

DELEGATED

**AGENDA NO
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**

Expiry Date 25 November 2022

SUMMARY

The application site, which extends to approximately 123.37ha and comprises agricultural land across two blocks of land which are bisected by the road linking Whinney Hill and Bishopton, known as Bishopton Back Lane, straddles the administrative boundaries of Stockton and Darlington. Duplicate planning applications have been submitted to both authorities for consideration. Darlington took their application to Planning Committee on the 9 November. Members voted to approve the application in accordance with the officer recommendation.

The proposed development is for a 49.99MW solar farm, energy storage and associated works, equipment and necessary infrastructure. Planning permission is sought for a temporary period of 40 years and 6 months from the date of first exportation of electricity from the site.

The proposed solar farm would consist of solar PV panels placed on a single axis tracker mounting structure with a typical overall height not exceeding 3.1m, depending on existing ground levels which would remain unaltered. The ancillary infrastructure, such as central inverter cabinets, switchgear, spares container, energy storage, and energy auxiliary storage container would all be within the site boundary. Underground cabling will be placed around the site leading to an off-site substation adjacent to the existing Norton electricity substation.

A total of 13 letters of objections have been received following the public consultation.

It is clear that the development of renewable energy is in principle in the public interest and is considered a benefit in those terms. The proposed development, with associated energy storage, will generate and store a significant amount of electricity from renewable sources and result in a reduction of approximately 25,370 tonnes of CO2 emissions annually compared to generating the same amount of electricity using coal. This represents a significant contribution to the legally binding national and international requirements and associated targets to increase renewable energy generation and reduce CO2 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.

Subject to the recommended conditions it is considered that the impact of the proposed development can be successfully mitigated and on balance the identified benefits of the proposed development are such that the application is recommended for approval.

RECOMMENDATION

That planning application 22/1499/FUL be approved subject to the following conditions and informatives below;

01 Approved Plans

The development hereby approved shall be in accordance with the following approved plans;

Plan Reference Number	Date Received
GMSF_CS21GB001_05	29 June 2022
GMSF_CS21GB001_11	29 June 2022
JK10806-01-01	29 June 2022
P20-0234_03F	29 June 2022
GMSF_CS21GB001_01	29 June 2022
GMSF_CS21GB001_07	29 June 2022
GMSF_CS21GB001_08	29 June 2022
GMSF_CS21GB001_02	29 June 2022
GMSF_CS21GB001_04	29 June 2022
GMSF_CS21GB001_06	29 June 2022
GMSF_CS21GB001_09	29 June 2022
GMSF_CS21GB001_10	29 June 2022
JK10806-02-01	29 June 2022
JK10806-03-01	29 June 2022
JK10806-04-01	29 June 2022
JK10806-05-01	29 June 2022
P20-0234_04 REV 0	29 September 2022
P20-0234_12 REV F	29 September 2022
P20-0234_19 REV A	29 September 2022

Reason: To define the consent.

02 Temporary Consent

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.

03 Inoperative

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.

04 Biodiversity Management Plan

The production of a final agreement 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.

05 Pre-Construction Checks

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

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

06 Treatment of Infrastructure

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

07 Tree Protection Measure

Tree protection measures outlined in the Arboricultural Impact Assessment shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or

surplus materials connected with the development have been removed from the site. This shall include:

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

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

08 Soft Landscaping

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.

09 Construction Management Plan

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 Site Access

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

REASON – In the interests of highway safety.

11 Operating Hours

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.

12 Contaminated Land

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A site investigation scheme, based on the submitted desk top study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site, within area B of the site.
2. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

This must be undertaken in accordance with the Environment Agencies “Land Contamination Risk Management” guidance (2020), CIRIA C665 and BS87576: Guidance in investigations for ground gases. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

REASON - National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water and land pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

13 Contamination from Radon Gas

No development shall be commenced until details of the gas protection design for radon is submitted and approved by the local authority. This should be carried out in accordance with BRE Report BR211 (2015) Radon: Protective measures for new buildings.

The installation of the approved gas protection measures should be verified and approved by the Building Control Department within Stockton Borough Council, and details of the verification provided to Environmental Health within Stockton Borough Council.

REASON - National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water and land pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

14 Unexpected Land Contamination

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

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

15 **Surface Water**

The development hereby approved shall not be commenced on site until a scheme for the implementation, maintenance and management of a sustainable surface water drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include, but not be restricted to providing, the following details:

- i. Detailed design of the surface water management system (for each phase of the development)
- ii. A build programme and timetable for the provision of the critical surface water drainage infrastructure
- iii. A management plan detailing how surface water runoff from the site will be managed during the construction phase
- iv. Details of adoption responsibilities.

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

16 **Surface Water Management**

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

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

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

17 **Flood Risk Assessment**

The development permitted by this planning permission shall only be carried out in accordance with the approved Gately Moor Solar Farm Flood Risk Assessment, Issue 01 received by the Local Planning Authority on the 29 June 2022.

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

18 Archaeological Mitigation

No development shall commence until a Strategy for Archaeological Mitigation, including a phased programme of archaeological work in accordance with ‘Standards for All Archaeological Work in County Durham and Darlington’ has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological mitigation will then be carried out in accordance with the approved strategy.

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

19 Archeological Post Investigation

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

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

20 External lighting

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

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

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

Informative: Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, 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/>)

Informative: PRoW

At no stage during the construction of the development should the adjacent PRow be blocked or made unsafe for users.

BACKGROUND

There is no relevant planning history relating to this site.

SITE AND SURROUNDINGS

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

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

The site is located approximately 1.1km to the south east of Bishopton and 400m to the west and south west of Redmarshall. There are also a number of isolated properties within the vicinity of the site. There are PRow within the site boundary in Darlington and adjacent within the Stockton Site. These existing rights of way within and abutting the site would be retained as part of the application proposals. The entirety of the site in which the solar panels and supporting infrastructure is located is within Flood Zone 1.

PROPOSAL

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

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

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

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

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

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

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

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

CONSULTATIONS

The following Consultations were notified and any comments received are set out below:-

Historic Buildings Officer

I would only support the comments as made by Tees Archaeology. The effect of this proposal on the built heritage is negligible.

Tees Archaeology

We note the inclusion of a heritage desk-based assessment and geophysical survey. The geophysical survey has identified undetermined anomalies which may be of archaeological origin. While there do not appear to be any obvious archaeological sites showing up clearly, this does not preclude the presence of archaeological sites. In order to gain a fuller understanding of the archaeology of the site, we recommend that a programme of trial trenching is undertaken.

We have been in discussions with the archaeological consultant, and have agreed that we would be willing to consider a programme of targeted trial trenching as part of a conditioned programme of archaeological works, provided the applicant is willing to accept the risk that archaeological remains might show up in trial trenching post determination, which could alter their proposals/lead to the need for mitigation. We have received confirmation of their acceptance of post-consent design changes for archaeological mitigation if necessary, and would expect this information to be included within a Written Scheme of Investigation for the archaeological programme of works.

The trial trenching, and any resulting mitigation, could be secured by appropriate conditions on this application. As this site crosses the unitary authority boundary between Darlington and Stockton-On-Tees, the wording of any archaeological conditions should be agreed upon by both Durham

County Council Archaeological Section (archaeological advisors to Darlington Borough Council) and Tees Archaeology. This will allow for a consistent approach to archaeological matters across the unitary authority boundary.

Northern Gas Networks

Withdrawal of objection letter

Northumbrian Water Limited

I can confirm that at this stage we would have no comments to make, as no connections to the public sewerage network are proposed in the application documents

The Ramblers Association

Further to our previous comments on this application, we note that a public right of way passes through a southern section of the proposed development.

Although this in Darlington Borough, it is an extension of Longnewton FP No. 1 which continues on to Bishopton in Darlington.

There is no mention of this PROW in Darlington Borough Council's comments.

We ask that Stockton Borough Council request Darlington Borough Council to ensure that safe access to this footpath is maintained at all times.

We note that that Redmarshall FP No. 3 runs adjacent to the fence near the village of Redmarshall.

When erecting the fence, safe access to the footpath should be maintained at all times.

Teesside Airport

I refer to your consultation email dated 03 October 2022. The airport safeguarding team has assessed the proposal in accordance with the CAA ADR - Aerodromes Regulation 139-2014 and it does not conflict with the safeguarding criteria for the airport.

Accordingly, we have no aerodrome safeguarding objection to the proposal based on the information provided.

However, if a crane is needed for installation purposes? We would like to draw your attention to the following informative

Newcastle Airport

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Teesmouth Bird Club

Teesmouth Bird Club would like to comment further, on subsequent submissions published by the developer.

Biodiversity Metric 3.1 Biodiversity Management Plan Appendix 4, (18/10/22) We are pleased and encouraged to note that this new formula is at last being used to assess measurement of habitat, both for potential for loss and also mechanisms for mitigation. The club hopes that SBC Planning will have the professional resources to critically evaluate the applicant's submission.

Landscape Mitigation Proposals 29/10/ 22 : The club notes that an area of land has been designated for Skylark (Red Category Species), together with a management plan for its

grassland management. However, this area is only 10% of the total area of the development. The earlier breeding birds survey had shown 10 breeding territories across the entire site. It is naive to believe the conservation area will support 10 pairs. Examination of the map showing the locations of these breeding pairs, clearly shows the wide spatial distribution self enforced by each pair. The small mitigating area is likely to support 1-2 pairs, at best.

The earlier breeding birds survey in the summer, recorded no Grey Partridge (another Red Category species), on the entire proposed development site. The best time of the day to assess partridge territories is dusk when the birds are calling. The consultant only performed morning surveys, recording none. However, their winter surveys showed 8 -10 adult partridge on the site suggesting its breeding suitability for this sedentary species.

The mitigation proposals make no reference to any provision for this species.

Durham County Badger Group

No objection subject to the recommended condition.

Parish Council

Redmarshall Parish Council object to this planning application for the following reasons:-

This is one of two current planning applications for very large scale solar farms on the edges of Redmarshall. There is an existing large solar farm nearby off Letch Lane and plans approved for other solar farms just a few miles away in the Thorpe Thewles area. The Parish Council fully appreciate and support the need for renewable energy sources to be developed in this country - but feel that the number of proposals for solar farms in the area around Redmarshall is excessive. Councillors think that there are many buildings in Stockton on Tees such as schools, hospitals, factories and new houses along with previously developed sites that could be used as locations for solar panels instead of using large areas of open countryside.

The land proposed for the solar panels is not waste or marginal land. These fields have been used by local farmers for many years largely for arable crops with some pasture and hay meadows. This is not unproductive land and in the current times of increasing food insecurity the Parish Councillors object to plans that, if approved, would result in so much agricultural land around our Parish being industrialized in the way proposed by this planning application and other similar applications.

The Parish Councillors have concerns that once the land has been used for solar panels it will be easier for other non-agricultural development to replace the solar panels or be added to the sites in the future. The installation of solar panels could lead to the sites being considered as previously developed land which could open the areas up to further applications for housing or industrial development.

The Parish Councillors feel that community consultation about this application has been minimal and insufficient. They think the applicant should have arranged an open public meeting in a local community building so residents could find out more about the development proposed.

Redmarshall already has problems with excessive numbers of HGV's passing through the village to avoid using slightly longer routes on larger roads. This can be evidenced by recent origin and destination surveys undertaken by Stockton Borough Council Highways Dept. This development will increase a problem that is already at unacceptable levels. Traffic management plans may detail routes that avoid the need for HGV's to pass through Redmarshall but the Parish Councillors know from experience that plans are regularly ignored and enforcement of the traffic management plans is very difficult.

The Councillors accept that in theory the plans under consideration could result in a biodiversity net gain for the sites and the land could still be used for some agricultural production through

grazing but have experience of landscape plans associated with planning applications not being implemented as agreed and then no enforcement action taking place. Councillors have observed a number of solar farms in the area but do not recall seeing sheep or other livestock ever grazing around the panels. If the initial planting of the hedgerows etc. does take place and subsequently fails the Parish Councillors have little confidence that any follow up inspections or action will take place by the planning authority. Councillors also are concerned that deer may become trapped inside the proposed fencing - as has happened on other development sites in the area - and the security fencing will impede the ability of other animals and birds to move around, hunt and forage in the area.

The Parish Councillors feel that this application brings very little in the way of benefits to the residents of Redmarshall. The employment opportunities are unlikely to benefit the local community but residents will face transport problems and other disruptions while development work is underway - particularly if all of the applications currently on the table and others recently approved in the area are all under construction simultaneously. If any of the current applications for solar farms are approved Redmarshall Parish Councillors think one of the sites closer to the urban areas of Stockton would be more suitable than this site. As this site is much further away from the Norton substation significant work is proposed to lay underground cables to link the sites. If approved this will result in long term disruption for residents as they travel to and from the village. The Parish Council feel that more thought should be given to finding a potential route that crosses farm land rather than the local roads or that makes use of the existing overhead infrastructure that passes across the site and goes to the Letch Lane substation rather than causing further disruption. Overall Councillors feel that more thought needs to be given to a balanced approach for developments of this nature in this area of Stockton on Tees.

Environmental Health – Contamination

The site and its immediate surroundings have been assessed in terms of current and historical land use and the environmental, geological and hydrogeological setting. The risk rating from soil contamination is considered very low, with the exception of site B where there is the potential for contaminants based on its historical use. I would recommend further intrusive work is carried within this area.

The study also identifies that area B is in a high-risk radon affected area, where 5-10% of existing homes are above the actionable level, therefore full radon gas protection measures will be necessary in any proposed buildings. There is no risk from radon gas at Sites A&C, whereby 0-1% of existing homes in this area to be above the actionable level.

Environmental Health

I have assessed the documentation provided regarding the impact of this development and have considered the likelihood of noise and the potential for glint and glare issues arising from the proposal. I agree with the assessments made within the reports and I have no objection in principle to the development, I have asked that the case be looked at by our Contaminated Land Officer who will respond with comments separately.

However, on assessment of the resident's objections and concerns, I would recommend the following informal recommendations be made.

Highways Transport & Design Manager

General Summary

The Highways Transport and Design Manager raises no objections to the proposals, but requests a number of conditions be applied to any consent to resolve outstanding concerns raised by Flood Risk Management.

Highways Comments

Once operational the proposed development will have a negligible impact on the highway network and the measure set out within the Construction Management Plan (July 22) are considered appropriate to minimise the impact during the construction phase.

There are no highways objections to the proposals.

Landscape & Visual Comments

Further to previous comments issued on 23/08/22 the applicant has provided additional information to address previous queries and concerns.

Substation Options

It is noted that the applicant has removed the western substation option from the application, and therefore all impacts from Viewpoint 5 have been removed.

Cumulative Impacts

A cumulative assessment has been submitted for the development proposal. This has considered existing and consented solar developments, as well as current applications in the local area.

The Addendum LVIA concludes that there would be a negligible or minor cumulative adverse effect on local landscape character areas. With regard to the cumulative visual impacts, the assessment considers that there may be cumulative impacts where the application site is visible in conjunction with the two closest sites, the operational High Meadow Solar Farm (Ref: 15/1826/FUL), and current undecided application for California Solar Farm (Ref: 22/1511/FUL) to the east of Carlton and Redmarshall. This is outlined in Table 2 of the Addendum Report. The assessment notes that cumulative visual impacts are possible from Viewpoint 5, however this relates to the proposed western substation location, which has now been omitted from the proposals.

The report then considers the impacts upon viewpoints, recreational routes, road users, and two of the residential receptors. The Cumulative Assessment has been reviewed and the Highways Transport and Design Manager accepts the findings, and raises no objections relating to the cumulative impacts of the proposals.

Existing Trees and Hedgerows

As noted previously, the submitted arboricultural report recommends in section 6, the permanent perimeter site deer fencing should be erected as the first operation, and prior to commencement of any construction works on site, as this will double up as tree protection fencing. In addition to this, temporary tree protection fencing is required to protect some trees internal to the site listed in paragraph 6.2, and indicated by a bright blue line on the Tree Retention, Removal & Protection Plan included within the Arboricultural Impact Assessment. It is recommended that the requirement for early installation of perimeter fencing shall be conditioned, should the application gain approval.

Landscape Mitigation

With regard to landscape mitigation on the site, the applicant has updated the proposals in response to previous comments. The submission now proposes the following landscape enhancements to the site:

- Species-rich meadow grassland around the periphery with a grazing mix below the solar panels;
- Special grass mixes to encourage Skylark to the site;
- Infill and reinforcement of hedgerows, particularly near Dellholme Farm and additional new hedgerows tree planting;
- New sections of hedgerow across the site; and
- New tree and woodland planting in areas not utilised for panels.

There are some minor discrepancies between the submitted Landscape Mitigation Proposals and the Biodiversity Management Plan, therefore, to ensure these discrepancies can be clarified

further, a condition on soft landscaping should be applied. However it should be noted that the proposals are broadly acceptable.

Planting along the southern boundary of the site has been increased in areas not utilised for planting. Once established this will provide additional screening to views from Dellholme Farm, and Oxe Eye Farm as originally described in the submitted LVIA.

Viewpoint 4 at Oxe Eye Farm was assessed to have a major scale of effects at year 1, reducing to moderate by Year 15. With the updated landscaping scheme the Highways Transport and Design manager agrees with the assessment.

As noted previously, the suggestion to condition the appearance and colour of site features is welcomed and should be conditioned should the application be approved.

Please refer to comments from Darlington Borough Council's Ecologist which are provided on behalf of both Stockton and Darlington.

Cable Routes

The red line boundary indicates that the proposed cable routes fall within the existing highway between the site and the proposed substation. All efforts shall be made to protect trees and hedgerows boundaries along the length of this route while undertaking the installation.

Summary

The Highways Transport and Design Manager recognises the modifications made to the submitted proposals following the previous comments, and raises no objections.

Flood Risk Management

The applicant has provided sufficient information to satisfy the Local Lead Flood Authority that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. However, the applicant has not provided a detailed design for the management of surface water runoff from the proposed development and this information should be secured by condition.

Natural England

No objection

Sabic UK Petrochemicals Ltd

We would recommend that the Health & Safety Executive be consulted to review the proposed development.

In terms of the safety and engineering integrity of the pipeline I would advise you that SABIC/INEOS is consulted should any work within 50 metres (notification zone as required by operators of Major Accident Hazard Pipelines) is to be carried out, as this would need approval from ourselves before any work is commenced.

Should planning consent be granted we would require to consult fully with the developer prior to construction commencing on site to ensure that our standard conditions for work in close proximity to the ethylene pipeline are met.

Ministry Of Defence

This application relates to a site outside of Ministry of Defence safeguarding areas. I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.

Durham County Badger Group

Campaign To Protection Rural England

Thank you for drawing our attention to this application and to the nearby application for similar development at California Farm Stockton (Planning application 22/1499/FUL). While we are writing to Stockton Borough Council separately in respect of that application, we note that

1. The sites the subject of these applications are close together on the west and east sides of Redmarshall
2. Both applications are for a solar array covering a large area of arable land and generating up to 49.9MW of electricity
3. Both applications will be for a “temporary” period of 40 years after which the land will be returned to agricultural use
4. As far as Stockton is concerned, both applications are to be determined under delegated powers. However, we note from the Council’s Constitution that if there are more than 5 individual representations that are contrary to the officer’s recommendation, then the application must be determined by the committee (assuming it has not otherwise been “called in”). We believe that that number has in fact been exceeded in both applications.
5. We have been unable to find an application to Darlington Borough Council although this site clearly straddles the boundary, which is confirmed in the Planning Statement. We do not therefore know how it is proposed to determine the application in Darlington.

While CPRE, the countryside charity supports the provision of renewable energy, applications such as this raise a number of concerns. Members are becoming increasingly concerned about the amount of agricultural land (of whatever grade) that is now being proposed for solar arrays. Generally, food production is becoming an increasingly important issue following Brexit and the war in Ukraine. We note the comments of Redmarshall Parish Council that this land is productive and (while we will comment further on the Grade of this land below) we agree with them.

Like the Parish Council, many members of CPRE, the countryside charity support the use of roofs of commercial buildings for solar arrays. We represent that it is becoming increasingly important to consider this issue and as a result protect productive agricultural land from this sort of development.

We also make the following representations as far as this application is concerned

Cumulative impact

This California Farm proposed development is on the east side of Redmarshall and south of Carlton. While housing to the east of the site is a little distance from this site, we note that the land in between is allocated for housing and indeed there has been an application at Harrowgate Lane for housing (planning application 21/2130/FUL). We commented on this application on 30 October 2021 and will refer to it further below.

The application at Gately Moor is on the west side of Redmarshall. It straddles the Stockton/Darlington boundary to the north of Delholme Farm Whinney Hill and stretches westwards towards Gilleyflats.

There has already been an application for two solar arrays at nearby Thorpe Thewles which we note from the Parish Council’s letter is developed and planning permission has been given by Durham County Council for another 49.9MW solar array at Thorpe Larches.

We represent that these developments, if all are approved, will have a considerable cumulative impact in this area.

Policy ENV2 of the Stockton Local Plan outlines the council's approach to renewable energy applications, subject to them complying also with Policy SD8 (sustainable development). Neither of these policies refers to cumulative impact but we note paragraph 8.21, immediately after Policy ENV2, which states

“The NPPF states that local planning authorities should design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, **including cumulative landscape and visual impacts**. This policy seeks to support, in principle, schemes to generate energy from renewable and low carbon sources within the Borough where any impacts from the proposals can be satisfactorily addressed. The Council recognises the important contribution made by renewable energy generation in moving towards a low carbon economy.” (Our emphasis. These words come from what is now paragraph 155 of the NPPF).

In Darlington, there are applications, at present undetermined, for solar arrays at Brafferton (straddling the boundary with Durham County Council, who have approved the part of the application in their area) and at Burtree. We accept however that the cumulative impact with these sites, if they are approved, is unlikely to be significant. However, even though the Darlington Local Plan is silent about the potential cumulative impact of solar arrays in Policy IN9, we represent that, in view of the above paragraph in the NPPF, the potential cumulative impact is a relevant consideration.

Visual impact

This is an attractive area and popular with recreational users, particularly cyclists. The development of this land with such a large solar array plus all the associated works and battery storage facility will industrialise the feel of the area.

We note the proximity to existing dwellings, not just at Redmarshall. Other dwellings are more isolated within both council areas but still may well be impacted by this development.

A Public Right of Way adjoins the site by Redmarshall and one crosses it to the south of Stoney Flat Farm in Darlington. The site will also be crossed by the unclassified road from Redmarshall Road to Whinney Hill.

While we note that there is no proposal to extinguish or divert the PROWs, there can be no doubt that the enjoyment of these routes will be affected. Instead of passing through what is currently open countryside, the landscape will take on an industrialised appearance. Even if hedge planting is provided, it will change the open effect currently available. We note paragraph 100 of the NPPF in relation to protecting and enhancing PROWs and represent that this has not been addressed in this application.

Agricultural land quality

With the exception of about 4 hectares of this site, the land is stated to be Grade 3b in the Agricultural Land Classification Survey Report. This means it is not “Best and Most Versatile” agricultural land. However, as stated above, it appears to be productive. Even if it is not, we represent that that on its own is not a reason to develop this site. Land that is Grade 3b or below may well have other value (for example, landscape or biodiversity value) even if it is not productive.

From paragraph 5.28 of the Planning Statement, which cites NPPG Paragraph 013 (ID: 5-013-20150327), it would appear that the remaining part of the land, which has been classed as “non-agricultural”, will also be used for this purpose. While CPRE, the countryside charity, supports the redevelopment of appropriate brownfield sites, it appears that this part of the site is dismantled

railway land and wooded area. It may therefore be valuable for other reasons such as its biodiversity value.

Biodiversity net gain

CPRE, the countryside charity, supports the retention and planting of hedges and therefore welcomes this aspect of the development, should it be approved.

However, we note that not all species recorded on this site and potentially likely to be displaced will benefit from new hedgerows. This is likely to apply to ground nesting birds such as skylark or grey partridge. We note Section 3 of the Environment Act 2021 relating to species abundance and represent that this issue must be considered in addition to a straight gain using the Biometric Unit approach.

We also note the suggestion in the Design and Access Statement that sheep may graze this site after construction. We are unsure how firm this suggestion is but do note the comments at paragraph 3.4 of the Planning Statement relating to advice received from Darlington Borough Council. If sheep grazing should happen, it could well significantly and detrimentally affect biodiversity, especially in relation to flora and ground nesting birds. Policy IN9 (b)(v2) appears to allow for biodiversity gains as well as agricultural use.

Restoration

Point 4 of Policy ENV2 of the Stockton Local Plan states

“Developers should, where appropriate, provide details alongside a planning application of a satisfactory scheme to restore a site to at least its original condition when the scheme has reached the end of its operational life.”

Policy IN9 of the Darlington Local Plan includes the following provision

“Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased.”

The Planning, Design and Access Statement does state

“Following the operational period, the site will be restored back to its current use i.e. agricultural land. All equipment will be decommissioned and removed from the site. Components will be recycled where possible.”

We question however whether this is sufficient information to meet the requirements of Policies ENV2 and IN9. It does not sound much like a “scheme” as mentioned in the Policy.

Energy Institute Guidance on battery storage

We attach a copy of this Guidance for information. We note that the Guidance states that it provides guidance to, among others, local authorities who have responsibility for granting planning permission. We therefore represent that this document is a material consideration and must be taken into account.

The Guidance addresses a number of issues that should accompany any application for battery storage. One matter it addresses in some detail is fire risk. We note in particular the following comments

- At chapter 2.3, it is stated that the specific chemistry of the battery is important for the planning process. It explains why such information is required. We can find no such detail in this application.
- Chapter 4 is entitled “What should be considered during risk assessments and planning applications”. Chapter 4.6 specifically refers to Fire Risks. We can find no detail of fire risks in the application.

- Chapter 6 addresses Risk Assessment and states “The planning process should assess the following risks and describe how the credible worst case has been mitigated”. The table following this paragraph refers to explosion and fire. We can find no such assessment accompanying the application.

We note that the Guidance refers to other issues such as how the development will be used (single or multiple purposes – see chapter 4.3), noise, impact on flora or fauna and security. This list is not exhaustive and we accept that some of these issues are addressed, such as noise. However, we represent that fire is absolutely critical, especially in respect of an application for a battery of this size. The potential impact of explosion and fire, with any resulting fumes, upon the local community must be fully addressed and the steps taken to eliminate this risk must be explained in some detail.

Although there are 3 references to battery storage in the Planning Statement, none of this sort of information accompanies this proposal and there is no reference to this Guidance, which we represent is a material consideration..

Conclusion

We represent that, for the reasons outlined above, there are many omissions from this application. We also represent that this sort of development should not take up productive agricultural land, whatever its grade. We are also very concerned about the potential cumulative impact of this development with the other current application and approved similar development in the locality.

As a result, we object to this application and represent that it should be refused permission.

Newcastle Airport

The proposal has been assessed by the Aerodrome Safeguarding Team and given its location is a significant distance from the Airport it is not considered that the proposal would result in any detriment to the safe operations of the Airport. NIA would not therefore offer any objection to this application.

National Air Traffic Services

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Network Rail

In relation to the above application I can confirm that Network Rail has no observations to make.

Darlington Borough Council (Ecology)

The area set aside for skylark mitigation will be sufficient to cover off the impacts, although the area itself may not be regarded as sufficient to support the numbers of breeding pairs potentially displaced, the provision of high-quality breeding habitat and improved foraging within the solar farm can be regarded as appropriate compensation.

I do have some queries over the linkage between the management plan and the Green Infrastructure Plan / amended landscape plan. Both drawings show Emorsgate EM2 Standard General Purpose Meadow Mixture or similar being sown within the proposed security fence (but not under the panels) yet the management plan (section 5.2 Grassland Management) has this mix down for the areas outside of the perimeter fence only.

I would prefer that Emorsgate EM2 or similar was sown within the perimeter fence as per the drawings and managed via appropriate grazing or cutting to maintain diversity. I assume that the areas sown to a more diverse mix have been incorporated to improve ecological connectivity; this is most welcome and will greatly improve the sites value in terms of wildlife.

The management plan will need to be adjusted to reflect the drawings; the management of the grasslands within the main body of the site would need to be conducive to maintaining species diversity of the areas sown with Emorsgate EM2 or similar.

I understand that the management plan is draft, but for clarity at this stage I would like to see the plan adjusted so that monitoring is running for the lifetime of the development and that the results of monitoring will be provided to the LPA.

An outline of the proposed management and monitoring of the skylark mitigation area will need to be added to the management plan, this is required to give the LPA confidence that the management is understood and can therefore be delivered.

The production of a final agreed management plan and its implementation would be secured via an appropriate legal agreement. Further details on target habitat descriptions, monitoring protocols and finalisation of species mixes and long-term management of the grasslands are amongst the items that will need refining at a later date.

Health And Safety Executive

Solar Farms are usually not a relevant development in relation to land-use planning in the vicinity of major hazard sites and major accident hazard pipelines.

This is because they do not, in themselves, involve the introduction of people into the area. HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to the population at a new development.

However, if the proposed development is located within a safeguarding zone for a HSE licensed explosives site then please contact HSE's Explosives Inspectorate. Their contact email is Explosives.planning@hse.gov.uk.

The HSE Land Use Planning Web App can be used to find out if a site is within an explosives site zone (as well as in zones for major hazard sites and major accident hazard pipelines). If you require access to the HSE Web App then please contact the Land Use Planning Team (lupenquiries@hse.gov.uk)

If the development is over a major accident hazard pipeline or in the easement around a major accident hazard pipeline, please consult the pipeline operator.

If the development involves a new substation or the storage of electrical energy such as in a large battery storage unit and the development is proposed adjacent to a COMAH (Control of Major Accident Hazards) establishment then please consult the operator of the COMAH establishment.

PAHDDI

Does not advise against

Principal Environment Officer

We would ask each respective applicant about the efficiency of the specific panels being used at each location and the scale of the site to generate 49.99 MW.

Teesmouth Bird Club

Biodiversity Management Plan

It is encouraging to note that the corridor of land between the hedge boundary of the site and the site's security fence, is included in the management plan. It is an important linear habitat, often forgotten in similar developments.

It may be possible to erect Barn Owl / Kestrel boxes on those field trees which are now enclosed within the peripheral fencing. In the absence of a suitable tree, a pole mounted box is equally acceptable.

The plan to have an on-going monitoring programme to assess the effectiveness of the biodiversity provisions over the initial years of operation, is most worthy. One must hope that the data will ensure that all mitigating measures will be adhered to - particularly the grazing regime. The temptation to overstock is always present.

Finally, the club is pleased to note that Metric methodology is now a feature of the biodiversity mitigation appearing in development applications.

Adoption of all the actions in the Biodiversity Management Plan should be a condition of approval.

At the time of writing no written representations had been received from the following; The Environment Agency, Forestry Commission, National Highways, Councillor David Minchella, Councillor Hugo Stratton, Councillor J Gardner, Councillor Nigel Cooke, Councillor Norma Stephenson, Councillor Steve Matthews, Ministry Of Defence, Ineos Manufacturing Scotland, Northern Powergrid(u/g Cables, O/h Lines, Small Substations), National Grid, Tees Valley Wildlife Trust, Durham Bat Group, DEFRA, SBC Place Development Manager , Carlton Parish Council, Grindon & Thorpe Thewles Parish Council, Civil Aviation Authority

PUBLICITY

Neighbours were notified, a site notice and a press advert were displayed/published. The main reasons for objections can be summarised as follows;

13 Letters of Objection

1. Mr Kieran Savill 7 Ferguson Way Redmarshall,
2. Mr David Langlands 10 Ferguson Way Redmarshall,
3. Mr James Walker 19 Drovers Lane Redmarshall,
4. Mr John Turnbull 9 Derwent Close Redmarshall,
5. Mr Jonathan Coupland 15 Town Farm Close,
6. Nick Brown Sauf Haul Farm Bishopton,
7. Sophia Cuthbert And Richard Askew Delholme Farm Bishopton Back Lane,
8. Mr Royston Lowther Barclay Springs Bishopton Back Lane,
9. Mr C R Plant 2 Mainside Redmarshall,
10. Mr Douglas Macpherson 10 Windermere Avenue Redmarshall,
11. Mr Frank Cooke 7 Rydal Way Redmarshall
12. Mr R Kirton 1 Drovers Lane Redmarshall,
13. Jonathan Wallis 3 Castle Court Startforth

- This will affect the local villages/ residents with increased traffic and disruption.
- Local wildlife will be adversely affected
- Security fence and CCTV are uncharacteristic and more akin to an industrial estate.
- Insufficient information
- Windy site, concern over safety
- Agricultural land classification 3b, loss of agricultural land
- Cumulative impact, change of character of the area
- Should be on brownfield sites rather than greenfield Significant area , larger than that proposed at California Farm (ref 22/1511/FUL)
- Existing landscaping is not sufficient in the short term
- Existing road conditions not suitable, development, including additional landscaping may cause blind spots
- Existing surface water issues

- Panels will be seen from private property
- Existing renewable projects in the area
- Photo montages provided show this development in the best possible light and not from an objective point of view
- Impact on safety of road users including horses and cyclist
- Noise levels impact on horses
- Impact on property values
- Lack of community engagement
- Carbon footprint during construction phase
- Should consider alternative route of cable
- Lack of local benefit

PLANNING POLICY

Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plans for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.

Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

National Planning Policy Framework

The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 157. In determining planning applications, local planning authorities should expect new development to:

- (a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- (b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Paragraph 158. 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 ⁵⁴. 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.

Paragraph 174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 180. When determining planning applications, local planning authorities should apply the following principles:

- (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- (b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- (c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons ⁶³ and a suitable compensation strategy exists; and
- (d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Footnote 58 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

Local Planning Policy

The following planning policies are considered to be relevant to the consideration of this application.

Policy SD1 - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Policy SD2 – Strategic Development Needs

Other Development Needs

7. Where other needs are identified, new developments will be encouraged to meet that need in the most sustainable locations having regard to relevant policies within the Local Plan.

Policy SD5 - Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:

- a. Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.
- b. Protecting and enhancing designated sites (including the Teesmouth and Cleveland Coast Special Protection Area and Ramsar) and other existing resources alongside the provision of new resources.
- c. Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species.
- d. Enhancing woodlands and supporting the increase of tree cover where appropriate.
- e. Supporting development of an appropriate scale within the countryside where it does not harm its character and appearance, and provides for sport and recreation or development identified within Policies SD3 and SD4.
- f. Ensuring any new development within the countryside retains the physical identity and character of individual settlements.
- g. Directing appropriate new development within the countryside towards existing underused buildings on a site for re-use or conversion in the first instance. Only where it has been demonstrated to the satisfaction of the local planning authority that existing underused buildings would not be appropriate for the intended use should new buildings be considered.
- h. Supporting the conversion and re-use of buildings in the countryside where it provides development identified within Policies SD3 and SD4, and meets the following criteria:
 - i. The proposed use can largely be accommodated within the existing building, without significant demolition and rebuilding;
 - ii. Any alterations or extensions are limited in scale;
 - iii. The proposed use does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit; and
 - iv. Any associated outbuildings/structures are of an appropriate design and scale.
- i. Considering development proposals within green wedges against Policy ENV6.

j. Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.

k. Supporting proposals within the Tees Heritage Park which seek to increase access, promote the area as a leisure and recreation destination, improve the natural environment and landscape character, protect and enhance cultural and historic assets, and, promote understanding and community involvement.

l. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.

m. Encouraging the reduction, reuse and recycling of waste, and the use of locally sourced materials.

2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:

a. Directing development in accordance with Policies SD3 and SD4.

b. Delivering an effective and efficient sustainable transport network to deliver genuine alternatives to the private car.

c. Supporting sustainable water management within development proposals.

d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood risk.

e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles.

f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.

g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.

h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.

3. Conserve and enhance the historic environment through a variety of methods including:

a. Celebrating, promoting and enabling access, where appropriate, to the historic environment. b. Ensuring monitoring of the historic environment is regularly undertaken.

c. Intervening to enhance the historic environment especially where heritage assets are identified as being at risk.

d. Supporting proposals which positively respond to and enhance heritage assets

Policy SD8 – Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;

b. Landscape character of the area, including the contribution made by existing trees and landscaping;

c. Need to protect and enhance ecological and green infrastructure networks and assets;

d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;

- e. Privacy and amenity of all existing and future occupants of land and buildings;
- f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
- g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
- h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

Policy ENV 2 - Renewable and Low Carbon Energy Generation

1. Development proposals will be supported where renewable energy measures are considered from the outset, including incorporating small-scale renewable and low carbon energy generation into the design of new developments where appropriate, feasible and viable, and where there would be no unacceptable adverse effects on landscape, ecology, heritage assets and amenity. The Council encourages and supports:

- a. The local production of energy from renewable and low carbon sources to help to reduce carbon emissions and contribute towards the achievement of renewable energy targets; and
- b. Community energy schemes that reduce, manage and generate energy to bring benefits to the local community

3. Planning applications for energy generation from renewable and low carbon sources, other than wind energy generation, will be considered against the principles in Policy SD8. Proposals should be supported by a comprehensive assessment of the landscape, visual and any other impacts of the proposal.

4. Developers should, where appropriate, provide details alongside a planning application of a satisfactory scheme to restore a site to at least its original condition when the scheme has reached the end of its operational life.

5. To ensure that the Council can monitor the effectiveness of renewable and low carbon technologies, major developments will be required to install appropriate monitoring equipment.

Policy ENV4 - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles

Policy ENV5 – Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.

2. The Council will preserve, restore and re-create priority habitats alongside the protection and recovery of priority species.

3. Ecological networks and wildlife corridors will be protected, enhanced and extended. A principal aim will be to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats.

5. Development proposals should seek to achieve net gains in biodiversity wherever possible. It will be important for biodiversity and geodiversity to be considered at an early stage in the design process so that harm can be avoided and wherever possible enhancement achieved (this will be of particular importance in the redevelopment of previously developed land where areas of biodiversity should be retained and recreated alongside any remediation of any identified contamination). Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative should be avoided. Where this is not possible, mitigation and lastly compensation, must be provided as appropriate. The Council will consider the potential for a strategic approach to biodiversity offsetting in conjunction with the Tees Valley Local Nature Partnership and in line with the above hierarchy.

6. When proposing habitat creation it will be important to consider existing habitats and species as well as opportunities identified in the relevant Biodiversity Opportunity Areas. This will assist in ensuring proposals accord with the 'landscape scale' approach and support ecological networks.

7. Existing trees, woodlands and hedgerows which are important to the character and appearance of the local area or are of nature conservation value will be protected wherever possible. Where loss is unavoidable, replacement of appropriate scale and species will be sought on site, where practicable.

Policy ENV6 - Green Infrastructure, Open Space, Green Wedges and Agricultural Land

5. Development proposals will be expected to demonstrate that they avoid the 'best and most versatile' agricultural land unless the benefits of the proposal outweigh the need to protect such land for agricultural purposes. Where significant development of agricultural land is demonstrated to be necessary, proposals will be expected to demonstrate that they have sought to use areas of lower quality land in preference to that of a higher quality.

Policy HE2 – Conserving and Enhancing Stockton's Heritage Assets

2. Where development has the potential to affect heritage asset(s) the Council require applicants to undertake an assessment that describes the significance of the asset(s) affected, including any contribution made by their setting. Appropriate desk-based assessment and, where necessary, field evaluation will also be required where development on a site which includes or has the potential to include heritage assets with archaeological interest. Applicants are required to detail how the proposal has been informed by assessments undertaken.

3. Development proposals should conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance. Where development will lead to harm to or loss of significance of a designated or non-designated heritage asset the proposal will be considered in accordance with Policy SD8, other relevant Development Plan policies and prevailing national planning policy.

MATERIAL PLANNING CONSIDERATIONS

The main considerations in determining this application are the principle of development, landscape and visual amenity, access and highway safety, residential amenity, land contamination, impact on heritage assets, ecology, flooding and drainage and other residual matters such matters are discussed below;

Procedure: EIA Regulations

The development does not fall within Schedule 1 of the Regulations. The development is Schedule 2 Development falling within the description of Part 3(a), It is the opinion of the planning authority that taking into account the characteristics of the development, its location, and the characteristics

of the potential impacts, there are unlikely to be any significant impacts that would warrant an EIA. When considering the proposal against the criteria in Schedule 3. It is therefore concluded that the proposed development does not constitute EIA development.

Procedure: Statement of Community Involvement

Whilst community engagement is encouraged there is no formal requirement for applicants within the Localism Act 2011 to carry out a public consultation. Stockton on Tees Local Plan, Statement of Community Involvement (3) strongly encourages developers to engage in a robust public consultation.

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

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 preapplication 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 approach taken and the extent of the consultation is considered to be reasonable and proportionate.

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, six site notices around the site and by way of letters to a total of 47 properties within the Darlington and Stockton administrative areas.

Principle

Policy SD1(1) of the Local Plan in accordance with Paragraph 11 of the National Planning Policy Framework seeks to take a positive approach in the presumption in favour of sustainable development, particularly when such a development would improve the economic, social and environmental conditions in the area. With SD2(7) seeking to secure new development within the most sustainable locations, with regards to the relevant policies.

Local Plan Policy SD5(2) (h) supports the principle of development which would provide for renewable and low carbon energy, including the generation and supply of decentralised energy. However, this is not to be to the detriment of the Boroughs rich natural and historic environment, it must be demonstrated and is considered in the later stages of this report whether the proposed development would conserve / enhance the natural, built and historic environment.

The Council does not have a renewable energy plan which allocates areas for renewable energy production. However, Policy ENV2 (3) sets out that where applications received for energy generation other than wind energy generation will have to be considered against Policy SD8. The proposed development has been considered against the requirements of Policy SD8 throughout the later stages of this report.

The NPPF is supportive of developments which seek to facilitate the transition to a low carbon future in tackling climate change. It also does not require developers to demonstrate that there is a need.

Objectors have raised concern about the location of the proposed development and that it should be sited on brownfield sites and or on roofs of existing buildings. The agent has advised that the location of large-scale solar PV arrays is dictated by a number of factors. Firstly, they need to be located where there is an available grid connection which limits the number of brownfield sites that are suitable on this basis. Secondly, in order to provide economies of scale and to make an effective contribution to net-zero carbon energy production, solar PV require a sufficiently large area of land, usually in excess of 40 hectares.

The NPPG states that by increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gases to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

However, just as policy SD1, SD5 and SD5 acknowledge large scale solar farms can have a negative impact from the rural environment, particularly in undulating landscapes. In line with the Ministerial Statement issued on the 25 of March 2015 the NPPG concludes that solar farm development should make effective use a previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poor quality land is to be used in preference to land of a higher quality. While ensuring the protection of the historic and natural environment, the need to generate renewable energy is not considered sufficient in its own right to justify an unsuitable site. However, the NPPG does consider the visual impact and a well planned and well screened solar farm can be properly addressed within the landscape if planned sensitively.

The NPPG sets out (in line with 25th of March 2015 Ministerial Statement) the particular factors a local planning authority will need to consider to include;

- Encouraging the effective use of land by focusing large scale solar farms on previously developed and on agricultural land, provided that it is not of high environmental value;
- Where a proposal involve Greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for the continued agricultural use where applicable and or encourages biodiversity improvement around arrays;
- That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- The proposals visual impact, the effect of landscape of glint and glare and on neighbouring uses and aircraft safety;
- The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- The need for, and impact of, security measures such as lights and fencing
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact for proposals on views important to their setting. As the significance over heritage asset derives not only from its physical presence, but also from its setting careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale and prominence , a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- The potential to mitigate landscape and visual impacts through, for example, screening with native hedges

- The energy generating potential, which can vary for a number of reasons including latitude and aspect

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

Agricultural Land Classification

Local Policy and National Planning Policy Guidance and National Planning Practice Guidance advises that Local Planning Authorities should encourage the effective use of land by focussing large scale solar farms on previously developed and on-agricultural land, provided that it is not of high environmental value.

Planning Practice Guidance advises in considering solar farm proposals located on greenfield sites, local planning authorities should consider whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

An Agricultural Land Classification Assessment has been undertaken and includes a desktop study and fieldwork analysis which concludes that all the soils in the site are 3b. On the basis of this evidence provided by the Agricultural Land Classification report the proposed development would not affect the "best and most versatile" agricultural land.

The proposed development would result in disturbance to the soil during construction but it would not result in the loss of soil resources from the Site as the solar PV frames are piled directly into the ground without prior soil removal. The Proposed Development due to the nature and construction approach would ensure that there is limited potential to damage soil in terms of soil structure, nutrient content and soil biological activity.

It is noted that the applicant states agricultural activities would continue throughout the Site during the life of the Development (and the land can be reverted back to arable agriculture upon decommissioning of the solar farm). The Design and Access Statement sets out the applicant's three phases as part of the site selection process.

On this basis, it is considered that the proposed development on Grade 3b agricultural land would be acceptable.

Temporary Structure

Planning Practice Guidance on renewable energy recognises that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use (para. 013).

It is considered that, should permission be granted, this is subject to a condition requiring the removal of the panels and other structures within 40 years, or when no longer required for the generation of electricity, whichever is sooner. The Site should then be restored to its former condition. The time limit is proposed to reflect the expected economic life of the solar panels as advised by the applicant.

Subject to the imposition of a suitably worded conditions requiring that the solar panels are removed within a period of 6 months from them no longer being operation, and the remediation works carried out in accordance with a decommissioning plan to be conditioned, the proposed

development would not prevent the use reverting back to arable land at the end of the life span of the development.

Overall taking into account National and Local Policies and guidance it is considered that the principle of a solar farm can be supported and accords with the aims of the Government to increase the supply of renewable energy. There are no specific policies reasons not to support the development, subject of course to the further consideration of the wider impacts as detailed in the remainder of this report.

Access and Highways Safety

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

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

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

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

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

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

and will successfully screen views of the proposed development for road users. Overall, no impact is predicted, and no further mitigation is proposed.

Concern has been raised regarding the use of the associated highway network by cyclist and horse riders. Non-motorised vehicles and horses have a right to use the public highway and the Highway Code is explicit in the hierarchy of road users where drivers of all motorised vehicles have a legal duty to drive safely and considerately. However, the presence of horse riders and cyclists does not offer sufficient justification to prohibit large vehicles from using the local highway network.

Objectors have also raised concern regarding the impact of the proposed landscape mitigation on the visibility of the highway users. The highway engineers have confirmed that the planting of landscaping on this land would not alter the visibility currently available within the adopted highway. Furthermore, the proposed landscaping would be no different to the landowner allowing the hedge to grow which we would have no control over. This is entirely typical of a rural road which is historic in nature.

The request that major road improvements are carried out in advance of any construction works is not considered proportionate or reasonable given the limited vehicle movements expected over an 8 month period. Similarly, the request for planning controls to be imposed over HGV access is not considered to be reasonable or enforceable where overriding legislation such as the Road Traffic Act allows for such vehicle movements. The routes to site contained within the Construction Management Plan (CMP) are considered the most logical and appropriate routes given they are chosen to avoid HGV movements through Bishopton as well as other nearby villages within SBC such as Redmarshall and Carlton. HGVs and other large agricultural vehicles make use of this road currently, with give and take being evidence where opposing vehicles would otherwise have some conflict on bends.

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

The Highways Engineer has confirmed that once operational the proposed development will have a negligible impact on the highway network and the measure set out within the Construction Management Plan (July 22) are considered appropriate to minimise the impact during the construction phase.

There are no highways objections to the proposals. In accordance with NPPF paragraph 111 a reason for refusal could not be substantiated on the grounds of highway safety of significant impact in the highway network.

PRoW

Redmarshall FP No. 3 runs adjacent to the fence near the village of Redmarshall. At the time of writing no written representations had been received from the councils PRoW officer. However, the Ramblers have reviewed the proposal and have raised no objection. An informative has been recommended to ensure that the users of the PRoW are not impacted. In terms of the visual impact on users of the PRoW this is considered in the latter stages of this report.

Landscape and Visual

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application which considers the likely landscape and visual effects associated with the proposed development. An

addendum to the LVIA which considers the cumulative impacts of the proposed development when assessed against other large scale solar developments within the area has also been submitted. These documents have been considered by Stockton Borough Council's Landscape Officer on behalf of both authorities.

The LVIA has been provided including photomontages from 3 key viewpoints in close proximity to the development at Year 1 and Year 15. A full landscape character assessment has been undertaken for the development site. The site is located within the National Character Area (NCA) 23 'Tees Lowlands' and the assessment considers that impacts upon the NCA will be negligible.

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

Following concern raised in relation to the substation, revised plans were received omitting the western most substation. Following receipt of the revised plans the Landscape officer considers that all impacts from Viewpoint 5 have been removed.

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

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

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

The assessment also notes that many properties along Darlington Back Lane are single storey and therefore views of the solar farm will be filtered by intervening vegetation. A number of isolated properties close to the site have also been considered as part of the viewpoint assessment, including Delholme Farm, Oxe Eye Farm, Stoney Flatt Farm and Pitfield Farm

Concern was raised by the occupiers of Delhome Farm that The LVLA had failed to take into account, whilst currently single storey, it does benefit from extant permission to demolish and rebuild with an two storey dwelling. The addendum to the LVLA , which also incorporate cumulative impact re considered the extant permission and concludes that should the conversion of the property progress given the high sensitivity and low magnitude of change this would result in a moderate visual effect at year 1 reducing to minor at year 15 as mitigation planting matures. Given

the orientation of the property and separation distances, the aforementioned assessment is accepted.

Members will be aware that there is no right to a view however in consideration of the proposed mitigation measures and the assessment that effects upon residential receptors would vary from major to negligible at year 1, with the effects reducing to moderate to negligible by year 15. Since the submission of the LVLA, at the request of the Landscape Officer, the landscaping mitigation proposals have been updated to further reduce the scale of visual effects on some of these properties. In view of this, it is not considered that the impact on private views would be so severe as to sustain a reason for refusal.

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

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

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

- Species rich meadow grassland around the periphery of the site with a grazing mix below the solar panels
- Special grass mixes to encourage Skylark to the site
- Infill and replacement of hedgerows, particularly near Delholme Farm (in the Stockton part of the site) and additional hedgerow tree planting
- New sections of hedgerow to line the on-site footpath (no. 7) which crosses the site, and in key locations where the development does not extend to existing established hedgerow field boundaries
- New tree and woodland planting in areas not utilised for panels.

Proposed mitigation to footpath no. 3 which runs to the west of the Site. The PRoW footpath cuts across a grassed pastoral field connecting Redmarshall with Whinney Hill. In addition, planting along the southern and eastern boundary of the site has been increased to enhance existing and provide new hedgerows which once established will provide additional screening to views from the users of the PRoW. The submitted LVLA concludes that subject to the mitigation the impact would change from year 1, major adverse effect, to a moderate adverse at year 15. On the basis of the modifications made to the landscaping mitigation proposals and the submission for the addendum LVIA considering cumulative impact, the Landscape Officer raises no objection.

While there would be some harm to the character, quality, and distinctiveness of the local landscape it would be localised and would not be substantial. There would be no harm to important views or features. Given the benefits of the proposal in respect of renewable energy generation this level of harm is not considered to be unacceptable in the balance of considerations.

The proposals incorporate mitigation measures to mitigate adverse landscape and visual effects and make some localised contribution to the conservation and enhancement of the local landscape. This is considered in more detail in the Ecology section of this report. The proposal is therefore considered to comply with Local Plan Policies SD5, SD8, ENV2, ENV5 and the NPPF.

Impact on Heritage Assets

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.

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 HE2 is supportive of developments where this does not result in harm to the significance of a heritage asset.

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. The Historic Building Officer has reviewed the proposal and considered it against the identified heritage assets within the administrative boundary of Stockton and concludes that the effect of this proposal on the built heritage is negligible.

A geophysical survey and desk-based assessment have also been carried out which revealed no anomalies suggestive of significant archaeological features were recorded in the survey area, however anomalies of both agricultural and undetermined origins and an undetermined classification have been detected which further investigation. Subject to the recommended conditions from Tees Archaeology have raised no objection.

In accordance with Local Plan Policy HE2, subject to the suggested archaeological conditions, it is considered that the proposals will have an acceptable impact on the setting and significance of the designated heritage assets within the vicinity of the development.

Amenity

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

The application has been submitted with a noise assessment which considers how noise from the proposed solar farm operation, including the battery storage facility and proposed substation could impact at the surrounding residential receptors. The assessment concludes that the proposals would generate low levels of noise at surrounding properties. Assessing the predicted noise levels using a 'worse case' scenario of noise from the facility shows that noise would be commensurate with a No Observed Effects level during the most sensitive night time and early morning periods. It concludes that noise levels would be so low that noise mitigation would not be required. The Environmental Health officers have considered the submission and raise no objection to the proposed development, not do they seek any further conditions.

Concern has been raised from adjacent landowners over the potential impact of noise on the horses in the adjacent fields. The BHS suggest that noise from invertors can be decerned by

horses, although this statement does not appear to be supported by any evidence. However, the closest inverter to the southern site boundary would be approximately 140m and approximately 250m to the boundary of Delholme Farm, where there is an existing livery. Due to the separation distance, predicted noise levels and lack of evidence it is not considered that this is sufficient reason for refusal.

A Construction Management Plan (CMP) has been submitted with the application which sets out that the main temporary construction compound for the project will be located in the north east corner of the site, approximately 127m from the boundary of the associated farm house at High Farm accessed off Redmarshal Road, within Stockton's boundary. Measures to mitigate against potential negative impacts on air quality during the construction phase are also set out in the CMP and these are considered appropriate to minimise dust from the site. Given the type of installations proposed it is not anticipated that any significant piling associated with the construction will take place, and given the distances to the nearest residential properties, vibrations from any site works are not anticipated. Subject to the recommended conditions it is not considered that the proposed construction would have a significant adverse impact as to sustain a reason for refusal.

A Glint and Glare Study has been submitted with the application which considers the possible effects of glint and glare on aviation activity at Teesside Airport, road users and residential amenity in the surrounding area. The assessment has identified 45 possible dwellings within both Darlington and Stockton Borough Councils areas which could potentially be impacted by the development. The results of the analysis have shown that whilst the panels will be coated with an anti-reflective coating reflections from the proposed development are geometrically possible towards 26 out of the 45 identified dwelling receptors. The report concludes that "of these 26 dwellings no or low impact is predicted for 20. Visible solar reflection lasting for more than 3 months (but less than 60 minutes per day) are predicted for the remaining six dwelling receptors. After the consideration of mitigating factors, such as the distance between the dwelling receptors and the reflective area and the location of the sun relative to the reflective area a moderate impact without the need for mitigation is predicted for all six dwelling receptors".

All of these dwellings are to the east of the site boundary. The assessment concludes that mitigation to reduce the impact of glint and glare from the proposals is not required and the Environmental Health Officer concurs with this conclusion.

A Health Impact Assessment has been submitted with the application which sets out how health considerations have informed the design. The HIA has been undertaken in line with government Public Health guidance and is proportionate to the nature of the proposed development

Ecology

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

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

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

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

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

Biodiversity Management Plan (BMP) has been submitted with the application which has been informed by the Ecological Assessment and associated surveys. The BMP sets out the proposed habitat protection, mitigation and enhancement measures for the proposed development as well as detailing the ecological management and monitoring practices to be adopted with the aim of developing and maintaining wildlife habitat to provide a biodiversity net gain for the lifetime of the development (40 years). The BMP has been amended during the course of the application in response to the comments of the Council's Ecology adviser. The calculations show that the proposed development will result in a biodiversity net gain of 71.13% in habitat units and 26.25% in hedgerow units. Additionally, the provision of bird and bat boxes also provide biodiversity benefit which is not included in the net gain calculation process.

Whilst the comments of the various neighbours and consultees are noted, the Council's Ecology adviser is satisfied that the amended BMP provides sufficient detail to be confident that the target habitats and enhancements can be met. As a live document further details of target habitat descriptions, monitoring protocols, and finalisation of species mixes, and long-term management of the grasslands are amongst the items that will need refining at a later date. The production of a final agreed management plan and its implementation would be secured by planning condition to secure the delivery of biodiversity net gain improvements over the lifetime of the development. On this basis, the proposal is considered to comply with Local Plan Policy ENV5 and the NPPF with regard to biodiversity net gain.

Drainage and Flood Risk

The application is accompanied by a flood risk assessment (FRA) which identifies that the Solar farm and substation sites fall within Flood Zone 1, which is fully in accordance with the aim of the sequential approach set out in the NPPF and echoed in Local Plan Policy ENV4.

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

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

Concern has been raised by residents in terms of existing surface water issues. It is not for this application to rectify existing perceived issues however the amount of impermeable cover as a result of the proposed development amounts to only 0.27% of the total site area, which equates to a minimal increase in the Mean Annual Flood (Qbar) of just 0.54% compared to the existing greenfield runoff rate.

Subject to the recommended conditions the LLFA has raised no objection to the proposed development. Northumbria Water has no comments to make on the application.

Residual Matters

Battery Storage Safety

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

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

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

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

Damage from Storms

Concerns have been raised with regards to storm/ wind damage the agent has confirmed that wind loading is something that is modelled and is taken into consideration for all solar projects during the design stage. All equipment is tested and installed to the required safety standards. As with fire risk to battery storage units it is not in the commercial interests of the operator to sustain damage to valuable equipment.

Impact on Aviation

The Glint and Glare Survey analysis concludes that “No solar reflections toward personnel located within the ATC Tower or pilots landing at Teesside International Airport are geometrically possible. Therefore, no mitigation will be necessary”. At the time of writing no objections had been received from any of the aviation consults.

Extent of Development Boundary

Queries have been raised in relation to the extent of land required to deliver the proposed development compared to other existing and proposed schemes. The agent, whilst unable to comment on others operational requirements has justified the extent of development area being required due to the following;

“The project uses a tracker solution with rows running north to south to enable it to track the sun as opposed to a traditional fixed east-west design. A tracker requires for the same installed capacity more land than a fixed array as more space is needed between the rows to stop it from shading itself as it moves through the day. Whilst it uses more land than a fixed system it is more productive, by following the sun through the day the pv system produces more total energy (MWh) which makes it a more valuable contributor to the national energy supply. Our project includes land for electricity substation and the cable route within the redline boundary These areas increase the size of the project on paper in relation to other projects. Also our project includes significant areas for biodiversity enhancement within the site boundary, including areas for breeding skylarks”

Land Contamination

A Phase 1 Desk Top Study and Site Walkover report has been submitted with the application which consulted the historic Ordnance Survey reports of the area and concluded that the majority of the site (and certainly the areas in DBC) has historically been in agricultural use and is unlikely to be impacted by historic land contamination. The assessment was supported by a site walkover which did not show any signs of past industrial or commercial uses of the site. The site walkover did identify a small amount of waste materials had been deposited within the yard of High Farm, within Stockton boundary.

Given the type of development proposed and the history of the site, the conclusions of the report that the risk of ground contamination impacting on the development is low. However as recommended within the report the environmental health unit have recommended conditions in relation to radon gas and further investigation works prior to commencement. Subject to the conditions no objection is raised.

Benefits to Local Community

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

CONCLUSION

It is clear that the development of renewable energy is in principle in the public interest and is considered a benefit in those terms. The proposed development, with associated energy storage, will generate and store a significant amount of electricity from renewable sources and result in a reduction of approximately 25,370 tonnes of CO2 emissions annually compared to generating the same amount of electricity using coal. This represents a significant contribution to the legally binding national and international requirements and associated targets to increase renewable energy generation and reduce CO2 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.

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

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:

Environmental Implications:

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

N/A

Emerging

Regeneration and Environment Local Plan – Publication February 2015.

Supplementary Planning Guidance Notes

N/A

Supplementary Planning Documents

SPD2 – Open Space, Recreation and Landscaping

SPD4 – Conservation and Historic Environment Folder