Landscape Character Area (CA 7) established in the Darlington Landscape Character Assessment (2015), with a further four other character types characterising the study area.

38. The LVA incorporates the results of a desk, study, field study and further evaluations including a viewpoint appraisal and zone of theoretical visibility (ZTV). Viewpoint appraisal has been undertaken at a total of 8 viewpoints in close proximity of the site to illustrate likely views of the development from nearby residential properties, the local road network, public rights of way and other publicly accessible locations. Aside from the viewpoints, the LVA considers the impact on 11 individual properties within close proximity (500m) of the site.

39. The LVA has also considered the cumulative visual effects of the proposed development when assessed against other operational, approved or consented solar schemes within a 4km study area of the site, including a small-scale operational site at Hauxley Farm, Great Stainton (14/01288/FUL) approximately 2.6km to the north of the site; and a consented site at Gately Moor Reservoir (22/00727/FUL) 1.9km to the east of the site. A recently approved scheme at Whinfield Farm, Lime Lane, Brafferton (21/00958/FUL) falls outwith the study area, being located approximately 4.7km north west of this site.

40. The cumulative assessment does not however include the Byers Gill Nationally Significant Infrastructure Project scheme since this is neither an operational, approved or consented scheme. Proposals can also be considered if they are awaiting determination within the planning process, however since the Development Consent Order application has not yet been submitted to the Planning Inspectorate, this excludes the Byers Gill proposal from consideration as part of the cumulative assessment for this application.

41. The cumulative assessment concludes that due to the small-scale size of the Hauxley Farm site and the distance between the schemes, this would not cause any cumulative visual effects. There would be some cumulative consecutive visibility from isolated locations between this site and the Gately Moor site, although accounting for landscape mitigation for the respective schemes, intervening landform and vegetation, this would limit intervisibility and result in limited visual effects, particularly as landscape mitigation matures.

Summary of predicted landscape effects

42. During construction, high levels of built development, machinery, plant and workers would be present on site, undertaking the development for a period of up to 6 months. This would result in changes predominantly above ground level, with some minor changes below ground level in terms of the provision of foundations of the substation and associated structures, additional tracks, inverters etc. In addition to areas of grazing required for the strings of solar panels, a small section of native hedge would be moved to widen the gap for an access track located between panel areas 3 and 4, and a section of hedge would be removed at the site entrance to form the vehicular visibility splay. No trees would be removed. The adverse effects on the key characteristics of CA 7

Bishopton Vale would be important but limited to a temporary period, and would be greatest within the site itself.

43. During the operational period, the development would make large and significant changes to the developable area within the site boundary. Overall, the perceived adverse effects would be due to the perceptual change from a largely undeveloped pastoral and arable landscape to one with additional man-made elements. The LVA sets out that strengthening of the characteristic trees, hedges and other native species would be a positive effect, increasing landscape quality and preserving characteristic landscape features. Impact on landscape character within the CA 7 Bishopton Vale would however be moderate-major within the site and up to 750 m to the south west. This impact would be adverse and temporary during construction, and long term but reversible during operation. Visual effects on the neighbouring character areas within the study area would be negligible to minor, and no landscape designations would be affected.

Summary of Predicted Visual Effects

44. During construction high levels of built development, machinery, plant and workers would be present on the site for a period of up to six months. During the operational period the panel areas and associated infrastructure, including the station compound and BESS, would be the most visible elements affecting the largest parts of the site. Both periods would introduce built development into a predominantly rural, agricultural landscape.

45. The changes caused by the development would be most visible from locations up to 800m to the west on Bishopton Lane; 600m to the west on Hill House Lane; up to 800m to the north-east on Folly Bank; up to 600m to the east near Pitfield Farm; up to 400m to the south on Norton Back Lane; up to 1km to the south-west at Sadberge; as well across most of the site itself. The viewpoint appraisal has been undertaken to inform the appraisal of effects on visual receptors within the study area. It has found there would be important effects in Year 1 of operation on residents and/or footpath users at Viewpoints 1 (Footpath within northern part of the site), 2 (Footpath within southern part of the site), 5 (Norton Crescent, Sadberge). In addition there would be some important effects at Year 15 at Viewpoints 1 and 2 regardless of mitigation. All effects would be adverse. Effects would be lesser at the remaining viewpoints.

46. There would be important effects on the following receptors during construction and Year 1 of the operational period:
    - People living in the residential properties at Hill House/Dogs Trust (R2) and at Hill Cottage (R3)
    - Recreational users of the Publicly Used Route crossing the north part of the site
    - Recreational users of the Footpath 5 (East and West Newbiggin) and 7 (Sadberge) crossing the southern part of the site
    - Road users of Hill House Lane

47. Important effects would remain at the following locations at Year 15 (with mitigation) of the operational period:

- People living in the residential property at Hill House/Dogs Trust (R2)
- Recreational users of the Publicly Used Route crossing the north part of the site
- Recreational users of the Footpath 5 (East and West Newbiggin) and 7 (Sadberge) crossing the southern part of the site

48. Effects would generally be greatest during construction and Year 1 of operation and reduce over time up to and including Year 15 when landscape mitigation measures would have matured sufficiently. These would help screen and soften views to the development whilst retaining and improving the character of the landscape. These effects would be mostly adverse and would be temporary during construction and long term but reversible during operation.

49. The remaining receptors which are located within the ZTV would not experience important effects and these include those located at:

- Nine residential properties within 500m
- The villages of Sadberge, West Newbiggin and Little Stainton
- Footpaths Bishopton no. 1 and West Newbiggin no. 2, Sadberge numbers 3, 4, 5 and 6, East and West Newbiggin no. 3 and Bridleway Little Stainton no. 6; and
- The A66 and the three minor roads located within 1km
- Cumulative visual effects with the Gately Moor solar farm would be negligible

50. 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

51. Access to the solar farm is to be taken from an existing infrequently used field access located on Norton Back Lane, approximately 1.3km east of the centre of Sadberge village. This will be the sole means of access for the development for both the construction phase and long-term maintenance and management of the site. Visibility splays that meet the full DMRB standard of 214m in each direction are achievable and are suitably demonstrated on plan as part of the application, being required for access points located on 60mph national speed limit roads. The setback of 2.4m is acceptable for the site access given the main road vehicle flows are comparatively low and use of the site access is limited even during the peak construction phase. Additional warning signage is

proposed as part of the construction phase, whilst post-construction vehicle movements associated with the maintenance and monitoring of the of the site are very low and infrequent. Visibility splays must however be maintained for the life of the development to ensure a safe means of access and egress for all vehicles. New access points will require technical approval of the Highway Authority under Section 184 of the Highways Act relating to matters such as surfacing material, drainage, setting back of access gates etc. These matters can be dealt with by planning condition.

52. The application site straddles an unmetalled route (ORPA) which runs northwards from the hamlet of West Newbiggin, joining Bishopton Lane, approximately 200m north of Hillhouse Lane. Whilst historic in nature, it is not considered to serve a highways purpose and is not maintained in a condition which would enable passage by road going vehicles, being used only as a means of access for agricultural purposes or potentially off-road motorcycles. The application site has numerous areas which abut the route which require two separate crossing points where technically approval under the Highways Act would be needed for any areas of the access track which cross the public highway. The Highways Authority consider that the route could be 'stopped up' in parallel with the planning application via an application to the Department for Transport (DfT) National Casework Team. A right of access as a public right of way would need to be retained, as well as potentially for adjacent landowners. The impact of the development on this route is also assessed in the 'Public right of way' section of this report.

53. A Transport Statement (TS) has been submitted in support of the application which provides sufficient information to provide a detailed assessment of both traffic impact and any highway safety concerns both during the construction phase and long-term operation of the site post construction. An indicative programme of anticipated construction traffic associated with the development is provided as part of the TS with the construction phase of works expected to run for approximately 6 months.

54. Approximately 9162 two-way vehicle movements are expected to occur during this period for staff/operatives on site, and to deliver the construction materials and components required. Of these two-way movements, 3078 are expected to be HGV movements, with the remainder being cars/light commercial vehicles. The peak month for construction is expected to occur in Month 3, with 2306 two-way vehicle movements, comprising 1404 car/LGV movements and 902 HGV movements anticipated. Assuming a 26-day working month, this would equate to a maximum of 89 two-way vehicle movements per day which would consist of 54 car/LGV movements and 35 HGV movements on average. In other months, the daily average HGV movements are between 21 and 11.

55. The lowest threshold of impact assessment for traffic generation at sensitive receptors is generally 10%. The increase in Average Daily Traffic Flow (ADTF) due to total construction traffic for the given count is significantly less than 10%, however the increase in HGV traffic will be over the 10% threshold. This is not considered to have a material impact on highway network given the relatively low background flows. Whilst peak hours are not identified, given the maximum daily movements of 89 two-way, this is

not likely to exceed the 30 two-way peak hour trip threshold which would require junction capacity assessment. The effect of the temporary increase in traffic during the construction phase of the development on routes within the vicinity of the site does not therefore demonstrate a 'severe impact'.

56. There is no objection to the proposed site compound layout provided it is to be accessed via the agreed upgraded access from Norton Back Lane. The submitted Outline Construction Management Plan proposes to route all light and HGV traffic associated with the construction phase from the A66 via Sadberge. This route is not supported when there is an alternative means available form the east (via A66 Elton Interchange, Yarm Back Lane, Darlington Back Lane) to avoid routing vehicles through the centre of Sadberge village where highway infrastructure is less suitable for accommodating large vehicles and increased traffic may have a detrimental impact upon residential amenity. This is also a matter of objection raised by Sadberge Parish Council.

57. While the information set out in the Outline Construction Management Plan may be subject to change upon the appointment of a contractor and providing detailed construction information, a Final Construction Management Plan is required which can be secured by planning condition. The Final CMP should also ensure there is no staff/operative parking on the public highway, and should amend the route for construction traffic to avoid vehicle routing through Sadberge village.

58. Post-construction phase the site will have very little impact on the local highway network. Due to the low number of vehicular movements to and from the site during the operational period, as set out in the TS, the site is unlikely to have any significant impact to the local highway network once up and running. Turning facilities must be provided within the site along with gates placed sufficiently far back from the carriageway edge to ensure vehicles can pull clear of the highway. This can also be secured by planning condition.

59. A glint and glare report has been prepared to assess possible effects from the proposed solar PV installation on a number of receptors, including road users in the surrounding area. The report concludes that the impact on road users is categorised as 'low' due to significant mitigating factors. Once the proposed landscape mitigation is fully grown, no further mitigation is necessary.

60. A review of the past 5 years of Policy data reveals that no person injury collisions have occurred within the vicinity of the site. It is concluded that there is no pattern of accidents in the immediate locality of the site or study area which suggest a particular road safety issue which the proposed development would adversely impact.

61. Whilst the development would generate a substantial number of construction traffic movements for the 6 month construction period it would not be unacceptable in this location due to good access and existing highway capacity for this temporary period. Once operational, the site would be automated and would only be attended for monitoring and maintenance purposes. A final construction management plan would be

secured by condition, with a further condition requiring details of the site accesses to be approved. It is considered that the proposal has been appropriately assessed through a TS and would not result in harm to the safety of the local highway network and would not cause an unacceptable increase in congestion. Subject to these conditions, it is considered the proposal complies with Local Plan Policies DC1, IN4 and IN9.

(d) Residential Amenity

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

Noise

63. The application has been submitted with a noise impact assessment which has measured the current background noise levels at three separate locations around the proposed development. This information was fed into the noise model and combined with data on the known sound power levels of the infrastructure associated with the proposed solar farm. The model was then able to predict the noise impact of the development at the nearest noise sensitive receptors. Although the solar arrays themselves do not provide noise, noise is emitted from the associated transformers and cooling fans relating to the battery storage containers (BESS).

64. The noise impact assessment did not consider how noise from the development could impact on residents at the recently approved conversion of agricultural buildings to dwellings at West Newbiggin Farm (22/00135/FUL). It did however consider the impact of noise at 'Wagtails' which is closer to the elements in this application which could create noise than the homes proposed at West Newbiggin Farm. The noise model has been run on a 'worst-case' scenario with all plant being operated simultaneously and at full capacity. In reality, this is a scenario that is unlikely to occur but does demonstrate that the noise model is robust. The noise impact assessment has not reported the level of uncertainty in the assessment, but it has reported that given the conservative approach in the modelling, uncertainties will not have a significant impact on the findings of the development.

65. The model has concluded that noise from the development will not be an issue at the nearest noise sensitive receptors and the Environmental Health Officer agrees with this conclusion. The design for the development does include a 3m high acoustic barrier around two sides of the BESS units and this has been factored into the noise model. In order for noise not to be an issue at the nearest noise sensitive receptors, should the application be approved, the acoustic barrier will need to be installed in accordance with the submitted details and retained for the lifetime of the development. This can be secured by planning condition.

Glint and Glare

66. The submitted Glint and Glare study considers possible effects of glint and glare from the proposed solar PV development on a number of receptors including residents. In terms of impact on dwellings, the study states that solar reflections are possible at 12 dwelling

receptors. At these receptors, no impact is predicted at 7 dwellings, due to existing screening blocking the view of the reflective areas. At the remaining five dwellings, a low impact is predicted due to the large separation distances and the location of the sun relative to the reflective area. Furthermore, it is anticipated that hedgerows surrounding the proposed development will eventually grow to a level where it screens the view of the solar farm from the dwellings preventing even any minor issues with glint and glare. The Environmental Health Officer agrees with the conclusions of the report that glint and glare will not be an issue requiring further mitigation.

Contaminated Land

67. The application has not been submitted with any reports relating to contaminated land. A search of the historical maps of the area has confirmed that the site has historically been in agricultural use and given the limited amount of ground disturbance associated with the proposed development, contaminated land is unlikely to be an issue. The nearest known area of potentially contaminated ground around the development is a former pit (Pitfield Farm Pit) which could have been used for historic gravel extraction to the immediate north-east of the site. Given the history of the site and the nature of the proposals, the Environmental Health Officer advises that it is not necessary to attach any of the standard contaminated land conditions to any approval.

Construction Activities

68. The application has been submitted with an Outline Construction Management Plan. Given the location of the proposed development and the separation distance from existing houses, it is not considered that the proposed construction activities will adversely impact the amenities of residents of these properties, and no further conditions are required to protect the amenity of the area during this period of the development.

69. While ordinarily a condition requiring compliance with the CMP would be attached, as set out in the Access and Highway safety section of this report, the submission of a final construction management plan is required to ensure the full range of construction impacts is assessed once the final contractor is appointed. This is to be secured by a planning condition which requires that the final CMP is submitted for approval prior to the commencement of development and that once approved the construction phase of the development is carried out in accordance with the final CMP.

70. 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

71. 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.

72. 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.

73. 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.

74. A Heritage Impact Assessment (HIA) has been submitted in support of the application. The HIA identifies the relevant heritage assets affected by the proposed development and considers the impacts on their significance and settings. As such this is considered to meet the requirements of paragraph 194 of the NPPF. This assessment considers a setting study area with a radius of 3km from the core study area (CSA) used to identify assets that could potentially undergo a change to setting as a result of the development.

75. The site has been the subject of an initial round of pre-determination trial trenching. The Written Scheme of Investigation approved by Durham County Council Archaeology Section proposed the excavation of a total of 53 trenches across the site. It has not been possible to access all of the proposed trenches until crops have been harvested and given the low level of finds to date, it has been requested that the remaining trial trenching be undertaken post-determination, secured by planning conditions.

76. A Trial Trench Evaluation report has been submitted which provides the results of the trial trenching undertaken to date. A total of 22 trenches across the site have been excavated to assess these areas for their archaeological potential. The report concludes that the results of the evaluation indicate that the site has remained agricultural in its use since at least the mediaeval period, with little other archaeologically observable activity taking place. The recovery of a flint knife in one of the trenches may warrant some further investigation to locate further material or associated features, but given the presence of the ridge and furrow survival of any associated features may be unlikely.

Furthermore, most of the possible archaeological features identified by the geophysical survey, particularly to the north of the site, have not been observed during the resultant trial trenching. Based on the evaluation, the archaeological potential of the site is considered to be low.

77. Durham County Archaeology have considered the submitted evaluation report and given the low archaeological potential of the site identified as a result of the trial trenching undertaken to date, advise that the remaining trial trenching and any required mitigation can be undertaken post-determination. In order to secure the proposed further trial trenching and proposed mitigation measures conditions are proposed.

78. There are no designated heritage assets within the site boundary, although there are 7 designated assets within 1km of the site including the Sadberge Conservation Area, the Shrunken Medieval Village at Sadberge Scheduled Monument, and 5 listed buildings. There are 4 non-designated heritage assets identified within the CSA as included in the Durham HER. Within the wider 3km study radius of the CSA there are 34 designated assets including 4 scheduled monuments, 2 conservation areas and 28 listed buildings.

79. The setting assessment identifies less than substantial harm for twelve heritage assets in two groups and states that the significance of those assets will not suffer any alterations. These include Sadberge Conservation Area and its associated Scheduled Monument, eight listed buildings, and non-designated building; and Long Pasture House.

80. Mitigation proposals are embedded in the design of the development in the form of a Landscape Mitigation Plan, to enhance hedgerows and trees around the site further limiting potential visibility of the development and any changes to setting. These are general landscape impacts as a result of development changing the general character of the area from of one of an unspoilt rural character. Due to the nature of the development proposal being relatively low-lying solar panels, in general visual change to the wider landscape and the setting of any heritage assets is mitigated.

81. The HIA concludes that any harm to the heritage significance of these assets is considered less than substantial and should therefore be weighed against the benefit of the proposal in line with Paragraph 202 of the NPPF. The Council's Conservation consultant has considered the HIA and agrees that the assessment identifies those assets that may be affected by the proposal and suitably considers the resulting impacts on setting and significance.

82. The nature of the development, the intervening distances in place, limited intervisibility with heritage assets and the proposed mitigation measures will all contribute to mitigate any wider impacts in terms of setting. The level of harm would be less than substantial and towards the lower end of any spectrum of that harm. Subject to the landscape mitigation plan proposed, these impacts would be further reduced. In terms of the public benefits to be weighed against the harm identified as set out in paragraph 202 of the NPPF, the proposal would result in the provision of sustainable energy regeneration

weighing in favour of the proposal along with the associated economic benefits, job creation and ecological mitigation and biodiversity enhancements.

83. 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. Furthermore, the proposal is considered to accord with the Planning (Listed Building and Conservation Areas) Act 1990 (Sections 66 and 72), the National Planning Policy Framework, 2021, and Local Plan Policy ENV1.

(f) Ecology

84. A detailed Ecological Impact Assessment (EcIA) has been undertaken and is based on the results of a desktop study, an extended Phase 1 habitat survey, wintering bird and breeding bird surveys, and protected species survey work. This is also accompanied by a Landscape Management Plan (LMP) which sets out the proposed habitat creation and enhancement measures, together with a Biodiversity Net Gain calculation using the DEFRA Biodiversity Metric, and a draft Biodiversity Management Plan (BMP) which has been informed by the EcIA and associated surveys.

85. The assessment confirms that there are no nationally or local designated sites present within the site or within 2km of the site, nor are thee any internationally designated sites within 5km of the site. There are 4 non-statutory Local Wildlife Sites within 2km of the site, the closest of which is Newton Grange Farm LWS, some 0.3km south of the site, designated for great crested newt and harvest mouse.

86. No priority habitats within the site boundary were identified, although two intact species-rich hedgerows with trees within the site which qualify as priority habitats due to their condition. An area of priority deciduous woodland habitat is located approximately 360m north-west of the site, and there are several other pockets of priority habitat within 2km of the site, including additional areas of deciduous woodland, one traditional orchard and one lowland meadow.

87. The habitats identified on site during the Extended Phase 1 Habitat Survey include arable fields, neutral semi-improved grassland, poor semi-improved grassland, broadleaved woodland, broadleaved parkland/scattered trees, lines of trees, dense and scattered scrub, hedgerows (species-poor), hedge with trees (species-poor), hedge with trees (native species-rich), tall ruderal vegetation, a dry ditch, running and standing water, bare ground and fence. The development will lead to the temporary loss of predominantly lower grade agricultural land (the ALC assessment report confirms the majority of the site as Class 3B) and the ecological appraisal considers the ecological effects of this to be minimal. The site's higher value habitats, such as trees, native species-rich hedgerows and water bodies, and large area of pasture land, will be retained in the scheme design.

88. A small area of poor semi-improved grassland and hedgerow are proposed to be removed to facilitate the creation of suitable visibility splays at the site entrance to the south of the application site, off Norton Back Lane. Due to the small-scale nature of the habitat removal, it is considered that the ecological impacts will be relatively low. Habitats of value (i.e. trees, hedgerows, ditches, semi-improved grassland and field margins) will be mostly retained but may be impacted during the construction phase of the development and mitigation measures have therefore been proposed.

89. The effects on protected species, including bats, great crested newt, hare, badger, hedgerows, otter and other species were evaluated as part of the EcIA, which concludes that during construction and operation of the development no significant adverse ecological impacts are predicted in the absence of mitigation. To reduce ecological effects however, a range of species-specific and general mitigation measures are proposed as part of the application. A range of enhancement measures are also recommended as part of the overall package of measures to deliver biodiversity net gain.

90. A series of winter bird and breeding bird surveys have taken place the results of which are set out in an Ornithological Impact Assessment (OIA) submitted with the application. The OIA identified two features for assessment; breeding waders and breeding farmland species of conservation concern. In addition, potential effects on the Teesmouth Coast SPA and Teesside International Airport were also assessed. The assessment concludes that, subject to appropriate avoidance, mitigation compensation measures, there would be no significant adverse effects on these features, or the wider bird assemblage at the site. Through enhancement measures the development could offer long-term benefits to birds. The development is expected to provide a long-term net gain for ornithology interests within the site.

91. The draft Biodiversity Management Plan (BMP) and Landscape Management Plan (LMP) 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 LMP has been amended during the course of the application, and a draft Biodiversity Management Plan submitted, in response to the comments of the Council's Ecology adviser.

92. Habitat enhancement measures proposed for the site include:

- The sowing of traditional grazing seed mix within the panel areas enclosed by the security fence (65.31ha)
- Sowing of shade tolerant, tussocky grassland along the majority of the 5m field margins (6.28ha)
- Large open areas outside of the security fence, but within the application site boundary, to be sown with high diversity, fine grassland and wildflower mix and managed for skylark mitigation (15.36ha)

- Post construction, the temporary construction compound to the south of the site to be sown with wild bird cover crop mix for seed eating birds in the autumn and winter period (1.57ha)
- Five blocks of native broadleaf woodland to be planted near the BESS (2.26ha)
- 2.2km of new native hedgerows and 1.2km of new native hedgerows with trees planted in various locations around the site, large sections of the new hedgerows to be planted along the public rights of way
- Hedgerow gaps within existing hedgerows to be infilled with native hedgerow species
- Sustainable Drainage Systems (SuDS) provided to south of BESS
- Three new scrapes dug in periodically flooded areas within new wader enhancement area to be provided in the north east corner of the site
- 11 new bat boxes and 26 bird boxes to be installed on mature trees around the boundary of the development
- Compost heaps created from grass clippings when solar farm is cut

93. The biodiversity impacts associated with the proposed development, assessed using the DEFRA metric, show that the proposed development will result in a biodiversity net gain on 51.07% in habitat units and 117.33% in hedgerow units. These calculations far exceed the upcoming statutory 10% biodiversity new gain target.

94. The Council's Ecology adviser considers that the draft BMP and amended LPM is sufficient to give the Local Planning Authority confidence that the measures can be delivered. The production of a final agreed management plan and its implementation would be secured by planning condition to secure the delivery of biodiversity net gain improvements over the lifetime of the development. On this basis, the proposal is considered to comply with Local Plan Policies ENV7 and ENV8 and the NPPF with regard to biodiversity net gain.

(g) Flooding and Drainage

95. The majority of the site is located within Flood Zone 1, although there is a small area located within Flood Zones 2 and 3 in the north east corner of the site associated with Newbiggin Beck. These areas have been set aside for biodiversity enhancement and no development is proposed in this area. The solar farm and all associated infrastructure is located entirely within Flood Zone 1, which is fully in accordance with the aim of the sequential approach set out in the NPPF and echoed in Darlington Local Plan Policy DC2, which is to steer new development to areas at the lowest probability of flooding in Zone 1. In relation to Flood Risk Vulnerability and Flood Zone 'Compatibility' the planning practice guidance to the NPPF advises that all uses of land are appropriate in Flood Zone 1.

96. The application has been submitted with a Flood Risk Assessment (FRA) and outline Drainage Strategy (DS). The FRA has considered the potential consequences of flooding from all other sources, which include directly from rainfall and rising groundwater, rivers and watercourses, sewers and drainage systems, and other artificial sources. The FRA indicates that the site has a risk of surface water flooding which is concentrated on the

north eastern corner of the site, where no development infrastructure is proposed, and within some localised areas around the remainder in site.

97. Maximum pluvial flood depths where development infrastructure is located is 0.6m, however the base of the PV arrays will be approximately 0.8m above ground level. All electrical connections on the arrays located on the upper edge of the panels and well above ground level, to allow the development to function should the site be under water following an extreme rainfall event. The electrically sensitive infrastructure (i.e. transformers, inverters, and substation) are to be located outside the 1:100 year pluvial flooding modelled areas.

98. The mount brackets which the PV sits on is to be installed into the ground via narrow legs limiting any footprint of the PV array units. As such the PV array units shall not displace pluvial flood waters. Acknowledging the location of sensitive infrastructure outside of modelled pluvial flood risk areas, and the raised nature of PV arrays, the surface water flood risk is negligible. Similarly, the FRA also concludes that flood risk from all other sources is negligible.

99. The development will create some impermeable areas limited to the substation, inverters and BESS infrastructure with a total impermeable area equating to approximately 0.5% of the total site area. The PV arrays themselves, due to their mounting and minimal footprint, have been excluded from the total impermeable areas. Given the limited area, the FRA sets out that surface water management measures will be utilised to promote the interception and storage of surface water local to the impermeable infrastructure. The PV array tables will include regular rainwater gaps to prevent water being concentrated along a single drip line and the ground surrounding the PV arrays will be planted with native species rich grassland to allow surface water to be intercepted by vegetation, limiting the potential for surface water to concentrate and run across the surface and into the surrounding hydrological network.

100. An attenuation pond is proposed, designed to a 1:100 year (+25% CC) event, to deal with surface water arising from the impermeable areas, located immediately to the south of the proposed substation and BESS compound. The pond will discharge to the nearest watercourse, an unnamed land drain to the south which ultimately discharges into Newbiggin Beck, at a controlled rate of 1.9 l/s to achieve greenfield run-off rates.

101. On this basis, the Flood Risk Assessment and outline Drainage Strategy concludes that the proposed development is appropriate within Flood Zone 1 and is not expected to increase the risk of flooding elsewhere subject to the mitigation measures outlined. Neither the Environment Agency nor the Lead Local Flood Authority raise an objection to the proposed development subject to a condition requiring the development be carried out in accordance with the FRA/DS, and on this basis the proposal is considered to comply with Policy DC3 and the NPPF in regard to flood risk.

(h) Public Rights of Way

102. Public Footpath 5 (East and West Newbiggin) crosses through the southern portion of the application site in a northeast to south west direction. There is an 'Other Route with Public Access' (ORPA), the road through West Newbiggin which is an unmetalled lane with highway rights which crosses through the site from east to the northwest. Footpath 5 will run between two panel areas (12 and 13), including the site compound and BESS area, towards the south of the site, in an area to be used for ecological mitigation and biodiversity enhancement. The ORPA is accounted for in the scheme design and would run through panel areas at the north eastern end of the site.

103. The submitted plans show there would be a distance of approximately 10 metres between Footpath 5 and the ORPA and the nearest panel area. The panels would be enclosed either side by a 2.4 metres high deer style fence to prevent users of the right of way entering into the development, in front of which would be retained vegetation together with additional native tree and hedgerow planting as part of the landscape mitigation proposals and to screen views of the development from the footpath. There would be some impact to these footpaths during the construction period which is considered and assessed in the submitted construction management plan.

104. It is acknowledged that the experience of users of the rights of way will change both as they pass through the development and within close proximity of the development. This will allow some distant and close range views of the development and reduce the sense of openness and the availability of countryside views from this aspect. As set out elsewhere on this report the impact of the development on the rights of way network has been assessed in the submitted LVA which concludes that residual visual effects would remain for users of Footpath no. 5 and the ORPA, as well as to users of Footpath no. 7 adjacent to the southern part of the site, in Year 15 with mitigation.

105. The Council's Right of Way Officer however considers that both routes have been well considered in the plans, and is supportive of proposals for a suitable buffer between the paths and the panel areas, and for vegetation screening and hedge planting along the length of the footpath and ORPA. The noise assessment also considers the impacts of the development on users of the rights of way and demonstrates that impacts will be minor. 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.

106. Given the low level of maintenance visits proposed, it is not considered that the proposed access track will adversely impact on users of the footpath, subject to a condition requiring warning signage to be installed. Overall, the proposal is considered to comply with Local Plan Policies DC4 and IN9(b).

(i) Health Impact Assessment

107. The planning application has been supported by a Health Impact Assessment (HIA) is accordance with Local Plan Policy DC3. The assessment sets out that there will be potential health impacts arising during the construction and operation phases, including

dust, noise, and traffic, together with disruption to the public right of way network during construction and visual impacts for users of the network during the operation phase.

108. The majority of these factors relevant to health considered in the assessment have been assessed elsewhere in this report through reports on noise, an outline Traffic Construction Management Plan, Landscape and Visual Assessment and Landscape Management Plan. Upon consideration, these matter have been found to be acceptable, subject to mitigation to be secured by planning condition. The applicant will also consider the possibility of supporting work and training opportunities within the local community in accordance with Policy DC5 of the Local Plan, and these measures are welcomed. The Council's Public Heath and Environmental Health team have considered the submitted HIA and raise no objection to its conclusions.

(j) Time Limit

109. The applicant is requesting a longer implementation time for the permission due to complexities surrounding connection to the grid. In this instance an extended implementation period of 7 years is being sought. The Planning Practice Guidance (PPG) sets out that the relevant time limit for beginning development is usually 3 years beginning with the date on which the permission is granted, or such other period (whether longer or shorter) as the local planning authority may impose. In the case of requests for longer periods, the PPG advises that a longer time period may be justified for very complex projects where there is evidence that 3 years is not long enough to allow all the necessary preparations to be completed before development can start.

110. The application sets that there are works planned by National Grid Energy Transmission to upgrade the infrastructure at the Norton East substation. These works are anticipated to be completed by 2031, whereafter the project can be connected. Alongside this, National Grid is reviewing how it assessed new connections, as they relate to the existing infrastructure. This may yield an opportunity to connect the project earlier, and therefore planning permission is being sought now so that the developer is in a position to build, should National Grid find a way to facilitate an earlier connection. If it is not possible to connect until 2031, works would likely commence in Spring/Summer 2030, which is why the 7 year implementation period is being requested.

111. In view of the circumstances presented and the uncertainties regarding connection to the grid, it is considered that the request for a longer implementation time is justified in this instance, being within the spirit of the advice set out in the PPG. This would also allow the developer to connect to the grid sooner should an earlier connection become available.

(k) Other matters

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

Statement of Community Involvement

113. A Statement of Community Involvement (SCI) has been submitted with the application. Confidential briefings were offered to local community representatives and closest neighbours prior to the project being announced. A 30-day community consultation exercise was also undertaken once the scheme was publicly announced during June/July 2022. The consultation material comprised a leaflet and bespoke website which was distributed to 355 local residents. The website received 97 views, and 7 people completed the online survey and 2 people contacted the team by e-mail. Of the 9 responses received, no objections were received. The majority (seven) were supportive and three respondents raised concerns regarding issues such as sustainability, visual impact, and rights of way. The SCI sets out the applicant's response to the points raised during this process. The statement also sets out that due to lack of demand no public meetings were held during this period.

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

115. In addition, the application itself has been publicised in accordance with the requirements of Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 by way of a press advert, site notices around the site and by way of letters to a total of 119 properties adjacent to the site.

Battery Storage Safety

116. The issue of battery storage safety has been raised by objection. In response to this an outline Battery Safety Management Plan has been submitted which sets out how safety risks relating to the proposed Battery Energy Storage System (BESS) that forms part of the development are understood, accounted for and mitigated as far as practicable in agreement with relevant consultees, prior to construction commencing. The management plan sets out that following the adoption of the measures set out , including a range of design measures and legislative requirements, the risk of fire occurring from the BESS will be reduced, and if fire did occur, the risk of it spreading to the point where it became a major incident will be reduced to an acceptable level.

117. While the outline document sets out that a detailed Battery Safety Management Plan could be secured by planning condition in this instance there has been no objection from the Health and Safety Executive (HSE) nor the Environmental Health Officer. The NPPF is clear that the planning system should not duplicate other regimes in place to control such

matters (paragraph 188). It is not considered therefore that such a condition is necessary in this instance.

THE PUBLIC SECTOR EQUALITY DUTY

118. 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

119. It is clear that the development of renewable energy is in principle in the public interest and is considered a benefit in those terms. The proposed PV installation would generate approximately 50,000 megawatt hours per year (MWh/yr) which is the equivalent of offsetting the annual electricity usage of approximately 13,959 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_2 emissions. The proposal would also provide a range of other benefits including a significant contribution to local employment and the economy more generally. Additional benefits of the scheme include biodiversity and landscape improvements to the site. The development would not result in the loss of best and most versatile agricultural land and when decommissioned, the site can revert to its former use and resume agricultural production.

120. 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 amounting to 51.07% in habitat units and 117.33% in hedgerow units which would be secured for the lifetime of the development by planning condition and is considered appropriate to mitigate against any ecological impacts.

121. Consideration has also been given to the impact of the proposals upon highway safety, residential amenity, heritage assets, flooding and drainage, and public rights of way and, subject to appropriate conditions, these impacts are considered to be acceptable.

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

THAT PLANNING PERMISSION BE GRANTED SUBEJCT TO THE FOLLOWING CONDITIONS:

1. The development hereby approved shall be commenced not later than 7 years from the date of this permission.

   REASON – In order to comply with the provisions of Section 91(1)(b) of the Town and Country Planning Act, 1990

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

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

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

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

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

   (a) Development area plan, drawing number 4449-PUB-028, dated 15.12.2022
   (b) Indicative site layout, drawing number 4449_DR_P_0003, dated 24.08.2022
   (c) Landscape mitigation plan, drawing number 4449_DR_P_0004, dated 17.08.2022
   (d) Typical PV panel section, drawing number 4449_DR_P_0005, dated 17.08.2022
   (e) Inverter/transformer, drawing number 4449_DR_P_0006, dated 17.08.2022
   (f) Security fencing and CCTV, drawing number 4449_DR_P_0007, dated 17.08.2022

(g) Security gate, drawing number 4449_DR_P_0008, dated 17.08.2022
(h) Access track cross-section, drawing number 4449_DR_P_0009, dated 17.08.2022
(i) Container storage unit, drawing number 4449_DR_P_0010, dated 17.08.2022
(j) Substation compound, drawing number 4449_DR_P_0011, dated 17.08.2022
(k) Indicative temporary construction compound, drawing number 4449_DR_P_0012, dated 17.08.2022
(l) BESS battery unit elevations, drawing number 4449_DR_P_0013, dated 17.08.2022
(m) BESS PCS unit elevations, drawing number 4449_DR_P_0014, dated 17.08.2022

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

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

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

6. Prior to the commencement of the development 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

7. 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.

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

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

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

   REASON – In the interests of highway safety.

10. Prior to the commencement of the development, precise detail of works to the site accesses (Norton Back Lane) shall be submitted to and approved in writing. Details shall include visibility splays, swept path analysis, 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.

11. Prior to the solar farm hereby approved becoming operational details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- The materials to be used to form any access tracks crossing rights of way within the site to ensure this does not present a trip hazard;
- A signage scheme to warn pedestrians and drivers of the presence of any access points crossing the rights of way within the site

Thereafter the access tracks shall be formed in accordance with the approved details and the approved signage shall be in place prior to the first operation of the solar farm and shall be maintained for the lifetime of the development.

REASON – In the interest of the safety of users of the rights of way network

12. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08:00 – 18:00 Monday to Friday, 08:00 – 14:00 Saturday with no activities on a Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

    REASON – In the interest of residential amenity.

13. Prior to the solar farm hereby approved becoming operational details of a 3m high acoustic barrier around the BESS units designed to limit the transmission of sound from the BESS shall be submitted to and approved in writing by the Local Planning Authority. The approved barrier must be installed prior to the solar farm becoming operational and must be retained and maintained thereafter for the lifetime of the development.

    REASON – In the interest of residential amenity

14. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment, Long Pasture Solar Farm dated October 2022.

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

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

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

16. 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 comply with paragraph 205 of the NPPF which required the developer to record and advance understanding of the significant of heritage assets, and to ensure information gathered becomes publicly accessible.

INFORMATIVES

Highways
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.

Flooding and Drainage
The section of the proposed access track which crosses over the existing watercourses will require Land Drainage Consent. A Land Drainage Consent is a separate application that could take up to 8 weeks for completion. No works on the watercourse can proceed until consent has been approved by the LLFA.

Airport Safeguarding
Given the nature of the proposed development it is possible that a crane may be required during its construction. We therefore draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4 'Cranes and Other Construction Issues' (available at http://www/aoa/org.uk/policy-campaigns/operations-safety/

Environment Agency
The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- On or within 8 metres of a main river (16 metres if tidal)
- On or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)

- On or within 16 metres of a sea defence
- Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- In a floodplain more than 8 metres from a river back, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk