

DELEGATED

AGENDA NO 7

PLANNING COMMITTEE

23 November 2022

**REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

22/1499/FUL

Land South of Gately Moor Reservoir, Near Redmarshall, Stockton-On-Tees

**Proposed solar farm (49.99mw) and energy storage together with all associated works,
equipment and infrastructure**

Consultation

Since the publication of the agenda an additional letter of has been received from the Campaign for the Protection of Rural England (CPRE). A copy has been included in this update report in Appendix 1.

The letter is questioning whether the respective 22/1511/FUL and 22/1499/FUL applications for solar arrays and battery storage at California Farm and Gately Moor, constitute one development for the purpose of the Development Consent Order provisions of the Planning Act 2008, and not as submitted under the provisions of the Town and Country Planning Act 1990.

The letter makes reference to two applications which have been determined by Hartlepool and Durham Councils which both proposed shared a substation and have the same applicant. There is currently an outstanding question as to whether these applications are reliant on one another and therefore should have been considered as one as a Nationally Significant Infrastructure Project (NSIP). As no reference numbers have been given it is not possible to verify the details.

Regardless in consideration of application ref 22/1511/FUL and 22/1499/FUL the applicants, agents and landowners are all different. The sites are approximately 0.5miles apart, at the closet point and both would be served by their own substations. Whilst both sites would ultimately connect to the Norton Grid Supply Point (Sub-Station) this does not demonstrate and interconnectivity or reliance. Furthermore paragraph 155 of the NPPF acknowledges the need for site to be located close to supporting infrastructure, where this would help secure the development. Policy ENV3 (1) (c) (Decentralised Energy Generation and Supply) also requires that major development, such as these proposed, identify and safeguard potential network routes. It is therefore not considered that the use of the same centralised power connection or laying of cables within the highway network would be sufficient to suggest that the applications would be reliant on one another or form part of one larger development.

Furthermore, the applicant has confirmed, in writing, that there is no link between this application and the California Farm site.

Consequently, Officers are satisfied that both applications are independent of one another and therefore can be determined under the Town and Country Planning Act 1990.

DIRECTOR OF FINANCE, DEVELOPMENT AND BUSINESS SERVICES

Contact Officer Helen Boston Telephone No 01642 526080

WARD AND WARD COUNCILLORS

Ward Western Parishes

Ward Councillor Councillor Steve Matthews

IMPLICATIONS

Financial Implications: N/A

Environmental Implications: The proposal relates to a Decentralised Energy Generation Scheme and its visual impacts, along with matters relating to the impacts on residential amenity particularly as a result of noise and disturbance, landscape and Ecology. These are considered and addressed within the report although in this instance are not considered to have any significant impacts. The development is not considered to be EIA development.

Human Rights Implications: The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications: The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

National Planning Policy Framework, Stockton on Tees Local Plan, Supplementary Planning Documents / Guidance.

Appendix 1 CPRE Representations



CPRE Durham

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Patron
Her Majesty The Queen
President
Emma Bridgewater CBE
Chief Executive
Crispin Truman OBE

18 November 2022

Planning Services
Stockton Borough Council
Municipal Buildings
Church Road
Stockton-on-Tees
TS18 1LD

Dear Sir,

PLANNING APPLICATIONS 22/1511/FUL AND 22/1499/FUL PROPOSED SOLAR ARRAYS AND BATTERY STORAGE CALIFORNIA FARM AND GATELY MOOR, STOCKTON

I refer to our previous letters in respect of these two applications for solar arrays, one to the west and the other to the east of Redmarshall.

Our attention has been drawn to a legal issue that has this week been considered at a Public Inquiry into an appeal against the decisions of Durham County Council and Hartlepool Borough Council to refuse permission for a solar array at Sheraton n County Durham and ancillary infrastructure that lead from this site and a nearby one at Hulam to a substation in Hartlepool.

The issue is whether the Sheraton array is in fact an extension of the Hulam array that has already been granted permission by Durham County Council. If it is, then the Councils have argued that Sheraton is in fact an extension of Hulam and so needs to be determined under the development consent Order provisions of the Planning Act 2008, not under the provisions of the Town and Country Planning Act 1990. The Inspector has adjourned the public inquiry to consider the arguments and provide a written decision.

As I understand it, the argument relates to the fact that the two proposals share a substation and indeed may share lines to transmit electricity generated from both sites to the substation and so to the Grid. Further, the applicant in each case was the same.

As far as these two applications are concerned, we note the proximity of the sites to each other. While we note that the applicants are different, both refer to cables from the site going along Letch Lane to a substation in Stockton. We therefore believe that it is legitimate to question whether these sites are in fact reliant on each other and so, together, form one

development of a solar array electricity generating station in excess of 50 MW. If that should be the case, then these applications should be determined under the procedure in the 2008 Act and not the 1990 Act.

We note that it was in fact the Planning Inspectorate that raised this question during the appeal process for the Sheraton array and understand that the issue has implications throughout the country. As such, we believe that it is important to resolve the issue in respect of these two applications.

Yours faithfully

R Cowen

Richard Cowen