

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
15 March 2023
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

22/1511/FUL

**California Farm, Horseclose Lane (Off Letch Lane), Stockton-On-Tees
Proposed solar farm (49.9mw) and battery energy storage system (BESS) and associated
infrastructure, access and landscaping.**

Expiry Date 17 March 2023

SUMMARY

The application site is agricultural land located to the West of Stockton. 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. Ancillary infrastructure, such as central inverter cabinets, switchgear, spares container, energy storage, and energy auxiliary storage container would all be within the site boundary.

9 letters of objections have been received following the public consultation (including the parish councils).

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 16,645 tonnes of CO2 emissions annually which represents a significant contribution to the 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.

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.

The application has been considered in full and 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 22/1511/FUL be approved subject to the following conditions and informatives;

01 Time Limit

The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

02 Approved Plans

The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date Received
SRE1130 04 01 RO	30 June 2022
SRE1130 04 02 RO	30 June 2022
SRE1130 04 05 RO	30 June 2022
SRE1130 04 09 RO	30 June 2022
SRE1130 04 14 RO	30 June 2022
SRE1130 04 15 RO	30 June 2022
SRE1130 04 16 RO	30 June 2022
SRE1130 04 17 RO	30 June 2022
SRE1130 04 18 RO	30 June 2022
SRE1130 04 19 RO	30 June 2022
SRE1130 04 20 RO	30 June 2022
SRE1130 04 21 RO	30 June 2022
SRE1130 04 22 RO	30 June 2022
SRE1130 04 23 RO	30 June 2022
SRE1130 04 24 RO	30 June 2022
SRE1130 04 13 R1	3 January 2023
SRE1130 04 26 R1	3 January 2023
SRE1130 04 27 R0	3 January 2023
SRE1130 04 12 R4	3 January 2023
SRE1130 04 07 R3	3 January 2023
SRE1130 04 08 R1	3 January 2023
SRE1130 04 10 R2	3 January 2023
SRE1130 04 11 R1	3 January 2023
SRE1130 04 04 R4	3 January 2023
SRE1130 04 06 R2	3 January 2023
SRE1130 04 03 R7	3 January 2023
SRE1130 03 07 R4	22 January 2023

03 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.

After the expiration of 40 years, 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. 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.

04 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.

05 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.

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 and Hedge Protection Measures

Notwithstanding the proposals detailed in the submitted plans, no development shall commence until a Tree Protection Plan is approved in writing by the Local Planning Authority. This must be in close accordance with:

1. BS5837:2012 Trees in relation to design, demolition and construction – Recommendations
2. BS3998:2010 Tree Work - Recommendations
3. NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook 19th November 2007

Any such scheme agreed in writing by the Local Planning Authority 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.

The perimeter site fencing should be erected as the first operation, and prior to commencement of any construction works on site. The temporary tree/hedge protection fencing is to protect trees and hedges internal to the site, could be phased as installation progresses through the site and this details shall form part of the tree protection plan.

Reason: To safeguard and enhance the character and amenity of the site, and to avoid any irreversible 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 which shall be in broad accordance with the Landscape Mitigation Plan. 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 Eastern Boundary Buffer

An off-site landscape buffer, details of which shall be agreed prior to implementation, shall be planted along the eastern edge of the site in accordance with drawing SRE 1130 03 10 'Eastern Boundary Planting Plan'. This shall be planted at the earliest opportunity, or in the first planting season following commencement of the development.

Reason: To ensure satisfactory landscaping to minimise the visual impacts of the development from the adjacent allocated residential land

10 Landscape Management Plan

No development shall commence until full details of proposed soft landscape management has been submitted to and approved in writing by the Local Planning Authority.

The soft landscape management plan shall include, long term design objectives, management responsibilities and maintenance schedules, replacement programme for all landscape areas including retained vegetation, (other than small privately owned domestic gardens), maintenance access routes to demonstrate operations can be undertaken from publicly accessible land, special measures relating to the time of year such as protected species and their habitat, management of trees within close proximity of private properties etc. This information shall be submitted to and approved in writing by the Local Planning Authority.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the local planning authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity

11 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.

12 Construction 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.

13 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 – To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

14 Flood Risk Assessment and Drainage Strategy

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment, Issue 01 received by the Local Planning Authority (KRS.0297.042.R.001.A) 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

15 Preservation of heritage assets during construction

No development/site restoration shall commence until fencing has been erected around Area 1 to a design approved by the Local Planning Authority in writing. No works shall take place within the area inside that fencing unless in accordance with *Outline Construction Method Statement (Archaeology): California Farm Solar and Battery Energy Storage Development* ('Report No: SRE1130/OCMS(ARCHAEOLOGY)'), submitted by Sirius Planning. This includes works undertaken during restoration of the site.

Reason: To ensure that archaeological assets are protected

16 Preservation of heritage asset through foundation design

No work shall take place in Area 1 unless it is in accordance with *Outline Construction Method Statement (Archaeology): California Farm Solar and Battery Energy Storage Development* ('Report No: SRE1130/OCMS(ARCHAEOLOGY)'), submitted by Sirius Planning.

Reason: To ensure that archaeological assets are protected

17 Recording of a heritage asset through a phased programme of archaeological works

A) No demolition/development shall take place/commence until a phased programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. This shall include trial trenching of Area 2 and proviso for any further mitigation works necessary following the evaluation. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place until the site investigation has been carried out in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that archaeological assets are protected and recorded where necessary

18 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

19 Ground Clearance Works

To avoid disturbance to breeding birds, ground clearance works, and vegetation removal should be undertaken prior to the bird-breeding season (March to August, inclusive). If this is not possible, the area should be checked prior to removal of vegetation or ground works by an experienced ecologist and works undertaken under the supervision of the ecologist.

Reason: In order to adequately protect ecology and biodiversity in accordance with the principles of Policy ENV5 and the National Planning Policy Framework.

20 Enhancements for Breeding Birds

The Enhancements as details in the submitted Breeding Bird Report June 2022 (Section 6.17 shall be implemented in full prior to the completion of the development.

Reason: To provide additional mitigation and enhancement for breeding birds. in accordance with the principles of Policy ENV5 and the National Planning Policy Framework.

21 Great Crested newts

Work shall be undertaken in accordance with the Precautionary Method Statement Great Crested Newt Report June 2022.

Reason: To ensure that Great Crested Newts are not impacted by the development.

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: PRow

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

SITE AND SURROUNDINGS

1. The application site is to the West of Stockton on Tees, and to the South of Letch lane, Stockton. To the West of the site is the villages of Carlton and Redmarshall.
2. The application site area extends to approximately 8.7 hectares and is largely sat within a rural context however the fields to the east and south-east of the site are allocated for residential development in the local plan (West Stockton residential extension).
3. The site is currently accessed from Horseclose Lane, off Letch Lane which runs to the north of the site. Horseclose Lane serves the California Farm farmstead which is located mid way along the western boundary of the site

PROPOSAL

4. Planning permission is sought for a 49.99 MW solar farm and battery energy storage system (BESS) with associated infrastructure, access and landscaping.
5. The proposed solar farm will comprise of photovoltaic panels laid out in an array of rows running west to east across the site; each array will be mounted on a metal framework with the highest part of the panel no greater than 2.5 metres from the ground. Associated transformers and control cabins will be no higher than 3 metres.
6. The solar farm will have an export connection capacity of approximately 49.9 MW electricity which is enough to power approximately 16,800 homes per year and will offset approximately 16,645 tons of CO2 every year - this is the equivalent in real terms of taking over 4000 cars off the Road
7. In addition, the battery energy storage comprises of approximately 40 battery containers and transformer substations and control cabins which will be located centrally within the site to minimise any potential for noise disturbance to local receptors. A battery unit will have a similar appearance to a shipping container and each unit will be approximately 15 m long x 2.5 m wide and approximately 3.2 m in height which will take into account the concrete plinths on which they are positioned. The battery storage development will have a connection of 100 MVA and a capacity of 200MW/h
8. The solar farm will be secured by a 2m high deer fence with wooden posts or similar (which allow small mammals to pass through) and the BESS compound will be secured by a 2.4m high palisade perimeter fencing. Inward facing infra-red pole mounted CCTV (2.5m in height)

will also be provided at intervals along the boundary fence for security reasons. The CCTV cameras will be positioned to avoid views of private property.

9. Two access points are proposed into the site, both of which will be utilised by construction and operational traffic. The north eastern portion of the site will be accessed from Horseclose Lane, which the vehicular access to and from California Farm. The south western portion of the site is to be accessed using a new access point which is to be created off Drivers Lane. The reason for using two vehicular access points will mean that vehicles will not need to cross the public right of way which runs broadly in a south east to north west direction in the western third of the site. It will also reduce the number of vehicles travelling along Harrowgate Lane.
10. The proposed point of connection for the proposal is located at the existing Norton Grid Supply Point (GSP) Substation to the north-east of the site. The applicant has accepted a grid offer from the Northern Powergrid to connect into local distribution network at Norton Substation. The cable will run under Letch Lane and head east towards Norton Substation. This will be installed by the appropriate utility company using their statutory powers post planning consent.
11. The site will be in operation for 40 years, afterwards all the equipment will be removed from the site revert back to an agricultural use
12. The application is accompanied by a number of specialist reports which have been considered in full and further details are provided throughout the remainder of this report.

Procedure: EIA Regulations

13. 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 and a screening opinion has been issued to this effect.

Procedure: Nationally Significant Infrastructure Project

14. Comments from the CPRE are noted however the other schemes are being progressed independently of the scheme. The proposals involve different applicants, involve different landowners and do not share a cable route to the National Grid substation. The sites are not reliant on one another and will operate independently and therefore it is considered that this application can be determined by the LPA.
15. As detailed in the appeal decision provided by the CRPE, it is up to the Applicant to ensure that the necessary consents are in place and that the procedure is the correct procedure in which to apply.

Procedure: Statement of Community Involvement

16. Whilst community engagement is encouraged there is no formal requirement for applicants within to carry out a public consultation. Nonetheless, the applicant has submitted a Statement of Community Involvement (SCI) in support of this application. Some of the objections raised refer to the adequacy of the community consultation carried out, 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 which included an on line event, stakeholder consultation as well as 184 letters to local residents / businesses.

17. In addition, the application itself has been publicised in accordance with the requirements of Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 by way of a press advert, site notices around the site and letters to local properties, as well as consultations to Ward Councillors and Parish Councils.

CONSULTATIONS

18. Consultees were notified and the following comments were received.

19. Highways Transport & Design Manager

General Summary - The HTDM raises no objections to the proposals.

Highways Comments - Due to the nature of the proposals once constructed the development will have no impact on the highways network as maintenance staff will only need to visit monthly. A Construction (Traffic) Management Statement has been provided which sets out the anticipated HGV movements associated with the construction phase of the development which, during the 2 and 3 months of the proposed 9-month construction period, will peak at a maximum of 8 deliveries per day which is negligible. There will be two dedicated site access points both of which will provide a lay down area for the delivery and storage of materials and off carriageway parking for workers involved in the project. The proposed routes to / from the site, which take account of any environmental weight restrictions within the vicinity of the site, are as follows:

- A19 / A1027 / Durham Road / Harrowgate Lane / Letch Lane / Horseclose Lane.
- A66 / Yarm Back Lane / Darlington Back Lane / Drovers Lane.

The details set out with the submitted Construction (Traffic) Management Statement are acceptable and, subject to compliance with the submitted document being secure by condition, there are no highways objections to the proposals.

Landscape & Visual Comments - The applicant is seeking consent for a 49.99MW solar farm and energy storage, together with associated site infrastructure. The development is located on the western edge of the urban area of Stockton on Tees, adjacent to land allocated for housing under the West Stockton Masterplan. These sites are currently going through planning, although designs for each of the sites are not yet finalised or approved.

It is noted that the proposals have been modified significantly since the original submission in summer 2022, due to concerns from neighbouring properties and for operational reasons. These changes have reduced the extent of panels along the northern and north eastern edges of the site. A Landscape and Visual Impact Assessment (LVIA) has been provided and then updated with an LVIA Addendum including viewpoint photography, wireframes and composite images from key viewpoints. A site visit was undertaken in January 2023 to review the updated proposals in conjunction with the LVIA.

Landscape Character - A full and detailed landscape character assessment has been undertaken for the development site. The site is located within the National Character Area (NCA) 23 'Tees Lowlands', and within the West Stockton Rural Fringe Local Character Area (LCA) within Stockton Borough. The assessment notes that the wider study area has medium level of landscape sensitivity. The proposed development will result in a low magnitude of change, and therefore '*...the California Solar Farm is considered to result in a minor level of landscape effect on the wider study area overall, this is a not substantial effect.*' The site itself is considered to have a low-medium level of landscape sensitivity. The magnitude of change will be medium-high and therefore '*...in accordance with the methodology, the California Solar Farm is considered to result in a moderate level of landscape effect overall, this is not a substantial effect. The scheme would affect an area of landscape character of low to medium value / susceptibility to change, but limited to effects within the local context, diminishing the sense of place locally for users of the PROW*

crossing the western side of the site.' The Highways Transport and Design Manager agrees with this landscape character assessment.

Visual Impacts - The applicant has prepared a 'Zone of Theoretical Visibility (ZTV) as part of their visual assessment. There are two villages within close proximity of the site, Redmarshall and Carlton, as well as a group of residential properties at Letch Lane, and a number of farms and scattered residential properties within the rural landscape. To the east lie open fields which are allocated for housing under the West Stockton Masterplan. A number of applications for residential development in West Stockton were submitted ahead of this application, and therefore the visual impact upon future residents must be considered.

The applicant has identified 15 viewpoints across the local area at close and medium range to represent local road and footpath users, and residential receptors. Photomontages have been prepared for viewpoints 1,2,3,5, 11, and 13 indicating the views at Year 1 as a wireframe, and composite image. The assessment concludes that only Viewpoints 8, 9 and 13 will experience any significant effects of major or moderate scale at Year 1. These viewpoints are located on the Public right of way (PRoW) no. 8 that crosses the site north to south. Viewpoints to the east, on Harrowgate Lane at the edge of the existing settlement, and the popular former railway footpath to the north east have been assessed. Viewpoints 6, 7, 12 and 15 were assessed to have a neutral level of effects at Years 1 and 10 currently, and with the addition of the future residential development, views to the solar farm will be blocked from view.

Residential Receptors - The assessment has considered the view of residential receptors within the local area. Locations R1-R8 for existing residential properties, and H01-H04 to represent views within the West Stockton residential area. Two of the receptors R2 Roberta and R6 Kenilworth were initially assessed to have a moderate/major level of effects from first floor rooms, whilst views from ground floor habitable rooms are screened. However the layout has now been modified, and panels moved away from these residential properties. Whilst panels will still be visible from first floor windows they will be at a greater distance and therefore the scale of effects will reduce. Due to the stage of applications for the West Stockton Masterplan residential area, it is difficult to fully assess the impact of the solar farm development on the future residential area. For viewpoints H01-H04, the applicant has described the views, but made no judgement on the anticipated scale of effects to be experienced at these locations.

An established hedgerow defines the boundary between the housing site and the solar farm, with the exception of one field west of viewpoint H03. The solar farm application originally proposed to plant a new hedgerow to infill the gap in the boundary. Whilst this would be effective once established, it will take some time to mature and provide a useful screen. It is likely that the level of effects from dwellings in the vicinity of H03 will be major-moderate until the hedge is fully established, and able to provide screening from ground floor habitable rooms and external roads and footways. Following discussions with the applicant regarding concerns about the proximity of the development to the allocated housing site to the east, and the lack of an established boundary close to viewpoint H03, the applicant has provided updated proposals (ref: SRE 1130 03 10 Eastern Boundary Planting Plan), which includes details of off-site buffer planting along the eastern edge of the site. This should be secured by a Grampian condition, for implementation at the earliest opportunity, i.e. during the first planting season following commencement of the development.

Receptors using Roads and PRoW - The scale of effects experienced by users of local roads and footpaths were assessed to be not substantial, with the exception of those using the PRoW no.8 which crosses the solar farm site (assessed as Viewpoints 8 and 9). The Highways Transport and Design Manager agrees with this assessment.

Cumulative Assessment - A cumulative assessment has been provided for the development proposal covering existing and consented solar developments as well as current applications in Stockton and the eastern part of Darlington Borough. There are several locations where there is potential for combined visibility, as well as sequential visibility on routes running east to west through the local area.

The assessment summarises that '*...visual receptors identified by the cumulative visual assessment would not be subject to any Substantial visual effects. Where notable cumulative effects do occur these are over comparatively small areas, away from settlements and are restricted to the local road network... and isolated farmsteads between the two sites and scattered farmsteads between Darlington Back Lane and Redmarshall.*' It is also noted that the scale of effect on cumulative views is not expected to exceed that caused by the proposed California Solar Farm development on its own.

Existing Trees and Hedgerows The impact on existing site trees and hedgerows is minimal as the layout allows for internal roads, panels and fencing to be sufficiently offset from existing features. Only small sections of hedgerow removals are required to facilitate site access.

A tree protection plan has not been submitted with the application, this should be conditioned. It is suggested that perimeter site 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/hedge protection fencing is required to protect trees and hedges internal to the site, this could be phased as installation progresses through the site.

Landscape Mitigation

With regard to landscape mitigation on the site, the submission (ref: ref: SRE 1130 03 07 R4 Landscape Mitigation Plan) proposes the following landscape enhancements, although detailed plans have not yet been provided:

- Species-rich meadow grassland around the periphery outside the security fencing;
- Infill and reinforcement of hedgerows and additional hedgerow tree planting;
- New sections of hedgerow to the north, and to infill the eastern boundary; and
- An off-site landscape buffer along the eastern edge of the site secured by a Grampian condition.

A landscape management plan must also be provided to ensure future maintenance of the development. It must include care and maintenance of all perimeter and internal hedgerows and grassland across the site. Footpath No. 8 passes around the western perimeter of the field immediately south of California Farm, between the existing hedgerow and fenced boundary of the solar farm. The landowner must maintain this footpath corridor, and therefore this must be included as part of the landscape management plan.

Summary The Highways Transport and Design Manager has reviewed the proposals in detail and concurs with the submitted landscape and visual assessment. Whilst there will be a notable change from agricultural fields to a solar farm, the scale of effects is significant for only three of the viewpoints assessed, all of which lie on the PRoW no.8 close to the development.

The Highways Transport and Design Manager considers that the impacts from H03 within the adjacent West Stockton residential area will also be significant, however, with the planting of a new landscape buffer, these impacts will be mitigated.

The Highways Transport and Design Manager raises no landscape and visual objections to the proposals but requests some additional information is secured by condition.

Flood Risk Management -The Lead Local Flood Authority have no comment to make regarding this application.

20. Environmental Health Unit

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. - Unexpected Land Contamination and construction noise conditions.

21. PADHI Health & Safety Executive

Do not advise against

22. Principal Environment Officer

No objections

23. Teesmouth Bird Club

Biodiversity Net Gain Report This application is one of two for solar farms to the west of Stockton and north of the A66. In both cases the biodiversity of the largely arable land will be lost. The usual practice is to resow the land with an appropriate grass/ wildflower seed mixture. At California Farm the new sward seems not to have a grazing regime applied, but rather seasonal cutting.

What is not clear is the management of the vegetation between the hedging marking the very periphery of the whole site and the security fence itself, which is usually erected several metres within the hedging. The resulting habitat should have its own management plan, in parallel with periodic hedge maintenance. There is no mention of the provision of a series of openings for small mammal access in the fencing. This measure is a beneficial feature on the other solar farm application under consideration by Stockton Planning. Such features, allowing access to protected land, would be beneficial to declining species like Brown Hare and Hedgehog. The loss of breeding Category Red species Skylark and Grey Partridge is acknowledged by the ecologists' report and provisions to mitigate are mentioned in their bird survey..

Breeding Bird Survey 4 species will be impacted - Grey Partridge, Skylark, Yellowhammer and Linnet. Improvement of the site's fragmented hedge system may improve the fortunes of the latter two species and indeed the other passerine species detected in the surveys of breeding birds. Mitigation for the inevitable loss of the first 2 species is niggardly. The species diversification benefits of the creation of this secure site should be utilised by the erection of at least 2 nest boxes suitable for Barn Owl and Kestrel. Bespoke telegraph type poles will suffice, if appropriately sized trees are unavailable. Tree Sparrows readily take to nest boxes sited close together, being a colonial species. These boxes are likely to be adopted more readily than tit species, which require a woodland setting - absent here. The club suggests a minimum of 20 durable woodcrete fabrication.

Preliminary Ecological Appraisal The authors of this report themselves state that it is not suitable for submission with a planning application. It is merely to identify the need (if required) for a future study, to identify constraints and opportunities. More detail will later be supplied with a planning application. The bird club feels the planning process, and borough's ecologist, is entitled to further information detailing their appraisal and a view of mitigating measures.

24. Durham Badger Group
No records and note the retention of woodland

25. Redmarshall Parish Council

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 management 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. 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.

26. Tees Archaeology

Following additional discussions with the archaeological consultant, we have reluctantly agreed that the archaeological work may be conditioned on the application. This will involve the site being divided into two areas. Area 1 is to be protected as set out in the methodology provided by Sirius Planning; in Area 2 a programme of trial trenching is to be undertaken in the first instance, with any further mitigation determined following the results of the evaluation. I set out the proposed wording of the archaeological conditions. This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

27. The Ramblers Association

Thank you for consulting the Ramblers on the above planning application. We note that Carlton FP 8 passes through a section of the site and adjacent to the site. We remind developers that a safe and unobstructed access to the public right of way should be maintained at all times both during construction and operation of the development.

28. Natural England

No Objection

29. Sabic UK Petrochemicals Ltd

The proposed development falls within the inner, middle and outer consultation zones of the above Major Accident Hazard Pipeline as defined by the HSE development control guidelines (PADHI – HSE’s Land Use Planning Methodology document). The developer has been in contact with SABIC and has changed the design to accommodate the Teesside to Saltend Ethylene Pipeline. We therefore have no objections to the planning application.

30. Teesside Airport

No objections

31. 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.

32. Campaign To Protection Rural England

We appreciate and welcome that the applicants have addressed points we have raised and so believe a response from us is required we therefore refer to their letter of the 23rd of December and have the following comments.

Cumulative Impact: We welcome the removal of panels from some areas but this will still be an extensive development. While we note the comments relating to the impact of this solar array in conjunction with others in the area, we still believe that the cumulative impact is relevant. Although there is a plan showing the sites to the north of Letch Lane, we believe that there should be a plan of all the permitted and proposed solar arrays in this area, including those that the applicant says will not have a cumulative impact. This will give a better impression of the potential impact of the proposals in this area and whether there is a “sequential cumulative” effect. We consider that, although a walker may not go through a host of solar arrays in one walk, there may be few if any walks in this area without going through a solar array – hence in our opinion that, if all applications are approved and constructed, this area will take on an industrialised aspect. At present of course it is a rural area. Since our letter of 22 August, we have become aware of the Byers Gill proposal. As we understand it, this is not as yet an application but we have checked their website which states “The solar farm, located across Darlington and Stockton-on-Tees, would provide enough low-carbon energy to meet the equivalent annual needs of over 70,000 homes.” We note that there has been a scoping consultation in respect of this proposal to which Durham CC and Hartlepool BC have responded. If this does proceed, it will be a massive site in this area and will change the whole concept of its rural nature. We accept that the Byers Gill

proposal is at an early stage, but we represent that it should at least be considered when considering the cumulative impact with the California site and feature on the plan we have suggested above.

Agricultural Land Quality: Again, we welcome the removal of part of the development to keep land in agricultural use. However, we represent that the arguments we have raised are valid and are material considerations. Land can have more than one use although we accept that, at present, policy in this respect is limited to considering whether the land is Best and Most Versatile or not. Our argument remains that BMV land is in such short supply in the North East that this policy on its own is virtually meaningless and other potential uses of the land at this site need to be addressed. This includes whether it is productive land, its value to the landscape and its value for biodiversity. If those matters outweigh a BMV policy, then the application should be determined in the light of that judgment.

Biodiversity Net Gain: The concern that we expressed in our letter of 22 August was that some species currently on the site may be displaced and there is no proposal addressing this. Some of these species, such as ground nesting birds, may well be target species under Section 3 of the Environment Act. The applicant appears to be concentrating only on net gain by "improved" habitat in accordance with the Biometric Unit calculation. However, this does not appear to take account of Section 3 as we have mentioned, something which may now be increasingly important following the Montreal Conference. In addition, we note that the User Guide to the Biodiversity Metric 3.1 does state

“Limitations

2.19. The metric uses habitats as a proxy for biodiversity. Although this is a rational means of measuring biodiversity value, it is a simplification of complex ecological processes which are not readily captured. While the scoring of habitats is informed by ecological reasoning and the available evidence, the outputs of biodiversity unit calculations are not scientifically precise or absolute values. Therefore, the generated biodiversity unit scores are a proxy for the relative biodiversity worth of a habitat or site. This is appropriate for a variety of intended uses, but there may be exceptional circumstances where use of the metric is not appropriate.

2.20. The metric and its outputs should therefore be interpreted, alongside ecological expertise and common sense, as an element of the evidence that informs plans and decisions. The metric is not a total solution to biodiversity decisions. It can, for example, help you work out how much new or restored habitat is needed and in what condition to compensate for a loss of habitat, but it does not tell you the appropriate composition of plant species to use or which micro-habitats might benefit locally important species.

Note: neither the metric, nor the accompanying condition sheets, are a guide on how to best manage a site. “

As a result, we stand by our representation that species should be taken into account in determining whether the proposals will in fact provide biodiversity net gain, or may result in a net loss. If farmland birds or other species are in fact lost from this area, we represent that there will indeed be a net loss rather than a net gain. There is also an issue as to whether the number of solar panels in this area may take on the appearance of water when viewed by birds flying over, particularly water fowl. While this may not be an issue for each individual solar array, it may become one with this number if all are approved. We made the following comment in respect of the Sheraton appeal

The Freedom Solar Panel website (freedomssolarpower.com/blog/everything-you-need-to-know-about-solar-panels-and-birds) does contain the following comment

“Solar panels do not kill birds outright.

However, birds are attracted to the shininess of solar panels, which often look like moving water when flying above. Some birds mistake panels for bodies of water and try to dive into the “water,” which hurts or kills them.

Many researchers have noted [birds that try to dive into solar panels are aquatic species](#).

Folks with solar systems in residential areas that aren’t too close to large water bodies won’t experience this issue, but it’s still a possibility. Researchers are using AI to [track and monitor which bird species dive into solar panels](#) to prevent the problem”

The Reservoir is close to this site. Aquatic species visit it in some numbers. We believe that this comment, from a body representing suppliers of solar panels, supports our concerns, although we accept that they should not be exaggerated

While, as stated above, we acknowledge that this should not be exaggerated as a problem, we do believe it should be addressed when there is potentially such a large number of solar arrays in one area. There are water features in the vicinity which may well attract geese and ducks and the potential for them to be lured to the ground by solar panels should, in the light of this advice from the above website, be considered.

Restoration : We note what the applicant states about a planning condition but represent that it would be helpful if they gave a better indication as to what is proposed. While we acknowledge that it may be difficult to predict 40 years into the future, there is a risk that there will be a number of sites where restoration, if not addressed now, may well become a problem. (40 years is a long time of course but is a time of the applicant’s choosing.)

Battery Storage: We acknowledge that it is not appropriate in a planning application to go into the fine detail as to how fire risk or similar issues will be addressed. But we do believe that the matters raised by the Energy Institute should be considered and a risk assessment included in the Planning Application. It would then be a matter for the Environment Health Officer and/or the Health and Safety Executive to say whether those proposals were acceptable – and of course to be accountable. There have been numerous fires involving such batteries and we represent that it is not unreasonable for this to be part of a planning application so that the issue can be addressed and the risk to neighbouring properties or others assessed.

Nationally Significant Infrastructure issue: We are now aware that the Inspector has not made a determination on this issue in relation to the Sheraton appeal and has sent a letter to the Councils to explain her decision (attached for information). We also understand that the Councils have lodged an application to judicially review this decision. We accept of course that the situation in this case is different in that there are two applicants and we note the comments in the applicant’s letter. Clearly, there is an element of law in this case and until the result of any JR application is known, we cannot assess the full situation. However, we do represent that, on its own, the fact that there are two applicants is not, of itself, a determining factor. This could in fact be exacerbated if the Byers Gill application does proceed. Should that be approved, then this area will be a very significant area for solar array, generating well over 50 MW of electricity.

Use of commercial roofs: We note that the applicant has commented on this issue in relation to representations made by Redmarshall Parish Council. However, we did also mention it. Again, of course, we accept that there is no government policy on this, even though it is mentioned in the Planning Practice Guidance. We note however that the Warehousing Association is now promoting this proposal wherever it is possible. We attach a copy of their recent information about this. (We referred to this document in our letter of 22 December

2022 in response to the draft Local design Guide.) CPRE, the countryside charity, is actively encouraging this move, especially on new buildings. Given our representations in respect of agricultural land above, we represent that this is an important consideration, even if not yet government policy.

Conclusion : Although we welcome certain changes to the proposal, we believe that they are not sufficient for us to change the stance we took in our letter of 22 August. We also represent that, at the present time, there is insufficient information and legal clarity to determine whether this proposal is in fact a stand alone one or one that should be considered to be part of a Nationally Significant Infrastructure Project.

Additional comments

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

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

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

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

As far as these two applications are concerned, we note the proximity of the sites to each other. While we note that the applicants are different, both refer to cables from the site going along Letch Lane to a substation in Stockton. We therefore believe that it is legitimate to question whether these sites are in fact reliant on each other and so, together, form one development of a solar array electricity generating station in excess of 50 MW. If that should be the case, then these applications should be determined under the procedure in the 2008 Act and not the 1990 Act.

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

33. Network Rail

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

34. 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

35. Highway England

No objections subject to a construction traffic management plan.

36. Northumbrian Water Limited

In making our response to the local planning authority Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/>

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. Should the drainage proposal change for this application, we request re-consultation.

For Information Only - We can inform you that a public water main crosses the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. This is an informative only and does not materially affect the consideration of the planning application. Further information is available at <https://www.nwl.co.uk/services/developers/>

37. 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.

38. Grindon & Thorpe Thewles Parish Council

Grindon & Thorpe Thewles Parish Council thank you for consulting them on this solar farm development. Councillors wish to reiterate their earlier comments, opposing the development of any more solar farms in the immediate area on the grounds that:

- the concentration off such farms in this small area
- so many already approved but not yet constructed
- impact of solar farm construction on the environment
- the Fire Risk.

39. 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.

40. Northern Gas Networks
No Objections

PUBLICITY

41. Neighbours were notified and 7 letters of objection were received (one letter of objection was withdrawn) from the addresses detailed below with the main objections summarised. The full details of the objections can be viewed online at the following web address <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

- I. Mr R Kirton 1 Drovers Lane Redmarshall
- II. Mr James Walker 19 Drovers Lane Redmarshall
- III. Jonathan Wallis CS Ltd (on behalf of Mr Farrow Hill House Farm Redmarshall Road.
- IV. Mrs Sue Arrowsmith, 8 Letch Lane Carlton
- V. Mr Brian Mulhearn The Rush Letch Lane
- VI. Mr David Langlands 10 Ferguson Way Redmarshall
- VII. Mr Douglas Macpherson, 10 Windermere Avenue Redmarshall

- Local wildlife will be adversely affected
- Agricultural land classification 3b, loss of agricultural land
- Cumulative impact,
- change of character of the area to one that is industrialised and a brownfield site
- Should be on brownfield sites rather than greenfield
- Existing surface water issues
- Panels will be seen from private property
- excessive traffic on an already bad road
- Existing renewable projects in the area •
- Impact on property values
- Lack of community engagement •
- Lack of local benefit
- Additional Disruption to the local network during construction
- Fencing and CCTV are out of character in this location
- Noise pollution from BESS
- The proximity/crossing of the site to the pipelines
- Laying of cables is disruptive through the villages

PLANNING POLICY

40. 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 Plan(s) 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.

41. 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

42. 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.

NPPF 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.

NPPF 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. 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.

NPPF 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.

NPPF 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

43. 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. 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

44. 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 ecology, flooding and drainage and other residual matters such matters are discussed below;

Planning Policy Considerations

45. 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.
46. 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.
47. 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 should be considered against Policy SD8. The proposed development has been considered against the requirements of Policy SD8 throughout the later stages of this report.
48. 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 or on roofs of existing buildings. The applicant has detailed the site selection process including the availability of import and export capacity on the Local Distribution Network ('grid') and the distance of the facility to the point of connection, proximity to sensitive receptors, such as residential properties and ecological sites. The process found there were no available spaces within existing industrial areas and the application site would be the most suitable due to its distance from sensitive receptors and its proximity to the existing substation.
49. The requirements of the UK Governments Net Zero Plan and Energy Security Strategy will require an increase in electricity generation in the UK by 40-60% by 2035 all of which will need to be met from renewable sources. The scale of this climate change and energy security challenge is such that it necessitates the development of ground mounted solar farms which require a sufficiently large area of land located close to the appropriate grid connections. 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.
50. 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. 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.

51. The NPPG sets out the particular factors a LPA 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
 - 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
52. The application site is currently used as farmland. It is not currently proposed or identified for any use within the adopted Local Plan. 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.
53. 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 the all the soils in the site are subgrade 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 applicants are proposing to retain an area of arable land within the application site boundary for continued farming practices.

54. 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. This has been condition and the proposed development would not prevent the use reverting back to arable land at the end of the life span of the development.
55. 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.

Impact on Landscape

56. The application has been amended and the layout updated to allow more screening, paying particular attention to the eastern boundary of the site which abuts the residential allocation. Some of the solar areas have been removed and a standoff from the eastern boundary has been incorporated which will reduce any perceived impact on the adjacent development and additional planting incorporated in an area allocated for housing to screen any future developments. In addition, the solar panel area in the northwest of the site has been reduced and additional screening hedgerows and hedgerow tree planting has now been incorporated into the scheme.
57. The revised scheme and associated documents have been considered by the HTDM (full comments can be found at Paragraph 18) who agrees with the landscape character assessment. In terms of the assessments and viewpoints considered, the HTDM generally agrees with the conclusions and raised no objections subject to conditions to secure mitigation which has been recommended along with the requirement for detailed landscape plans and a maintenance / management plan.
58. The impact on existing site trees and hedgerows is minimal as the layout allows for internal roads, panels and fencing to be sufficiently offset from existing features. Only small sections of hedgerow removals are required to facilitate site access. No objections have been raised subject to conditions including a tree protection plan.
59. Overall it is considered that with mitigation secured via condition that the proposed solar for will not have a significant effect on the landscape of the area

Cumulative Assessment

60. A cumulative assessment has been provided for the development which has been considered by the HTDM. The assessment covers existing and consented solar developments as well as current applications. The Byers Gill development can be discounted as this is not an approved site and they would need to consider existing and approved sites in their assessment.
61. There are several locations where there is potential for combined visibility, as well as sequential visibility on routes running east to west through the local area.
62. The assessment concludes that all of the visual receptors identified by the cumulative visual assessment would not be subject to any substantial visual effects. Where notable cumulative effects do occur, these are over comparatively small areas, away from settlements and are restricted to the local road network.
63. Overall, the combined cumulative landscape effect is not expected to exceed that identified for the proposed development on its own. It is considered that the sites as listed are sufficiently at a distance to not create an adverse cumulative impact on the landscape and

given the locations, scale and reversibility of the impact it is not considered that the approval of this site would adversely impact on the characteristic of the local landscape and environment.

Impact on neighbours

64. Following the original submissions, meetings have been held with local residents living on Letch Lane. Following their feedback changes have been made to the proposed design. In comparison to the originally submitted layout, the solar panel area in the north west of the site has been significantly scaled back and, additional screening hedgerows and hedgerow tree planting has now been incorporated into the scheme. One neighbour withdrew the objection and the remainder of the original residential objectors did not comment on the revisions.
65. In addition to the visual impact considerations in relation to residential amenity are noise, construction activities, and glint and glare which are considered below.
66. The Noise assessment submitted with the application assumes worst case scenario and concludes that the site can be designed to operate such that it complies with all appropriate and relevant noise standards and guidance. The EHO has raised no objections and there is, therefore, no reason to refuse the proposed development on the grounds of noise or vibration.
67. A Glint and Glare Assessment accompanies the application which showed that reflections from the proposed development are geometrically possible towards 141 out of the 164 identified existing dwelling receptors. The developer has proposed screening to reduce the impacts to acceptable levels, once the proposed screening will be in place, no significant impacts are predicted upon nearby dwellings and no further mitigation is required
68. With regards to the proposed dwellings at the allocated and Safeguarded Residential Land the results of the analysis have shown that reflections from the proposed development are geometrically possible towards the majority of the proposed dwelling receptors, however there is no significant impact upon nearby proposed dwellings due to existing screening blocking the views of the proposed development and the presence of other mitigating factors. Therefore, no mitigation is required
69. Comments in relation to the cable route are noted. Whilst there may some intrusion during construction this would be for a temporary period. Works would be undertaken as part of the Statutory Undertakers permitted development rights.

Impact on highways

72. The HTDM has confirmed that once operational the proposed development will have a negligible impact on the highway network.
73. The measures set out within the Construction Traffic Management Plan are considered appropriate to minimise the impact during the construction phase. It is noted that the anticipated HGV movements associated with the construction phase of the development which, during the 2 and 3 months of the proposed 9-month construction period, will peak at a maximum of 8 deliveries per day which is negligible.
74. 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.

75. 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.
76. In terms of the Glint and Glare study the results of the analysis have shown that reflections from the proposed development are geometrically possible towards Drovers Lane and Harrowgate Lane. However, existing screening in the form of vegetation is predicted to significantly reduce views of the reflecting area. Therefore, low impact is predicted, and no mitigation is recommended to ensure road safety.

Impact on Air Traffic

77. The Glint and Glare Assessment confirms that no solar reflections towards personnel located within the ATC tower or pilots landing at Teesside International Airport are geometrically possible and so no mitigation is considered necessary.
78. In addition the appropriate bodies from NATS, MOD and CAA have been consulted and no objections have been raised

Archaeology

79. A geophysical survey and desk-based assessment have been carried out and Tees Archaeology originally required additional work, however given the feasibility of this has been discussed and TA agreed that the archaeological work may be conditioned on the application subject to it being pre commencement.
80. This site will be divided into two areas. Area 1 is to be protected as set out in the submitted methodology. In Area 2 a programme of trial trenching is to be undertaken in the first instance, with any further mitigation determined following the results of the evaluation. Subject to the recommended pre commencement conditions, Tees Archaeology have raised no objection.
81. 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.

Ecology and Biodiversity Impact Assessment

82. A detailed ecological appraisal has been undertaken and is based on the results of a desktop study. As noted, by the CPRE further surveys were required and these form part of the application and include a 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.
83. Whilst comments from the CPRE with regard to birds thinking the panels are water are noted, the extract provided goes on to state "*Regardless of which species are attracted to solar panels, the consensus is that reports of solar panel-associated bird deaths are exaggerated. Even the National Audubon Society, a non-profit organization dedicated to bird and bird habitat conservation, supports solar power. "As with most renewable energy sources, the benefits to birds by reducing carbon emissions outweigh other concerns, as long as the installations are built with care," states the Audubon Society.*"
84. In addition, The Wildlife Society states "there is little evidence that has shown that this "lake effect" is the cause of bird death near solar facilities. It is therefore considered that without evidence to show that large solar farms cause bird deaths then the applicant cannot be refused on these grounds.

85. 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.
86. Habitat: There will be loss of the habitat through the development proposals, however to provide mitigation for the loss of arable habitat on Site, it is recommended that shade-resistant native grass/ wildflower mix is sown underneath the solar panels.
87. Bats: As habitats such as trees and hedges will be retained and any impacts to bats will be minimal.
88. Wintering Birds: There will be a minor adverse impact at a local level on some of the farmland specialists recorded. The sowing of grass/wildflower seed mixes will provide a limited foraging resource for these species, although it is likely the number of birds utilising these habitats will be lower than those seen. The full retention of onsite hedgerows, woodland and adjacent habitats will lead to a negligible impact for birds. To provide mitigation for the loss of arable habitat on Site, it is recommended that shade-resistant native grass/ wildflower mix is sown underneath the solar panels. Additionally, wild bird seed mixture should be incorporated within this mixture providing foraging resources for farmland birds.
89. Breeding Birds: The breeding bird surveys have demonstrated that the habitats within the Site does not support assemblage criteria species of the Teesmouth and Cleveland Coast SPA. Therefore, it is unlikely that the proposed scheme would likely result in any significant adverse effects on the qualifying features of these designated sites. The loss of the habitat will likely lead to a loss of skylark as probable breeders on Site. The loss of habitat will also reduce the availability of foraging resources and possible breeding habitat for other farmland species. However, the retention of the hedgerows will continue to provide areas of suitable habitats for the majority of the farmland species recorded. The retention of the onsite trees, woodland the majority of the hedgerows will ensure the development will likely result in a Neutral impact on the generalist species recorded within the Site. The scale of the adverse effects will be reduced by the abundance of further suitable habitat in the wider landscape to the Site. With the implementation of the mitigation, it is anticipated that the scheme will result in no overall loss of habitat for generalist and farmland bird populations and the effect reduced to Neutral.
90. GCN : A survey has been undertaken and it is not considered that any GCN will be affected. However a precautionary method statement for Pond 2 will need to be undertaken as it was not possible to undertake surveys. This has been conditioned
91. The Biodiversity Impact Assessment has been updated as a result of the layout changes and the proposal will deliver a 27.96% net gain in hedgerow units. This will be achieved through planting 2.25km of new native hedgerow across the site. Additional planting of hedgerow trees in existing onsite hedgerows will provide enhancements to 1.66km of the retained hedgerows. A 65.35% net gain in habitat units will be achieved. This will be done through the creation other neutral grassland under and between the solar panel footings. These areas will be re-seeded with a shade tolerant native grass/wildflower seed mix. Wild bird seed mixtures and nectar and pollen rich margins for bees and butterflies will also be incorporated into this mix. Additional neutral grassland will be created in small open areas and at field margins. These areas will be re-seeded with meadow mixed which will provide pollen rich margins for bees and butterflies. Habitat creation and ongoing management

prescriptions are outlined in the Biodiversity Net Gain report to demonstrate how target habitat type and condition will be achieved through the management period, with the implementation of a detailed biodiversity management plan to be secured by planning condition which will include the final details. Comments from the CRPE are noted in this regard and have been passed to the applicant

92. It should be noted the Policy in Stockton's Local Plan does not put a figure on BNG to be achieved and whilst this will change in the future, the application is to be determined under the current policies in place.
93. 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

72. 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 application is accompanied by a flood risk assessment (FRA) and Drainage Strategy which identifies that the application site 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.
73. The LLFA has raised no objection to the proposed development. NWL has no comments to make on the application and it is not considered that's the proposed scheme would increase flood risk on or off site.

Safety and Pipelines

74. The applicant has held discussions with relevant utility providers in respect of underground and overground infrastructure which cross the site. This includes assets managed by National Grid, Northumbrian Water and SABIC UK. As a result of these discussions, alterations were made to the proposed layout to comply with relevant safety guidance. This includes leaving clear corridors over and around infrastructure and incorporating stand-offs from pylons. The relevant utility providers have reviewed the updated layout and confirmed they now have no objections to the proposed development.
75. Comments have been received with regard to the potential for fire risk arising from Battery Energy Storage Systems (BESS). 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) providing the sites is not close to a COMAH site which in this case it is not, and no objections have been received from the Environmental Health Officer.
76. The Agent states that fire risk within each BESS container is managed in a number of ways, (in addition to the base chemistry of the battery cells), including software and hardware fail safes and fire suppression systems. Temperature within each cell of each battery module is monitored and any temperature variation within an individual module outside optimum operating conditions would trigger a response. If temperature increase continues the BESS container would automatically partially or fully shutdown to mitigate against the risk of thermal runaway and fire. In the highly unlikely event of a battery fire then a fire suppression system would be triggered automatically. All equipment installed at the site will be certified and regulated for use and conform to relevant safety standards, including factory and pre-installation testing. It is in the developers and operators' interest to ensure the highest safety

standards are in place for their workers and contractors as well as to protect valuable equipment and avoid any disruption in operation.

77. Overall, these measures are considered to be sufficient to ensure any associated risks can be managed and mitigated through the appropriate control regimes that exist alongside the planning system which the NPPF makes clear should not be duplicated. In this instance, given the scale of the proposed development and the proximity of the battery storage containers to local populations, it is not considered that this is a matter that carries significant weight in the overall planning balance.

Benefits to Local Community

78. 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 the Developer is in discussions with the Parish Council regarding a community benefit fund, 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

79. Renewable Energy Development of 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 CO2 emissions.
80. The proposal would also provide a range of other benefits including a significant contribution to local employment and the economy more generally.
81. 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.
82. There would be some localised harm to the character by the very nature of the loss of the open fields 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 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.
83. 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
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WARD AND WARD COUNCILLORS

Ward Western Parishes
Ward Councillor Councillor Steve Matthews

IMPLICATIONS

Financial Implications: None

Environmental Implications: See report

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

Stockton on Tees Local Plan

Application File